

Women's labour migration in the context of globalisation



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Abbreviations

CAT	Convention Against Torture
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Convention on the Elimination of all forms of Racism and Racial Discrimination
CRC	Convention on the Rights of the Child
EES	European Employment Strategy
ENoMW	European Network of Migrant Women
EPZs	Export Processing Zones
EU	European Union
ETUC	European Trade Union Confederation
FDI	Foreign Direct Investments
GATS	General Agreements on Trade in Services
GDP	Gross Domestic Product
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDWN	International Domestic Workers' Network
ILO	International Labour Organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
SAPs	Structural Adjustment Programmes
SOMO	Centre for Research on Multinational Corporations
TNC	Transnational Corporation
VAW	Violence Against Women
WIEGO	Women in Informal Employment: Globalizing and Organizing
WTO	World Trade Organization

Foreword

Migration of women is certainly not a new trend, but it has only just begun to be recognised more widely. Women currently make up around half of the world's estimated 210 million international migrants. Women – old or young, single or married, with or without their families – are increasingly moving across national borders in an effort to improve their own and their family's well-being. Despite the diversity of women's migration patterns, their manifold reasons and causes for moving, women's labour migration stimulated by large economic and social inequalities in the world is becoming ever more significant.

While globalisation has led to the acceleration of international trade and capital flows, and international migration has increased alongside this, governments and the international community have so far failed to address this facet of global development from a coherent rights and development perspective. They fall short creating an environment that enables migrants to fully exercise their economic, social, cultural and political rights, protect their physical security, and fulfil their aspirations and expectations. Instead, as we can witness in the European Union and most of its Member States, restrictive migration policies are formulated and implemented that aim to prevent and control migration to meet the Union's economic needs and ensure its competitiveness.

International migration is a complex and often contradictory process, which provides women with opportunities for social and economic mobility, but can also subject them to new forms of exploitation, abuse and exclusion. Women tend to be disadvantaged in the process of migration compared to men and face multiple challenges and adverse conditions based on the intersection of gender, age, nationality, class and ethnicity. The disadvantaged position of many migrant women leads repeatedly to increased exploitation and a growing vulnerability of their health, bodily integrity and well-being. Women migrant workers engage in a wide range of activities and at numerous skill levels, but, because of the gender division of labour, they are vastly over-represented in casual, temporary, sub-contracted and informal employment. These jobs are characterised by insecure conditions, low wages, poor working conditions and a lack of social protection. In most migration flows involving high-skilled employment – obviously less likely to take place under exploitative conditions – women are in a minority.

The causes and desperation that drive economic migration, as well as the adverse and exploitative conditions that it can result in, should not be underestimated, yet for many women migrants the process of migration can form an empowering experience and have an important liberating effect, leading to positive social change.

Understanding the complexity of the influence of globalisation and the ongoing economic and social restructuring processes on women's work, mobility and empowerment is an important aspect of WIDE's struggle for global economic, social and gender justice. This study offers entry points for an in-depth discussion around these issues. It tries to understand and bridge the gaps between feminist analysis and practice on both economic and migration issues.

For WIDE, this debate is not a new one; when it was founded in 1985, migrant women's organisations such as Akina Mama Wa Afrika belonged to the core membership. This publication is part of a wider range of activities that aim to strengthen links and cooperation between European women's organisations and migrant women's groups and networks. It reflects part of WIDE's commitments made in its strategic programme 2008–2011: *An End to Contradictions: Working on*

Gender Equity and Social Justice – West, South, East, which includes awareness-raising and capacity-building on new global patterns of social exclusion, poverty, inequalities and movement of people impinging on women's rights and access to decent work and sustainable livelihoods as key issues.

We would like to thank the authors of the study, Anja K. Franck and Andrea Spehar, for their ongoing commitment to its completion. In addition, we would like to thank those who have reviewed the text and made suggestions and improvements.

Barbara Specht, WIDE

Executive summary

Migration is an integral part of today's process of global economic, social and political integration. Nowadays, no country in the world is unaffected by migration. While migration to OECD (Organisation for Economic Cooperation and Development) countries attracts much attention, South-South migration is equally significant, given that a large share of migrants from developing countries (an estimated 74 million; 47 per cent) live in other developing countries. Globally, more than 210 million people are estimated to be migrating. Around 105 million of them are women, which is about half of the total. There are diverse reasons and causes for migrating, but labour migration driven by large economic and social inequalities in the world is a key aspect in this context.

The report *Women's labour migration in the context of globalisation* offers an introduction to important contemporary political analysis on the influence of globalisation on women's work, mobility and empowerment. It explains that globalisation shapes women's labour migration to a great extent. Global shifts in international trade and investment have had a significant impact on the geographical distribution and mobility of the workforce within and between countries. In recent decades we have witnessed a dramatic increase in international trade and investment globally. Alongside this, international and internal migration has increased. Today, large Transnational Corporations (TNCs) drive and control the production and trade of goods and services and technological development all over the

world. Their activities have major impacts on regions, countries, communities and people in most of the world. Factories are closed and reopened in new areas or countries, natural resources and common goods are privatised, traditional knowledge is patented, agricultural production is 'modernised' through export orientation, and labour is exploited in both the formal and informal economies.

Countries create a regulatory environment to enable TNCs to operate smoothly and free of barriers all over the world, facilitated by a broad set of trade liberalisation policies at multilateral level through the World Trade Organization (WTO) and by a growing number of bilateral free trade agreements. The European Union (EU), with its aggressive push to open up new markets through wide-ranging bilateral trade agreements and its ambition to secure access to natural resources and cheap production costs, including labour, is a main player in this respect.

Women – and migrant women, in particular – are affected by these immense economic restructuring processes in many ways. Growing unemployment and underemployment, reduced social services, labour displacement, increasing poverty and inequality, and violence against women have created and will continue to create rising pressure on women to look for new survival strategies for themselves and their families in foreign countries.

Women migrate for work in many different sectors; the analysis of internal and intra-re-

gional migration patterns shows that many of them find work in agriculture and export-oriented sectors, where women's relatively low wages constitute a comparative advantage. In these sectors, working conditions are often exploitative and employment is insecure and informal. The report illustrates these trends by referring to women's labour migration in the manufacturing export sectors, highlighting that the hiring of (young, flexible, cheap) women workers forms an explicit strategy of governments and big corporations in the export sector. The low wages of women and women migrant workers have been fundamental to economic growth and export-oriented development strategies in many developing countries.

Millions of women are forced to migrate out of pure necessity to secure their own or their families' livelihoods, health or security; others migrate as a way to improve their living standards, career opportunities or to increase their personal freedom by escaping political, cultural or social restrictions. Many of them have in common that they migrate autonomously and become the main income earners of the family. The patterns

Millions of women are forced to migrate out due to uneven economic development.

that shape women's migrations are manifold: while migration due to uneven economic development plays a major role, state policies, such as immigration policies in receiving countries and emigration policies of sending countries, labour market and social policies also contribute to defining patterns of migration. The level of women's autonomy in the sending country or societal environment is an additional factor. Moreover, increase migration due to a degraded environment is expected.

Finding work abroad as a way to support family members in the home country by remitting part of their wages is a motivation

for many people who migrate as workers. The study notes that women and men exhibit important differences both in terms of sending and receiving remittances. For example, women play a leading role as recipients and managers of remittances and are thus important actors in the remittance-to-development paradigm and in promoting development and poverty eradication. However, although the remittances of migrants sent back home has raised the standard of living for families with a household member abroad, most migrants have no substantial savings even after years of working abroad. The impact of remittances on sustainable and just development needs further in-depth exploration.

While the majority of migrant women find jobs in low-skilled professions, they are far from being 'unskilled'. The downgrading and lack of recognition of formal skills and qualifications obtained in the country of origin are a common problem faced by women. Most migrant women tend to be working in activities that do not reflect their training and skill levels; this 'deskilling' or 'brain waste' is cause for serious concern, not only for the individual migrant but also for the society in which they work. The fact that migrant women meet the increasing demand for cheap and flexible labour is not incidental or accidental but a result of the gender construction of labour markets.

Part of the study focuses specifically on the EU, as female migration to the EU has always been important. Similar to developments in other regions of the world, the restructuring of the European economies has contributed to informalisation, flexibilisation and casualisation of work, growing job insecurity and downward pressure on wages. The authors emphasise the contributions made by migrant women to the wealth and sustainability of the welfare and employment system.

They highlight the role migration plays in economic and social development, while using the example of women migrants' work in the domestic and care sector in Europe to illustrate that women migrants contribute to sustaining the contemporary economic system and social reproduction in the region. This role is rarely recognised; on the contrary, migrant women workers are often poorly protected by labour legislation in host countries, and they face adverse conditions and multiple challenges in the labour market based on the intersection of gender, class, age, ethnicity and nationality. Particularly in the area of domestic work, where many migrants work undocumented or without an adequate contract, workers are left extremely vulnerable to exploitation. There is extensive evidence of abuse, long working hours, low wages, and lack of legal protection.

The study thus points out the ambiguity in the migration discourse in Europe, where a combination of economic needs and security interests define fairly restrictive migration policies. While the (temporary), regular movement of highly skilled professionals is encouraged, migrants moving into low-skilled jobs to meet the increasing demand for cheap and flexible migrant labour are facing manifold discrimination. They often find themselves with an unregulated status, where they are systematically denied a basic standard of living and face a de facto violation of their fundamental rights: they lack access to basic services such as health care or education, they are deprived of labour rights and social protection, and in the worst cases their bodily integrity and physical security are threatened.

The authors also draw attention to the inconsistencies and lack of cohesion between international and EU commitments to human, women's and workers' rights, on the

one hand, and its migration policy discourse and practice, on the other. So far, governments and the international community have failed to create an environment that enables women migrants to fully exercise their economic, social, political and cultural rights, protects their physical security, and enables them to fulfil their expectations and aspirations. To safeguard the human and labour rights of migrant women, the legal and normative frameworks affecting women migrants need to be strengthened, implemented more effectively and applied in a non-discriminatory manner.

We should not underestimate the importance of achieving more equality and social cohesion with the help of international standards for protecting migrant women's human and labour rights, but at the same time it is of uttermost importance to address the redistribution of resources and power as well as structural inequalities between countries, between men and women and among women.

As the study shows, migration is a complex and often contradictory process. Despite the discriminatory environment, the multiple challenges and adverse conditions women migrants face, a large number of women improve their situation and gain economic independence and empowerment by migrating. The experience of migration can thus help to challenge existing gender inequalities, including ascribed gender roles and stereotypes, and lead to positive social change. Networking and organising plays an important role in this.

Following this analysis, WIDE has drawn up a number of recommendations looking at short-term objectives that strengthen the normative and legal frameworks to safe-

Particularly in the area of domestic work, where many migrants work undocumented or without an adequate contract, workers are left extremely vulnerable to exploitation.

guard women migrants' human and labour rights, and to implement these frameworks more effectively, by applying them in a non-discriminatory manner. They aim to strengthen the rights and positions of women migrant workers and to improve their *protection* and *empowerment* by accommodating and not restricting migration flows – with the aim of preventing further

exploitation of female migration. WIDE also proposes several long-term recommendations seeking structural change to the current unsustainable and unjust economic development model, which subordinates human and women's rights, global social rights and gender justice to corporate-driven trade and investment rules and their respective migration regimes.



1. INTRODUCTION

This report provides an introduction to contemporary political analysis of the linkages between women's increased labour migration and the process commonly referred to as globalisation. The global shifts in international trade and investments have had a significant impact on the geographical distribution and mobility of the workforce within and between different countries. Women migrate for a multitude of reasons and uneven global economic development, feminisation of poverty and persistent gender inequalities contribute to women's increasing migration. Many migrate out of pure necessity – in order to secure their own or their family's livelihood, health or security. Others look for employment abroad as a way to improve their living standards, career opportunities or to increase their personal freedom through escaping political, cultural or social restrictions.

Women migrate to work in many different sectors. In this report, women's labour in the manufacturing exports sector and in domestic work are used to illustrate women's labour migration. While international migration has received the most attention, internal migration is also important, both in terms of the number of people it involves as well as the amount of remittances that is sent back home. This report includes some aspects of both internal and international migration as part of the discussion.

Migrant women workers contribute to economic growth and welfare in destination countries. Yet, the contributions of migrant women workers to the wealth and sustain-

ability of welfare and employment systems is rarely recognised. On the contrary, migrant women workers are often poorly protected by labour legislation in host countries and they face multiple challenges in the labour market based on the intersection of gender, class, age, ethnicity and nationality. However, there is an urgent need to recognise women's agency and empowerment in discourses around migration and consequently shift away from a victimisation perspective to a rights-based perspective on migrant women.

EU member states are major destinations for migrant women in search of employment. Yet, current EU immigration policies focus primarily on preventing and controlling migration. European governments continue to display a profound ambivalence about immigration. In almost all EU member states issues of labour and irregular migration, asylum and integration have become highly politically contested. Populist mobilisation around immigration has placed even progressive oriented governments under pressure to pursue restrictive policy approaches. Through this process many states are disregarding human rights codes as well as their own civil liberties. The result is often weakened rule of law both in the sphere of labour markets and immigration.

Migrant women workers contribute to economic growth and welfare in destination countries. Yet, the contributions are rarely recognised.

Structure of the study

Section 2 of this report provides a brief overview of current trends in women's migration. The following **section (3)** focuses on globalisation as a driving force for migration by highlighting some issues relating to trade, investments and economic liberalisation. Specific attention is also given to the 'feminisation of the industrial labour force' as well as to the temporary movement of people through the General Agreements on Trade in Services (GATS) Mode 4.

In **section 4** focus is placed on the various patterns of women's migrations; it highlights the importance of taking into account additional factors (such as state policy, women's autonomy in sending countries or the societal environment) when analysing women's migration. It also looks at the sectors of major importance to migrant women workers (including health, services and care work).

Section 5 briefly features some early find-

ings of the challenges faced by women migrant workers in the face of the ongoing economic crises.

The following **sections (6, 7 and 8)** explicitly focus on the situation and rights of migrant women in the European Union. **Section 6** starts with an overview of the number of migrant women in the EU workforce as well as the major sectors in which they work. Explicit emphasis is then placed on migrant domestic workers.

Policy overview regarding normative and legal frameworks for protecting migrant women's human and labour rights is the main theme of **section 7**. Empowerment and political voice is the title of **section 8** and includes discussion around women migrant organizations in Europe as well as the work of other civil society actors with regard to the protection of migrant workers' rights. Finally, **section 9** offers some general policy recommendations with regard to women's labour migration.

2. CURRENT TRENDS IN WOMEN'S MIGRATION

A common misconception around migration is that men migrate and women stay at home. This assumption has been particularly strong when discussing the economic aspects of international migration – where women's role has been assumed to be insignificant.¹ Looking at the sheer number of women migrating, there has been an unprecedented increase over the last few decades. In 1960 an estimated number of around 35 million women were migrants. In 2010 the equivalent figure was estimated at around 105 million.² However, the term 'feminisation of migration' is perhaps somewhat misleading as women for a long time have made up almost half of international migration flows and already in 1960 almost 50 per cent of international migrants were women.³ The term is, however, useful to illustrate an important trend with regard to women's migration - namely the increase in women's 'autonomous migration' over the past few decades. Women are, to a lesser degree today than previously, migrating as 'family dependents' with their husbands or to join their husbands abroad. Instead women migrate independently (or with their families) as main income earners.⁴

At the global level women's share of migration relative to men increased from 46.6 per cent in 1960 to 48.8 per cent in 2000.⁵ For 2010 the estimated percentage of female migrants as part of all international migrants was 49.0 per cent.⁶ At the regional or national level, however, there are significant differences. In Sub-Saharan Africa and Latin America, for example, women's share of migration has increased substantially during the same period, while in Northern Africa

and Southern Asia there has been a decline in women's share of migration. While these numbers indicate trends in recorded migration it should be pointed out that there are many difficulties in establishing any reliable data around migration as a large number of migrants are undocumented and thus do not appear in official statistical accounts.

Table 1:
International female migration by regions

	Estimated number of female migrants (at mid-year 2010)*	Female migrants as a percentage of all international migrants
World	104 794 962	49.0
More Developed Regions	65 736 245	51.5
Less Developed Regions	39 058 717	45.3
Least Developed Regions	5 471 555	47.4
Africa	9 009 835	46.8
Asia	27 346 395	44.6
Europe	36 537 451	52.3
Latin America and the Caribbean	3 745 533	50.1
Northern America	25 076 053	50.1
Oceania	3 079 695	51.2

*The number of international migrants generally represents the number of persons born in a country other than that in which they live.

Source: All data from UN DESA 2009b, Trends in International Migrant Stock: The 2008 Revision Population Database.

As can be seen in the table above, the highest percentage share of international female migrants can be found in Europe. In three other geographical areas (in Oceania, Latin America and the Caribbean, and in North America) female migrants are estimated to make up more than half of all international

migrants in 2010. Hence, the majority of the world's migrant population is found in a relatively limited number of countries. In 2010, 29 countries received 75 per cent of all international migrants globally, amongst them the United States (of which 49.8 per

cent is estimated to be women), Russian Federation (57.8 per cent women), Germany (46.7 per cent women), Saudi Arabia (30.1 per cent women) and Canada (52.2 per cent women).

Different types of migration

(Retrieved from Gosh, 2009)

- **Orderly permanent migration**, which is legal migration from one country or area to another without eventual return.
- **Return migration**, where migrants return to their country or area of origin, either voluntarily or involuntarily, after spending a period of at least one year in another country.
- **Forced migration**, in which the movement of the migrant is involuntary and usually the result of events such as natural disasters, armed conflicts or other displacement.
- **Irregular migration**, whereby migrants seek to gain a new country or area of residence by irregular means. This can reflect individual movement without intermediaries or smuggling, which is the assisting in irregular migration to another country with the goal of receiving material benefit for the services provided; or trafficking, which is the forced migration of people through the use of coercion or fraud.
- **Very short-term or seasonal migration**, as a result of the search for livelihood and productive income opportunities, which is an increasingly prevalent feature of many developing societies. This includes seasonal migrants, frontier workers and even very long distance weekly commuters.

Source: Gosh (2009) Migration and Gender Empowerment: Recent Trends and Emerging Issues, UNDP Human Development Research Paper 2009/4, retrieved from: http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_04.pdf, 2010-04-02

3. GLOBALISATION AS A MAIN DRIVING FACTOR IN SHAPING WOMEN'S MIGRATION

Introduction to the section

Since the 1960s there has been a dramatic increase in international trade and investments globally. Today large Transnational Corporations (TNCs) control production and trade of goods and services all over the globe. Their activities have major impacts on regions, countries, communities and people in most of the world. Factories are closed and reopened in new areas or countries, natural resources are privatised, traditional knowledge is patented, agricultural production is 'modernised' through export-orientation and labour is exploited in both the formal and informal economy.

This section aims to highlight the link between this process, commonly referred to as globalisation, and women's labour migration – both within and between countries. Clearly, the impacts of globalisation upon women's work, mobility and empowerment are not easily summarised or generalised. Instead, the impact upon women will vary between places, the context in which they live and according to who they are.

In this section we will highlight some issues relating to trade, investments and economic liberalisation. At the end of the section specific attention will also be given to the 'feminisation of the industrial labour force' as well as to the temporary movement of people under the General Agreements on Trade in Services (GATS) Mode 4.

Increasing international trade and investments

International trade has become an increasingly important feature of the global econ-

omy and in 2008 world exports of goods accounted for US \$15.8 trillion. However, not all countries have benefited from the growing importance of international trade and the differences between developing and developed countries are still massive with regard to integration in the global economy as well as in the possibilities of competing on equal terms. Even though developing countries' share of world trade has increased – world trade is still largely dominated by developed countries - with the notable exception of China.⁸

Key to the importance of international trade is the emergence of Transnational Corporations and their international investments – known as Foreign Direct Investments (FDI). A Foreign Direct Investment is an investment across a national border and can be made through one company taking over (acquiring) a company in another country or through a company setting up a branch in another country.⁹ According to UNCTAD, currently, around 82,000 TNCs operate worldwide with approximately 810,000 foreign affiliates and employing at least 77 million workers. TNCs do not only move or set up their own factories in foreign countries. Many TNCs are marketing and retail companies which, through so-called 'value-chains', control production networks and suppliers in low-wage countries. This is particularly common, for example, in the garment sector where brand name companies such as NIKE have never had a manufacturing base in the North – instead, from the beginning they have sourced from Southern suppliers.¹⁰

Many countries have been interested in attracting the investments of TNCs in the hope that such investments will create employment, knowledge and Gross Domestic Product (GDP) growth. However, a general problem for developing countries is that a majority of jobs created by TNCs in developing countries are concentrated in low-skilled occupations and assembly production. This means that developing countries are mainly able to attract investments based on the access to 'cheap labour' and the desired upgrading of production or transfers of knowledge (that could lead to more long-term growth) may be very limited. Many critical voices have been raised about the activities of TNCs that have intensified segregation in global divisions of

labour between the developed and developing countries. In other words, developing countries are confined to supplying 'cheap labour' and natural resources, while more advanced, knowledge-based production, as well as ownership and control of resources and of the production chain, remain in developed countries.

In several regions TNCs have been particularly interested in hiring women workers. However, while it is true that international trade and investments have created new jobs for women in developing countries¹¹ – the quality of the jobs created, their sustainability over time, the conditions of work as well as their long-term impact on gender equality are, in many cases, highly questionable.¹²

Portrait of Xiao from China: “Wavering prevarication“

“26-year-old Xiao was born in a poor mountainous region in the province of Guangxi. ...In 1993, after she had done the field work at home for four years, Xiao met an older cousin who lived and worked in the city. Xiao asked her cousin to take her to work with her in the city. Her father was not very happy about it. He and her three sisters had to take care of each other, and her father was worried that Xiao was still too young. But Xiao had a strong will. She borrowed a personal identity card from a woman from the village and money from her aunt for the trip. Three of them, three cousins, left home for work. (...)

In Zhuhai Xiao started working in a plastic flowers factory with more than one thousand employees. The daily working time was twelve hours and doing piece-work she made ten to twelve Yuan a day (approximately € 1.25). Xiao worked as a machine operator. The conditions in the production hall were deplorable. Because plastic was constantly being heated and melted down for the different types of products in the processing of the plastic material, it was very hot in the hall. In winter it was possible to get by in summer clothing, but in summertime it was unbearable. She had to splash water on her face every couple of minutes. The work was often dangerous. One could easily burn oneself on the plastic which dripped off when it was melted, or which stuck to the hands in producing the flower petals. (...)

In view of the unbearable situation, there was nothing left for them to do but give notice and return home. Xiao and her other sisters who had left with her worked only about half a year there before they returned home. Since her father had gone to Shanghai to work, Xiao took care of her two young sisters after her return. In spite of this she increasingly had the feeling that there was nothing for her to do here. (...) Xiao and a friend from school

went to Dongguan in the municipal district of Houjie. Her friend started working in an electronics factory.

Without an elementary school graduate certificate Xiao had to be satisfied with a job in a purse factory. The company only paid 8.5 Yuan a day (approximately € 1) and the management was very strict. After three months Xiao switched to an electronics factory in Shenzhen. (...) At the beginning of 2001 she started working in a Korean tool factory in Bao'an, Shenzhen. She had an accident there, which she is still suffering from today. (...)

After Xiao had recovered from her accident and the injury was healed, she spoke to the company management about how the work-related accident was to be classified. It was assessed as a 10th-degree handicap. Under the provisions of the work-related accident insurance scheme of the Province of Guangdong at the time, she was entitled to six months' wages as compensation for incapacity to work. In the event that she could not return to work at the old company, it would also have to pay additional compensation for "redundancy as a result of an accident" (approximately four months' wages). Xiao did not want to work there again and demanded that the compensation for redundancy be paid, but the management began dragging their feet again. She went to the company almost every day from September to February to demand her compensation. (...) Later the management offered to pay her the money immediately if she would accept compensation amounting to three months' wages. If she insisted on the payment of four months' wages, they said, she would have to wait for the Korean boss to return. Xiao did not give in. Not until January 2002 did the company state that it was willing to pay the entire compensation. Xiao took the money and left the company."

Source: Pun Gai/Li Wanwei, 2008b (excerpt) quoted in Wick, I. (2010) Women Working in the Shadows: The informal economy and Export Processing Zones, SÜDWIND Institut für Ökonomie und Ökumene and Evangelical-Lutheran Church in Bavaria, retrieved from: http://www.suedwind-institut.de/downloads/2010-03_SW_Women-Working-in-the-Shadows.pdf, 2010-04.12

The global economy is increasingly characterised by 'informalisation' and outsourcing to smaller production units or to home-based production. It should be pointed out that a majority of the world's workers are found in the informal economy.¹³ Consequently, a majority of the world's workers lack proper protection from labour legislation and are excluded from social security systems – including unemployment benefits or pensions. Women and migrants are overrepresented in the growing number of workers who work without secure contracts or who are denied access to social security schemes.

Trade and investment liberalisation

The boost in international trade and investments has been facilitated by a broad set of trade liberalisation policies at the multilateral level through the World Trade Organization and by a growing number of regional and bilateral free trade agreements. These trade agreements are based on the idea of 'comparative advantage' (in which countries should produce what they do 'best', to trade it with others who have produced what they do 'best').¹⁴ Accordingly, the specialisation in production spread across nations should lead to a more efficient allocation of re-

sources in the world economy. Trade agreements aim at reducing barriers to trade – to facilitate ‘unrestricted’ flow of goods and services. This is not only done through lowering the actual costs of trading (through the reduction of tariffs on agricultural and non-agricultural goods) but also through a broad set of policies aimed at liberalising markets and ensuring access to new markets. Thus, current free trade agreements also focus on the overall regulatory environment in partner countries – through liberalisation of services (including basic services such as water, health care and education), investments and public procurement and the enforcement of intellectual property rights. This development is linked to the strong interests of TNCs and to their major influence over economic, trade and labour policies in both home and host countries.¹⁵

The home countries of TNCs (i.e. where the company is from) have strong political, economic and strategic interests in the promotion of trade liberalisation policies that will

Contemporary trade policies have prioritised the interests of global capital and profit maximisation over poverty eradication, social justice and gender equality.

open markets for their TNCs abroad. For example, the US has traditionally held the position that investments made by US corporations are a way for the US government to maintain its position in the world market.¹⁶ The EU is increasingly moving in the same direction by linking the interests of European Corporations in foreign markets to its external trade policy. In the EU’s external trade strategy ‘Global Europe: Competing in the World’ (2006), market access – i.e. the opening of foreign markets for European Corporations, is identified as a key focus. The former EU Trade Commissioner Peter Mandelson stated that: “An open market is not just a lowered tariff – it is a market in which European compa-

nies get a fair deal, with freedom to compete and legal protection when they do. Europe’s policy needs to be clear: rejection of protectionism at home; activism in opening markets abroad.”¹⁷

The link to women’s migration

As the market is regarded as the most efficient allocator of resources and distributor of wealth, it is assumed that trade liberalisation will ‘unlock’ economic potential and generate growth, which will ultimately reduce poverty. However, countless critics, including WIDE, maintain that the unfettered trade liberalisation and market opening embodied by the World Trade Organization’s free trade agreements have not worked to promote human well-being for all. Instead, contemporary trade policies have prioritised the interests of global capital and profit maximisation over poverty eradication, social justice and gender equality.¹⁸ Women, poor women in particular, have been disproportionately affected by the negative impacts of neo-liberal trade policies and the unfavourable terms of trade¹⁹ between North and South have contributed to increasing pressure on women to migrate. Also, trade liberalisation is part of a broader set of neo-liberal economic policies, where cut-backs in social programmes, as a consequence of the World Bank Structural Adjustment Programmes (SAPs) has increased the need for people to search for employment abroad.²⁰ According to UN-INSTRAW “the catastrophic failure of development policies worldwide,” and the effects of the neoliberal structural reforms imposed on developing countries “which have resulted in growing unemployment and underemployment, reduced social services, labour displacement, and increased poverty” have created, and will continue to create, increasing pressure upon women to look for new survival strategies for their families in countries abroad.²¹

The dramatic cuts in social spending through SAPs have left women to cater for welfare and health-care in the domestic sphere while, at the same time, increased the dependency on monetary incomes (through, for example, introducing fees for health care and schools).²² This has disproportionately affected women in poor countries. The subsequent social crisis has resulted in a feminisation of global survival circuits as households develop new economic strategies to survive – with a clear link to the migration of women.²³

According to the World Migration Report (2008), there is a multitude of ways in which globalisation impacts migration flows. One example is that the opening of markets to TNCs can impact migration through the elimination of jobs – as more free trade and open markets may lead to job losses in sectors where domestic firms are unable to compete with foreign corporations or with foreign goods.

An example of the impacts of trade liberalisation in the agricultural sector is provided in the box below.

Trade liberalisation, gender and agriculture

The majority of world agricultural trade is controlled by a small number of TNCs based in the US and the EU. In 2002 the FAO reported that 20 corporations controlled trade in coffee, 6 corporations controlled 70 per cent of trade in wheat and one corporation controlled 98 per cent of trade in packaged tea. There are, thus, strong economic and political interests in the liberalisation of trade in agricultural products from developed countries and the WTO agricultural deal has been heavily criticised for being “largely stitched up” by the US and the EU under pressure from business corporations. On the other hand, a vast majority of people in developing countries depend on farming as their only source of income and, therefore, depend on agriculture to sustain their livelihoods.

The WTO Agreement on Agriculture (AoA), as well as the World Bank’s Structural Adjustment Programmes (SAPs), require developing countries to make significant changes in their agricultural policies. Developing countries are, for example, required to open their economies to cheap food imports and to reduce or severely limit their support to farmers and, in general, trade liberalisation is geared towards increasing export production rather than the support of small or medium size farmers.

The situation for Nigerian women farmers in the face of trade liberalisation is discussed in a case study published by the Swiss organization 3D, which concludes that: “As women are concentrated in subsistence agriculture, they are disproportionately impacted by trade liberalisation, which favours export promotion at the expense of food production for domestic consumption. Women are largely excluded from the production of cash crops for export because of gender-based constraints on access to credit, extension services, technology and transport facilities, marketing channels, and vocational training. Further, where subsistence crops such as the millet produced by women in Niger are replaced by cash crops (in this case largely onions and cowpeas), malnutrition increases across the board, yet disproportionately impacts women due to social and cultural patterns of conduct that restrict women's access to food beyond what might be expected from actual food shortages.”

The FAO estimates that in Africa and the Caribbean women produce 80 per cent of basic food and in South and South East Asia 60 per cent of cultivation and food production is carried out by women. However, women are often small-scale producers with limited access to credit, technology and land and are made particularly vulnerable by cheap imports and competition from large TNCs entering the market. In, for example, Gambia cheap imports of chicken, eggs, milk and rice have flooded the market, depressing prices and putting many local producers out of business. Small-scale farmers unable to compete with the cheap imports have to leave their land and look for employment in urban centres or even abroad.

Sources: FAO (2002) Agriculture, Trade Negotiations and Gender, <ftp://ftp.fao.org/docrep/fao/009/a0493e/a0493e.pdf>; Madeley (2000) Trade and Hunger: an overview of case studies on the impact of trade liberalization on food security, <http://www.grain.org/docs/T&Hunger.pdf>; 3D (2006) Niger: Agricultural trade liberalization and women's rights, http://www.3dthree.org/pdf_3D/3DCEDAWNigerAg.pdf; Action Aid International (2005) Trade Invaders: the WTO and developing countries' right to protect, http://www.actionaid.org/docs/trade_invaders.pdf

Feminisation of the industrial labour force

While many women find work in the agricultural sector they also form the majority of the workforce in low-skilled, labour-intensive manufacturing and are concentrated in the lower segments of the occupational hierarchies.²⁴ The so-called 'global assembly line' employs women in, at least, three different ways: first, Export Processing Zones (EPZs) (see below); second, factory work outside the EPZs (such as in garment production) and third, sub-contracted piece-work performed in the home. Women's work in the second and third category is increasingly becoming difficult to characterise as either formal or informal and instead of the strict separation new concepts need to be developed. Barrientos (2007) argues that by describing work as a 'continuum' between formal and informal work we can better capture the changing nature of employment in the context of globalisation.

According to the World Migration Report, migration flows are directly affected by trade and investments through the creation

and relocation of jobs to specific geographical areas – such as the so-called Export Processing Zones (as they are commonly called in Asia) or Maquiladoras (in Mexico and Central America). These zones offer foreign investors privileges with regard to taxes, tariffs and statutory regulations – for example, by lowering workers' rights standards. Around 70 per cent of the global workforce in these zones are women,²⁵ and in Asia, for example, women dominate migration flows to the economic zones in which labour intensive production in textiles, shoes and assembly of electronic products, takes place.²⁶ Two-thirds of all workers in the EPZs are found in China but the zones are also important in a number of other countries and regions.²⁷



Export-processing zones and women migrant workers in Mauritius

The Centre for Research on Multinational Corporations (SOMO), located in the Netherlands, has carried out research on the garment sector in Mauritius. Most garment production in Mauritius occurs in Export Processing Zones where workers have a 45 hours working week with 10 hours of compulsory overtime. Even though workers earn above the minimum wage, many workers have problems making ends meet. One woman interviewed in the SOMO report stated: “This salary is very, very low. How can we support children, we can’t even pay for their schools?” Another problem faced by workers in the EPZs is the lack of pension benefits which has led to a situation where workers have to keep working until they are physically incapable or until they are dismissed. One woman interviewed was 67 years old and was dismissed for not being able to meet the production target and was not given any compensation. However, her case was taken to court and in the end the company had to pay her 15 days salary for every year of service.

The number of migrant workers in the garment industry of Mauritius is high. Workers mainly come from China, India, Bangladesh, Sri Lanka and Madagascar. Three-quarters of the workers are women and almost half of them are married with children. They chose to come to Mauritius mainly for economic reasons. One woman from China stated: “we thought we would earn a lot of money here and therefore came to Mauritius and left our families for years”. However, the low wages in combination with the high fees of agencies that brought them to Mauritius have forced workers in the factories to take out loans or work extra jobs in restaurants or even as prostitutes. The interest in hiring foreign workers in the garment industry is linked to the idea that foreign workers can be hired under different conditions to local workers. A manager in a denim factory explained: “You can’t expect local people to work in the same conditions as foreigners do here.” The managers interviewed in the study praised the skill and speed of migrant workers who differed from local workers and “willingly worked long hours without any problems and they do not ask for sick leave”. Local workers, on the other hand were described as “demanding, lazy and overall less productive”.

Local trade unions have been complaining about the link between unemployment and foreign workers and have demanded that priority be given to local workers. According to the report the government therefore seems willing to take action that would discourage companies from employing foreign workers. The migrant workers’ right to work is thus placed in conflict with the interests of local workers.

Source: “Mauritius: No Paradise for Foreign Workers” (2002), available at: <http://www.cleanclothes.org/component/content/article/7-resources/1097-mauritius-no-paradise-for-foreign-workers>

While the term 'feminisation of labour' captures the increased share of women in the formal labour force relative to men it also includes recognition of the deterioration of working-conditions in predominantly female jobs.²⁸ Numerous studies have shown

that women in export industries have lower salaries, less job-security and working rights than men working in the same industry.²⁹ Many also experience harassment, sexual violence and abuse (see box below).

Working to death in the Maquilas

(Extracted from Garwood, 2002)

"Since 1993, 268 women have been murdered in Ciudad Juárez, Mexico. About a third of the murders fit similar patterns; the victims worked in the maquiladoras or assembly factories and their bodies were found raped, disfigured, and decaying in the garbage-strewn desert just beyond the maquila industrial parks on the outskirts of the city. This US-Mexico border town has become an export-processing zone, turned conflict zone, where women workers are devalued and literally discarded. A critical look into the violence is particular important during a time when increasing trade liberalisation is expanding the North American Free Trade Agreement (NAFTA)-like conditions of Ciudad Juárez throughout the Americas."

This passage introduces the article "Working to Death: Gender, Labour, and Violence in Ciudad Juárez, Mexico" written by Shae Garwood.

In Ciudad Juárez in 1999 there were already 289 maquiladoras employing around 215,000 people. In spite of the jobs created in the maquiladoras in Juárez 40 per cent of the population live in poverty. "If development is understood as social change and the enhancement of human potential, the development potential of the maquiladoras are not only limited, but are causing harm in both material ways and in the particular symbolic and representational lack of value attributed to workers (evidence by lack of low wages, lack of environmental or worker safety standards, as well as public discourse in the media and by the maquiladora industry about workers' value." According to Garwood, the economic exploitation has contributed to an environment "that legitimises murder of women workers."

A group of bus drivers hired by the maquiladoras to transport women to and from work were arrested for some of the murders of the women found in the desert in Ciudad Juárez. As a response to the arrests, the executive director of the maquiladora association stated that the safety of workers outside the factory was not the responsibility of business. However, according to Garwood "this is one of the few times that the maquiladoras limit their sphere of influence to within the factory walls. Many maquiladoras are involved in arranging workers' housing, transportation to and from work as well as to bars on Friday nights, controlling fertility and sexuality through forced pregnancy tests, mandatory contraception, and proof of menstruation, and sponsoring beauty pageants."

All of the above are examples of how the maquiladoras use particularly gendered and sex-

ualised surveillance of women workers. “Despite all this surveillance though, there is little protection offered to women workers. Many of those who have been killed disappeared while on their way to and from their jobs in the maquiladoras in earlier pre-dawn hours or late at night.”

According to Garwood, sexual violence is common in the maquiladoras in Juárez and “the sexual violence stems from the ways in which the maquila women are represented as sexual subjects lacking value, worth and, and respectability as a result of their structural position in the global economy. Also, others suggest (Salzinger 2000) that the maquila workers are “the apparent embodiments of availability – cheap labour, willing flirtation [with managers] – these young women have become the paradigmatic workers for a transnational political economy in which a highly sexualised form of femininity has become a standard ‘factor for production’.”

Garwood concludes that: “The sexual violence in Ciudad Juárez is a brutal illustration of the importance of incorporating gender analysis in trade negotiations and considering the gendered outcomes of economic and political policies and how they affect the lives of women and men on the global assembly line, both in material, as well as discursive or representational ways. As icons of trade liberalisation the maquiladoras contribute to the sexual violence in Ciudad Juárez in several ways. Recruitment and hiring practices, lack of training and decision-making roles assigned to women, and sexualised surveillance create an environment where contributions women make to global production are overlooked and undervalued. Discursively constructing women as ‘cheap labour’ and ‘loose women’ effectively maintains low wages and ultimately contributes to the sexual violence.”

Source: Garwood, S. (2002) Working to Death: Gender, Labour, and Violence in Ciudad Juárez, Mexico, *Peace, Conflict and Development: An Interdisciplinary Journal*, Vol. 2(2)

Hiring (young) women has been an explicit strategy of governments and corporations in the export sector; and the low wages of women workers has been fundamental to economic growth and export-oriented development strategies in many developing countries. Migrant women are increasingly the preferred workers in labour intensive export-manufacturing and in services “because they are cheaper than local workers or male migrants.”³⁰ The interest in hiring women workers in these industries is linked to wage inequalities but also the product of stereotypes around the supposed characteristics of certain groups of women, i.e. of a particular national origin or ethnic group. The discourse around Asian/oriental

women’s ‘nimble fingers’ and obedient nature has been well covered by academic research.

Women as a group earn less than men as a group and the same pattern can be found when comparing the wages of migrant women and men. The average earnings of migrant women tend to be lower than the average earnings of migrant men – also when performing the same type of job.³¹ Part of this pattern is also fewer long term and secure employment contracts in favour of more flexible, individual, informal and insecure conditions and contracts.³² In many regions, there is a clear link between the growth in demand for female labour (in

combination with an increased social acceptance of women's economic independence and mobility) and women's increasing labour migration.³³ Thus, the rapid growth in manufacturing industries has not only transformed the structure of many economies but has also been accompanied by "an increasing demand for foreign labour in general and female labour in particular."³⁴ In Southeast Asia, for example, urbanisation and the expansion of manufacturing for export have led to an enormous growth in both long-term and short term migration.³⁵ Also in migrant receiving countries in Europe, Canada and the United States, ethnicity, race and gender intersect to render migrant women more employable in labour-intensive production and, as phrased by Pessar (2005), "The outcome rests on patriarchal and racist assumptions that women can afford to work for less, do not mind dead-end jobs, and are more suited psychologically to certain kinds of detailed and routine work."³⁶ A production manager in Silicon Valley, California, explains: "Just three things I look for in

hiring ...: small, foreign, and female. You find those three things and you're pretty much automatically guaranteed the right kind of workforce. These little foreign gals are grateful to be hired – no matter what."³⁷

The point made here is that the link between globalisation of industrial production, an increased share of female and migrant labour and deteriorating working conditions should not be regarded as mere empirical observations. The low wages of women, their subordinate position in the labour market, and the discrimination and abuse of women workers are not incidental or accidental to the global economic order. Instead they illustrate the structural inequalities in contemporary divisions of labour where different forms of discrimination are fundamental to women's employment conditions in the global economy.³⁸ Therefore attempts to strengthen the rights of migrant women workers must not fail to consider the inequalities that underpin their labour market participation.

Intersecting inequalities: A review of feminist debates and theoretical approaches on violence against women and poverty in Latin America

A recent study by the Central American Women's Network (CAWN) focuses on the intersections of class, race and gender discrimination informing migration of women workers in Central America. The study shows how migration is linked to the process of trade liberalisation in ways which are extremely disenfranchising for women who do not comply with hegemonic ideologies of womanhood and social agency.

Building upon a host of scholars and activists of the region, the author argues that even though trade liberalisation has had a disenfranchising impact on women as a whole, its impact on poor indigenous women has been appalling: invisible as subjects entitled to individual and collective rights, these women are highly visible as expendable social subjects. Moreover, forced to migrate out of a survival strategy, many are confronted with racial, sexual and economic violence against women (VAW) as they travel and when they arrive in recipient contexts.

The major argument of the study is that trade liberalisation is fuelling the pernicious web of VAW (i.e. economic, sexual, racial, cultural), thereby accentuating their structural vulnerability. This vulnerability is compounded by the generalised atmosphere of impunity with which cases of VAW are treated by State actors as well as by the business community. Importantly, the study stresses the intersectional vulnerability of indigenous migrant women, emphasising the fact that they bear a disproportionate amount of the economic burden imposed by trade liberalisation. It is argued that the neo-liberal paradigm of economic development, which hinges primarily upon boosting consumption power, has entailed a new process of dispossession for indigenous women as they continue to be denied their right to land, to bank loans, to property, to decent work and to universal social services.

The study refers to an entanglement of ideologies which devalues migrant indigenous women as social agents: the minute they escape the cultural myth defining indigenous peoples as inferior to a racial elite, they are ensnared in the myth portraying indigenous women as inferior to non-indigenous women. Building upon Patricia Bezáres Cobar, the study documents the impact of labour flexibility on indigenous migrant women working on coffee plantations in Guatemala and the border-zone with Mexico. Highly valued for the delicacy of their handling of coffee beans (just a pair of hands labouring in the fields), and the productivity that this skill yields, these women are systematically exploited and abused in total impunity by both employers and the State. It is suggested that the exploitative conditions these women must endure result from the neo-liberal policies governments have implemented in the region. These policies do not recognise indigenous women as workers entitled to rights and as productive agents.

CAWN's study demonstrates that the current context of trade liberalisation is accentuating the continuum of violence against women and calls upon policy makers to consider the impact of trade policies in connection with the intersecting structures of discrimination impinging on the lives and livelihoods of women workers. Special emphasis is made on the need to consider the impact on the human rights of women, in particular their right to a life free from any form of violence.

Source: Muñoz Cabrera, P. (2010). *Intersecting Inequalities: A Review of Feminist Debates and Theoretical Approaches on Violence against Women (VAW) and Poverty in Latin America*. Forthcoming publication by CAWN, www.cawn.org.

The countless number of reports on exploitation and violations of worker's rights in industrial zones and maquiladoras raises many concerns regarding the responsibility of TNCs for the protection of workers' rights. However, while the European Commission has made it abundantly clear that the objective of the EU trade policy is to facilitate market access for European TNCs they maintain that the behaviour of European (or

other) TNCs in these markets should not be regulated under any binding legislation, instead, it should remain as voluntary measures. This position is very close to corporate actors in Europe.³⁹ Considering the high share of migrants in the labour force in export-production – the issue of how to ensure workers' rights in these industries is crucially important in discussions of the link between globalisation and migration.

GATS Mode 4: Regulating temporary high-skilled labour through trade agreements?

The boost in international trade and investments has not only spurred the movement of low-skilled workers but has also increased the targeted recruitment of skilled labour. So far, low-skilled labour is mainly regulated by bilateral non-trade migration agreements and national immigration laws. Bilateral migration agreements seek to control migration as well as to contain and prevent irregular migration; many of these agreements include voluntary return and readmission as key features. Largely biased towards the interests of labour-receiving countries, the more recent bilateral non-trade agreements (such as France's pact on concerted migration management, of 28 April 2008, with Tunisia) try to put migration into a broader context of development and security and in this way links economic and

Crafted by US and EU services lobbies, it mainly aims to facilitate the movement of intra-corporate transferees, business visitors and executives, managers and specialists

development cooperation to the preparedness of partner countries on police and military cooperation for border controls or to the signing of readmission agreements.

The WTO's General Agreement on Trade in Services (GATS) seeks to liberalise the temporary movement of high skilled workers. Crafted by US and EU services lobbies, it

mainly aims to facilitate the movement of intra-corporate transferees, business visitors and executives, managers and specialists. As such, it is not designed to regulate international migration; it makes no reference to migration or migrant workers, nor does it cover measures regarding citizenship, residence or employment on a permanent basis. Even if its role in managing labour migration remains narrow, it plays an important role in

laying out basic parameters for the movement of highly skilled professionals and further cements the divisions between 'skilled' and 'unskilled' migration. For example, when analysing, the trade in service chapter of the recent EU-South Korea free trade agreement, it is clear that the GATS Mode 4 principles inform the provisions in this chapter.

The GATS agreement is the first multilateral agreement that establishes a binding framework for the liberalisation of trade in services across a border. It covers four modes of supply – referring to different ways that a service is supplied across a border. Mode 4 refers to the gradual removal of barriers to the temporary cross-border movement of people who work as service providers. It covers the supply of a service through the presence of natural persons – meaning skilled professionals seeking temporary employment abroad. Mode 4 aims to liberalise services provided by foreign national professionals as independent suppliers or as employees of a service supplier. 'Natural persons' refers to actual individuals such as managers, doctors, engineers or accountants as opposed to companies or other institutional actors. Mode 4 therefore benefits highly qualified service providers while no attention is being paid to low-skilled workers. It also excludes persons seeking access to the employment market and persons seeking employment associated with the production of goods (i.e. manufacturing or agriculture). Nielson and Taglioni (2003) give an overview of Mode 4 coverage in table 2.

Table 2: Coverage of GATS Mode 4

Included	Excluded	Differences of view exists
Temporary movement (although temporary is undefined)	Permanent migration (residence, citizenship or employment on a permanent basis)	
Related to the supply of services	Persons working in non-service sectors – e.g., agriculture, manufacturing	Scope of activities included in “services incidental to agriculture” (e.g. temporary agricultural workers or suppliers of fruit pickers) or services incidental to manufacturing”
All skill levels included (but in practice commitments to date are limited to the highly skilled)		
Foreign employees of foreign companies established in the host country	Domestic (nationals of host country) employees of foreign companies established in the host country	Foreign employees of domestic companies
Business visitors Intra-corporate transferees Contractual service suppliers (self-employed or as employee of a foreign service supplier)	Persons seeking to enter the employment market	

Source: Based on table in Nielson and Taglioni 2003, p. 9⁴⁰

The critique against GATS has been massive. To include the movement of people within the remits of GATS is a complex issue where diverse stakeholders have very different views.

First of all, given the proven track-record of the WTO – the developed country-bias would still persist. As already mentioned, Mode 4 mainly meets the interest of EU and US service providers, who for example highlight the shortage of skilled labour (such as IT workers) among the reasons for liberalising the temporary movement of (selected) skilled professionals. Developing countries (notably India, Mexico, the Philippines and

Bangladesh) have been pushing for an expansion of Mode 4 to include other categories of occupations, but developed countries have firmly opposed this.

In this context the commonly criticised link between Mode 4 and the so-called brain-drain from developing countries needs to be taken into account. Moreover, Mode 4 can trigger a new dimension of competition between the different geographic locations: wages and workers' rights are put in direct competition and prompt the “race-to-the-bottom” in terms of wages and social standards.

According to Bernadino (2003) there is a strong link between the commitments under GATS Mode 4 and Foreign Direct Investments: "By all indicators, Mode 4 has nothing to do with labour mobility or migration but has everything to do in support of investments liberalization and capital mobility."⁴¹

Critics also warn that Mode 4 can become a "bargaining chip" within trade negotiations – used to pressure developing countries into concessions in other areas under negotiation. This is also linked to a general concern around continued unequal economic development and the "lock-in" of developing countries to neo-liberal globalisation.⁴²

Similar to discussion around placing labour rights within the framework of the WTO – there are significant risks associated with making migrant labour a commodity under WTO or FTA rules.⁴³ The commodification of migrant workers labour under a trade agreement means that labour is viewed purely

from an economic point of view – excluding all other aspects of the migration process as well as the conditions under which migrants live and work.

As GATS does not cover the responsibility for the implementation of labour rights with regard to 'temporary service providers' Durano asks an important questions: "...since these service providers are not considering as participating in the host countries' labour markets, would these service providers be covered by labour laws or protected by labour rights?"⁴⁴ An issue linked to this is the relationship between commitments made within GATS and other human rights instruments (such as the International Convention on the Protection of the Rights of all Migrant Workers). The lack of coherent architecture of multilateral norms – with a myriad of agreements containing provisions with regard to migration therefore makes the inclusion of labour migration issues into the GATS a very 'risky' endeavour.

4. WOMEN AS INDEPENDENT LABOUR MIGRANTS

Introduction to the section

As we have seen in the previous chapter, women migrate for a multitude of reasons. Millions of women are forced to migrate out of pure necessity in order to secure their or their family's livelihoods, health or security. Others migrate as a way to improve their living standards, career opportunities or to increase their personal freedom through escaping political, cultural or social restrictions. The various patterns of women's migration and the sectors of major importance to migrant women workers are the main topics covered in this section.

Patterns of women's migration

As we have seen in the previous chapter, globalisation shapes women's migration to a great extent. However, it is not enough to explain the patterns of female international migration by simply looking at economic factors, such as the demand and supply of labour and wage differences. Oishi (2002) has examined the patterns of outward migration of women in selected Asian countries and found that 'poverty' alone (measured, for example, through GDP and unemployment levels) cannot explain these patterns. The major 'sending countries' in the Asian region (the Philippines, Sri Lanka and Indonesia) all have higher GDP per capita than 'non-sending countries' (Bangladesh, India and Pakistan). Additionally, in Sri Lanka, for example, the unemployment rate of men is higher than that of women but 79 per cent of out-migrants are women. In Pakistan, on the other hand, women's unemployment rates are much

higher than that of men but women only account for 1 per cent of out-migration.

Oishi suggests examining women's migration in the context of a number of additional factors: state policy, women's autonomy in sending countries, and societal environment. Piper (2005) also argue that all three phases of a 'migration journey' (pre-departure, stay at the destination and return) need to be examined.

State *policies* include the emigration policy of sending countries and the immigration policy in receiving countries – both of which have significant impacts on the number of women who migrate and on their decision to do so. Immigration laws in receiving countries have a gender-differentiated impact because of gender-biases in the issuing of temporary immigration visas, establishing policies that promote family reunification and formulating aims to attract workers in fields where one gender dominates (see below for examples of both high-skill and low-skill labour migration of women).⁴⁵ However, examining the 'demand-side' and selectivity on the employers' side, in isolation from policy and the situation for women in sending countries cannot explain female migration patterns. Gender discrimination in the pre-departure phase, both in terms of gender discriminatory practices (emigration law and policy) as well as general attitudes towards women's migration, also needs to be included in the analysis. In some countries women's migration is surrounded by restrictions through both policy and through societal norms that do not apply to male migrants. Bangladesh is one

example of a country that has been practising highly restrictive policies on female migration and in different periods has banned unskilled labour migration for women, resulting in male-dominated out-migration. In other countries, such as the Philippines, there is a more open emigration policy for women. Societal perceptions and attitudes towards women who migrate also play a role in all three phases of migration: "If society ostracizes women who go abroad and return home, a large-scale female migration is not likely to take place. Women must feel comfortable with leaving their community, and the community also has to provide an environment which does not penalize women who come back from abroad."⁴⁶

In addition, the autonomy of women in their decision to migrate has been greatly undervalued. While in some countries women's economic autonomy is very limited, contrary

to household strategy theories, Oishi argues that a majority of women in major sending countries make their own decisions to migrate. In her survey she found that: "About one third of Sri Lankans and one-sixth of Filipinas never consulted their family members about their decision to migrate. Many of the women kept their decision a secret until a week or sometimes a day before their departure. Moreover, about a third of Filipinas and one-sixth of Sri Lankans left their country despite the objections from their husbands or parents. Women are much more autonomous than the migration literature suggested. They are major decision-makers for migration."⁴⁷

Migration flows are undoubtedly influenced by gender segmentation of migrant labour markets in receiving countries,⁴⁸ combined with gender stereotypes that push migrant women into occupations and sectors associ-

Why are women increasingly migrating for work?

(Extracted from UNIFEM, 2004)

- Increasing poverty, insecurity of livelihoods, increasing work burdens under globalisation's unregulated market model of development;
- Family pressures on women, especially in those contexts where women have a greater degree of mobility;
- Displacement as a result of war, conflict, persecution, authoritarian systems of political control, environmental degradation and natural disasters;
- Discriminatory cultural practices and violence against women in families and communities that drive women to move;
- Desire for better living standards, material gratification, more competitive life styles, desire for adventure and keenness to expand horizons. This is induced by the media and new information and communications technologies.
- Emergence of 'woman-specific' skilled and unskilled jobs in the formal and informal manufacturing sector – assembly line work in labour intensive export-oriented production; cost-effective, sub-contracted, piece-rate, flexi production;
- Perceived suitability of women in these sectors as they are considered submissive, suited to simple repetitive tasks, abundant and needy, cheap and pliable;
- Emergence of 'woman-specific' skilled and unskilled jobs in the formal and informal service sectors – nurses, teachers, secretaries, to a lesser extent as doctors, managers, IT professionals, and finally at the lower end as restaurant and hotel workers, domestic workers;

- Perceived suitability of women to these jobs because of their nurturing role considered consistent with women's basic nature;
- Better wages received by poor women migrant workers in countries of employment;
- The growth of a profitable human recruitment service industry and informal social networks that sustain and perpetuate this demand.

Increasing demand for women as domestic workers, care-givers and other low end jobs because of:

- Declining birth rates and a static or declining workforce in countries of employment that has drawn educated middle class women into the workforce;
- Ageing in high-income countries of employment where care of the elderly is relegated to institutions or home based care-givers;
- Refusal by nationals in countries of employment to engage in domestic work or low end manufacturing jobs as they are considered dirty, degrading and dangerous and because nationals have better jobs or enjoy social protection. This creates a demand for overseas women labour in these sectors;
- Prestige consciousness of the affluent in certain countries of employment creating the demand for foreign domestic workers as a status symbol.

Source: UNIFEM (2004) Gendered Basis for Women's Migration for Work, in Empowering Women Migrant Workers in Asia: A Briefing Kit, retrieved from: <http://www.unifem-eseasia.org/projects/migrant/Briefing%20kit%20files.htm>

ated with traditional gender norms. Gender segmentation is revealed through the fact that women are often found at the lower ends of the employment hierarchy and are concentrated in casual, temporary, sub-contracted and informal employment; where work is characterized by insecure conditions, low wages, poor working conditions and where workers are the least likely to gain protection from social security schemes.⁴⁹ Interestingly, migrant women often find themselves in a position where their labour market choices are more limited when working as a migrant worker in developed countries than in their country of origin – despite coming from countries struggling with poverty and underdevelopment. Kabeer (2000) has made a comparative study of Bangladeshi women in Dhaka and London. Her results show that

Bangladeshi women living in London had greater labour market choices in Dhaka compared to the women living in London. They also indicate the importance, not only of labour market segmentation that force migrant women into certain types of occupations, but also the importance of analysing women's migration and autonomy in the context of cultural norms and location.⁵⁰

Remittances of women migrant workers

Finding work abroad as a way to support family members in the home country through remitting part of their wages is a motivation for many people who migrate as workers. The remittances of women sustain the livelihood of millions of families in many countries and the growing importance of re-

mittances in many developing countries has been well-documented in a number of reports and academic studies. In 2008 the officially recorded remittances was estimated at around US \$305 billion – which is almost three times as much as Official Development Assistance (ODA). It should be noted that the officially recorded figures are only a fraction of the actual amount of remittances sent, a large share is also sent through informal channels.⁵¹

While remittances are the largest source of foreign exchange for many poor countries, the development impacts of migration are difficult to assess and there may be contradictory results at different levels as well as between countries.⁵² According to the European Social Watch Report (2009), countries that rely on remittances, particularly those where remittances constitute an important

share of GDP, are vulnerable to economic fluctuations as well as to changes in immigration and labour market policies in receiving countries – as was experienced in Mexico as a result of more restrictive migration policy in the US.⁵³ A decline in remittances is one visible effect of the ongoing economic crises and the World Bank reports that, even if the decline in remittances to developing countries was not as sharp as had been estimated, current estimations show a 6.1 per cent decline in remittances sent to developing countries over 2008 – excluding of course the unrecorded flows sent via formal or informal channels.⁵⁴

Men and women exhibit important differences in the amount of remittances they send home to their families and in the allocation of these remittances across various expenditure categories.⁵⁵

Gender and remittances: in cash and in kind

“A 2000 study by the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and the International Organization for Migration (IOM) shows that Bangladeshi women working in the Middle East send home 72 per cent of their earnings on average. The same study reveals that 56 per cent of female remittances were used for daily needs, health care or education—a pattern which reflects the spending priorities of migrant women elsewhere. This is largely because women are more inclined to invest in their children than men, and, in more traditional societies, they tend to lack control over financial decision-making, assets and property. Men, on the other hand, tend to spend remittance income on consumer items, such as cars and television sets, and for investments, such as property and livestock. One study of Ghanaian migrant women in Toronto, however, revealed that many were planning to build homes in their country of origin (56 per cent had already begun the process).

In the Dominican Republic, another survey found that 100 per cent of the women returning from Spain established their own businesses.”

Source: United Nations Population Fund [UNFPA] (2006) *State of the World Population: A Passage to Hope. Women and International Migration*, retrieved from: <http://www.unfpa.org/public/publications/pid/379>, 2010-04-02

Piper (2005) argues the importance of looking at gender and remittances both in terms of sending and receiving remittances. Women migrants abroad typically earn less than men migrants (also when performing the equivalent jobs) and therefore women's share of total remittances are less than that of men. However, there are individual countries where the total share of remittances sent by women outnumber those sent by

men. Data indicates that women remit a higher share of their income but the level of remittances sent varies depending on marital status, migration status and age. For example, temporary migration tend to result in higher migration flows than permanent migration and low-skill migrants tend to generate more remittances relative to high-skilled migrants.⁵⁶

Gender and remittances

“Generally speaking, women play a leading role as recipients and managers of remittances, whether the remittance-sender is man or another woman –that is, male migrants usually remit to their wives, and female migrants often remit to the female relative caring for their children (although women may also remit to their husbands, especially if they stay in charge of children and household). Thus women become critical actors in the remittance-to-development paradigm, and understanding differential gender characteristics in remittance use, savings and investments becomes a major prerequisite for the success of local development programs.

Women's privileged status as remittance recipients does not automatically translate into increased personal or social empowerment, as the link between the two is mediated by a broad number of factors, including marital status, social class, household composition, the distribution of power within the household, gender norms, access to social services, etc. Moreover, the fact that a woman receives remittances does not necessarily mean that she will decide how they will be used or that she will benefit from them. Thus there is a need to carefully distinguish between who receives the remittance, who is in charge of managing them, and who decides how they will be used.”

Source: UN-INSTRAW (2009): Report on gender and remittances

Although the remittances of migrants sent back home has raised the standard of living for families with a household member abroad – most migrants have no substantial

savings even after years of working abroad. Many are caught in a debt trap and they often lack skills or relevant information regarding how to deal with the situation.⁵⁷

The story of Sunshila Rai

(Extracted from UNIFEM, 2004)

“My name is Sushila Rai. I completed my tenth grade but I was not able to study further as we were very poor and I was needed to help at home. After my marriage, I lived with my husband in Dharan, a town in the east of Nepal. We had a very small teashop whose income was too little to sustain us. We finally had to close down the shop as people started buying goods on credit. We could not send our two children to school as we were too poor.

One day a neighbour told me about going to Hong Kong to earn as a domestic worker. I went to Kathmandu for an interview and to make my passport. My husband said nothing in the beginning, but once I got my passport, he tried to stop me from going to work abroad. I wanted to go abroad so that I could educate my children in a good boarding school, as I understood very clearly that without a good education my children would never be able to improve their lives. Secondly, I wanted to build a house so that we had a permanent roof over our heads. If my husband was unwilling to let me take a job abroad, he would have to go. But he was not prepared to go. So I decided to go on my own. When I told my husband that I was definitely going as a domestic worker to Hong Kong, he was very angry, and called the agent and fired him. I have only defied my husband twice, once while going abroad to work and in getting my children admitted to a boarding school.

I finally left. I was given a weeks training in Kathmandu. The training was useful and it included lessons on cooking, cleaning and learning to use kitchen equipment properly. But they did not teach us the language or tell us what we should do if we had a problem. I was fortunate because I did not have major problems. But even then I think I should have got all the information I needed before I left for Hong Kong, as this information is very important for any one at any time.

The family I worked for in Hong Kong was Chinese. They were nice people. I had to take care of their child. In the beginning, language was a big problem. I could understand a little English, but they spoke only in Chinese. At first, we talked in sign language which I slowly got used to. But now I feel horrified to think of what I would have done if I had a real problem.

In the beginning, I earned a salary of Nepali rupees 15,000 (\$192) a month. After a year, this was increased to NRs. 21,000 (\$269). When my contract was renewed after two years, I started getting the official salary of NRs. 37,000 (\$474) a month. Sunday was a holiday, but I used to work overtime to earn more money for my family. I went home once for 15 days after the first two years, and then returned to Hong Kong for another two years.

I did not have a problem sending money home. I used to send it through a bank. But the money I sent was not always used as I desired. I had to spend a year's wages to pay back the loan I had taken from relatives to go to Hong Kong, at a high interest rate. If I got a

cheaper loan, I could have saved more money. I really feel very bad that the money I earned through hard work was wasted. However with my earnings my son was enrolled in a boarding school, and I was also able to provide medical treatment for him. I got my daughter married – which is a huge expense. Besides that, I bought a piece of land and four rickshaws through which four other families are making their living.”

Source: UNIFEM (2004) Stories of Migrant Women Workers, in Empowering Women Migrant Workers in Asia: A Briefing Kit, retrieved from: <http://www.unifem-eseasia.org/projects/migrant/02stories.pdf>

Women's skilled and unskilled labour migration

The following sections use the above mentioned perspectives to describe the main sectors of employment for migrant women (women's employment in industrial sectors has been discussed further in previous sections). While the terminology 'low-skill' and 'high-skill' occupations is used here – such a division is often problematic. It is commonly stated that the majority of women migrants are found in low-skill professions but Bach (2009) argues the importance of challenging the perception of migrant women as 'unskilled'. While the share of migrant women in 'high-skill' occupations may be lower than that of male migrants – the educational attainment of migrant women in OECD countries is only slightly lower than that of migrant men.⁵⁸ However, while a significant group of women with higher education leave their home countries in search for work abroad, downgrading and lack of recognition of formal skills and qualifications obtained in the country of origin are common problems faced by migrant women.

Additionally, while in Europe, North America, Australia and New Zealand the category of migrants under 'family reunification' is still female dominated it is important to recognise that many women who have entered a new country under 'family reunification' still look for employment in their new

place of residence and thus become part of the migrant labour force. There is, however, evidence that women who have entered under 'family reunification' encounter difficulties in finding employment that match their educational attainment.⁵⁹ The UN Population Fund concludes that migrants usually do not originate out of the poorest populations. Instead, people who emigrate are generally better educated than the people who stay behind.⁶⁰ And, while domestic work, for example, is looked upon as low-skill, in many cases migrant women in these kinds of occupations have relatively high levels of education. In Chile, for example, 70 per cent of Peruvian domestic workers have completed either high-school or university education.⁶¹ A research theme which is becoming increasingly explored is the 'deskilling' of migrant women in labour markets in developing countries, also known as 'brain waste' (which will be further explored below).

It is also important to recognise the high proportion of undocumented migrant workers and the additional constraints faced by migrants who work without a permit. For women there are a number of additional challenges and risks associated with undocumented status – with regard to security, health-care and exploitation.

Health care for migrant workers in Israel

“The medical situation of legal migrant workers is much less severe than for undocumented migrants, who are not eligible for any primary or secondary medical care and have no access to treatment for chronic diseases such as HIV or cancer. Undocumented migrants are also not legally entitled to protection from, or care or compensation afterward from social security in the event of a work-related accident involving loss of working ability, according to the recent modification to Bituach Leumi, or National Insurance Law. The same legislative change stipulates that non-documented pregnant women will be excluded from maternity benefits, meaning they will not be able to give birth in the state hospital unless they pay cash. If a legal woman worker becomes pregnant, she is likely to be dismissed; her visa will (as a matter of practice) be cancelled, and she becomes an undocumented resident.

Education is compulsory for any child who has been living in Israel for three months – but often, the authorities are not aware of their existence, owing to the lack of a Birth Registry and other factors.”

Source: Ellman, M. and Laacher, S. (2003) Migrant workers in Israel: A Contemporary Form of Slavery, Joint publication from the Euro-Mediterranean Human Rights Network and the International Federation for Human Rights, retrieved from: <http://www.fidh.org/IMG/pdf/il1806a.pdf>, 2010-04-19

Women's high-skill labour migration

Whereas permanent professional migration has been increasing at a slow rate, the demand for migrants to work as temporary professionals has been growing rapidly everywhere.⁶² Women are far from being absent in 'high-skill' migration, however, like women working in low-skill professions, migrant women in high-skilled professions face a gender segregated labour market. Women are predominantly found in 'traditionally female' occupations in the health and welfare sectors,⁶³ however, a significant amount of migrant women also work in other sectors and occupations. (Health sector work will be dealt with a separate section below.)

While the majority of jobs created by Transnational Corporations in developing countries are low-skill and female dominated (as discussed above), men overwhelmingly domi-

nate the number of workers who move within TNCs in the information technology and scientific sectors, as well as in accounting and engineering.⁶⁴

Within education there has also been an increase in women's skilled migration. Over the past decade school teachers from the Caribbean have been recruited directly out of high school and college for work within the education systems in both Great Britain and the United States.⁶⁵ The Pan American Health Association estimated that in the Caribbean region between 2001-2004 one quarter of the nurse positions in the region were vacant and while 1199 nurses graduated during the same period 900 left the region.⁶⁶ Community services is another sector that has enabled migrant women to do more skilled service jobs, such as in advocacy, mediation, inter-cultural specialist, home language instruction and translation.⁶⁷

'Brain drain'

The increasing demand for *high-skilled* labour in developed countries has provoked the debate around a 'brain drain' from countries in the South and East. There is research which indicates that between a third to a half of developing countries' science and technology personnel now live in developed countries.⁶⁸ According to the European Social Watch Report (2009) the consequences of the 'brain drain' are not easily generalised as they vary significantly according to conditions in both sending and receiving countries. Smaller countries, situated close to OECD countries and strongly tied to their former colonial powers, seem to be the most vulnerable to brain drain. The brain drain is related to how big an impact the migration of skilled workers has on the human resources in the sending country in strategic sectors such as health care and education. The report states "Consequently, the brain drain is likely to benefit large populations and middle income countries, while significantly weakening small and less developed countries."⁶⁹ The gendered dimension of the 'brain drain' varies between regions. Looking at emigration rates the average rate of emigration of women with tertiary education is higher than the same rate for males – 17.6 per cent for women and 13.1 per cent for men, but there are significant regional variations (see table 3).⁷⁰

Table 3:
Average emigration rates, by region, sex and education, circa 2000

	Women (%)	Men (%)
Africa		
Primary education	0.9	1.0
Secondary education	3.9	4.1
Tertiary education	27.7	17.1
Asia		
Primary education	0.9	0.9
Secondary education	1.9	1.6
Tertiary education	7.3	6.1
Europe		
Primary education	6.5	6.4
Secondary education	7.4	6.8
Tertiary education	10.4	9.9
Northern America		
Primary education	2.1	1.6
Secondary education	3.7	2.5
Tertiary education	3.5	4.1
Oceania		
Primary education	8.5	7.0
Secondary education	9.7	10.4
Tertiary education	23.8	16.5
Latin America		
Primary education	6.6	6.5
Secondary education	13.1	12.5
Tertiary education	21.1	17.9

Source: Dumont, Martin and Spielvogel (2007), p. 13

'Brain waste' and 'deskilling' of female labour

According to a report from the European Network Against Racism (2010), the systematic association of migrant women with care and domestic work has worked to enhance the process of professional downgrading of migrant women. This is partly due to the lack of recognition of their educational skills and professional qualifications obtained in their country of origin.⁷¹ This process of 'deskilling' or 'brain waste' is cause for serious concern – not just for the individual migrant but also for the society in which they work. In many cases this 'brain waste' also

means that skilled migrants do not participate in the labour force at all,⁷² and serious changes to national policies are necessary to ensure the access of migrant workers to employment on equal terms with native workers.

In the European Union, for example, there is a large number of migrant women who work in professions for which they are overqualified – a figure which is specifically high for women originating from countries outside the OECD (See table 4).

Table 4:
Percentage of women (15–64) in jobs for which they are overqualified, by region of birth, for selected European countries, 2003–2004.

Country	Native-born (%)	Foreign-born (%)	Foreign-born (%) from non OECD-countries
Austria	9.3	24.8	32.8
Belgium	17.7	24.6	27.2
Czech Republic	6.6	12.8	22.0
Denmark	10.5	19.7	31.0
Finland	18.8	26.2	38.0
France	14.2	18.8	19.8
Germany	9.9	23.6	32.3
Greece	9.0	53.4	62.0
Hungary	7.3	10.5	8.9
Ireland	15.6	23.9	38.2
Italy	7.1	27.4	34.0
Luxemburg	3.2	14.1	31.0
Norway	10.6	25.1	35.9
Portugal	8.9	16.2	18.7
Spain	24.4	47.6	56.7
Sweden	7.2	15.3	23.2
United Kingdom	14.9	17.0	18.7

Source: Rubin, et.al. 2008, p. 83

Migrant women's high skill labour in the health sector

For many women in the South increasing demand in developed countries for skilled workers in the health sector has provided an important incentive to migrate. There has been a dramatic increase in international recruitment of nurses in Canada, the UK and the US. Nearly half of all newly registered

nurses in the UK between 2001 and 2002 came from countries outside the UK, including from the Philippines, India and South Africa.⁷³ Higher wages may motivate nurses to search for work abroad, for example, the International Labour Organisation (ILO) reports that the wages of nurses in Uganda is US \$38 a month, in the Philippines around US \$380 compared to around US \$3,000 in the United States. The so-called 'pull factors'

for nurses to migrate – such as the demand for nurses in other countries and the incentive of higher wages – should also be seen in the context of the so-called ‘push factors’. This means that the decision to migrate can also be motivated by factors in the home country, which for trained health profes-

sionals from developing countries may include: the difficulties in working within under-funded health systems with chronic shortages in supplies, staff and equipment,⁷⁴ low wages, poor career prospects, unsafe working environments and low levels of efficiency in health-care systems.

The migration of health personnel

The migration of professional personnel has a major impact on the health sector in sub-Saharan Africa.

Since 2000 nearly 16,000 African nurses have registered to work in the UK alone. Only 50 out of 600 doctors trained since Independence are still practicing in Zambia.

It is estimated that there are currently more Malawian doctors practising in the northern English city of Manchester than in the whole of Malawi.

Source: Global Commission on International Migration (2005) Migration in an interconnected world: New Directions for action, retrieved from: <http://www.gcim.org/attachements/gcim-complete-report-2005.pdf>

The increased migration of trained health professionals, such as nurses, midwives and doctors, is happening in the midst of a health-care crises in many sending countries. In Africa, for example, the mass departure of 20,000 highly qualified nurses and doctors per year is causing massive problems in the battle against HIV/AIDS and many other health concerns across the continent. In some countries in other regions, however, the outflow of nurses is compensated by an inflow of nurses from other countries. According to UNCTAD (2008), while Jamaican nurses migrate to the UK the country has been able to recruit nurses from English-speaking African countries. But this is not happening in the poorest countries, which face difficulties in recruiting nurses from other countries.⁷⁵ Other countries, for example China, India and the Philippines,

have made it an explicit strategy to train nurses for the purpose of migration motivated by the importance of the remittances sent back once the nurses get work abroad. According to research from the South Pacific region presented by the International Council of Nurses, nurses are more likely to be remitters and remit a higher portion of their income than other migrants. A survey conducted amongst nurses working in London indicated that over half of the respondents stated that they send 26 per cent or more of their earnings to their country of origin.⁷⁶

Women's low-skill labour migration

A majority of low-skilled women migrants are concentrated in the service sector. Migration to work in the industrial sector (manufacturing) is equally distributed between

women and men (see below for further discussion). Although the number of migrant women who work in agriculture is lower than within services and manufacturing,⁷⁷ in Latin America and the Caribbean women's work in the export-oriented agricultural sec-

tor has been an important part of women's increasing migration.⁷⁸ In Europe there is also a growing number of women from various regions in the world who work on temporary visas in the agricultural sectors (see box 'Strawberry picking').

Moroccan women picking strawberries in Spain

Thousands of Moroccan agricultural workers travel to Spain each year to pick strawberries. The number of women has rapidly increased: in 2005 the figure was 1,700 and by 2008 more than 11,127 Moroccan women signed up for the program that would bring them to Spain.

However, not all Moroccan women are welcome to the strawberry fields in Spain. Programmes and employers require that the women should be married with children. One employer states (in an article in *der Spiegel*), that his preference is "Moroccan mothers, who are fit and under 40."

"We don't take women without children because we run the risk they'll run away, that they will remain in Spain and not return to Morocco," he explains. The application by thirty-year-old Farida Ben Bahi was turned down: "I wasn't chosen even though I have two children. Maybe it was because I'm a widow", she says.

According to *Rural Migration News*, workers pick berries into eight box trays (each box weighs 2.5 kg), and most workers harvested 10 trays in a 6.5 hour day. In 2007 workers were paid 5.42 Euros an hour, 35 Euros a day and 211 Euros a week. While there is supposed to be overtime pay after 39 hours a week, some employers "count on guest workers to volunteer for additional hours at regular wages".

Wages and working conditions are regulated by contracts. However, not all of them are translated into the workers' native language and some guest workers are afraid to challenge employers in fear of losing their jobs or not being called back the next year. "In most cases, supervisors (team masters) are of the same nationality as the pickers they supervise, and they allegedly take the employer's side to avoid being forced to return to picking."

Der Spiegel reports that employers in Spain are not the only ones concerned with workers staying at the end of the season. Employers, like the one cited above are "at the forefront of a European Union initiative designed to welcome seasonal workers to pick the now ripe berries -- and to make sure they leave in June once there are no more berries left to pick."

Sources: *Der Spiegel* (05.11.2007) Moroccan Immigrants, Spanish Strawberries and Europe's Future, retrieved from: <http://www.spiegel.de/international/europe/0,1518,482468,00.html>; Magharebia (19.01.2009) Spain recruits 16,000 Moroccan women for seasonal agriculture jobs, retrieved from: http://www.magharebia.com/cocon/awi/xhtml1/en_GB/features/awi/features/2009/01/19/feature-02; *Rural Migration News* (2008) Spain: Strawberries, Migrants, retrieved from http://migration.ucdavis.edu/rmn/more.php?id=1305_0_4_0

Migrant women's low skill labour in the service sector

Other low-skill service professions relevant to migrant women workers include *enterprise cleaning services, hotels, restaurants, catering and tourism*. In the US in 2000 28.4 per cent of all hotel workers were migrants. Relative to their US colleagues migrant workers were younger, had less formal education, were more likely to be women and less likely to be white. In Italy, these sectors account for 13-18 per cent of all migrants who were hired – bars, hotels and restaurants alone accounted for 7-9 per cent. However, most jobs in these occupations are not registered and in many countries a large number of undocumented workers within these sectors work under conditions that are far worse than their local counterparts. They have contracts that are not renewable, low wages, long working hours and in jobs that are unskilled and physically demanding. In both Italy and Spain, for example, a large number of undocumented Chinese and Latin Americans work in small hotels and restaurants.⁷⁹ The tourism industry is generally an important source of employment for women; however, the industry is characterised by strong gender divisions of labour where women have access to seasonal, part-time work with minimum wages, while men control the major sectors such as airlines, railroads and hotel chains. This is cause for concern with regard to the longer-term prosperity of women in the tourism sector.⁸⁰ In recent years there have been many reports of violations of labour rights and discrimination of migrant workers in the tourism industry, for example a report on the conditions for workers from Myanmar/Burma in Thailand.⁸¹

Retail trade/petty trading in the informal economy, has also represented an important 'niche' for migrant workers mainly in some South East Asian and Central American

countries.⁸² In Southern Africa petty trading is also important in the migration of unskilled women, which is often characterised by crossing borders for a shorter period, sometimes on a daily or weekly basis.⁸³

The following section will examine 'global care chains' with particular focus on migrant domestic work, which is one of the largest sectors driving international female labour migration. Migrant women provide essential services for the destination countries and contribute to the wealth of their aging societies and to the sustainability of their welfare and employment systems.⁸⁴

The global care chain

Women's labour is central to global care chains, an international network system of care-giving stratified by class and, often, ethnicity. Many of the international care workers, including domestic workers, who leave their homes to care for others abroad, also have their own children and elders to look after. Migrant women usually either pass this responsibility on to other female relatives or, with their higher foreign earnings, hire lower-income domestic workers to manage their own households. For millions of women and their families, the global care chain offers both benefits and some serious drawbacks. Aside from salaries that can be several times higher than what they receive in their country of origin, women can also gain personal and social benefits, such as improved educational and health opportunities for their children. Leaving one's family takes a huge psychological and emotional toll for migrant workers but at the same time, they can provide their employer's children with love and affection in exchange for earnings that can improve the quality of life of their own children.

Domestic work

There is no universally agreed definition of domestic work, and no specific international regulation is in place. In the EU, for example, member states have taken different legislative and policy approaches to the issue and use the term “domestic work” to refer to a more or less ample list of tasks related to the two broad areas of family care and household maintenance, ranging from child and

Domestic work is not just another labour market..

elderly carers to security guards and gardeners. Domestic work is the single most important sector for women migrants in countries that permit temporary legal entry of women workers, such as: Hong Kong, Malaysia, Singapore, Taiwan, the Gulf States, Jordan and Lebanon. In most Western European countries domestic work is not considered valid work for the allocation of a work or resident permits.

Undoubtedly, many female migrant workers are still found in these sectors in Western Europe and, in some countries, domestic migrant women have also acquired legal status

in the country where they have found work. While some Southern European countries have regularised domestic work – work permits provided under these schemes consider work as temporary and normally do not allow migrant women to bring in family members.⁸⁵

There are reasons to argue that domestic work *is not just another labour market*, as it is characterised by the following aspects: the intimate nature of the social sphere where the work is performed; the social construction of this work as a female gendered area; the special relationship between employer and employee, which is highly emotional, personalised and typified by mutual dependency; and the logic of care work, which is clearly different from that of other employment areas.⁸⁶ On the basis of the type of employment relationship domestic work can be broadly divided into different sub-categories: live-in domestic workers, live out, full time domestic workers and casual or hourly paid domestic workers (see box below for an example of a live-in domestic workers' story).

“I’m here just for a visit” – The example of a Polish senio-pair in Switzerland.

For 10 years 53 year old Magdalena Rutkowska⁸⁷ has cared for a dementia patient in Basel. She alternates with another woman from Poland and travels back and forth between Switzerland and her home. Her income enabled her to put her three children through college. In Basel she has an exhausting 24-hour job: caring, cooking, feeding, fulfilling household tasks, keeping company. Magdalena Rutkowska has almost no privacy working in this ‘senio-pair’ arrangement.

The 91-year old Mrs. Baumann is a dementia patient and no longer able to leave her bed or her 3.5 bedroom apartment in a neighbourhood of Basel and for years the 53-year old Magdalena Rutkowska has cared for her round-the-clock. Magdalena Rutkowska alternates with another woman from Poland, travelling back and forth between Switzerland and her small hometown in south-Poland, where she lives with her family. The trained economist earned very little in Poland and when her children entered secondary school she looked for potential earnings in Germany or Switzerland to be able to put her children through college.

Magdalena Rutkowska’s working day is endless –she often even needs to get up in the middle of the

night to take care of Mrs Baumann. Every morning and evening the Spitex⁸⁸ comes for short visits (max 15 min) to support with the personal hygiene of Mrs. Baumann. This is heavy work, says Mrs. Rutkowska, because Mrs. Baumann is not able to stand by herself. Practically the whole day there is work to do: next to shopping, preparing meals, washing clothes, ironing or cleaning the apartment, Mrs Rutkowska spends a lot of time at the bedside of Mrs. Baumann feeding her, repositioning her to avoid bedsores and changing her nappies, keeping her company or comforting her when she is in pain or is having anxiety attacks.

Living-in at Mrs. Baumann's apartment saves Magdalena Rutkowska the rent, but her permanent presence means that she has almost no free time and no privacy. Once in a while she has time for a walk in a nearby park, or she meets with a friend from Slovakia, who also works as a senio-pair in Basel.

For this responsible care job, which demands permanent presence and requires high physical and psychological strength Magdalena earns 1800 CHF per month (1,252.60 EUR) - less telephone and internet charges and the costs of her return journeys, which she has to cover herself. She also pays her own health and social insurance – in Poland.

Low remuneration, informal contracts without social insurance, no paid holidays, no entitlements to sickness pay, little or no protection (in case of accidents, for example), low employment security, highly flexible working hours: Magdalena Rutkowska's working conditions include most characteristics attributed to precarious work.

Within the framework the EU Eastern European enlargement process, women from Eastern European countries received freedom of residence and travel; this means they can stay legally in Switzerland. However, due to restrictions in access to the Swiss labour market, many Eastern European care workers who are working in private households do not have official work permits. A clear, legal and social protection framework does not exist and some are moving in a grey area between legal and illegal employment.

Sources: Greuter, Susy und Sarah Schilliger (2009): "Ein Engel aus Polen"? Globalisierter Arbeitsmarkt im Privathaushalt von Pflegebedürftigen. In: Denknetz-Jahrbuch 2009. Zürich, Edition 8. Online: http://www.denknetz-online.ch/IMG/pdf/Greuter_Schilliger.pdf

The rising demand for domestic workers is attributed to a combination of social-demographic, labour markets and welfare factors. As more North American, Western European and Asian women have entered the workforce, they have less time and opportunities to take care of the elderly and children. In the United States, for example, the proportion of working women with children under the age of six soared from 15 per cent in 1950 to upwards of 65 per cent today.⁸⁹ However, the phenomenon of hiring domestic workers is not limited to Europe or the US. In richer countries in Latin America and the Caribbean there has been a 'boom'

in demand for international domestic workers,⁹⁰ as in many Asian and Middle Eastern States. Despite the rapid entry of women into the labour force, a corresponding shift that would have more men taking an equal share of household responsibility has not occurred. Furthermore, a lack of family-friendly policies and childcare facilities make hiring nannies and domestic workers essential for those who can afford it. Two-income households have become a necessity where costs of living are high. The increases in the longevity and size of the elderly population are also adding to the demand. For those able to afford it, the purchase of domestic

labour relieves women from doing this work themselves and helps to avoid generational and gender conflict over the division of domestic work. In addition, the recruitment of domestic labour is an important expression of social relations, including gender, class and ethnicity. Migrant domestic workers are often isolated from other employees, friends or family. Many cannot communicate in the language of the host country, are undocumented or lack adequate contracts. Even when documented, their status might be contingent on their employer, leaving them vulnerable to exploitation. As the ILO states, "domestic workers experience a degree of vulnerability that is unparalleled to that of other workers".⁹¹ The fact that domestic work takes place in the private sphere is what makes workers especially vulnerable to exploitation. Many remain outside the protection of labour legislation, leaving them little recourse in cases of abuse, non-payment or the arbitrary withholding of wages. One ILO study undertaken in 65 countries revealed that only 19 countries had specific laws or regulations dealing with domestic work.⁹²

According to a number of Human Rights Watch reports from Asia and the Middle East there is extensive evidence of abuse, long working hours, low wages and lack of legal protection.⁹³ One problem with regard to legal recognition and protection within labour legislation is that domestic workers are regarded as 'helpers' as opposed to 'workers'. Also, domestic workers are often regarded as 'part of the family', making it difficult to regulate, for example, hours of work. Dominant gendered ideologies perceive the household as a non-economic unit, and therefore not a place within which paid work takes place. As pointed out in a study

by Elias of migrant domestic workers in Malaysia, the fact that Indonesian maids in Malaysia are partly employable because they represent a low-cost, their employability is also linked to gender stereotypes which picture them as unskilled, passive and compliant labour. Paradoxically, therefore, lack of education is seen as a 'positive' attribute: "by employers seeking the 'passive' 'rural girl' who will not demand labour or human rights since she is not even aware that such possibilities exist."⁹⁴

Trafficking

The bad conditions and multiple challenges migrant women face are obviously much intensified and aggravated in conditions of forced migration and trafficking. Trafficking is a common problem which is on the rise, not only because of increasing demand but also due to larger and more diverse sources of supply given the growing precarious livelihood conditions in many parts of the world. A considerable number of trafficking of both women and children happens not only for commercial sex work, but also for use as slave labour in factories and other economic activities such as domestic or informal service sector works. It should not be underestimated that the worst and most abusive forms traf-

ficking are those which relate to commercial sexual exploitation and child labour in economic activities.⁹⁵

According to the IOM, approximately 900,000 people are victims of trafficking annually around the world of which 80 per cent are women and girls. It is estimated that approximately 120,000 women and children are victims of trafficking into Western Europe each year. Several factors make

The worst and most abusive forms trafficking are those which relate to commercial sexual exploitation and child labour.

women more vulnerable to being victims of trafficking including: persistent gender discrimination, dominant forms of patriarchy in both countries of origin and destination, as well as the demand for commercial sexual services and other forms of exploitation.

Cyprus is a unique case in this regard, as most identified victims of trafficking for sexual exploitation enter Cyprus legally with specific entry and employment permits to work in high risk establishments.⁹⁶ The majority of victims of trafficking for the purpose of sexual exploitation come from Eastern Europe and the Philippines, with an

increasing number from countries such as Morocco and Syria. In 2009-2010, 1,225 work permits for women to work in high risk establishments were issued, which is a disproportionate number for the Cyprus population. In the United Kingdom, in 2004, work within 'entertainment and leisure' represented the second largest category of work permit applications from foreign women. In the mid-1990s Canada granted 1,000 temporary work permits to 'exotic dancers' and in Japan in 2004, 65,000 entertainment visas were granted to women – a majority of whom came from the Philippines.⁹⁷

5. WOMEN'S MIGRATION IN THE CONTEXT OF THE ECONOMIC CRISIS

Introduction to the section

This section is dedicated to highlighting some of the early findings of the impact of the ongoing economic crises upon women migrant workers and is mainly based on data presented by various NGOs and UN agencies.

The impact of the economic crisis upon women migrants

The ongoing multiple crisis (financial, economic, climate, food, social) poses a real challenge to the livelihoods of many migrant women. According to the International Organization of Migration, women migrants face multiple challenges in view of the crises – not just in terms of employment and job losses but also from increasing informalisation of employment, lower wages, disproportionate and increasing burden of care-responsibilities, and a reversal of achieved empowerment and autonomy.⁹⁸ The

“I can't support my family back home any more. We've had to reduce our expenses on food, medicine, and other necessities. I often feel dizzy and have stomach pains through feeling hungry.” -- Mrs. Chin SreyPov, Cambodia

Source: Oxfam International Discussion Paper, 'Paying the Price for the Economic Crisis', 2009; retrieved at <http://www.oxfam.org/sites/www.oxfam.org/files/paying-the-price-for-global-economic-crisis.pdf>.

fact that women migrant workers tend to have irregular types of employment and are informally employed increases their vulnerability, and they are at increased risk of discrimination and exploitation.⁹⁹ While some state that the impact on male migrant's employment may have been greater due to the sectors which have been hit the hardest – such as construction and manufacturing – so far there is little concrete evidence available on the

magnitude of the impact of the economic crises on female migrants.¹⁰⁰ Also, the differentiated impact of the crises upon women and men will vary across countries. According to Seguino (2009), in developed economies where male employment dominates construction and durable goods manufacturing, job losses have affected men more than women.

In addition, while European states have been actively involved in saving large, private, banks and other businesses to counter the crisis, we are faced with a mounting lack of resources for public services and social provisions. Therefore, “female joblessness can be expected to rise disproportionately as public sector budget cuts are made, since women are disproportionately employed in education, health, and social services.”¹⁰¹ Stable, long term employment with a decent salary and adequate working conditions is out of reach for more and more people. There is a downward pressure on wages and many workers have been forced to accept pay cuts due to the financial crisis. Informalisation and precarious self-employment are also expected to rise.¹⁰² As described above, the disadvantaged position of many migrant women in the labour market may, in many cases, lead to increased exploitation, as well as to the growing vulnerability of women's migrants' health, bodily integrity and well-being. Moreover, with fewer jobs available competition for these jobs could increase and lead to growing resentments and clashes between different groups of migrants and native people.

In developing countries, on the other hand,

"Before the factory closure, we had two people working to support two families — now there is only one person working to support two families. My parents and my son staying at home back in Sichuan need our support. At home in the village, the cost of living is not low at all, especially the medical expenses." — Fan, China

Source: Oxfam International Discussion Paper, 'Paying the Price for the Economic Crisis', 2009; retrieved at <http://www.oxfam.org/sites/www.oxfam.org/files/paying-the-price-for-global-economic-crisis.pdf>

where women are concentrated in export manufacturing industries (such as in Latin America and Asia), or in the tourism industry (such as in the Caribbean) the effects on women will be greater than for men.¹⁰³ In export manufacturing thousands of migrant women workers have lost their jobs as a result of factories closing and relocating. In Cambodia, garment sector exports dropped by 27 per cent and 30 factories closed during 2008 and five more in early 2009 – with 30,000 workers losing their jobs,¹⁰⁴ almost all of them migrants (internal and external).¹⁰⁵ In India, 700,000 clothing and textile workers lost their jobs; and in the Nicaraguan export processing zones, dominated by female labour, 16,000 workers were laid off in 2008.¹⁰⁶ Job losses have a gender-differentiated impact in several ways. The earnings of women in poorer families are central to the livelihoods of families and to the health and education of children. As they receive less income relative to men, they have fewer savings and without these reserves the loss of a job will thus have a severe impact.¹⁰⁷ Also, women are often more fearful of losing their jobs because of the limited economic opportunities offered to them in society.¹⁰⁸

"Since my sister was made redundant I am having trouble meeting my rent and I don't know if I can afford to support my younger sister studying in Ha Noi. If things get worse I will return to Thanh Hoa province. I still won't have any money but at least there's food." — Binh, Ha Noi, Viet Nam

Source: Oxfam International Discussion Paper, 'Paying the Price for the Economic Crisis', 2009; retrieved at <http://www.oxfam.org/sites/www.oxfam.org/files/paying-the-price-for-global-economic-crisis.pdf>

For migrant women this situation carries with it additional challenges. Namely, the significant risk of a shift from documented to undocumented status as they look for alternative employment in the host country rather than returning home.¹⁰⁹ As the competition for jobs increases, women migrants may consequently be forced to accept lower standards (in terms of conditions of employment), as well as lower salaries, delayed payments and reduced working days. This applies both to formal and informal employment.¹¹⁰ Migrant women workers are generally less protected, work with insecure contracts or informally and are therefore an 'easy target' for employers wishing to fire workers in time of economic downturn, as they tend to have weaker labour rights than nationals.¹¹¹ Migrant workers who depend on their employer for housing, health care and food may be particularly exposed as employers fail to live up to their obligations.

There is also a potential risk of increased trafficking of migrant women who have lost their jobs.¹¹²

Host countries may also place more restrictions on migration. This may result in increasing irregular migration. In Korea, for example, the issuing of new visas has been stopped and other countries are enforcing tougher practices towards undocumented foreigners. Migrants that do return to their home country are also likely to face high unemployment and poverty.

The implications for women migrants may go beyond the working sphere – as women risk losing gains in economic independence and empowerment achieved by migration. There is also a potential risk of increasing xenophobia and discrimination as competition for jobs increases – such as the UK slogan: "British Jobs for British Workers" or protests against the presence of migrant workers at the Total factory in Lindsey.

6. MIGRANT WOMEN IN THE EUROPEAN UNION

Introduction to the section

EU member states are major destinations for migrant women in search of employment. This section therefore starts with an overview of the number of migrant women in the European workforce (with emphasis on EU member states) and the major sectors in which migrant women work. It should be noted that while the deskilling of migrant women workers is also a strong phenomenon in Europe this has been addressed in previous sections and will therefore only be briefly referred to here. At the end of the section we focus explicitly on migrant domestic work in Europe.

Overview

According to the UN estimates, in 2010 Europe will have 69 million migrants the majority female.¹¹⁵ A large number of female migrants are found in the category of 'family union/reunion' but they are, as previously emphasised, increasingly migrating to work or study. According to Ayres and Barber (2006), a significant number of new migrants are (or become) irregular, including those trafficked to Europe – with important implications for their integration into the EU labour market.

Reliable data on the number of migrant's residing in the European Union and its member states is difficult to come by as member states differ in the way they produce and monitor statistics on migration. A comparative analysis of migrant's in the labour market is also complicated because national labour market data differs in quality, method, breadth and coverage etc. Also, when reference is made to different groups of migrants or minorities these are often defined in different ways in different countries.

As will be discussed further in later sections, the EU is facing skills and labour shortages as a result of growing competition in the global economy and demographic ageing. These skills shortages are seen in particular with regard to qualified IT workers, health-care professionals, engineers, and education and social service personnel.¹¹⁶ However, discussions around skills-shortages have not been entirely unproblematic, and, for example, Dütting (2009) argues that "Migrant labour has been depicted in Western Europe as necessary, as there was 'no one who wants to do these jobs'. Attention was thus diverted from the low pay and bad labour conditions that made these jobs unpopular in the first place."¹¹⁷

Similar to developments in other regions, as described previously, in European labour markets there are increasing trends of informalisation, flexibilisation and casualisation of work. Dütting (2009) argues: "As the restructuring of European economies was set in motion, stable, long-term employment with a decent salary and adequate working conditions was out of reach for more and more people. Flexibility in the labour market and changing labour relations have been the trend. The labour market has changed for women as well. Many women in Europe work either part-time or on short contracts for low wages. Job security tends to be limited, but this depends on the sector and country. There is downward pressure on wages, and many workers have been forced to accept pay cuts due to the financial crisis. Informalisation and precarious self-employment are expected to rise." In these

processes migrant women's labour plays a central role.

Female migration to the European Union has always been important and the estimated percentage of women migrants in 2010 in Europe is 52.3 per cent.¹¹⁸ Breaking these figures down on the national level there has been a feminisation of the migrant population in many countries.

Table 5:
Percentage of women among migrants (arrived for 10 years or less) in selected European countries:

Country*	1994 (%)	2004 (%)
Austria	48	56
Belgium	52	54
Czech Republic	...	54
Germany	48	53
Denmark	42	48
Spain	55	51
Finland	...	53
France	54	54
Greece	54	52
Hungary	...	54
Ireland	51	50
Italy	49	55
Luxemburg	46	51
Netherlands	48	53
Norway	...	56
Poland	...	61
Portugal	57	57
Sweden	50	53
United Kingdom	54	50

*Data for Germany are for 1992 and for Austria and Sweden for 1995

Source: Ayres and Barber (2006), based Oso and Garson (2005)

The accession of thirteen new countries to the EU-12 between 1990 and 2004 increased migration and changed migration patterns in many European countries. Ac-

cording to Mansoor and Quillin (2006) two broad migration systems have developed in the region: the first concerns migrants from Eastern European countries who move to Western Europe; and the second, involves the majority of migrants from Central Asia who travel to the wealthier countries of the CIS, particularly the Russian Federation and Kazakhstan.¹¹⁹

Rubin et.al. (2008) identify four country groupings within the European Union when looking at the labour force participation of women from outside the EU (so-called 'third country' migrant women). First, the 'old' migrant receiving countries such as Belgium, France, Luxembourg, the Netherlands, the UK and, to a lesser extent Austria, where labour force participation rates of third-country migrant women are substantially lower than for native-born women. The opposite trend can be observed in the second country grouping of 'new' migrant-receiving countries in Southern Europe, Greece, Spain and Portugal, where labour force participation rates of third-country migrant women is higher than those of native-born women – which can be explained in part because migrant women in 'new' migrant receiving countries are on average younger than in the other groupings. Third, the 'Nordic' countries of Denmark and Sweden follow much more closely patterns of the 'old' migrant-receiving countries. And fourth, 'accession' countries, Cyprus, Czech Republic and Hungary, which exhibit a very heterogeneous pattern of labour force participation of third-country migrant women.

Increased hostility towards migrants among EU member states

European governments and their electorates continue to display a profound ambivalence around immigration. In almost all cases issues of labour migration, irregular migra-

tion, asylum and integration have become highly politically contested.¹²⁰ A number of EU governments have used the increased hostility towards migrants among majority populations to introduce more restrictive measures. In Italy, for example, Members of Parliament approved a bill that basically criminalises irregular migration and all those who are helping irregular migrants.¹²¹ Sweden's government bill (1996) gave increased emphasis to restrictive migration policy by facilitating voluntary returns for all, including those who held permanent residence permits.¹²² Sweden is also one of few countries in the EU, which does not provide health care for undocumented migrants.

Migrant women's labour force participation and labour market segregation

The disadvantage of migrant women in the EU labour market is revealed not only through unemployment data but also data on underemployment (involuntary, part-time employment) and short-term employment (temporary contracts). Many migrant women are also employed in the informal economy, particularly as domestic workers, care workers, nurses or entertainers - reinforcing traditional gender segregation and inequalities in the labour market.¹²³

Occupational segregation is more common among migrant women - relative to both native born women and migrant men. While 62 per cent of migrant women are found in only five occupational sectors, 43 per cent of migrant men are found in five occupational sectors and 55 per cent of native born women.¹²⁴ Rubin et.al. observe two major determinants for migrant women's lower labour force participation rates: first, the age of the youngest child and, second, how recently the woman arrived in the receiving country. Regarding the age of the youngest child they find that having a child under the

age of five reduces the labour force participation rate for migrant women much more than for native-born women. Underemployment is more common among migrant women than amongst native born women, and more common among migrant women than migrant men. Both under-employment and temporary employment is especially common in 'new' receiving countries in Southern Europe; temporary employment is also very common for women also in Cyprus and the Czech Republic. Over half of the employed migrant women in Spain and Cyprus have temporary contracts.¹²⁵

Across the EU the rate of unemployment for migrant women is higher than that for migrant men. However, migrant women's disadvantage in the labour market cannot only be explained by the fact that they are *migrants* and *women*. There are also major differences between different groups of migrant women. For example, the unemployment rate of women from countries outside the EU compared to migrant women from other EU countries is 5.6 percentage points higher.¹²⁶ Thus, there is a need to analyse migrant women's labour force participation in the EU from an intersectional perspective - taking into account class, ethnicity, race, age as well as colonial and racist discriminatory assumptions and practices about different groups of women. There is clear evidence that ethnic background plays a role in the gender division of labour amongst low-skilled migrant groups and in, for example, Germany and Austria, Eastern European women dominate cleaning and domestic work. In France, African and Asian women are more often found in professions where they are less likely to be in contact with clients.¹²⁷ The fact that migrant women are also more commonly found in low-skill occupations limits their rights as workers as well as their mobility in the labour market.¹²⁸

As previously discussed in a section 4, the de-skilling of migrant women workers in the European Union is a serious concern. The relatively high education level of women migrants in the EU, relative to the occupations in which they work, results in an under-utilisation and under-recognition of women migrant skills. An important reason for there being so much 'brain waste' is the lack of recognition for migrant's formal skills and diplomas. As argued by Moreno-Fontes *Chammartin (2008)*: "Indeed, the recognition of qualifications obtained abroad is one of the main areas in which significant changes to national policy and practice are necessary to ensure that regular migrant workers can access employment on equal terms with national workers."¹²⁹

Domestic work and female migration in Europe

Women's overwhelming participation in domestic work is not a new phenomenon in Western European countries, nor is the presence of migrants' among domestic workers. On the contrary, demand for domestic services by private households has steadily grown over the past decade in many parts of Europe.¹³⁰ There are many interrelated factors determining the size and relative relevance of domestic work within national economies. The reasons and implications of this raising demand are of an economic, social and cultural nature, and should be analysed in the wider perspective of gender dynamics within the labour market and family life. Domestic work in private households is important to European family life, to European economies and to European welfare systems. As a consequence of low fertility rates, the European population is projected to decline significantly over the next decades, with an increasingly ageing structure and a particularly pronounced decline and ageing of the working age population.

According to EU sources, Europe could have a population of very elderly persons (80+) of nearly 34.7 million people by 2030, compared with the 18.8 million at present.¹³¹ The number of people living alone will also increase – especially the number of women living by themselves. This puts serious challenges to the European care provision systems. Especially in Southern Europe, recent ageing demographic trends are accompanied by significant changes in household and family structures, characterised by an increase of single-headed households and by the weakening of mutual family and community support networks.¹³² As the EU Green Paper on demographic change points out, families in Europe will not be able to face this caring challenge alone.

Another factor which facilitates an increasing participation of migrant women in domestic care in Europe is the ongoing change regarding the gender relations in the European labour markets. Since the questioning of the traditional division of labour came to the forefront of the European debate in the late 70s, most EU countries have experienced a massive increase of female participation into the labour market. This is an objective that ranks high in the political agenda of the EU and its member states, among other things, to compensate for the forecast decline of the labour force. In absolute terms, this means that between 2000 and 2007 employment in the EU increased by 14.7 million persons, of which 9.1 million were women and 5.6 million men.¹³³

This massive entry of European women into the paid workforce over the past two decades has not been accompanied by a

There is a need to analyse migrant women's labour force participation in the EU from an intersectional perspective taking into account class, ethnicity, race, age as well as colonial and racist discriminatory assumptions and practices.

The massive entry of European women into the paid workforce over the past two decades has not been accomplished by a corresponding most equal redistribution of household work among the sexes.

corresponding, more equal redistribution of household work among the sexes.¹³⁴ Different European data clearly show persisting differences in the use of time between women and men, especially with respect to the time dedicated to domestic work, therefore, generally leaving women with less free time compared to men.¹³⁵ Disparities between the sexes continue to persist, and even increase, both in the public and private spheres and women face great difficulties in reconciling their professional and family responsibilities. Availability of child-care services together with other family friendly policies (such as parental leave, flexible working time arrangements and financial allowances), clearly impact both on the rate of women's participation in paid work, and the extent to which they recur to domestic workers as a strategy to balance private and professional responsibilities.¹³⁶

In this respect it is important to emphasise a paradox relationship between different policy approaches to gender equality issues in contemporary Europe. On the one hand, the EU is strongly advocating for increased women's participation in the labour market as a way, among others, to ensure the sustainability of the social protection systems threatened by demographic change. On the other hand, at the national level, financial cuts in social expenditure and in provision of social services, especially for pre-school aged children and elderly people, have de facto reduced the public coverage of care services - with significant sub-regional and national differences. The dismantling of welfare states in Europe since the early 1980s reorganised the division of responsibilities between the state and families for the care

of the dependent sectors of the population, children, the elderly and the disabled.¹³⁷

A growing market of private enterprises and individual workers is, therefore, picking up the demand for these services. This trend is likely to persist or be aggravated due to the 2009 financial crisis.

The growing insertion of native born women into the European labour force has been undeniably accompanied by an increased female burden and, therefore, facilitated by a rising participation of migrant women as domestic and care workers. In spite of the scarce acknowledgement of this phenomenon in the EU's gender equality related policies and documents, migrant women often de facto replace national women in their traditional care and domestic roles, substituting the decreasing institutional and family support. In that sense we can talk about the "new gender order" in Europe - where middle-class, native European women have entered the European labour markets in large numbers, reconciling family and work by outsourcing parts of their care work to migrant women. Yet, migrant women seem to be mostly excluded or marginalised from European policy agendas on gender equality.

Gender, welfare and migration regimes

It is clear, from comparative studies, that it is quite inadequate to talk about domestic work in Europe and female migration in monolithic terms. On the theoretical level, three different 'regimes' are at the heart of the phenomenon of 'migrant domestic work' in Europe. Firstly, gender regimes in which household and care work organisation can be seen as the expression of specifically gendered cultural norms. Secondly, welfare regimes, concerning a (multitude) of state regulations, according to which the responsibilities for the well-being of national

citizens is distributed between the state, the family and the market. Thirdly, migration regimes, which either promote or discourage the employment of migrant women workers for various reasons.

Regarding welfare and gender regimes, two distinct models can be identified in Europe: at one end the 'Nordic social care regime' with a high involvement of women in paid work and state commitment to public care for both children and older people; at the other end, the 'Southern European family care regime' with few public services and much lower rates of mothers' employment. In between, there is Germany, Britain and Netherlands, where, as far as young children are concerned, their care outside of school is deemed to be the responsibility of the family, whether or not their mothers worked. In contrast, Belgium and France have had greater involvement of women in paid work and extensive pre-school day care. In countries traditionally centred on a family-based care model (e.g. Spain, Germany, Italy), demographic and economic changes have modified both the demand for elderly care and the availability of unpaid family care work. In those countries we can observe the

Migrant women offer de facto replacement of national women in their traditional care and domestic roles, substituting the decreasing institutional and family support.

transition of welfare state regimes from a 'family' to a 'migrant in the family' model of care.¹³⁸

The actual migration regimes in Europe are deeply gendered.¹³⁹ In order to enable female nationals to 'reconcile'

care work and a working life, some European states have decided to install quotas for the recruitment of domestic workers (Spain, Italy, Greece, Cyprus) or have opened their borders to them (Britain and Ireland).¹⁴⁰

Others, such as Germany, the Nordic States and the Netherlands, have hardly acknowledged the need for migrant domestic workers, let alone included this need in their managed migration policies.¹⁴¹ This, however, does not mean that migrant domestic workers are absent from these countries: they are present and can endure the difficult conditions of life.¹⁴²

Shifts in care provisions in Europe: commercialisation of household services

When we look at care provision across Europe we can also see major changes. One example of this can be seen in the shift in a number of countries from providing care services for older people, disabled people or children, (or, in the case of Southern Europe, not providing services at all) to giving individuals cash payments to buy in home-based care provision. These might take the form of cash or tax credits or tax incentives to pay child minders, nannies, relatives or domestic workers for their services. Britain, Finland, France, Sweden and Norway have all introduced some form of cash provision or tax credit to assist in buying help for childcare in the home.¹⁴³ There are also forms of 'direct payments' which allow older people or disabled people to buy in support and assistance, for example, in Britain, Netherlands, Italy and Austria.¹⁴⁴ Both of these types of provision encourage the development of a particular form of home-based, often low-paid, commodified, care or domestic help, generally accessed privately through the market.

In Europe, the spread of welfare-to-work programmes and public subsidies for paid domestic labour is expected to stimulate households to outsource personal services. The Danish Home Service Scheme, for example, subsidises companies providing domestic services (e.g. shopping, cooking,

cleaning, gardening) that customers could otherwise perform themselves in, or close to, their homes. In Sweden tax deductions have been introduced for domestic services also in the home. It is realistic to expect further commercialisation of household services in different European countries.

There might be a direct or indirect relationship between the development of such policies and the employment of migrant women as domestic/care workers. However, this is a relationship that has not been examined very closely by previous research.

South European patterns

According to available data the absolute number and relative relevance of female migration, and the contribution of migrant domestic workers to the host countries' economies and societies, are clearly very different among European countries. Labour force participation rates for migrant women tend to be higher in Southern European countries, where migrant women are highly represented among domestic workers.¹⁴⁵ These are the same countries where national women's participation rate in the labour force has rapidly increased over the last decade. For example, Spain is one of the countries that has experienced a rapid increase in female employment: between 1993 and 2003 women's employment jumped from 31.5 per cent to 46.8 per cent.¹⁴⁶ This could, at least in part, confirm the above mentioned correlation between national women's insertion into the labour market and the outsourcing of care work to migrant domestic workers. This tendency seems to be even higher in big urban centres, where domestic work is often concentrated, and where data on female immigrant participation in the labour force could be even higher than for national women.¹⁴⁷

The composition of recent migration flows into Southern European countries are characterised by the unprecedented concentration of migrant workers in households. Data available on the sectoral breakdown of foreign labour in OECD countries in 2000–1 show a remarkable over-representation of foreigners employed in 'services to households' (i.e. housework and personal services) in Mediterranean countries, with percentage shares ranging from 18.1 in Greece to 10.8 in Italy, compared with 1.2 for the UK and 1.9 for the USA.¹⁴⁸ Housework, together with child care and elderly care are typical sectors of the underground economy; in Italy the share of irregular labour input in 'household services' is estimated at 83 per cent.¹⁴⁹

Demand for long-term care and a large informal sector of the economy provide an example of mutually reinforcing factors shaping migration patterns in southern European countries.¹⁵⁰ However, the creation of radically new care arrangements was also facilitated by the political and economic collapse of the Eastern Bloc and the processes of the enlargement of the European Union. Enlargement of the European Union and the effects of neo-liberal restructuring in Central and Eastern Europe on women's economic opportunities have led to an increase in migration of women to Western Europe in search of work. The post-communist economic transition has resulted in a situation where the middle classes of developing and post-Soviet nations earn less than members of the working class of post-industrial nations.¹⁵¹

The arrival of large numbers of the immigrant female workers from Eastern European countries allowed a typically Southern European immigration pattern to spontaneously develop into a new model of care for the elderly. Cheap and flexible, this model is able to overcome the structural deficiencies of

public family care provision, and strikes a good balance between the conflicting needs of publicly supporting care of the elderly and controlling public expenditure.¹⁵² For example, in Italy, Ukrainian women were reported to be 21 per cent of the total number of domestic workers officially registered under the social security system in 2001, followed by Filipino (15 per cent), Romanian (15 per cent), Ecuadorian, Peruvian and Polish (6 per cent each) women.¹⁵³ In Spain, migration from Latin America accounts for the largest share of women employed in domestic work, mostly Ecuadorian (30 per cent) and Colombian (13 per cent), but the sector also attracts a high number of Romanian (14 per cent) and Moroccan women.¹⁵⁴ On the other hand, evidence provided by statistical data on migrant women's participation in this sector should be taken with caution as it provides only a limited picture of the situation. A very large share of women domestic workers is most probably still unaccounted for, due to their irregular migration and employment status.¹⁵⁵

Status of domestic workers

In spite of the growing evidence on the increasing demand for foreign labour in the domestic sector, and the largely docu-

mented participation of female irregular migrants, only a few European countries currently foresee the possibility of issuing work permits for the purpose of domestic work.¹⁵⁶ As already mentioned, in some limited cases, European governments have set up systems for admissions of migrant domestic workers on temporary working programmes. Far from meeting the actual labour demand in the sector, these systems open some regular migration channels into the national labour market for these categories of workers. However, even when specific provisions exist to regulate the entry and temporary employment of immigrant domestic workers, it is important to highlight that temporary work permits are by nature restrictive of the full enjoyment of labour rights, in particular with regard to: the possibility to change employer or sector; the enjoyment of specific welfare benefits, such as unemployment benefits; and the right to family reunification.¹⁵⁷ The first is particularly relevant as, given the very private and hidden nature of domestic work, it makes the worker more vulnerable to exploitation and sometimes more prone to accepting irregular status, where more flexibility is, in theory, allowed.

Conditions for migrant workers in the Netherlands

In the Netherlands research carried out by the Commission for Filipino Migrant Workers (CFMW) based on interviews with 182 migrant domestic workers in December 2005 recorded the following conditions of migrant domestic workers:

- No written contracts between family employers and worker.
- Work without social benefits, access to health care and education.
- Insecurity of job - options for terminating employment are frequently unilateral on the side of the employer.
- When the employer is on holiday, or the worker is ill, a practice of 'no work – no pay' applies.

- Migrant domestic workers are expected to be 'always on the job' – they experience reprimands or threats to lose job even if legitimate reasons for absence such as illness or personal/family emergency.
- Multiple part-time jobs when 'live-out', including work at weekends.
- Total availability when 'live-in' - can be called on to work at any time and frequently the agreed 'day-off' is cancelled or changed by employer.
- Most find it difficult to negotiate even a small change in their working conditions – and feel they are 'totally dependent on the goodwill of employer'.
- Migrant domestic workers who live-in are constantly negotiating a dividing line between being a 'worker' and being 'part of the family', their accommodation is often in cramped conditions
- Migrant domestic workers who live-out are faced with frequent sub-letting of accommodation, high rents and unscrupulous landlords.
- All domestic workers interviewed do not have access to public health care and are therefore not able to benefit from preventative health care services e.g. check-up for cancer or tuberculosis; a few choose to pay a private health insurance.
- Fatigue and stress are common health complaints among migrant domestic workers.
- Most are fearful to protest violations of their rights or experiences of abuse and threats, since the consequences of losing their job(s) are very high – migrant domestic workers families in their home countries literally depend on their daily work.
- All migrant domestic workers interviewed report experiences of racism in different forms: racist remarks and stereotyping; racist put-down.
- African migrant domestic workers report discrimination on availability of work and exploitation in the lower wages paid to them as compared to migrant domestic workers of other nationalities.

Source: RESPECT (2009) Acting together for the protection of the rights of migrant domestic workers: Migrant domestic workers perspectives, Paper submitted to the United Nations Human Rights Council (UNHRC) Committee on Migrant Workers Office of the High Commissioner for Human Rights, UNOG-OHCHR October 14, 2009

Multiple discrimination against domestic workers

The lack of recognition of domestic work as real work, the consequent low value attributed to it and, by extension, to those performing it, is still very much embedded in most Western European societies. Thus, women labour migrants typically do jobs that no one else is willing to do in the host countries. The low value attributed to care work is underpinned by gender ideologies which portray care work as a natural part of women's role: as something requiring few skills that all women and girls are able to do.

There are clear links of ethnic subordination with occupational stigma surrounding domestic work.¹⁵⁸ This raises important questions of how the stigma attached to domestic work can be modified and transformed. For example, experiences of Albanian domestic workers in Greece shows that domestic service, in particular live-in work, has never been and is still not considered 'normal work' protected by labour law regulations, but is seen as family business, which leaves its regulation up to individual employers.¹⁵⁹ Hantzaroula shows the negative effects of racist employers' attitudes on Albanian migrant women, which coincide

with a public racist discourse and a lack in the provision of citizenship rights for these workers.¹⁶⁰ Research on Cypriot, middle-class, urban, women revealed that domestic workers were not included in their definition of a 'woman'. They are, for example, considered bad for having left their families to go abroad, something which makes their sexual morality and decency doubtful. In addition, Cypriot women feel the need to behave 'modern', like 'Europeans'. Thus, women who do not behave like 'Europeans', such as women from Sri Lanka and the Philippines are backward.¹⁶¹ In relation to race relations, institutional measures to combat racism in

all fields are relatively undeveloped in South European countries and have been the subject of considerable criticism in the 2006 Report of the European Commission against Racism and Intolerance. Next to encouraging an intersectional analysis and combating all forms of discrimination, there is a great need to re-conceptualise care work as valuable and productive, for example, by finding ways to assign a monetary value to unpaid care work, to show the significant contribution this makes to national economies and the sustainability of the welfare sectors.

"Life is hard in the Philippines. You don't earn enough. Nothing will happen to you if you stay there. Even though you are a maid here, at least you are earning money. What I couldn't buy in the Philippines, I could buy here ... but the work is difficult. You bend your back scrubbing. You experience what you would never experience in the Philippines. In the Philippines, your work is light but you don't have any money. Here you make money, but your body is exhausted." - Vanessa Dulang, domestic worker in Rome, Italy

Source : Parrenas R (2000). 'Migrant Filipina Domestic Workers and the International Division of Reproductive Labor'. *Gender&Society* Vol. 14, No. 4 pp. 560-580

7. POLICY OVERVIEW

Introduction to the section

This section places emphasis on the normative and legal frameworks for protecting migrant women's human and labour rights. The first part focuses on various instruments at the global level while the latter part of this section is dedicated to legislation in the EU context.

International normative and legal frameworks for protecting migrant women's human and labour rights

The question regarding migrants' human and labour rights has become markedly more visible over the last decade. Because of the activity and advocacy by migrant and migrant women's organisations, human rights organisations and international organisations such as the UN and ILO, migrants' rights has emerged as a formal topic on the agenda of many migration-related conferences and forums. The struggle to have international standards for migrant women's rights guaranteed in both general human rights standards and standards specifically elaborated to recognise the specificities and vulnerabilities of women is still ongoing.

When migrant women are able to fully exercise their rights they can be empowered by the migration experience, exploring the freedom to make choices about their own lives. This freedom may promote greater gender equality, increases in household income and reductions in poverty, leads to better health outcomes for themselves and their children and higher levels of education. However, ensuring human rights alone

is not sufficient to address the widespread situations of labour exploitation of migrant women including low wages, long hours of work and insufficient periods of rest and leave and, in the worst cases, physical or sexual abuse.¹⁶² International standards for protecting migrant women's human and labour rights can help to achieve for example more equality and social cohesion. But they do not necessarily challenge the issue of redistribution (of power and resources) and structural inequalities, which have a big influence on shaping migration (as seen in the previous chapters).

While norms by themselves will not prevent abuses, they can serve as a basis for advocating implementation of policies and programmes to achieve these goals. There are several relevant major international human rights conventions with relevance to migrant women's rights. The 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has been characterised as one of the most fundamental human rights instruments that define basic, universal, human rights and ensure their explicit extension to vulnerable groups world-wide.¹⁶³ The other are the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Racism and Racial Discrimination (CERD), the Convention Against Torture (CAT), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC).¹⁶⁴

International Convention on the Rights of Migrant Workers and Members of their Families

The International Convention on the Rights of Migrant Workers and Members of their Families reaffirms basic human rights norms and embodies them in an instrument applicable to migrant workers and their families.¹⁶⁵ The underlying goal of the Convention is to guarantee minimum rights for migrant workers and members of their families who are in legal or undocumented/irregular situations. The Convention brings together provisions that are dispersed in other instruments, establishing a clearer normative framework.¹⁶⁶ The Convention defines the rights of migrant workers under two main headings: “*The human rights of migrants workers and members of their families*” (Part III), which reaffirms the human rights of all migrants regardless of their legal status, and “*Other rights of migrant workers*” (Part IV), which sets out additional rights applied only to migrant workers in a regular situation. Although the rights provided by the Convention apply to both men and women migrants, and Article 45 specifically addresses the equality of the rights, the Convention does not explicitly address many needs that are particular to women.¹⁶⁷ As we have already emphasised in this report, many migrant women work in non-regulated sectors of the economy, including domestic work, which leaves them vulnerable to exploitation and abuse.¹⁶⁸ A further problem for migrants in general, and migrant women in particular, is the fact that the ratification of the 1990 Convention has been very disappointing, both in absolute and in relative terms. The International Convention on the Rights of Migrant Workers and Members of their Families has so far been ratified by fewer than 50 countries, the great majority of which are predominantly migrant-sending rather than migrant-re-

ceiving countries.¹⁶⁹ This makes the Convention the least ratified convention among all the major international human rights treaties.¹⁷⁰ Nation states are clearly reluctant to sign up to an international convention that limits their sovereignty and ability to restrict the rights of migrants living and working in their territories. However, there is an urgent need for systematic analysis and critical discussion of the reasons and political mechanisms why different countries grant or restrict migrants certain rights. This analysis needs to include: an exploration of potential ways of measuring migrant rights across countries that could facilitate comparative analysis; a critical discussion of effects of migrant rights on migrants and non-migrants in receiving and sending countries; and an analysis of the potential economic, political and other factors that might explain the variation of migrant rights in different countries of the world.

Many migrant women work in non-regulated sectors of the economy, including domestic work, which leaves them vulnerable to exploitation and abuse.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Among the most relevant human rights instruments for migrant women is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which has been ratified by 185 States parties. The rights granted in CEDAW are aimed at fighting and preventing all forms of discrimination suffered by women and covers the range of women's socio-economic, civil and political rights, in both the public and private spheres. However, the CEDAW Convention does not have a specific Article on migration. This has at times resulted in the exclusion of women migrants' concerns

CEDAW has the widest possible application that can be used to address any situation of discrimination against women, including all differed stages of migration.

from official and NGO reports to the CEDAW Committee, where reporting has followed the letter of the law i.e. specific Articles contained in the Convention. Moreover, the composition of the CEDAW Committee changes periodically as each member has a four year term. This may adversely impact the significance accorded to migration concerns during the review process, depending on how conversant members are with the issue or how strongly they feel about it. The likelihood of this happening is potentially greater in the absence of a specific

Article on migration and a lack of consistent reporting by States Parties and NGOs on women migrants' concerns. CEDAW's policy framework which is grounded on the principles of substantive equality, non-discrimination and state obligation gives CEDAW the widest possible applicability that can be used to address any situation of discrimination against women, including at different stages of migration. Article 9 of the CEDAW specifies that States parties "shall grant women equal rights with men to acquire, change or retain their nationality". They shall ensure in particular that "neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband." It also says: "State parties shall grant women equal rights with men with respect to the nationality of their children." The CEDAW includes a number of other provisions applicable to migrant women: the elimination of sex role stereotyping (Article 5), suppression of traffic in women and exploitation of prostitutes (Article 6), and an end to discrimination in the field of employment and citizenship (Ar-

ticles 3, 9 and 11). Article 14 requires States parties to act to eliminate gender discrimination in rural areas. Protection from such discrimination is important in helping to ensure that rural women need not migrate in search of their rights and employment opportunities. In establishing which rights are violated in the migration process, it is useful to go beyond the CEDAW Articles, to also draw on the General Recommendations adopted by the CEDAW Committee. An important example is General Recommendation No.19 on gender-based violence – a human rights violation not explicitly included in the CEDAW Convention. General Recommendation No. 19 states that gender-based violence in all its forms includes acts inflicting physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC)

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), with 173 States parties, is a further instrument for protecting the rights of migrant workers, since many migrants experience racial discrimination. The Convention on the Rights of the Child (CRC)—the most widely ratified international treaty with 193 States parties—includes several articles useful in protecting migrant children (for example, Article 11 proscribes trafficking of children under 18 years old; Article 19 requires States to protect children from violence, abuse, neglect, exploitation and sexual abuse).¹⁷³

ILO provisions

Some of the concerns faced by migrant women workers are specifically dealt with

by the ILO instruments on labour migration, namely the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provision) Convention, 1975 (No. 143) and their accompanying recommendations. Convention No. 97 introduced the principle of equality of treatment between regular migrant workers and national workers with respect to hours of work, rest period and holidays.¹⁷⁴ It broadly aims at protecting regular migrant workers from discrimination and exploitation. Convention No. 143 addresses the issue of control of migration flows, including clandestine migration and illegal employment of migrants. It also widens the scope of equality between migrant workers by extending it from equality of treatment to equality of opportunities. Most importantly, it clearly highlights the obligation to respect the basic human rights of all migrants, irrespective of their legal status in the country of destination. Many important ILO conventions are also relevant to domestic workers. They cover a wide range of labour rights in relation, among others, to maternity protection, night work, protection of wages, part time work, holiday with pay, social security benefits, employment promotion and protection against unemployment, conciliation of work and family responsibilities, etc. The ILO Governing Body, in its 31st session of March 2008, agreed to include “Decent work for domestic workers” (Standard setting) in the agenda of the 99th Session (2010) of the International Labour Conference, which is clearly an historic decision.¹⁷⁵

Protection of migrant women's rights through international standards

According to research findings on the subject, the relation between migration and labour standards enforcement is a particularly challenging problem for the protection of migrant women's rights.¹⁷⁶ What happens

at the ground level to migrants is determined by State regulations, labour market legislation and policies, and welfare arrangements, which may or may not be in accord with international norms. Although a range of initiatives exist at the national level to protect migrant rights in general and women migrant rights in particular, there is little consistency to these efforts. Rather, States have adopted policies and programmes in a piecemeal manner, often responding to particularly egregious events. Furthermore, the designation of migrant persons as ‘illegal’ and, therefore, denied both legal recognition and protection of their basic rights, is establishing legal and juridical precedents in many countries and internationally. If a major vulnerable group is de facto exempted from recognition of basic rights, it leaves the door open to measures further restricting or ignoring their rights and, thus, further undermining the universality of human rights protection.¹⁷⁷ In public debates undocumented migrants make convenient scapegoats to explain problems of crime rates and deteriorating public welfare services. Even usually progressive governments, such as Sweden and Denmark, are not immune to framing migration as a problematic phenomenon.¹⁷⁸ For example, since the 1990s in Swedish migratory discourse, migrants were primarily regarded a burden for Sweden and its population. Emphasis was put on the alleged relationship between crime and abuse of public social security and migration.¹⁷⁹ For example, the Social Democrats and the main blue-collar union (the ‘LO’) warned about ‘social tourism,’ ‘abuse’ of the Swedish welfare system by immigrants to whom a Swedish child care allowance would be worth ‘three to four times as much’.¹⁸⁰ Moreover, immigration was described as a public sector budget burden and ‘unprofitable’. When discussing migrant women's rights contained in different international stan-

dards and conventions, it is important to emphasise the universal character of those rights. However, one must be careful in using the universal human rights framework as a solution to all the problems related to migrant women's participation in the labour markets. From a feminist perspective we can argue that women's rights are not human rights unless all women are included in that analysis. Power differences and inequality exist among women and between women and men and this must be acknowledged. Furthermore, we can assume that for many migrant women, specific economic and social rights are of much more significance for migrant women's well-being than universal human rights.

European Union and migrant women's rights

EU official documents and European policy makers largely recognise the major need of migrant workers for the social cohesion and economic wellbeing of European countries. The question is, however, if the European Union is able to provide new opportunities for the better protection and working environment for migrant women? Since 1999, the European Union has adopted several directives and policies with a view to gradually develop a common immigration policy. Yet, these policies have been criticised for not integrating a gender perspective and not addressing the discrimination faced by immigrant women and their specific situa-

tion.¹⁸¹ In 2004, the European Commission recognised that a *"systematic mainstreaming of gender considerations seems to be lacking in most Member States when dealing with immigration, both in terms of policy and data"*.¹⁸² Current EU gender policies do not effectively tackle the structural origins of women's discrimination as they reflect an excessively formal and narrow concept of equality that takes little account of the difference in the social and economic circumstances of women and men. In particular, the EU 'equal opportunities policy' and 'gender mainstreaming' do not target the structural causes of gender discrimination that are rooted in the patriarchal relations between the sexes. Moreover, issues related to gender and to ethnic minorities tend to be covered by separate policies, rather than as part of an integrated approach, although developments in the last decade show some recognition at EU level of the importance of a gender equality perspective in immigration policy (See box below). For example, two anti-discrimination directives adopted in 2000, preventing discrimination on grounds of race and ethnic origin (2000/43/EC) and on grounds of religion or belief, disability, age or sexual orientation at work (2000/78/EC), recognise that women are often victims of multiple discrimination, but they do not provide for proper mechanisms to address the structural origins of discrimination against migrant women.¹⁸³

Selected EU communications, directives and policies on women's migration

Communication 'A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the EU' COM(2005)389

The Communication 'A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the EU' COM(2005)389 states that a gender perspective should

be incorporated into all relevant actions and, in addition, particular mention is made under 'participation of immigrants in the democratic process' that a balanced gender representation should be promoted; and in 'mainstreaming' that due attention should be paid to the mainstreaming of gender equality.¹⁸⁴

European Fund for the Integration of Third-Country Nationals (2007-2013)28:

The European Fund for the Integration of Third-Country Nationals (2007-2013)28: Actions, including introduction programmes and activities, whose main objective is to address the specific needs of particular groups, including women.¹⁸⁵

Roadmap for Equality between Women and Men 2006-2010

The Roadmap for Equality between Women and Men adopted in March 2006 includes a commitment to promote "gender equality in migration and integration policies in order to ensure women's rights and civic participation, to fully use their employment potential and to improve their access to education and lifelong learning". The key actions proposed are, in particular, to monitor gender mainstreaming in the Framework for the Integration of Third Country Nationals in the EU and in the follow-up to the Policy Plan on Legal Migration.¹⁸⁶

European Parliament resolution on regulating domestic help in the informal sector (2000/2021(INI))

The European Parliament resolution on regulating domestic help in the informal sector (2000/2021(INI)) calls on the Member States, with the Commission's assistance, to draw up a strategy with accompanying measures, to promote the integration of migrant women in the host country. The European Parliament recognised as matters of concern the absence of a definition of 'domestic helps' as well as "increasing demand for domestic help as a result of changes in family circumstance, work circumstances, the way time is spent and the interests of both men and women".¹⁸⁷

European Parliament report on women's immigration: the role and place of immigrant women in the European Union (2006/2010(INI))

The EP report by Rodi Kratsa-Tsagaropoulou was adopted in 2006 by the Women's Rights and Gender Equality (FEMM) Committee on Immigrant women in the EU and called Member States to guarantee respect for the fundamental rights of immigrant women, and their integration in economic and social life.¹⁸⁸

Council of Europe Convention on Action against Trafficking in Human Beings (CETS N° 197)

The Council of Europe Convention on Action against Trafficking in Human Beings (CETS N° 197) was adopted by the Committee of Ministers on 3 May 2005. The Convention is a comprehensive treaty mainly focussed on the protection of victims of trafficking and the safeguard of their rights. It also aims at preventing trafficking as well as prosecuting traffickers.¹⁸⁹

¹⁸⁹

Council of Europe - Recommendation N 1261 (1995) on the Situation of Immigrant Women in Europe

Recommendation 1261 (1995), states that “the member states of the Council of Europe must do everything possible to eliminate the injustice and discrimination suffered by immigrant women and adopt measures aimed at their harmonious integration into society.”

Fortress Europe

The gender aspects of European migration policies are complex and multiple, ranging from positive factors enhancing migrant women's employment, earnings and social position, to negative factors leading to different practices of exploitation. Undoubtedly, however, the European restrictive and economic needs oriented immigration policies and efforts to “strengthen the external borders” have made it impossible for many migrant women to enter Europe independently, through legal channels and to find employment outside the unskilled, low-paid, feminised sectors of the economy. Different reviews of the ways in which European states have tackled the issue of irregular migration illustrates that the EU remains unsuccessful in the development and implementation of a coherent and consistent approach, which reconciles the protection of human rights and social standards in the employment of migrant women with the goal of organising employment in a formal and lawful framework.

The main perspective from which the EU considers migration is that of economic needs. The strong link between legal immigration and the socio-economic development of the EU is frequently emphasised in different EU policy documents. In 2006, the European Commission published a Communication entitled “Global Approach to Migration one year on: Towards a Comprehensive European Migration Policy”,

which re-emphasises the need to develop a transnational policy on regular immigration facilitating the admission of certain categories of migrant workers through “a needs-based approach” and especially taking into account the case of “highly skilled” migrants. In the communication “On circular migration and mobility partnerships between the European Union and third countries” (COM(2007)248) the Commission “looks at ways to facilitate circular migration, which will help EU Member States address their labour needs” (COM(2007)248: 2). The “Lisbon strategy for growth and jobs” states: “appropriate management of economic immigration is essential for EU competitiveness” (COM(2008)349: 4). It highlights that “immigration for economic purposes should respond to a common needs-based assessment of EU labour markets addressing all skills levels and sectors in order to enhance the knowledge based economy of Europe, to advance economic growth and to meet labour market requirements”.¹⁹⁰ In policy discussions around the Lisbon Strategy, references are made to the wider economic growth and stability objectives, but social policy objectives relating to gender equality, including active parenting and work/life balance, are rarely mentioned. Furthermore, there is a lack of serious debate on how immigration and the Lisbon Strategy fit together. Where do they reinforce each other, and where may there be contradictions? The current debate on economic growth is not approached from the migrants' perspective. EU's migration policy should not only be

shaped by concerns over 'jobs and growth'. The social, cultural and economic contributions of migrants, their right to decent work

conditions, family reunion, and their prospects for integration should be central to EU's migration policies.

EU Blue Card Directive

On 25 May 2009, the Council of the European Union adopted the Blue Card Directive aimed at facilitating conditions of entry and residence in the EU of third-country citizens for the purpose of highly qualified employment. Under the rules set by the directive, EU Blue Card holders will enjoy equal treatment with nationals of the member state issuing the Blue Card, as regards:

- working conditions, including pay and dismissal;
- freedom of association;
- education, training and recognition of qualifications;
- a number of provisions in national law regarding social security and pensions;
- access to goods and services, including procedures for obtaining housing, information and counselling services; and
- free access to the entire territory of the member state concerned within the limits provided for by national law.

A major concern about the Blue Card proposal is that highly qualified migrant workers will receive more generous treatment than other migrant workers, which will institutionalise discrimination on the basis of skill level in the acquisition of labour rights.

The official line of European immigration policy, in particular regarding unregulated migration, focuses on restrictive policy measures, which contribute to the increased vulnerability of women migrant workers.

For example, in 2008, the European Parliament passed the Returns Directive of illegal immigrants which was met with unprecedented resistance and criticism both within Europe and beyond. The directive stipulates, among other things, that those who become undocumented, including children, pregnant women and families, may be detained for 18 months pending removal. Following a deportation decision, a voluntary departure period of between seven and thirty days is established. If the migrant then fails to leave the territory, for whatever reason, a removal order will be issued. Critics questioned the directive because it does not

guarantee the return of irregular migrants in safety and dignity. On the contrary, an excessive period of detention of up to 1.5 years, as well as an EU-wide re-entry ban for those forcibly returned, risk lowering existing human rights standards and set an extremely bad example to other regions in the world.

The ambiguity of the EU migration policy becomes also clear when looking at the Directive on sanctions against employers of unauthorized workers (2009/52/EC), passed in 2009 by the European Parliament. The Directive specifies that national legislation should hold that the "employer is responsible to pay: (a) any outstanding remuneration to the illegally employed third country national.¹⁹² The agreed level of remuneration is presumed to have been at least the wage provided for by the applicable laws on min-

imum wages, collective agreements or practices in the relevant occupational branches unless one of the employer or the employee can prove differently, while respecting, where appropriate, the mandatory national provisions concerning wages; (b) an amount equal to any taxes and social security contributions that the employer would have paid had the third-country national been legally employed, (...); and (c) where appropriate, any cost arising from sending back payments to the country to which the third-country national has returned or has been returned.” The directive also holds that “illegally employed third country nationals shall be systematically and objectively informed about their rights [under these provisions] before the enforcement of any return decision.” While the Directive recognises the need to address the systematic exploitation of undocumented migrants to a

certain extent, the main focus still lies on controlling immigration, and the return of irregular migrants.

The implementation of restrictive migration policies has also repercussion for development policies; it can lead to the formulation of conditionalities attached to development projects and programmes and to a further instrumentalisation of development aid. The financing of the joint EU border controls is mainly paid out of national budgets. However, some money comes from different EU budget lines, including a small part from the development cooperation budget. Technical and financial support is used to put pressure on partner countries to ratify and implement readmission agreements and to agree on police/military cooperation for border controls.¹⁹³

8. EMPOWERMENT AND POLITICAL VOICE

Introduction

In recent years, more and more migrants are mobilising in Europe. Grassroots organisations and non-governmental organisations (NGOs) are an important force for change in women migrant workers' rights. Old and new networks are active and links to the women's movements, trade unions and other social actors are strengthened. At the same time, national, regional and international networks of civil society organisations working towards the human rights of women migrant workers have emerged in various parts of the world. This section introduces some of the migrant women's organisation active, predominantly in Europe, the role of migrant women workers' rights in trade union and also includes a brief discussion around voice and empowerment.

Migrant women's organisations

European Network of Migrant Women (ENoMW)

The **European Network of Migrant Women (ENoMW)** represents the concerns, needs and interests of migrant women in Europe. The objectives of the ENoMW are to promote equal treatment, equal rights and better integration for migrant women in Europe; to provide regular input on all areas of EU policy development and implementation that have an impact on migrant women's lives; to help shape social policies and design action programmes addressing migrant women's specific needs; to represent member's organisations and lobby for, and with, migrant women to have a stronger voice at the European level; and to support

migrant women's organisations and movements through information and trainings.

RESPECT

Another important European network for defending migrant domestic workers rights is **RESPECT**. Respect stands for Rights, Equality, Solidarity, Power in, Europe and Co-operation Today. This network of migrant domestic workers campaigns for the rights of women and men working in European households. Undocumented migrant women face various barriers to organise themselves. The lack of a legal status often makes them more hesitant to speak up publicly and demonstrate because of the fear of deportation. Private households in which women work are scattered in different city areas, most domestic workers have long working hours, more than one job or are live-ins. This makes it difficult to exchange experiences, come together, and find time for joint social and political activities. The RESPECT-network sees the empowerment of individual migrant worker as the basic requirement for any further political and social engagement. One aim of the network is to build up social ties among the women and then transform these social networks into political ones and politicise every-day experiences. Among the members are the Filipino organization, KASAPI from Greece, the Dominican women's organization, VO-MADE from Spain, the Philippine women's network BABAYLAN, DONNE NEL MUNDO from Italy, the Italian trade union FILCAMS-CGIL, the German RESPECT network (which has several organisations attached to it) and others.

Pan-European organisations

A number of Pan-European organisations of migrant women have also emerged. These often use their country of origin as the basis for political participation. One example is the **Turkish Women Migrants of Europe**. Sub-Saharan women have also been particularly active in organising at the European level.

Another important organisation is **BABALYAN**, the network of Philippine Women in Europe. This is an initiative of Philippine women's groups and women's desks in Europe. It is a response to a long felt need of Filipinas living and working in Europe to link together and forge unity to improve their situation, address specific issues affecting women. It seeks to develop an effective and liberating support system for Filipinas. It aims to empower women through campaigning on issues affecting Filipino women in Europe and in the Philippines through training seminars, conferences, education, information sharing, lobbying and actual advocacy, networking with labour unions (e.g. The Au Pair network in Denmark) and with academe, participating as well as carrying out research. BABALYAN Europe has had national platforms in 10 countries, mostly in the EU, the youngest of which is BABALYAN Denmark that consolidated in 1997.

The **Black European Women's Council (BEWC)** is a European network represented in 17 EU member states. The majority of BEWC are African or from African descent. **TIYE International**, the umbrella NGO of 21 National Organisations of Black, Migrant and Refugee (BMR) women in the Netherlands and **AFRA**, a non-profit, non governmental self-organisation and NGO of Black Women with headquarter in Vienna, Austria are co-founders of BEWC.

Women in Informal Employment: Globalizing and Organizing (WIEGO)

Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global research-policy network that seeks to improve the status of the working poor, especially women, in the informal economy. It does so by highlighting the size, composition, characteristics, and contribution of the informal economy through improved statistics and research; by helping to strengthen member-based organisations of informal workers; and by promoting policy dialogues and processes that include representatives of informal worker organizations. The common motivation for those who join the network is the relative lack of recognition, understanding, and support for the working poor in the informal economy, especially women, by policy makers, economic planners, and the international development community.

Trade unions and migrant women workers' rights

Women migrant workers rights were traditionally at the margins of trade union movements around the world. For example, most domestic worker are not organised into trade unions and have no representative voice. In some countries they are not allowed to join trade unions. Even where they have the legal right to organise, because they are isolated and vulnerable, it is not easy for them to do so. Generally, national trade unions have not prioritised organising domestic workers precisely because they are invisible, are women in "low status" jobs, seemingly without collective power, difficult to organise using traditional approaches and a challenge for financial sustainability. Yet, the increasing number of migrant women in the labour force and their conditions of work clearly constitute a challenge

which cannot be ignored by trade unions. In response to this, trade unions at the European level have started to place the concerns of migrants on their agenda and increasing interest is being dedicated to the problems faced by female domestic workers.

In 2005 the **European Trade Union Confederation (ETUC)** organised an international conference dedicated to the subject of domestic work. Unions and NGOs from different European countries were given the opportunity to share their experiences and their actions to protect migrant domestic workers. The outcome of the conference was an emphasis on the need for trade unions to develop new and innovative ways to reach all workers in the informal economy, especially those in the domestic sector. Organising migrant workers in the informal economy and lobbying for their rights would be one way to work for improved legislative and policy frameworks.

The **International Domestic Workers' Network (IDWN)** should be mentioned regarding domestic workers' rights and trade unions. The objectives of this network is: to assist in the organisation of domestic workers' unions where they do not yet exist; to serve as a clearing house for the exchange of information; to organise mutual support and solidarity; to advance common political aims (international standards, national legislation); to represent domestic workers at international level; and to secure the support of the wider labour movement for each of these objectives. Trade Unions are also pushing this agenda forward within the ILO and supporting the development of a new standard-setting instrument specifically devoted to the subject. The role of Global Unions is also of great importance to mobilise attention around the subject, promote cooperation between unions and with NGOs and to push the ILO agenda forward on the

subject by virtue of their full status as one of the tripartite members of the ILO. The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (**IUF**) took a lead in developing an international programme of work for domestic/household workers' rights. At the national level, the Trade Unions' interest in migrant domestic workers, especially those in irregular working status, is more problematic. In many countries trade unions are extremely hostile towards irregular migrants.

Agency and empowerment versus victimisation

Much of the current discourse on migrant women workers centres on victimisation. Discussion concerning women migrant workers at national and international level is usually limited to violence and human trafficking. Violence against women migrant workers and the trafficking of women is a serious worldwide problem, and it must be addressed. However, other aspects of women's migration should also be addressed. As stated in previous sections, migrant women workers face different forms of discrimination, the denial of basic workers' rights, and other forms of exploitation. The international community and countries must address all types of human rights violations faced by women migrant workers, and not simply address human rights when the women's lives are at risk.

While it is undisputable that migrant women workers are more vulnerable to exploitation than male migrant workers or female nationals of host countries - there is more need for the integration of concepts such as agency and empowerment in the discourse on migrant women workers. First, there must be a shift from a victimisation perspective to a rights-based perspective. Is-

sues of migration, women's right to work, and the exercise of choice, as fundamental human rights should inform the discussion on migrant women workers. Second, both host and home countries must recognise the contributions of migrant women workers. Host countries benefit from migrant women workers as a source of labour, while home countries often rely on migrant women

workers because of the economic importance of the remittances they send back to their home countries. Furthermore, domestic, care and informal work should be viewed as work, and migrant women workers should have equal legal rights as workers. More emphasis on an empowerment perspective will allow migrant women workers, quite simply, to stake a claim for their human rights.

Concluding remarks by WIDE

For millions of women around the globe migration is a necessity to sustain lives or to break away from violence, thus gaining security for themselves and their families. Others migrate as a way to improve their living standards, attain career opportunities or increase their personal freedoms by escaping political, cultural or social restrictions. Globalisation, as shown by this report, significantly impacts on women's work, mobility and empowerment, and shapes women's labour migration to a great extent.

Following the analysis provided in "Women's labour migration in the context of globalisation this publication", WIDE has formulated a number of recommendations looking at short-term objectives that strengthen the normative and legal frameworks to safeguard women migrants' human and labour rights. The recommendations intend to implement these frameworks more effectively, by applying them in a non-discriminatory manner. They aim to strengthen the rights and positions of women migrant workers and to improve their protection and empowerment by accommodating and not restricting migration flows – with the aim of preventing further exploitation of female migration. WIDE also proposes several long-term recommendations seeking structural change to the current unsustainable and unjust economic development model. This combination of short- and long-term perspectives reflects the multidimensional strategies we have to engage on: next to frontline services and policies we need interventions in and a reframing of the current unsustainable economic, social and development policies which subordinate human

and women's rights, global social rights and gender justice to corporate-driven trade and investment rules and their respective migration regimes. With other words, solidarity actions need to include elements to improve the protection of migrant women and prevent exploitation and abuse, but at the same time the search for sustainable policy solutions is equally important. Likewise, individual claims for rights need to be supported, while the struggle for structural transformation is also part of the agenda. This requires a dual perspective of looking at rights and livelihoods in the county of destination as well as in the county of origin.

1. Expose and resist contemporary neo-liberal policies which destroy people's livelihoods and prolong poverty

As the study has shown, the impact of globalisation upon women's labour migration is complex and varies significantly from place to place. For many women, especially poor women, the EU's increased interest in the opening of foreign markets to European TNCs and to exports and its ambition to secure access to natural resources and cheap production costs, including labour, poses a real threat to their livelihoods, working conditions and security. The failure of current development and neo-liberal economic policies, which have placed the interests of global capital above poverty eradication, decent work and a liveable wage, gender equality and social justice, has had a major impact, creating a need for many women worldwide to search for a livelihood and employment elsewhere. The vast evidence that

unfettered trade liberalisation and market opening –embodied by the current EU trade policies – have not worked to promote human well-being for all urges us to expose and resist contemporary neo-liberal policies and to promote a different model of international trade and investment policies. This new model needs to link economic and social policies, focus on people's needs, rights and livelihoods, including the empowerment of women and social justice. It needs to promote an equal distribution of resources and power, and put the social reproduction side of the economy at the core.

2. Ensure migrant women's access to decent working conditions, a living wage protection under labour legislation and access to social security

Considering the over-representation of women and migrants in low-wage, insecure and informal jobs, governments and the international community need to take actions to ensure that migrant women have access to decent working conditions, protection under labour legislation and access to social security. The particular challenges faced by migrant women workers need to be included when formulating labour rights and social standards at national, regional and global level. States must ensure that the laws and labour codes provide women migrant workers with the same rights and protection that are extended to all workers in the country, including the right to organise and freely associate. This includes ensuring the legal validity of contracts for women migrant workers and special attention to creating and implementing labour laws in occupations dominated by women migrants, such as domestic work.

We need to be aware that the violation of workers' rights and exploitative policies and

practices will not be stopped by simply adding a reference to core labour standards in free trade agreements or trade policies. TNCs must be held accountable for the exploitation and abuse of migrant women workers – in both formal and informal employment relationships. At the same time, the undue influence of TNCs over economic, trade and labour policies in both home and host countries needs to be curbed to ensure that those policies serve the interests of a general public and not the narrow commercial interests of big companies.

To avoid the further 'commodification' of migrant workers, labour migration issues need to be excluded from multilateral trade agreements such as the WTO General Agreement on Trade in Services and from bilateral free trade agreements. These agreements mainly serve corporate interests and push for the temporary liberalisation of high-skilled labour, considering labour migration from a purely economic point of view and excluding other aspects of the migration process as well as the conditions under which migrants work and live. Moreover, it could trigger a new dimension of competition between the different geographic locations: wages and workers' rights are put in direct competition and prompt a 'race to the bottom' in terms of wages and social standards.

3. Ensure recognition of the important productive roles played by both paid and unpaid women's work, also in the context of migration

In addition to highlighting women's social, cultural and economic contribution to society in general, the study specifically focused on migrant women's contribution towards the prosperity and sustainability of welfare and employment systems in destination

countries. Here, care and care work play an important role.

Care and care work must be understood as the centre of human life and social reproduction of society. The economic value of care and care work and the extent to which they contribute to economic growth must be recognised by governments and other stakeholders. The social organisation of care differs from country to country and even within countries, but, as the study has shown, a high number of migrant women find work in the health and care sector.

There is a clear link between the way care work is conceptualised and organised in the EU context, women's increased participation in the labour force, and the care labour of migrant women. Reflecting these trends, governments must ensure that women's informal care work is covered by labour legislation, by minimum wage regulations and social protection, and recognised as a major contribution to the welfare system.

When carrying out labour market needs assessments, care-related work must be taken into account and understood as a vital part of the global political economy (global care chain). Similarly, unequal power relations and the division of household work need to be understood in the context of the international division of reproductive labour. In addition to gender inequalities, disparities in relation to class, ethnicity, age, etc. play an important role.

4. Encourage transnational citizenship and global social rights: deconstruct citizenship, rights and entitlements which are linked to localities, nationality, race, ethnicity, class, caste, and gender

This is important even for migrants within

countries because typically many citizenship rights are residence-based, requiring some paper proof of local residence. This affects not only political rights (such as the ability to vote) but also socio-economic rights such as access to crucial public services such as health, nutrition and education. Short-term and seasonal migrants within countries are, therefore, excluded, as are cross-border migrants without sufficient local tenure of residence. These problems are particularly acute for women migrants who require greater support in terms of access to public services, including reproductive health services.

There is an urgent need for international regulation and legislation to ensure universal rights and transnational citizenship. Rights and entitlements travel with the migrant and must not be linked to localities, nationalities, race, ethnicity, class, caste or gender.

5. Encourage non-racist, non-sexist, non-exploitative migration regimes that are informed by human rights, equality and dignity

Current EU migration policies focus primarily on preventing and controlling migration; they are informed by a mix of economic needs and security interests. European governments continue to display a profound ambivalence about immigration. In almost all EU Member States issues of labour and irregular migration, asylum and integration have become highly politically contested. Populist mobilisation around immigration has placed even progressive governments under pressure to pursue restrictive policy approaches. Through this process many states are disregarding human rights codes as well as their own civil liberties. The result is often weakened rule of law in the spheres

of labour markets and immigration. In addition, populist mobilisation which just scapegoats migrants reduces the possibilities to address real issues and structural problems.

An important area of intervention is to exert more pressure on states to protect their people from trafficking, slavery and gender-related violence. Taking action against employers who take advantage of undocumented women migrants need be encouraged. In addition to decriminalising migration, governments must address the conditions that promote irregular migration, and provide additional opportunities for regular migration (including legalising undocumented workers).

6. Expose and challenge gender discrimination in contemporary migration regimes

For many migrant women the lack of independent legal status creates dependency on the husband, the employer or the state. It puts them in a vulnerable and underprivileged position, impedes their access to fundamental rights, and increases their socio-economic exclusion. Measures need to be put in place to ensure legal recognition of women's independent status, i.e. free of family or economic ties, in order to guarantee respect and ensure implementation of the individual's fundamental rights. At the same time, gender discrimination needs to be removed from legal aspects of immigration and family reunification schemes. Bans and discriminatory restrictions on women's immigration should be done away with, such as visa schemes that restrict the employment of women migrant workers in certain jobs where men predominate or exclude certain female-dominated occupations from visa schemes or prohibit women migrant workers from getting married to na-

tionals or permanent residents or forbid them from becoming pregnant or securing independent housing. Similarly, family reunification schemes for migrant workers should not be directly or indirectly discriminatory on the basis of gender.

7. Encourage international recognition of degrees and qualifications earned in sending countries, and challenge the deskilling of migrant women

It is essential that women migrants are able to realise their professional potential, exercise their human rights and fulfil their aspirations in their country of origin, and hence migrate out of choice, rather than necessity. Women who enter the global labour market as migrants should be able to do so in a safe and legal manner. Their skills, competences, talents and rights need to be recognised and valued by the states and societies that receive them.

In this context it is equally important to challenge the dominant perception of female migrants as 'unskilled'. Therefore, transparent and prompt procedures for the recognition of degrees/diplomas and/or professional qualifications obtained in the country of origin must be put in place. Vocational training and free language courses must be provided. Information should also be provided about access to all public services, especially health services, as well as about the availability of legal and civil assistance when required.

8. Ensure full legal rights of women migrant workers in destination countries

This involves repealing laws and rules that prevent women migrant workers from using the courts and other systems of redress.

Such laws can include the withdrawal of a worker's work permit – resulting in a loss of earnings and possible deportation by immigration authorities – when they file a complaint of exploitation or abuse and while pending investigation. Free legal aid should be provided to ensure that poor migrants have access to legal assistance.

9. Encourage more public awareness on migration issues

This requires encouraging the mass media and other forms of dissemination channels to contribute to awareness-raising on migration issues, including on the contribution of women migrant workers to the economy but also their vulnerability to exploitation and discrimination. It means challenging public images and discourses around migration and migrant women: Stereotypes of unskilled, service-providing, desperate migrant women need to be challenged with the concept of skilled, empowered, decision-making actors in the market and in the community. The victimisation of migrants, and especially of migrant women, needs to be contrasted with empowered survivors and agents in the migration process. Discourses which reduce people to commodities, economic factors and remittances need to be contested; xenophobic talk which furthers the discrimination and criminalisation of migrants must be exposed and ended. Migrant workers must not be the scapegoats for unpopular economic and social reforms. From an intersectional perspective we must also expose and resist any categorisation and hierarchisation of migrants. At the same time

we must be willing to address real issues, concerns and fears that underlie the growing support for exclusion, populist and anti-migrant political movement.

10. Encourage solidarity, organising, networking and movement building

As the study shows, in recent years more and more migrants are mobilising in Europe. Grassroots and non-governmental organisations (NGOs) are an important force for change regarding women migrant workers' rights. Old and new networks are active, and building bridges between migrants and local people, with feminists and other social organisations/movements and trade unions is an important strategy. The identification of commonalities, the building of common agendas and joint campaigns help to link the different struggles.

Trade unions play a central role in representing and promoting the rights of migrant women workers as well as in developing workplace strategies to combat racism, discrimination, xenophobia and sexism. A good example is the foundation of the European Migrant Workers Union. Still, the cooperation between these different actors can be further strengthened and developed. As the report shows a specific and urgent area for joint intervention is for example the area of domestic work.

Last but not least, the financing of the activities of (migrant) women's organisations is crucial for stimulating the political agency of migrant women in general.

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