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Thus, for the student or practitioner of migration these
issues are relevant to understanding the experience and
needs of thousands of women who find themselves willing
– or unwilling – migrants.
Opinions expressed in this publication are those of the author and do not necessarily reflect the views of IOM.

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Cover illustration: from a painting by Vanessa Cuisinier
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88/04
THE WORLD IN MOTION

SHORT ESSAYS ON
MIGRATION AND GENDER

by
Lauren B. Engle
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Acknowledgments and Appreciations

In memoriam
Loretta Iuri
1950-2004

My first debt is to Ndioro Ndiaye, current IOM Deputy Director General, for her overall approval of this project and to the IOM Working Group on Gender Issues for the opportunity to publish this book, and for their critical and patient review, especially Denise Glasscock, Ida Mae Fernandez, Jill Helke, Shabnam Mossaheb, Theodora Suter, Elisa Tsakiri, and Catherine Andela. Thanks also are necessary to all my former colleagues at IOM Washington for their collegial support, but especially to Erin Foster, Ashley Garrett and Shannon Hayden who actively assisted me throughout the writing process; and to the many IOM colleagues who forwarded documents or otherwise provided me with expertise during my research including Gervais Appave, Nilim Baruah, Tristan Burnett, Luca Dall’Oglio, Timnit Embaye, Danielle Grondin, William Hyde, Katsui Kayo, Sophie Nonnenmacher, Irena Omelaniuk, Robert Paiva, Lori Seymour and Pindie Stephen; and to Carol San Miguel and Angela Pedersen for their technical expertise and production efforts that were essential in seeing the book through printing. To my editor, Ilse Pinto Dobernig, I owe a debt of gratitude as the work was greatly improved by her close reading of the drafts and invaluable contributions. Special thanks go to my friends John Buche, Ann Fedorchak, Robert Maguire and Richard Masar for their encouragement over many meals; to my mother, Marilyn Engle, for being a tremendous role model and for inspiring me to greater ends, I would not be the person I am today without her; to my husband, Stephen Lennon, for his unstinting help and encouragement and for allowing me the luxury of time to write. His support has been crucial to the completion of this work. Finally, an additional note of thanks is required for Denise Glasscock, to whom I owe a permanent debt of gratitude for her gracious support and management of this project. This book would not have been possible without her ongoing guidance and support.
CHAPTER 1
Introduction

A topic may be examined in many ways. This book will look at migration and select moments in time, past and present, through the experience of women. Readers may wonder why a practitioner would devote so much time to history when writing such a book, but it is through history that continuities and divergences become clear. It is against the background of history that we can measure developments and their direction, or lack of it, loosely referred to as progress.

The feminization of migration, like the feminization of poverty, is a catchphrase. People use it in an effort to be “gender sensitive”; yet, the term itself has still to be defined and mainstreamed – much like waiting for a fuzzy Polaroid photo to develop into a precise image. You wave it around and slowly shapes begin to take on form and a clear picture appears. This is what we hope to achieve with this book. We hope to raise the visibility of the existing data and casework, to include what has been examined and interpreted by a few, and to present a snapshot of what the catchphrase “feminization of migration” means today and to what issues it may refer to in the future.

The book will proceed in a series of related chapters on discreet subjects that can be read independently. Note that for every chapter a wealth of related literature and expertise already exists. This book does not aim to be a definitive treatment of any single topic, but rather an attempt to gather insights that project the experiences of women in relation to men into a larger and more comprehensive perspective on migration.

DISPELLING MYTHS

One misunderstanding of the phrase the “feminization of migration” is that it is often automatically interpreted in a quantitative sense. More women are moving now than ever before. While this may be true of specific flows to and from specific countries, such as the Philippines, where female migrant labour is by now the country’s largest export item, overall, women have always represented a significant share of migratory movements. At times women were forced to move together with large movements of male populations, such as soldiers or indentured labourers, but there is sufficient evidence to suggest that, on a global scale, women have indeed been represented, if not recorded (and therefore visible), in mobility. It is the qualitative characteristics, how women move today, in what capacity and for what purposes, that reveal the more dramatic changes that underlie the evolution of the phrase the “femi-
The feminization of migration is also largely connected to the advancement of women in developed countries. For example, in Singapore in the 1980s, women began to have more formal opportunities to join the Singaporean work force—opportunities that hinged on having advanced degrees. This advancement opened up opportunities for women from developing countries, such as the Philippines, to fill positions as domestic workers in their homes. While this type of pull factor is widely acknowledged among specialists, it is often overlooked by those using the term feminization of migration in discourse.

It is important at this point to clearly distinguish between the terms “feminism” and “gender.” Feminism is about women’s rights, not equality, that is the specific situation and concerns of women as a group. A feminist is someone who focuses on improving the conditions of women.

Gender, on the other hand, is more abstract and often misinterpreted, or confused with feminist characteristics and/or feminist activism and theory, as most working concepts of gender developed out of “development” theory. Gender” used in the sense of our book is a relational issue; it is about relations between individuals, as well as among groups and institutions. It is a social construction, encompassing the assumptions, expectations and obligations we associate with men and women, and with girls and boys. However, gender is not about biological characteristics of maleness or femaleness. It is about acquired social roles and relationships. These change over time and vary across cultures. A gendered analysis is about understanding power, the way it is used and shared, as well as the access to power, all of which are influenced by culture. (See Box 1 at end of this Introduction for a more detailed explanation of gender.)

Our culture and “gendered” identity influence how we process our experiences and the sensory data we come across every day of our lives, and how we make our decisions. It can also encourage or discourage our impulse to migrate. In fact, gender (i.e. perceived roles, responsibilities and obligations—or the lack thereof) may be the single most important factor influencing the decision to migrate.

This book will map out a set of preliminary but common understandings of issues of importance to migrant women and their advocates, and further clarify the experience of women across several key themes: labour migration, migrant remittances, trafficking, immigration and identification—all of which are key areas of migration studies. It will also put forward issues such as rape and female circumcision, key issues of importance to the integration of both forced migrants and of women who migrate into new cultural norms. Thus, for the student or practitioner of migration these issues are relevant to understanding the experience and needs of thousands of women who find themselves, willing or unwilling, migrants.
RECORD KEEPING AND THE RISE OF PATRIARCHY

Migration has been part of human experience since the beginning of recorded history. Many of the world's great religions record times of exodus, of forced movement and wanderings. For just as long and even longer, the role of women and women's relation to men has also been significant in many historical developments. And yet, for women, there is often a noted absence from recorded-written-history in general.

Dr. Leonard Shlain, a vascular surgeon who has spent a great deal of time studying the human brain and physiological differences between men and women, spent seven years developing a neuroanatomical hypothesis to explain why writing, or recorded history, gave rise to patriarchal societies. For Shlain, writing, and its subsequent refinement through the development of the alphabet, "toll[t] the death knell of feminine values both metaphorically and… literally". According to his theory, the introduction of the written word into social discourse, brought about a fundamental change in gender relations and reality, and represents the primary event fostering patriarchy. For Shlain, writing revolutionized the balance of power between men and women in as radical a manner as fire, or the wheel, revolutionized daily human life.

Whether one agrees with Shlain's physiological evidence and meticulously documented linkages or not, many scholars arrive at the same conclusion through simple observation. Writing greatly empowered humans, and it empowered some humans more than others. In most cases, those empowered were men, resulting in the rise of patriarchal social structures.

PERCEPTUAL LENSES

Analyses of power, culture and gender issues are intimately intertwined. While most books that attempt to engage in a gender discourse will at some point address the power inequalities between men and women in a given society, this book will not pursue that line of reasoning beyond acknowledging its existence, noting that both men and women have great complementarities to contribute to society, and that each individual shares characteristics that can be considered both masculine and feminine. Whether the reader is willing to accept a physiological argument or one of simple observation regarding the power discourse between men and women makes little difference. History shows us that hierarchical imbalances and structures did develop and exist in our world. It is to the descendants of these organizational hierarchies, and the imbalances promoted by those they empowered, to which we owe the great impetus for much of migration throughout history, as well as the manner in which both coerced and free movements of peoples were recorded. These two themes, the methods of recording (past and present) and the importance of
various means and vehicles of communication will be the recurring themes throughout later chapters.⁵,⁶

**HISTORY NOT HERSTORY**

Kathleen Brown, Assistant Professor of History at Princeton, writes of the importance of sifting through what information has been and is being recorded in order to separate the conflation of the terms “men” and “human”.⁷ Brown cautions that, “historians (emphasis mine) forget that male historical subjects embodied socially constructed male identities and …(thus) continue to produce studies of people who happen to be men”.⁸ She urges researchers not to mislead readers with histories of men portrayed as absolute history. Likewise, researchers who focus on the experiences of women must take care to note that their experiences are not universal. When it comes to migration, both past and present, forced and voluntary, this is an important point to keep in mind. Much of the historical record is, quite simply, male dominated.⁹

Taking Brown’s argument one step further is to apply it to the development of modern-day immigration systems in general. Immigration systems are a relatively new concept considering that migration “history” goes back thousands of years. As will be seen in Chapter Five, prior to 1914 and the ensuing two world wars, both men and women left and entered countries and territories provided they had the necessary means to do so. While the idea of a passport can be traced back to King Artaxerxes of ancient Persia and to those who, in the reign of King Louis XIV of France (1638-1715), travelled on letters of introduction requesting safe passage, our current global system of using visas and passports to regulate entry into a country is relatively new.¹⁰ It was only the onset of World War I, and the security concerns it generated, that introduced the modern-day concept of regulating a person’s access to sovereign territory. However, prior to the two world wars, there had already been fledgling attempts to institute such systems. The United States issued passports as far back as 1789, but did not standardize the practice until 1856 when the US State Department centralized the system and assumed responsibility for issuance.¹¹ In Europe, some 100 years after the reign of Louis XIV, almost every country had set up a system to issue passports and required visas in much the same manner as the modern visa system today.¹²,¹³

Early record keeping and immigration statistics from before the 1800s can be quite misleading, since most men carried passports, whereas most females, whether a spouse or child, did not. It was not that women were barred from carrying passports, indeed some did; however, it was common practice for the male head of household to carry one passport in which the names of his spouse and children would appear if they accompanied him. Thus, while information on women and their movements does exist, it is simply not recorded in a readily available statistical format in immigration records. However, many references
can be found in genealogical record keeping. A quick glance through the population censuses from the 1800s to major immigration countries such as Australia and the United States show a significant ratio of foreign-born women to foreign-born men, and therefore one may confidently assume, evidence of women moving. Thus, while women have been significantly present in migration streams, the difference between the 1800s and today is found in the purpose of their travel and the way in which it is recorded.

Statistics gathered today still leave a great deal to be desired when it comes to retrieving disaggregated data for gender analysis. However, one must not be too critical; for, even in this day and age, immigration departments in many countries still make do with paper filing systems and without computer luxuries, making their jobs challenging and time- and labour-intensive.

Before a subject can be examined through any sort of lens, however, one must first determine a basic starting point. Because of the absence of women in historical records and given that they have been largely ignored by theorists, some people believe that there was a great failure to track the experience of women in general. This oversight becomes even more noticeable in specific study areas, such as migration. It has been difficult to track women in migration history because they were not identified as a distinct group. Yet, parallel to the rise of the feminist movement in the 1970s, the recognition of the need for appropriate methodologies to capture and further investigate women and gender issues in relation to men, grew rapidly among social scientists. In response, social scientists developed five prisms, or methodologies, to look at these issues over the past 30 years. These theories appeared in quick succession building one upon the other. Each new theory took on board some elements of what its predecessor offered, and discarded others. However, all operate simultaneously in the practitioner’s realm today, and all have been used to advance the agenda of women in general, including aspects of specific concern to migrant women.

As we consulted many sources and research from many different approaches in the writing of this book, it is important, from an academic perspective, to note that these works fall within the following five conceptualizing trends or theories:

- **WID** – Women in Development Theory
- **WAD** – Women and Development Theory
- **GAD** – Gender and Development Theory
- **WIFM** – Women in Forced Migration Theory
- **GAFM** – Gender and Forced Migration Theory
The first three are development theories, the last two are theories which apply to forced migration. They are important to acknowledge, for their evolution is an important yardstick with regard to how social scientists have examined and interpreted various themes in migration. (See Box 2 at end of this Introduction for more information.)

TEXT BOX 1
A GENDERED PERSPECTIVE

A gendered view is multifaceted and complex, and can be broken down into six key dimensions:14

1) The first dimension (and the one which often leads people astray) is that gender refers to the social roles and relations between people, often men and women, including who does what kind of work and how decisions are made. Here the words “men” and “women” pop out at readers, but one must take care to focus on the terms “social roles” and “relations”. One’s cultural framework is a highly gendered lens, meaning that everything we know and understand about culture has implications in gender analysis. Our benchmarks for appropriate dress, behaviour, humour and etiquette (who speaks to whom and when), while often subconscious, influence our value systems and understanding of the world. Researchers now argue that gender can be about two masculine “cultures” or groups in a damaging relationship with one another, such as the “jocks” and “outcasts” at Columbine High School in the United States.15 At Columbine, two boys, who felt they were socially marginalized, went on a shooting rampage against athletic boys wearing white shirts and baseball caps. This example is a relational issue and underscores the fact that a gendered analysis goes beyond biological maleness or femaleness.

2) Gender analysis is not static. When you think about the choices your grandmother had or how your grandfather acted as a husband, when you look at the roles that your spouse has taken on or at your own personal choices, you can see changes – sometimes drastic, sometimes negligible, but changes over time.16 You also see differences between your culture and someone else’s. The role and expectations of a mother and father differ among different cultures. And your “culture” largely influences the expectations and assumptions you may have with regard to the outside world. In Chapter Six we will talk about one form of gender-based violence – rape, as well as notions of honour, and we will see how the perspective on gender is fluid, how it changed and continues to change.
3) The third dimension of **gender** is about **how power is used and shared**. Who is an authority and how was that power “bestowed” on them? A gender approach is not always about levelling the playing field of power, but about understanding it. Chapter Five will examine the rise of immigration systems and issues of accessibility to them, providing a historic gendered analysis of an institution over time.

4) **Gender** is multi-dimensional, influencing **economic, political and social interaction and needs**. Who is circumcised? What does circumcision symbolize? What economic consequences result for those who choose not to be circumcised in a society that values it? Chapter Seven will look at these questions and more as it examines female circumcision.

5) Fifth, **gender is about our assumptions, expectations and obligations regarding men and women**. We all carry inherent ideas from our cultural orientation of what “gender roles” are. These realities may involve opinions as to who has more mathematical or technical ability versus who has better care-taking skills for children and ageing parents or grandparents. Chapter Three will touch upon these gendered expectations and obligations as it looks at preliminary evidence of how men and women remit differently.

6) And last, **gender is institutionalized in structures of family, community and State**. Gender is part of our familial organization and may influence the division of labour within the home, such as who cooks and who cleans. It influences the appropriateness or accessibility of jobs and our interpretation of suitable work. On a larger scale, it is inherently connected with empowerment as regards how a community leader may be chosen or what laws and institutions regulate and control society. Chapter Two will look at these issues as it examines developing labour trends contributing to the changing face of globalization.

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**TEXT BOX 2**

**TRENDS IN CONCEPTUALIZING WOMEN AND GENDER**

When asked to incorporate gendered analysis into projects or training, most practitioners currently think of two main trends. The first is to look at “gender roles”, meaning the roles a society assigns to men and women within a given culture. The second and growing trend is to look at
"social relations", meaning to look more broadly at the linkages and responsibilities among people, family units and institutions. However, while the trends in conceptualizing gender may seem to have boiled down to these two points, their genesis can be found in both the feminist and development movements of the 1970s.

Women in Development Theory (WID)

Women in Development Theory (WID) began in the early 1970s, and is the most commonly known theory and also the most controversial. While it has become largely discounted as a mode of discourse, it has retained great staying power in humanitarian and development programming. Put simply, this theory is an “add women to the mix and stir" approach, without much attention to the relations or repercussions between individuals and groups. The positive contribution of WID theory is that it advanced women as productive members of society, and that, as a result, they were increasingly recognized as contributors to development. WID, however, focused on female problems in isolation from other synergies and, thus, did not seek or solve problems or issues for society as a whole. It was later recognized that these “relationships” were key to furthering development goals both in the broad context, and for women specifically.

Women and Development Theory (WAD)

Women and Development Theory (WAD) arose in the late 1970s in response to WID. “WAD highlight(s) the relationship between women and development processes…(and) the role of classical development in maintaining elite national and international structures of power.” The focus leans toward global and class relations on a macro scale and has been described by Doreen Indra, editor of Engendering Forced Migration, as a neo-Marxist women and development discourse. WAD never managed to make the leap from academic discussion to field programming. Most practitioners jumped straight from WID to Gender and Development Theory (GAD).

Gender and Development Theory (GAD)

Gender and Development Theory (GAD) emphasizes the social interactions of society, production, reproduction and the forces that inform societal relations and ideologies. It moves beyond an economic development analysis to issues of social justice and the improvement of quality of life for all. Because GAD was born out of a development context, it often
focuses on analysing and eliminating inequalities and hence it is within this narrow application of gender analysis that the layperson’s conflation of the terms “gender” and “feminism” takes root.

Women in Forced Migration Theory (WIFM)

The mid-1980s brought about a similar evolution in forced migration discourse. The Women in Forced Migration Theory focuses primarily on female refugees and their needs, without regard to the larger societal relations or the impact of this focus on other members of society. The move to an application of “gendered” or relational analysis moved much more quickly in the emergency context, having benefited from over 15 years of experience and evolution in development contexts.27

Gender and Forced Migration Theory (GAFM)

Gender and Forced Migration Theory (GAFM) is the application of a gendered approach to emergency programming. In an emergency context, levelling the playing field is not important, understanding power relationships in a society in order to maximize assistance to the largest number of people is. GAFM applies gender as a “relational” issue.28
Notes

1. A development application of the concept of gender strives to promote equality, equal access to power, knowledge and resources between the sexes.

2. Dr. Leonard Shlain, *The Alphabet Versus the Goddess: The Conflict Between Word and Image*, Viking Penguin, 1998: 1-464. The key to Shlain’s thesis – that development of the alphabet profoundly affected gender relations – lies in understanding how the human nervous system developed. He embraces technical left brain/right brain discussions, and the physical differences between males and females with regard to eyesight down to the technical level of the disparities of rods and cones between men and women, and the different effects of these physiological characteristics on the processing of information.

3. Ibid, p. 70. Note that writing here refers to alphabetic writing. Dr. Shlain addresses four scripts in his writings: cuneiform, hieroglyphics, Chinese and the alphabet. He notes that even the more right-brained systems (or pictoral) such as Egyptian hieroglyphics “skew society toward masculine values”. For Shlain, the development of written methods of communication and literacy simultaneously brought forth misogynistic values.

4. Anthropologist Claude Levi-Strauss writes:

   *There is one fact that can be established: the only phenomenon which, always, and in all parts of the world, seems to be linked with the appearance of writing, (...) the establishment of hierarchical societies, consisting of masters and slaves, and where one part of the population is made to work for the other part.*

   In Georges Carbonnier, *Conversations with Claude Levi-Strauss*, pp. 29-30. Dr. Shlain quotes from the work of Levi-Strauss as he challenges the historic tendency to herald only the positive values of literacy and written communication, p. 3.

5. Most migration specialists recognize technological advances as facilitating migration throughout history – whether they be the steamship or e-ticketing over the Internet.

6. It is also very clear among migration historians that migration information, not just historical but modern-day migration information, is often skewed because of a lack of, or diverse methods of, record keeping. It is important to look at what information has been and is being recorded.


8. Ibid. p. 325.

9. Who goes unnoticed and when? In forced migration studies, for example, the question might call to mind the experience of the “Lost Girls of Sudan”. The Lost Girls of Sudan fled the Sudanese civil war crossing rivers filled with crocodiles and dodging bullets alongside men, women and boys. Once they reached safety in Kenya, the girls who had been separated from family members were absorbed into the community by other families as domestics and, at times, as an investment; for even in refugee camps, a young girl who can be married off commands a dowry for those giving her away. Young boys, on the other hand, were not absorbed by families. They congregated among themselves and constituted a distinct social group that could be seen by aid and humanitarian workers. Thus, special resettlement programmes and aid began trickling in for them. The Lost Girls who had experienced the same traumatic experiences and faced ongoing difficulties and exploitation, were overlooked since they had been dispersed throughout the community and
could not be “seen”. Their resettlement needs, while equally pressing, were rendered less visible by circumstances.

10. The History of the Passport, Passport Office, Government of Canada, http://www.ppt.gc.ca/passport_office/history_e.asp. It is the French who coined the term “passport”. The word comes from the French phrase passe port, which means to pass through a port, as most travel was via ship. These letters were fashionable introductions and not a legal requirement.

11. A continuous record of immigration to the United States begins in 1819, when ship captains were required to provide manifests of passengers noting age, sex and occupation. However, while such information was required, it was not adequately recorded until 1869. Records prior to 1819 (though required by the Act of 1798), were sporadic and accurate numbers of immigrant arrivals are unavailable. The recording of arrivals was strictly limited to sea arrivals at first, and only on the Atlantic and Gulf coasts. Counting arrivals by land began in earnest after 1904. Sources: Immigration and Naturalization (Series C 89-331) and Senate Doc. No. 756, 61st Congress, 1820-1910, Reports of the Immigration Commission, Vol. 3, US Bureau of Immigration. Author’s note: These discrepancies make it difficult to draw conclusions as to the number of females arriving. However, while the immigration statistics show women in a roughly one-third to two-thirds ratio with men, population censuses record much higher numbers of foreign-born women in the population.


13. While technological advances and train travel soon proved a detriment to this system, which was short-lived, the idea of the modern immigration system had been born.


17. Ibid.

18. Ibid.


23. Ibid, p. 11.


27. Ibid, p. 17-18

CHAPTER 2
The Feminization of Migrant Labour

According to the International Organization for Migration (IOM), the number of international migrants worldwide is estimated at 175 million, or approximately 3.5 per cent of the global population currently estimated by the United Nations at just over six billion. While the numbers themselves are high, the actual percentage of the global population migrating has remained relatively constant over the last four decades. Moreover, it shows that the tendency to move internationally is limited to a relatively small share of the population. Of these, labour migrants, both legal and illegal, account for approximately 60-65 million persons, or one-third of the global migration flow.

Globalization encourages mobility and is one of the major driving forces behind labour migration. Economic globalization and integration enable the freer movement of goods and capital, as well as the freer movement of services and labour; in short, of people. The degree to which such movements occur officially through legal channels varies and is influenced by four different phenomena associated with globalization: (1) transnational networks for the exchange of goods, services and information at the macro level; (2) technological advances in electronic communication that strengthen migrant support networks at the micro level; (3) greater access to mass media such as radio and TV that nourish perceptions of a better life elsewhere, and (4) cheaper, quicker and widely available means of transport hugely facilitating travel for much larger sections of the population. Though globalization has caused the number of people on the move to rise, the relative increase is consistent with the rise in the rate of population growth. The more significant influence of globalization on migration can be seen in relation to the origin, composition and the respective profiles of migrants. It is in regard to these changes that the phrase the “feminization of migration” refers.

How are the demographics of migration changing? The most notable change concerns women participating in both formal and informal labour migration. Women have always migrated; but, whereas in the past their movement was often more directly related to family reunification or depended on a male migrant, today they are moving as primary migrants in their own right. This increase in female participation in transnational labour migration can be most readily seen among low-wage earners, where employment is “driven by the dynamics of corporate globalization”. 
The growing prevalence of transnational corporate structures and the increasing demand for these businesses to make a profit, has heightened their dependence on certain types of low-wage, unskilled labour. Always monitoring the bottom line, many companies look for offshore facilities to keep production costs low. This, in turn, leads to a reliance on overseas production where the workforce is often made up of both internal and international migrants. Alternatively, migrant labour is imported and often paid less than the official wage rate. Whether labour is exported or the workers imported, the common denominator is that migrant labourers tend to come from developing countries to take up jobs in economically advanced countries. They are dependent on these jobs and often lack certain labour rights, such as the ability to join a union, normally available to the local labour force. What goes unmentioned in the economic analyses in corporate boardrooms is that these migrant labourers are also often hired with preconceptions about their race, country of origin, or gender. These hiring practices have become prevalent enough in certain industries that they have led to the creation – at least in factory work – of a phenomenon known as the “feminized assembly line”. Whether the conditions of these feminized assembly lines are humane and just, or simply new chapters in the centuries-old practice of sweatshop labour depends mainly on the understanding of the evolving transnational corporate structures, and the degree of independence that nation states allow such economic powerhouses. As long as corporate culture views female migrant labour as a bargain – a commodity to be purchased at the lowest going price – sweatshops will probably remain an active portion of the global workforce structure. Even in the context of growing corporate social responsibility of the twenty-first century, and among businesses that hold fairly strong responsible reputations, the move of manufacturing plants from, for example, the southern United States to countries in Central and South America, where workers often earn in one day what a US worker would earn in an hour, tarnishes the expectations of many in the international workforce.

Sociologist Saskia Sassen, the Ralph Lewis Professor of Sociology at the University of Chicago, writes how the “feminization” of assembly work is a key contribution to the growing feminization of low-wage labour. Sassen notes that, “shifting gender and generational dynamics in family relations, and their incorporation into new regimes of production and consumption” have combined to produce significant shifts in the demographics of unskilled migrant flows. A quick glance at the maquiladoras lining the Mexican-US border shows that in 2000 approximately 60 per cent of the workforce was comprised of migrant women from the interior of Mexico. While both men and women move to these border areas for work, the men typically continue to move northward to the United States after a year or two. The women, many of whom are in new roles outside their family hometowns for the first time, remain in the maquiladora areas. Either as a result of, or in an effort to keep
these women in the area, new leisure activities, music and entertainment, have sprung up catering to their interests.

This feminized assembly line calls to mind that there are distinct cultural stereotypes, or gendered assumptions, that form our impressions of appropriate male and female work. Occupational sex segregation goes back at least several centuries, and has been a major influence on the shape and context of migrant labour flows. Institutions responsible for the recruitment of labourers have an ingrained ideal regarding how a specific service should be met or delivered. These institutionally engendered assumptions are at the heart of the feminization of migration, where the reliance on stereotyping among labour recruiters provides both opportunities and demand for young, single women.

Transnational companies are promoting a growth in vocations typically associated with the assumed characteristics of female labour. These vocations include, but are not limited to, the service, hospitality and entertainment industries (including the sex and sex tourism industries), health care and care management for the elderly and factory-related work such as the assembly of microelectronics, or the manufacturing of clothing and textiles. With advances in information and machine technology, hard factory labour where men were usually preferred appears to be changing. Machines are now often designed so that physical strength is not a prerequisite for their operation, and many of the more physically demanding jobs once held by male migrants, are now mechanized meaning that once essential labour positions are becoming increasingly obsolete. There is a worldwide shift for labourers to fill service-oriented occupations which have traditionally been viewed as female vocations. Each country and each region, as well as each nationality and ethnic group, has its own gendered trends in occupations, destinations and social status, and no one model can claim to be universal. Yet, as a whole, the biggest commonality between female labour migrants across regions and nations is that women are primarily considered to be distributors of service.

Although many women migrants fall into the category of low-wage earners, this does not negate the fact that many women migrate into positions that are not service-oriented, where they may command executive or highly technical positions in their respective fields. However, it is more difficult to track these movements as they do not always manifest themselves in large recognizable groups outside specific industries, such as information technology or nursing, vocations that are of interest or importance to policy makers. For example, upper-middle class migration to the US tends to be less well researched than low-skill migration. However, some information is available. Examples of institutional sampling that include the collection of disaggregated data on the career status of upper-middle class men and women can be found in documentation collected by United Nations agencies. Such data are compiled and monitored to institute more equitable hiring and advancement policies. Corporations and
some governments, such as Canada, also collect and look closely at similar data, but upper-middle class movements appear to be of less interest to social scientists or economists beyond certain industry trends. Moreover, the focus is usually on men, although the integration of upper-middle class migrants as a whole, men and women, will become of increasing importance as citizens moving between countries and having more than one nationality become more common.

It is important to distinguish that the phrase “feminization of migration” currently describes the phenomenon of women migrating from developing countries, rather than from countries already developed, i.e. the housekeeper or nanny taking care of the children of the career-oriented female executive. It may be said that the feminizing of migration is to some degree a direct result of advances in the status of women in destination countries, although this point is rarely mentioned in discussions of the flows.

A noticeable characteristic of the feminization of migration is the overwhelming number of young, single women involved. The labour and services of single women have always been a valued commodity. If we glance back to some early transnational corporations responsible for the first trans-Atlantic migrations from the 1600s to 1800s, we find the roots of why the labour of women, single women in particular, is and has become a highly valued commodity in transnational economic activities.

Some early records bear out this assumption. For instance, Sir Walter Raleigh (1552-1618), English soldier, explorer and man of letters, encouraged some of the earliest movements of women from the United Kingdom to the American colonies in 1587, specifically to an area now known as Roanoke Island, North Carolina. While the colonial establishment was not successful, Raleigh’s inclusion of women in this first group of colonists, though punctual is nevertheless of some historical importance; for Raleigh believed women were crucial to the establishment of a self-supporting agricultural colony, both socially and economically. Raleigh recognized that beyond the need for women to reproduce heirs to keep the men “settled” and committed to the New World, the labour of women was a needed commodity. Raleigh was keenly aware of the abilities of women to solve social problems, and the need for what was then, as today, traditionally gendered work, such as cleaning, washing and skilled nursing, all necessary to the survival and health of any newly burgeoning population.

Despite this reasoning which recognized the contributions of both men and women to society, Roanoke failed as a settlement. However, the view that valued the labour of both men and women as distinct contributions did not also die with the colony. This perspective was not limited to Raleigh, but was one shared by other good businessmen of the time. For example the Ferrar Brothers, who retained partial ownership of the Virginia Company, a trans-
national English corporation that played a vital role in the establishment of Jamestown, Virginia also encouraged the movement of women.

The first settlement at Jamestown was all male and it struggled both economically and socially. Institutions such as indentured labour and slavery were resorted to for economic ends. Yet, it was not until the mastering of tobacco cultivation and the subsequent European demand for tobacco that the colony became financially viable. Few, however, are aware that despite making profits the Virginia Company struggled to keep its employees based in the New World. Company employees clamoured for female companionship. At first, indentured women were sent to Jamestown around 1608, but as indentured women tended to be either convicts or destitute, they were not of much appeal to men who fancied that their social status was rising as a direct result of their role in forging a New World. This, coupled with the fact that an indentured contract lasted for between four and seven years, and came with strict rules forbidding marriage and pregnancy, made the women less than desirable. Thus, the Virginia Company began brokering marriages for early company employees, taking the view that a settled man made better business sense and lent more permanence to the company’s long-term economic goals.

David Ransome’s article “Wives for Virginia, 1621” lays open the history of 57 women who sailed from England to Virginia in 1621 to become wives for Virginia Company employees. Little has been recorded about these women and most died within their first year in the New World, thus they are absent from our history books because of a lack of written records and the brevity of their participation in an important moment in history. However, Ransome is able to recreate the profiles of these women from the records kept by the men who ran the Virginia Company, most notably the Ferrar Brothers. The companies shipping papers include rosters of the women’s names, a cargo list noting the movement of items promised to each young woman by the company and the written recommendations made to the company on behalf of each girl detailing their skills from animal husbandry to weaving. From Ransome’s careful investigation of these items we learn that most of the girls were in precarious situations, having lost one or both parents or guardians, or had recently been widowed. While the passage to the New World was risky, it also presented a chance for these women to better their situation. The manner in which these women were recruited, through advertisement and magazines, suggests they were the precursor of today’s mail-order bride. However, what distinguishes them is that these women were under no obligation to marry and incurred no debt by agreeing to undertake the journey. The Virginia Planters covered these expenses in the hope that they would find a suitable spouse among those willing to risk the passage.

The women were the daughters of gentry or artisans, the majority falling between the ages of 18 and 21. According to their recommendations, they pos-
sessed learning, skills and virtue. Few of them, if any, survived in the colony beyond the first year. Most are believed to have succumbed to attacks by Native Americans and those that did not, probably starved to death during the drought and failed harvest the following year. It is impossible to trace their stories accurately, as their deaths were rarely recorded. Many were buried after the settlement was attacked simply as “wife” or “maid”, while the casualty and death lists mention each male employee by name.19

We owe a debt to Sir Walter Raleigh and Nicholas Ferrar (a member of the all-male board in charge of the Virginia Company) for their record keeping and notations.20 However, their support for female migration did not derive from altruistic ideals, but rather the underlying aim to create economically prosperous communities in the New World. At the outset, the American colonies were an experiment in the expansion of English commerce; they were largely business ventures, profiting small groups of investors. It is this same drive for profit that propels much of the migrant labour recruitment today.

It is important at this juncture to point out that the development of the 13 colonies in America and colonialism in general provide ample examples of the complexities regarding gender issues. What has been noted here only scratches the surface, as it only records what happened to a very small sample of white, Christian women. The experience of African, indigenous, Caribbean and later Asian men and women and their gendered identities also played a key role in the survival and functioning of the early English colonies in the New World.21

Examining the issue of female labour migration from both a historical and gender perspective requires an approach that is sensitive to changing “gender frontiers”, or the expected roles of men and women over time.22 It also calls for an understanding that women have been and still are key players in the settling and building of communities. Traditionally, women are thought to take on work in the private sphere as caregivers. This means women care for children, do domestic work such as house cleaning or laundry and care for the elderly. Women have also participated as “labourers” in seasonal or agricultural work, or in professions such as teaching and nursing. However, because gender is part of our institutionalized systems of power, this means structures such as colonialism and slavery or newly emerging transnational corporations each play an influential institutional role that in their respective times cannot be ignored. The history of gendered migration must be investigated as part of an overarching patriarchal system. As an overarching organizing principle, patriarchy and its worldwide development across different cultures and societies presents a structure from which one can begin to look at the balance of power between the sexes. This is not meant to exclude other influencing factors, but asserts that patriarchy is one of the most common and universal organizing principles across cultures.
The underlying global sign of the feminization of migration is that more women participate in employment activities outside their home countries today than ever before. However, we have to pay attention to the reality behind this phenomenon. What is happening is not an overwhelming breakdown of traditional barriers to women, or even the empowerment of women per se, although this is happening in some countries and some migration flows are the result of strides made by the feminist movement. There continues to be widespread segregation of male and female vocations, concurrent with a simultaneous shift to a demand for labourers who can fill occupations that are largely service-oriented. This shift prejudices both the recruitment and hiring processes in favour of women from the developing world, as the services needed in the “female sectors” continue to rise. Evidence of this shift is found in the accelerated participation of women in corresponding migration flows. As a whole, the biggest commonality between female labour migrants in any country is that women migrants are considered primarily to be providers of service.

MODERN FEMALE LABOUR MIGRATION

As already referred to, available statistics suggest that there has been no significant increase in the rate of international migration in recent decades, and no radically significant change in the relative share of men and women moving. However, these statements are only correct when looking at international migration at the most general macro level. When looking at migration from a national or regional level, more radical changes are occurring. It should be borne in mind that modern female labour migration occurs legally into both the formal and informal sectors, with the latter being an area of continuous growth and concern as it represents jobs often referred to as “3D”: dirty, demeaning and dangerous. Contemporary migration has also changed in that large percentages of the migration flows are less permanent than those of 100 years ago. Migrant workers are perceived as “income-generating units” by those in sending and receiving countries, rather than sojourners or settlers, and their movements tend to be cyclical. Furthermore, regardless of the receiving society, foreign women are customarily and overwhelmingly seen as commodities and bearers of service. The following section will examine the migration of women in the three world regions having the highest numbers of migrants in 2002: Asia (50 million), Europe (56 million) and North America (41 million).

A BRIEF OVERVIEW OF ASIA

Few publications exist that discuss the feminization of migration flows without acknowledging the dynamics of female migration in and from Asia. Many countries in Asia are experiencing growing outflows of both male and female migrants. Looking at South Asian countries such as Bangladesh, India, Pakistan and Sri Lanka in the 1980s, one sees that these countries experienced a com-
bined outflow of approximately 250,000 persons and that, by the late 1990s, this figure had risen to over 1 million. These movements were spurred largely by the economic boom in nearby oil-producing countries of western Asia and the Middle East, which created growing job markets for both men and women. Subsequently the service and labour markets which sprang up as a result of increasing wealth increasingly targeted jobs in the informal sector, jobs more particularly aimed at women. According to the International Labour Organization, some 800,000 Asian women are thought to migrate for employment every year.

Scholars point toward Asia when explaining the increasing feminization of migration because of the demographic characteristics of migration flows from three specific countries: Indonesia, Sri Lanka and the Philippines. Nationals from these countries account for most of the women in the region who participate in documented migration for domestic work. These countries have also endeavoured to formalize the processes through which women migrate for such work with the support of government structures. Despite their efforts, however, discrimination and abuses occur as domestic work is unregulated in receiving countries, leaving the migrant in an extremely vulnerable position. Most of the information and statistics we have regarding these labour migration flows come from the countries of origin. From this information it becomes clear that an increasing percentage of women account for the labour movements in Asia, that they are overwhelmingly employed in service industries, and that they are largely unprotected under the laws of the host countries where they are often abused.

Sri Lanka

Sri Lanka provides a most radical example when analysing female migrant labour flows. Sri Lanka’s outflow of female migrants having labour contracts in hand when they leave the country, overwhelmingly outnumbers those of males. In 1994, for example, 21,329 male Sri Lankan emigrants were recorded leaving the country with labour contracts, compared to an overwhelming recorded outflow of 108,698 female emigrants leaving with labour contracts. This means that five out of every six employed persons leaving Sri Lanka in 1994 were women. In 2001, 59,751 males and 124,137 females left for employment abroad; 102,811 of those leaving were housemaids. Today, about 65 per cent of all Sri Lankan labour migrants are women, and over 90 per cent of these women are domestic workers headed for the informal economies of Saudi Arabia, the United Arab Emirates and Kuwait. Their jobs are not regulated under the local legal system or industry standards, exposing them to exploitation and abuse. The Government of Sri Lanka provides pre-departure training for housemaids and, in addition, posts labour attachés in six Middle Eastern countries and labour welfare officers in 12 countries to look after the welfare
of nationals working abroad. However, these developments, which have been under way in the Philippines for several years and are also beginning to be instituted in Indonesia, are exceptions and not the rule regarding the manner in which governments worldwide are dealing with the influence of globalization on migration. For policy makers the concern is not that there are more women, but that there are more single women migrating independently as primary migrants.

The Philippines

The Philippines is also characterized by significant outflows of young, single women. Seventy per cent of all Filipino labour migrants are women. The Government of the Philippines has some of the most elaborate policies assisting legal contract labour worldwide. Given that the Philippines is considered the most important labour exporter in Asia and the second largest in the world after Mexico, the government’s active support in lobbying for the protection of its nationals abroad is not surprising. The Philippines has a long history of emigration, and the government has supported the idea of temporary labour migration through regulated channels for at least three decades. When one considers the struggle to overcome economic crises and double-digit unemployment rates for over a quarter of a century, coupled with the strength and influence of migrant remittances for family survival strategies, it is easy to understand why. Migration has become part of the cultural survival strategy, and migrants are hailed as hard-working, family-first individuals. A special Philippines Overseas Employment Administration (POEA) exists to facilitate official monitoring of conditions of employment, and an Overseas Workers Welfare Administration (OWWA) monitors the protection and welfare issues. Philippine migrants who migrate legally are eligible for benefits that their counterparts who move irregularly cannot access.

Indonesia

Indonesia is the fourth most populous nation in the world and a major source of unskilled migrants and contract labour. Most legal labour migration of both men and women tends to be to the Middle East, Malaysia and Singapore. The Indonesian Government is highly aware that it is a major supplier of female domestic workers and that its female citizens abroad are often very poorly treated. The Indonesian Ministry of Manpower even stipulated to stop sending domestic workers abroad considering their slave-like treatment by employers. Indonesian women migrate mainly to Saudi Arabia, Malaysia, Brunei, Singapore and Hong Kong Special Administrative Region of China. Most are active in informal sectors such as domestic work, hence the government’s concerns for their rights and safety.
Female migrant domestic workers in Asia often find themselves in extremely vulnerable situations. It is well documented that their passports and work visas are often confiscated by their employers. And in some countries, such as Singapore and Malaysia, pregnancy tests are required every six months with the aim of discouraging sexual relationships with local people during their stay. Female domestic workers who are found to be pregnant are subject to deportation within 24 hours. Moreover, these women have no recourse even though pregnancy is often the result of sexual assault while on the job. Indonesian maids in Malaysia are often at a double disadvantage as many choose to enter the Malaysian workforce illegally in order to avoid the exit tax and other legal formalities.

Two additional characteristics of the migration trends in Asia need to be mentioned. The first is that migration tends to be a two-stage process, first within the region, with a second stage of migration leading outside the region. The second characteristic is that the migration flows of the 1970s and 1980s, with men heading for menial jobs in the oil industry of the Middle East, or into construction work or the shipping and cruise line industries as sailors, and women leaving for nursing jobs, still exist. However, today, these traditional movements are supplemented by a shift towards business and information technology professionals, factory and domestic workers. Women increasingly outnumber men in many of these particular movements, and women are known to make up the majority of expatriates working within the region today. Finally, the majority of female migrants from this region work as domestic servants. There are exceptions, of course, such as nurses and teachers who often migrate more permanently to Australia, Canada, or the United States; however, current trends show that a significantly lower proportion of female migrants from Asia actually obtain professional jobs.

A BRIEF OVERVIEW OF EUROPE

Even though the 1990s have shown a rise in gender consciousness in migration literature, and data on European migration are abundant, mainstream literature on legal female labour migration to and from Europe is still lacking. Unlike Asia, intra-European labour migration flows do not fall easily into the stereotypical description of migration flows from less developed to more developed countries. Europe experiences migration from Asia and Oceania, the Former Soviet Union, the Mediterranean, Africa as well as North, Central and South America, and the reasons for these movements are varied. Old colonial relationships still provide linkages, conflicts around the world provide motivations, the economic restructuring of Eastern Europe where highly educated women found themselves unemployed with the fall of Communism, have all contributed to fuel migration flows. Even the recent labour shortages in the information technology industry of 1999 and 2000, and related recruitment ini-
tiatives, such as the German Green Card Programme, have triggered new, highly skilled labour migration flows. Such flows have developed where previously there were no precedents or cultural similarities, such as from Eastern to southern Europe. The formation of the European Union has created new immigration policies reshaping flows and spurring irregular migration. Despite such complexities, the literature on the feminization of migration for this region has not expanded beyond a focus on domestic services and the sex industry (the latter will not be discussed in this chapter), with the majority of the literature focusing on the phenomenon of trafficking in persons (addressed in Chapter 4).

Most of the research on female migrant labour in Europe shows similar trends to female labour migration in Asia. The recurring themes cluster around domestic service and prostitution, but this picture has to be approached with caution since a lack of disaggregated data does not allow an accurate view of temporary female labour migration in Europe. Migrant women in Europe are also active in business, management and professional jobs. While international human resource agencies look at these groups from industry perspectives, studying such qualified migrants has only recently become of keen interest to social scientists as “Fortress Europe” and migration policies become more selective.

Examining the demographics of migration streams into and within Europe cannot be done in isolation, and issues such as population ageing and skilled labour shortages, both of which act as pull factors for certain types of migration, must also be taken into account. However, with such diverse and complex flows to choose from, only a few can act as a typical encapsulating experience. According to the 2000 OECD/SOPEMI Report, Trends in International Migration, unemployment among foreigners in Europe is unduly high, with the exception of Italy and Spain. We therefore turn to the prevalent literature on migrant women in Italy and Spain to see how women fare.

Italy Traditionally a country of emigration, Italy underwent a flow reversal in the mid-1970s to become a country of immigration. The number of migrants seeking entry rose over a period of 25 years from 300,000 to almost 1.5 million by the end of 2000. These immigrants make up 2.8 per cent of the overall Italian population, where there are approximately 2 million unemployed, compared to Western Europe’s combined total of 20 million unemployed. The demographic group encountering the greatest difficulties to find work in Italy appears to be young persons, aged between 15 and 29. Interestingly, according to Caritas-Migrantes calculations from an Istat report, the sectors where jobs were being created in 2002 were geared towards construction, agriculture, cleaning as well as hotel and restaurant work, much of which is seasonal and
representative of sectors that most unskilled migrant labourers, both legal and illegal, would compete for. Statistically, real estate, and wholesale and retail trades also showed increased job availability.\(^{50}\)

In Italy, like other economies where migration flows are currently quite high, employers often actively seek women labourers for the stereotypical areas of domestic work. And, as in other countries attracting migrant labourers, domestic service is an area that almost exclusively draws women.\(^{51}\) In 1999, some 227,000 individuals registered with the Italian National Institute of Social Insurance as domestic workers. Immigrants from outside the European Union account for around 50 per cent of those registered.\(^{52}\) According to 17 Dossier Statistico Immigrazione 2002 by Caritas-Migrantes, “there is one registered foreign domestic worker for every 256 residents (keep in mind these figures do not include irregular migrants working in domestic service) thus their real numbers are higher. Four out of ten come from Asia (49,214, of whom 36,606 are from the Philippines) approximately two in ten from Europe (18,930, the overwhelming majority from Eastern Europe) and from America (20,499, mainly from Latin America) and Africa (16,803, of whom 11,470 are from sub-Saharan Africa).”\(^{53}\) Women working in Europe in the cleaning and care professions tend to come from a wide variety of source countries.\(^{54}\) In Italy, the majority of domestic workers appears to come from the Philippines, Sri Lanka, Morocco, the Republic of Cape Verde, Somalia and El Salvador.\(^{55}\) Although there are cases where men are involved in domestic work, the overwhelming majority of domestic servants in Italy are women.\(^{56}\) In addition, more recent flows of domestic servants can be seen coming from Viet Nam.\(^{57}\) As in many countries across the globe, their work is unregulated and wages and conditions vary, leaving the migrant open to exploitation.\(^{58}\)

Italy also experiences significant flows of migration into the sex industry. Migration into prostitution is a big issue in Italy, as in other parts of Europe. Nigerians and Eastern Europeans, especially Albanian women, make up the major portion of this flow.\(^{59}\)

Spain

In 1997 the top six countries of origin for labour migrants were (in descending order) Morocco (35,967), Peru (6,936), the Dominican Republic (5,952), China (4,955) and the Philippines (3,713).\(^{60}\) Among them, Morocco had the largest group of female labour migrants, while the Dominican Republic had the highest share of female labour migrants compared to male labour migrants.\(^{61}\) These women suffer from exploitation and social isolation.\(^{62}\) Few are paid the legal minimum wage.\(^{63}\)

Migrant women labourers flow mainly into Madrid and Barcelona from countries such as Morocco, the Dominican Republic, the Philippines and China, as
well as Peru and Argentina, where female migrants are almost equal in number to their male counterparts. Like their counterparts who migrate to richer countries in the Middle East from south and South-East Asia, female migrants coming to Europe play an economically active role as housemaids, cleaning ladies and caretakers for the sick and elderly, mostly in private employment. As the demand for domestic workers grew domestically, Spain experienced the inflow of female migrants from the Philippines and Latin America. Yet, women from the Dominican Republic are the largest group of domestic workers. Indeed, of 7,000 registered Dominican nationals in Barcelona, women account for 5,950 and almost all of them work in domestic service.

Female migrant domestic workers in Spain are employed mainly as live-in maids. Most domestic workers first migrate to Spain as illegal migrants, then, benefiting from regularization programmes over time successfully obtain a work permit and visa. Like migrants everywhere who work in the service sector, their working condition as domestic servants is highly unstable in terms of job security, salaries and legal protection. First, regardless of their legal status, female migrants working as domestic servants are often in the lowest social stratum because domestic work is not considered socially acceptable as an occupation in Spain. They also often accept temporary, seasonal and illegal work, and do not have the same legal rights as other workers, including unemployment benefits, social security and union membership. All these factors expose female migrants to exploitation.

Over recent years, Spain has also experienced growth in the sex industry. Migrant women tend to enter this sector in order to meet their financial obligations to their families and agencies that they had borrowed money from to leave. This pernicious trade is growing fast and is less well regulated than that of the service industry.

North America

Two of the four traditional countries of immigration are in North America: Canada and the United States. Each of them has seen vast changes in their immigration flows over the last 100 years, largely due to political changes on a global scale as well as policy changes at home, many of which began to be incorporated into the immigration systems in the 1960s. Whereas a century ago, these countries favoured white or European migration, today both accept a greater variety of immigrants from many developing nations. While the women migrating there are becoming of interest to twenty-first century policy makers, women have always been present in significant numbers in the region's immigration flows. Take, for instance, the case of the United States where women have made up over half of the 9.1 million legal migrants to the United States in the course of the 1990s. They came from a variety of origins: Asia, Latin America, the Caribbean, the Middle East and Europe.
While the US receives both skilled and unskilled women migrants, the existing gender analysis on female immigration to the US focuses on occupations that are highly sex-segregated, such as nursing and teaching as well as domestic and service-oriented work. Again, similar to other regions, the full picture of what the “feminization” of migration flows really means beyond young single women from developing countries, has yet to fully evolve.77

As mentioned earlier, Mexico is the largest exporter of migrant labour throughout the world. The majority of the migrants are male and leave to work in the United States. Although trends in Mexican migration are not indicative of all migration flows to North America, the interrelation between gender and this migrant labour flow provides the additional insight into the dynamics between male and female migrant labour and corporate industries.

On behalf of the Center for Demography and Ecology at the University of Wisconsin-Madison, Shawn Malia Kanaiaupuni conducted data analyses of 14,000 Mexican nationals from 43 migrant sending towns and villages over a 10-year period from 1987 to 1997. His research showed that while the more education a male received the more likely he was to stay and prosper within Mexico, the more education a woman received the more likely she was to risk migrating. Kanaiaupuni attributes this difference to the patriarchal nature of Mexican society and the challenges women face in overcoming traditional expectations at home. At the same time, the higher the education the higher the expectations women have about working in the first place, as well as the returns for their work.78 Kanaiaupni’s research also shows that child bearing and marriage deter Mexican women in these communities from migrating, while older children and extended family members improve a woman’s opportunity to move.79 He also reveals that within the confines of the expectations of these village societies, poor women work because they are poor rather than for any notion of empowerment or independence. Emigration is a natural expectation for men as in their culture they carry the role of economic provider and protector, while the expectation of women revolves around the domestic sphere. This may also explain why many of the women working in the special economic zones along the Mexican-US border do not continue to migrate north compared to many of their male counterparts.80 If these cultural roles are viewed in combination with the increased financial burden a migrant household would have should the wife (and children) migrate, one begins to understand the phenomenon of “split households”. Split households are not only a dynamic proper to Mexican migration strategies, but can also be found among many other cultures all over the world.81 These dynamics are important because the different roles between men and women have a significant influence in shaping the composition of migration flows. More men than women participate in cyclical migration between the US and Mexico, and the existence of gender segregated roles for migrant labour helps to explain this.
CONCLUSION

There are many complexities surrounding an individual’s “choice” to move. Both men and women face challenges and opportunities, and only a systematic analysis incorporating gender can provide a true picture of the motivations surrounding many economically motivated flows. To date, migrant labour research has begun to focus on the most obvious trends primarily from the orientation of sex segregated work, yet a gender lens still needs to be applied to migration data as a whole. This presents a particular challenge as even today simple sex disaggregated data are still hard to come by. The disadvantages women face due to sex or race are well-known, but limiting the opportunities to move is neither a protection nor a deterrent, as it often leads to increased participation in irregular migration flows. It is important to continue to collect data about the particular types of employment that men and women find as migrants, and to work with governments, corporate entities and social groups to increase the support networks for all migrant labourers, both men and women. Moreover, it is critical that studies begin to reflect the “feminization of migration” so that this vital component of so many women’s lives can be improved through a concerted effort targeting better and fairer legislation and industry standards to protect migrant labourers and the women among them in particular.
Notes

1. An international migrant is someone who takes up residence in a foreign country for a period of at least one year. This definition does not include tourists, business travellers, pilgrims or persons seeking medical treatment. Generally, international migrants fall into three categories: labour migrants, family members of prior migrants, and foreign students. World Migration 2003, IOM.

2. UN Population Division.


5. “Between 1965 and 1975, the growth in international migration (1.16% per year) did not keep pace with global population growth (2.04% per year). However, the global population growth rate began to ease in the 1980s, while international migration continued to increase significantly. During the period from 1985 to 1990, global population growth increased by about 1.7 per cent per year, whereas the total number of international migrants increased by “2.59 per cent per year”, in World Migration Report 2000, IOM: 5.

6. The traditional perception that women have been mostly dependants in migration flows is a western perception that finds its source in the guest worker programmes introduced in the United States and in Europe. Pierette Hondagneu-Sotelo briefly comments on this phenomenon which grew out of the recruitment of temporary male migrant labourers and ended up fuelling the eventual migration of female family members, leading to permanent family resettlement, cf. Gender and US Immigration: Contemporary Trends, University of California Press, 2003: 18.

7. Some figures derived from existing statistics illustrate persistent gender disparities: there are only 54 per cent of working age women in the labour force compared to over 80 per cent male participation. Worldwide women hold only 1 per cent of the chief executive positions. About half the world’s labour force remains in gender stereotyped occupations, with women dominating in clerical, secretarial and low-end service occupations. In International Labour Office, Governing Body Document, GB.283/2/1, 283rd session, Geneva, March 2002: 37.


9. Ibid.

10. Ibid, pp. 6-7.

11. The maquiladoras, i.e. factory assembly operations, are of particular interest, as they were originally set up as a deterrent to migration. Their location, however, is near the US-Mexican border, where unemployment tends to be low, to fill the plant with workers, migrants are recruited from the interior parts of Mexico. Data on the workers show that about 40 per cent of the workers are men and some 60 per cent are young, single women who do not use these jobs as a stepping stone to migration, but make up a fairly stable workforce population. In World Migration Report 2000, IOM: 252.


13. Ibid.

14. Ibid.

15. The true number of women who moved is known through the company’s publicity released in mid-1622: “57 Young maids have been sent to make wives for the Planters”, David R. Ransome, “Wives for Virginia”, 1621, in The William and Mary Quarterly, Third Series, Vol. XLVIII, No. 1 January 1991: 10.

16. Ibid: 16. Items promised to Virginia brides included: “a petticoat, a waistcoat, two pairs of stockings, a pair of garters, two smocks, a pair of gloves, a hat and bands, one round band, an apron, two pairs of shoes, a towel, two coifs, and one ‘croscloath,’ as well as worsted and yarn for stockings.”

17. Ibid, p.11.

18. Ibid, pp. 5-6.


20. Brown points out that most males were literate during colonial times, whereas many women were not. Brown also notes that most movements of men were recorded, whether they were white or black, whereas movements of women could go unmentioned.

21. Gender perspectives differed among the men and women of these various cultures with regard to social mores and perspectives on labour, sex, appropriate attire and hair. These differences influenced how the European colonists, indigenous peoples and other forced migrants perceived and interacted with each other.

22. Gender frontiers refers to those tensions and prejudices that arise when different cultural perceptions as to the roles of men and women collide, such as attitudes towards who does what type of work.


29. Ibid.


Throughout this text “Hong Kong” refers to the Hong Kong Special Administrative Region of China.

35. For example, in 1997, over 90 per cent of Indonesian female migrants in Saudi Arabia were working as domestic servants according to the Indonesian Embassy in Saudi Arabia. Graeme Hugo, para. 4.


37. Ibid, paras. 3 and 4.


44. Ibid.


48. Ibid.

49. Ibid.

50. Ibid.

51. Ibid.

52. Ibid.

53. Ibid.

54. Despite this, in 1990 60,000 female migrants were working as domestic servants in Britain. Most of them were from the Philippines, Colombia, Nepal, India and Sri Lanka. Women from various countries in Asia and Central and South America (Brazil, Colombia, the Dominican Republic, Nicaragua, Panama and Peru) have also made their way to Western Europe.

55. Salt, op. cit., p.18.


60. International Labour Migration Database (ILM), International Labour Organization, Spain, Table: 7 Inflows of employed (im)migrants by sex and citizenship, absolute numbers, 1986-2001.


63. Ibid, p. 209.

64. Ibid, pp. 199, 204, 206 and 207.


69. Angeles Escriva, p. 211.

70. Ibid, pp. 209, 216.

72. Ibid, paras. 8 and 9.
76. Ibid. Mexico is the number one sending country of immigrants, both men and women combined, to the United States since 1960.
80. A quick look at the maquiladoras which line the Mexican border with the United States shows that the men working in these factories tend to continue a migration path farther north. The women are more prone to staying within the maquiladora system. It is only with more analysis that we will begin to understand the differences in motivations between men and women in migration flows. And these understandings will, in turn, inform policy makers on the motivations behind gender disparities in particular flows.
CHAPTER 3
Migrant Remittances

Every hour of every day, more than US$ 2.5 million worth of a certain product is silently transported across the Rio Grande. The product is usually in the customer's hands within 24 hours and the commissions charged for transporting it add up to another US$ 350,000 per hour. Until this product began to create substantial impacts across the Americas, few governments paid much attention to it. This lucrative business is not drugs, not contraband, and not human cargo; it is the hard earned salaries of millions of Latin American workers in the US who are sending money home. In 2001 they sent home US$ 23 billion in personal remittances to family members and paid more than US$ 3 billion in transfer fees and exchange rate spreads. (Jan Smith Ramos, Director, Financial Services Industry Practice in Latin American Remittance Market: “El Dorado is in Los Angeles”)1

In Chapter Two we touched upon the growing trend of female labour migration in some countries. While both male and female migrants are a major source of foreign income or remittances for their families, what was not discussed in the previous chapter was the impact these foreign labourers may have on their country of origin by sending money back home. In this age of economic globalization, migration has significant transnational ripple effects. One hundred years ago, a migrant to the US could not easily send money home. Today, however, money can be wired from and to almost anywhere. Where electronic money wires cannot reach, there are elaborate informal fund transfer systems that can be used. The result empowers migrants with true transnational character and influence, and many governments are beginning to sit up and take note.

Conservative estimates on annual remittances amount to well over one hundred billion US dollars worldwide.2 This chapter will review the issue of migrant remittances, investigate preliminary evidence on how and why men and women may remit differently, and what this may mean for future policy makers. Although there is a great deal of discussion and information on the potential impact of remittances on international economic and social development, few experts have looked at the intersection of gender and inter-generational ties, and the way in which the assumptions and expectations of these evolving relationships influence monetary flows. Policy makers who hope to both influence and harness remittances must not only understand how they flow but who is involved in the decisions to send and spend them.
DEFINING REMITTANCES

What are migrant remittances? Remittances are the monies or goods a migrant earns while working abroad and sends home. Such monetary transfers act as an additional source of income for the recipients, and often constitute the primary motivation behind a decision to migrate from developing countries. The best understood form of remittances are formal money transfers. However, remittances can also be transferred in the form of what some experts call “physical” or “social” assets, that is items that address health care and basic needs such as food, clothing, medicine, farm machinery, consumer goods and, in some cultures jewellery, goods or livestock and items necessary to meet the bride price in some cultural settings.3

Remittances can be further divided into two subgroups: (1) individual remittances, sent by single migrants to family members or friends back home, and (2) collective remittances, sent by groups of migrants from the same area through hometown associations or community groups abroad. Individual remittances tend to be larger and more frequent. Collective remittances are often infrastructure related and benefit a larger group by addressing community needs. As collective remittances tend to pursue a particular project or aim, they tend to be more sporadic and often the individual contributions to a collective remittance are smaller. An example of this type of remittance could be money pooled to purchase an ambulance, paint or build a school, build roads or dig a well.

A FAMILY AFFAIR

When examining the remittance phenomenon it is important to note that the asset (monetary or otherwise) is not just sent back to the home country, but it is sent back and received with a purpose, and often with directions. Thus, migrant remittances, like migrants themselves, are more than just economic units; they are part of a transnational relationship that is itself affected by both gender roles and expectations, as well as the ensuing inter-generational dynamics. To harness remittances for development purposes presupposes a social understanding at the micro level, as well as a transnational understanding of the impact on macroeconomics.

THE WAY FUNDS ARE TRANSFERRED

Funds are transferred through a variety of means: checks, cash, money orders, electronic transfers, the postal system, banks, credit unions, small and large money transfer companies such as MoneyGram, Western Union, Gigante, IRNet, Mateo Express, couriers, self-carry as well as less regulated mechanisms such as hawala, hundi or padala.4 While the formal channels need less explanation, it is worth taking a moment to explain the informal transfer channels.
Hawala is an ancient money transfer system that is still available worldwide.\(^5\) The advantage of informal systems such as hawala, is that they can reach areas where formal banking systems do not exist. In the hawala system, a monetary transfer takes place without actually moving the money itself.\(^6\) Instead, the transfer is conducted based on a relay of telephone calls, faxes or e-mails between members of the hawaladar network.\(^7\) Note that the hawala network is commonly used by migrants in Middle East and Arab countries, whereas hundi, a similar informal system, is the choice of migrants in South Asia.\(^8\) Padala, the informal system used in the Philippines, literally means “please bring” and usually involves door-to-door delivery of money.\(^9\) There are two kinds of Padala in the Philippines, the first is when friends or relatives, who happen to be travelling to other places are asked to take money or gifts there. The second is a business similar to hawala and hundi. These informal money transfer systems are currently under serious scrutiny as they may be used by criminal elements for money laundering purposes. In the wake of 9/11, such informal money transfer systems call to mind terrorist networks. However, these systems are favoured by many migrants because of their better-than-market exchange rates, low fees and simply because they are old, familiar systems. The reliance on these systems by migrants who may have never had a bank account and/or who may not be literate cannot be overestimated. Any attempt to dissuade migrants from using such systems will only be successful if and when it will have become easier for them to use formal money transfer systems and when more information on various money transfer options is made available. Many women who receive remittances from relatives abroad struggle with the formal banking procedures in their countries, if they are available at all. Moreover, as many women are also illiterate, the informal money transfer systems are much easier for them. While some women are able to manage and achieve a certain degree of autonomy by acquiring the necessary skills and literacy, others have to continue to rely on family or informal money transfer systems.

**OUTSIDE INFLUENCES ON REMITTANCE PATTERNS**

Global events and crises have an effect on whether and, if so, how remittances are transferred. Events such as the terrorist attacks that took place in the US on 11 September 2001, have affected such transfers as some experts believe that the resulting, more stringent scrutiny of money laundering has encouraged and even frightened migrants into remitting through more formal channels. Remittances to Pakistan, Indonesia and the Philippines were re-shaped by the new regulations. However, as many migrants remitting money to their families are in an irregular situation, the use of formal and legal banking channels is not always a viable option. Some governments, for instance the Mexican Government, have taken steps to issue Matricula Consular Cards (ID cards first used in the 1800s) to identify their citizens abroad. The renewed interest in issuing Matricula Consular Cards is largely triggered by an effort to facilitate an
uninterrupted flow of migrant remittances. These cards allow irregular migrants who lack proper documentation in the country of residence to establish that they are foreign citizens. These cards are primarily used in the US to open bank accounts and enable migrants to transfer money back home. The Governments of El Salvador, Guatemala, Honduras, Peru and Poland are also looking into the possibility of issuing such cards.10

Furthermore, conflicts and natural disasters affect remittance flows. During conflicts such as in Northern Ireland or in Sri Lanka, remittances were sent over a period of years from the diaspora abroad to support a particular side of the conflict. In some conflict situations, banking and communications systems break down thus affecting the choice of possible remittance channels. In the wake of some natural disasters, such as hurricane Mitch, some Central American governments11 appealed to the US to grant temporary protected status (TPS) to their illegal workers in order to allow them to remain there and continue to remit funds home until the emergency situation improved.12

REMITTING PRACTICES

Remittances are sent by a majority of migrants and all types of migrants remit funds, but numerous factors influence the decision of whether to remit and, if so, how much and how often. Generally, the motives of men and women to remit money differ, but such differences are only beginning to be recognized in current literature. Other factors affecting remittance behaviour and that are significantly influenced by gender dynamics include education, degree of integration abroad, marital status and family composition (children/no children and distribution of family across international borders). Additional factors influencing remittance behaviour, but that are less gender sensitive, include time spent abroad and the number of relatives left in the country of origin.13

UNDERSTANDING REMITTANCES14

Not a great deal is known about the impact of remittances in receiving countries. For instance, measuring global remittances is difficult and many scholars acknowledge that significant amounts are remitted outside formal banking mechanisms. To date, only a handful of researchers have undertaken to examine the direction and volume of informal flows, and the effect of national migration and banking policies on them. There is surely an impact on the development of nations with a high percentage of remittances as compared to other forms of foreign income, but to understand how remittances affect development a more thorough understanding of both formal and informal money flows is needed. In addition, analysis of how remittances are spent will need to be expanded to investigate how household resources are spent overall, both the remittance funds as well as previously existing household resources. Beyond
that it is necessary to look further a field than just migrant-sending households, to explore the effect of remittances on the overall economy of individual nations. Without looking at the total picture, accurate conclusions are not possible. Furthermore, understanding the impact on development will require coordinated cross-discipline research and cooperation. Acceptance of new models of migration that include understandings of transnational communities and circular migration patterns will also be critical. Last, and certainly not least, it is critical to look at the influence that gender has on remittances. Since men and women remit funds for different reasons, at different rates and in some cases using different methods, studying remittances from a gendered perspective is of great importance.

Below are some interesting facts pertaining to remittance flows. Before looking at remittances from a gender perspective, let us first examine some generally accepted facts about recorded remittance flows.

- The two countries from which the most recorded remittances are sent are the United States and Saudi Arabia, followed by Switzerland, Germany, Malaysia and France.
- The majority of remittance recipients are women.
- Recorded remittances have generally increased over the last 30 years, especially to developing countries. This is attributed to:
  - Increased movement from rural to urban areas;
  - Cyclical migration;
  - Development of transnational societies;
  - Increased access to money transfer and communication mechanisms.
- Some 65 per cent of global recorded remittance flows are sent to developing countries.
- The breakdown of regions receiving recorded remittances in 2003 are as follows:
  1) North America (US, Canada, Mexico): 12%
  2) Europe and Central Asia: 8%
  3) Latin America and the Caribbean: 21%
  4) Sub-Saharan Africa: 3%
  5) Middle East and North Africa: 9%
  6) East Asia and Pacific: 13%
  7) South Asia: 13%.
The top six receiving countries in 2003, and amount of recorded remittances received expressed in US dollars:

1) Mexico (US$ 13 billion)
2) France (US$ 10.4 billion)
3) India (US$ 8.4 billion)
4) Philippines (US$ 8 billion)
5) Belgium (US$ 4.5 billion)
6) Spain (US$ 4.3 billion).

The top 15 receiving countries in 2002 in terms of recorded remittances being a percentage of the GDP:

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonga</td>
<td>38.6%</td>
</tr>
<tr>
<td>Lesotho</td>
<td>28.7%</td>
</tr>
<tr>
<td>Jordan</td>
<td>23%</td>
</tr>
<tr>
<td>Moldova</td>
<td>16.6%</td>
</tr>
<tr>
<td>Samoa</td>
<td>16%</td>
</tr>
<tr>
<td>Albania</td>
<td>15.6%</td>
</tr>
<tr>
<td>Kiribati</td>
<td>15.6%</td>
</tr>
<tr>
<td>Jamaica</td>
<td>15.5%</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>15.4%</td>
</tr>
<tr>
<td>Nepal</td>
<td>14.6%</td>
</tr>
<tr>
<td>El Salvador</td>
<td>13.7%</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>13.5%</td>
</tr>
<tr>
<td>Lebanon</td>
<td>13.3%</td>
</tr>
<tr>
<td>Yemen, Rep.</td>
<td>12.5%</td>
</tr>
<tr>
<td>Honduras</td>
<td>10.8%</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>10.2%</td>
</tr>
<tr>
<td>Philippines</td>
<td>9.6%</td>
</tr>
<tr>
<td>Ecuador</td>
<td>8%</td>
</tr>
</tbody>
</table>

Generally, remittances peak over a period of three to five years; thereafter, if the migrant settles abroad, they tend to level off. The amounts being remitted tend to be lower if the migrant has small children.

The research conducted on remittances is very piecemeal, consisting largely of regional and global macroeconomic overviews by economists from financial institutions, and smaller snapshot micro views of individual migrants. At present, these two bodies of research are not easily aligned.

Studies by World Bank experts show that the relative control over resources exercised by men and women has a significant and often gender differentiated impact on family consumption and expenditure. Furthermore, as half of all migrants are women, and women are also by far the largest receivers of remittances in every region of the world, their views and behaviour both as individuals and collectively are critical to understanding the impact of remittances not only on women, but also their families and the respective countries and regions as a whole.
This can be illustrated by the situation of female domestic labourers in Hong Kong Special Administrative Region of China.\textsuperscript{27} Studies of female migrants working in the domestic sphere rarely focus on their economic power in the informal economy. Instead, studies often focus on women’s vulnerabilities and victimization while the economic impact of their labour is ignored and/or misunderstood. Yet, the demand for the work of these female migrants in the informal sector appears to remain steady despite economic downturns.\textsuperscript{28}

Filipino domestic workers in Hong Kong remit enormous amounts of money to the Philippines, contributing to the growth of their communities back home. But it is not always easy. The minimum monthly salary for a domestic worker in Hong Kong in 1995 was approximately US$ 470, and is close to US$ 3,260 today.\textsuperscript{29} In 1995, these migrant women remitted US$ 36 million from Hong Kong over the course of two months (January and February), while at the same time the larger male Filipino workforce in Saudi Arabia remitted only US$ 1.2 million.\textsuperscript{30}

Today, these female domestic workers are feeling the repercussions from the efforts undertaken by the Government of Hong Kong to cut down on moonlighting (undeclared additional jobs). In 2003, Hong Kong began to restrict the hiring of domestic workers by any one employer by requiring the worker to live in. As the status of migrant workers was thus changed into live-in domestic servants, the government lowered the minimum wage, resulting in a US$ 400 pay cut for the migrants concerned.\textsuperscript{31} Simultaneously, the government imposed a tax on families employing domestic workers. As a result, the money employers used to pay directly to their workers is now transferred to the government.\textsuperscript{32}

As workers are not allowed to change employers during their contract period, these new arrangements have created new vulnerabilities for all concerned. To monitor live-in arrangements is extremely difficult for government workers to do, and even though contract language must stipulate “suitable accommodation with reasonable privacy”, the reality is that some families may need help but do not have the luxury of a spare room. As a result, cases of migrants sleeping in bathtubs and other aberrations have been documented by the Overseas Workers Welfare Administration (OWWA) at the Filipino Consulate in Hong Kong.\textsuperscript{33}

How do such policy developments affect remittances? Before the introduction of the new policy, Filipina domestic workers remitted on average HKD 1,287.31 a month, or HKD 42.91 each day. This equals Philippines Pesos 278.92, or roughly just over half the daily cost of living in the Philippines (PhP 424.67).\textsuperscript{34} Moreover, 66 per cent of their monthly minimum wage of HKD 3,670 was spent on loan repayment and on telephone bills in Hong Kong.\textsuperscript{35} This means that before the new policy was enacted, these women...
needed extra income to support their families in the Philippines. The new Hong Kong policies make it more difficult to remit sufficient funds home, which for many was the reason for coming to Hong Kong in the first place.

The Government of the Philippines recognizes the importance of remittances and has long supported and encouraged migrants to go abroad. Government offices are responsible for assisting with this process and for providing support. While previously the government believed it could encourage remittances by making them compulsory through an Executive Order, it became quickly obvious that such intervention produced negative effects.36

Countries of origin understand the contribution remittances are able to make toward the strengthening of local economies and the improvement of standards of living. The positive impact of remittances on their economies can be leveraged by supporting migrants through the provision of services. Some provide access to financial planning, assist with labour recruitment, advocate for full civil rights and fair wages for citizens abroad, basic rights in the workplace, and reduced financial transmission costs. They must also engage in a dialogue with countries of destination to secure equitable conditions and treatment of their migrant populations.

Countries of destination acknowledge the importance of migrants to fill particular labour market niches and ease skill shortages. The challenge is to encourage and redirect incoming migrants into regular migration channels, where benefits and taxable income can be reported and migration encouraged or discouraged according to the local employment situation. Destination countries will also need to take care that local minimum wage rates and benefits are not undercut by hiring migrant workers, though it has also to be acknowledged that the jobs taken by migrants are often those shunned by the local workforce. Such contrasting concerns illustrate the need to strike a viable balance between policies aimed at both facilitating and managing migration.

As migrant remittances are frequently of a temporary nature, it is important to manage them. Countries of origin have an interest to ensure that migrants maintain their links with their home country, particularly since migrants tend to remit less the longer they remain abroad. Countries of destination should also acknowledge that migrant workers are able to make a significant contribution to their economy, and that the remittances they send home assist other countries in need of support often within the same region. As economic migrants travel to countries with stronger economies, temporary migration schemes are able to play a role, albeit a limited one, in aid management and act as a relief valve by allowing additional funds to flow to those in need. According to experts at the World Bank, monetary flows into developing countries now range in overall magnitude from greatest to least: Foreign Direct Investment (FDI), migrant remittances and then last and least, Overseas Development
Assistance (ODA). According to David Stanton, Chief Enterprise Development Officer for the Department for International Development/UK, global flows of remittances are not only much bigger than ODA, but are also considerably more efficient in terms of directly reaching the hands of the poor and empowering them to determine their own development. However, Mr. Stanton goes on to caution that remittances cannot replace aid.

EMERGING GENDERED TRENDS

Despite the paucity of data on male and female remitting behaviour, there are recorded trends regarding male and female financial behaviour. Overall, men tend to make more money than women. This tendency is true of nationals as well as immigrants, with immigrants, both male and female, making less than local citizens.

Migrant women may also tend to remit a larger portion of their salaries more regularly for everyday needs, while men may tend to remit more for investment, such as buying land, a farm, housing, farm machinery and cattle. There are, of course, exceptions to these generalizations and trends certainly will vary according to country or region.

If we examine a small sample of Mexican migrants from areas with a particularly high propensity to migrate to the United States between 1992 and 1997, we find that on average Mexican women earned US$ 600 per month, while Mexican men earned US$ 931 for the same period, a difference of US$ 331.

Studies also show that women who migrate either internally or internationally tend to remit a larger percentage of their income more regularly. However, the actual amounts may be smaller than those sent by men since their salaries overall also tend to be lower than those for men in similar jobs. At an average monthly remittance to Mexico of US$ 300, it is clear that women migrants have to save a larger share of their wages to meet the remittance expectations.

According to a survey conducted by Blanca de la Cruz, Mexican women (daughters) remit money on a regular basis. The survey also found that, contrary to global expectations, remittances from these women continued and got larger after they were married. The remittance was not only spent on basic daily needs such as food, clothing, medical care and on financing education, as expected, but it was now also combined with family assets in Mexico to support business ventures. Compared to Mexican sons, Mexican daughters maintained their support-oriented family role even after marrying as evidenced by their remittance sending behaviours.
Mexican males, usually sons in the 18 to 25 years age range, tend to be temporary migrants. Unlike their female counterparts, who may experience the attributes of increased emancipation by working in the US and therefore seek permanent settlement there, Mexican males tend to return home in greater proportion and, thus, their remittances are more focused on inheritable investments, such as land, farms, housing, farm machinery and cattle. While these contributions indeed aid the families at home, the assistance is directed into areas that also meet the migrant's self-interest. For example, when sending money to purchase land, the family and migrant often agree to purchase the land in the migrant's name, ensuring that he will inherit or take charge of the property in the future. While some may interpret these remitting characteristics as being motivated by self-interest, this behaviour is not due to biological differences between men and women, but directly corresponds to the different roles and expectations placed on individuals by Mexican society. Men are expected to eventually provide for families of their own. By apportioning their savings in land and assets they help the family who can benefit from the investment until the migrant's return.

It is interesting to note that, according to the survey, Mexican men remitted on a more occasional basis regardless of their marital status. They were also more likely to remit money for special events and holidays, medical emergencies and in response to a request for money, rather than sending money periodically for daily needs. The tendency for daughters to remit more regularly to help relieve daily difficulties extends to other cultures and nationalities. Girls from the Philippines and the Dominican Republic also share this tendency with women from Mexico.

CONCLUSION

As discussed before, it is important to highlight the determinants that influence remitting behaviour where gender analysis could play a role, and which should be examined more closely at the national and regional level for the benefit of policy makers. A gendered analysis of remittances should include:

**Who is moving?**

**What are their wage rates?**

Wage rates differ among men and women, with men receiving higher incomes overall for similar types of work.

**Marital status**

Married migrants have different obligations that affect the balance of power in their marriage and their relationship with extended family members. Expectations in marriage are often different for men and women as are family expectations of married couples.
Level of education

Access to education may differ for men and women. Migrants are usually not the poorest and least educated. However, among migrants many educational differences exist.

Children

Men and women often play different roles and have different obligations when children enter the picture. Whether the child migrates with the parents or remains in the country of origin is also of importance to remitting behaviours.

Migration analysis tends to take a back seat to financial studies on the remittance issue; however, new migration studies focusing on transnational identities and that are longitudinal in scope stand a much better chance of forecasting who will remit and how as well as the shape of future remittance flows. The simplistic arguments that poverty and overpopulation trigger migration ignore the complexities of migration in a globalized world. Migration today is no longer simple movement. Email, phone and fax provide instantaneous communication and have given rise to transnational identities. The question is whether the monies these migrants remit changes the inter-generational transmission of poverty over time – a question that remains to be answered by serious longitudinal study.
Notes


6. Ibid, paras. 1 and 2.

7. Ibid, para. 2.


10. Kevin O’Neil, Consular ID Cards: Mexico and Beyond, Migration Information Source, Migration Policy Institute, 1 April 2003.

11. For instance the Governments of El Salvador, Honduras and Nicaragua also received TPS status for their citizens.

12. Kevin O’Neil, op. cit., Consular ID Cards: Mexico and Beyond, Migration Information Source, Migration Policy Institute, 1 April 2003.


14. Note that the statistics that follow are indicative of what is known about remittances from recorded flows. In the grand scheme of remitting these flows represent only a fraction of the amount of money being transferred. Not only are there inconsistencies from country to country in estimating and reporting, but experts believe that a large percentage of remittances are transferred outside formal channels.

16. The following calculations were made from two tables in the *IMF Balance of Payments Statistics Yearbook 2003*, “Worker remittances”, pp. 76-78, and “Worker compensation”, pp. 55-57.


22. Ibid.

23. Ibid.


27. Throughout this text “Hong Kong” refers to the Hong Kong Special Administrative Region of China.


32. Ibid, para. 6.

33. Ibid.


35. Ibid.
36. Executive Order 857 required all overseas contract workers to remit 50 to 70 per cent of their salaries through government-authorized channels. Seamen, construction workers, doctors, engineers, teachers, nurses and other professional workers were required to remit 70 per cent of their salaries, while other professional workers with no free board and lodging provided by their employers were required to remit 50 per cent of their salaries. In addition, Filipino migrant workers had to show evidence of their remittances under this order. Those who could not comply lost the right to renew their work contract and passport. As a result, Filipino migrant workers had to borrow money from financing agencies to remit in order to have remittance receipts, thereby pushing their families further into debt. The law was repealed in 1985. Cf. The United Filipinos in Hong Kong (UNIFIL-HK), “Historical Background”, para. 3.


40. Alicia Giron G. and Ma. Luisa Gonzalez Marin, Women Migration: A New Structural Paradigm or an Alternative Change Development to a Financial Crisis? (From a theoretical perspective to a local case in Mexico), Instituto de Investigaciones Economicas – UNAM, Los Angeles, California, July 2002, No. 6.


42. Mexicans on average send at least US$ 300 home per month, a significantly higher amount than other Latin Americans in the US who remit in the area of US$ 200-250 per month. Orozco, Worker Remittances in an International Scope – “4: Transfers from the United States to main recipient countries”, p. 9.


44. Cf. supra, fn. 40.


47. Ibid, paras. 1 and 2.

48. Ibid.

49. Ibid.

Above: Young Greek women are offered domestic training courses by ICEM in Athens. The courses are designed to give the women some employment skills for when they emigrate.

© IOM 1958 - HGR0029 (Photo: S. Kydoniefs)

These young refugees are learning to type at a vocational training school, run by the International Refugee Organization (Federal Republic of Germany)

© IOM 1950 - HFG0010 (Photo: K. Orre)

Below: Anna Spilos worked as a nurse in her native Latvia before migrating to Australia. She is now on the nursing staff of the Austin Hospital, Melbourne.

© IOM 1955 - HAU0187

There is much work for new immigrants in New Zealand. This woman has found employment sorting apples for export.

© Unknown 1958 - HNZ0015
New arrivals at a reception centre in Caracas are given a medical examination to ascertain their health.
© IOM 1960 - HVE0014

Below: The Royal Thai Government provides support for many refugees in developing handicrafts as home industries. Chieng Khong camp, Chieng Rai Province.
© Unknown 1975 - HTH0099

Below left: ICEM’s Rural Development Programme acts to promote the development of Argentina’s agricultural sector and bring skilled workers to the least populated areas of the country.
© IOM 1978 - HAR0177

Below right: After gaining valuable skills in the European health system, this dentist returned to Kenya with assistance from ICM’s Return of Talent Programme.
© Wendy Stone 1988 - HKE0007
A medical doctor, assisted by IOM in returning to Nicaragua, examines a child in Masaya hospital.

© IOM 1997 - MNO0004 (Photo: Rudolf Maxwald)

With its Return of Qualified Nationals programme, IOM has returned many professional workers to Bosnia and Herzegovina to help stimulate growth.

© IOM 1999 - MBA0002

Left: Following the Gujarat earthquake, IOM focused its relief efforts on rebuilding shelters for migrant workers employed in the north-west Indian state’s salt pans.

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Resettlement of Somali Bantus to the United States. Before departure they are housed in a transit camp, where they receive cultural orientation.

© IOM 2002 - MKE0016 (Photo: Sasha Chanoff)
Marina, a victim of trafficking, trained and now works as a nurse's aid with the NGO COIN in Santo Domingo.

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Immigrant women in Merke, Kazakhstan, received assistance from IOM and the Red Crescent to open their own textile workshop.

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A young mother and her child are just two of the third country nationals who have fled Iraq to the Ruweished camp, Jordan.

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Out of country voting for Afghans living in Pakistan. A community mobilizer talks to women at Mardan in Pakistan’s North-Western Frontier Province.

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CHAPTER 4
Trafficking in Human Beings

Trafficking in persons is arguably the most complex, multifarious, high profile human rights issue facing society today. According to some criminal experts, it is the fastest growing area of international criminal activity, second only to trafficking in drugs and guns. Experts estimate that approximately US$ 8 billion are made each year from trafficking in humans, almost the equivalent of what is made trafficking drugs.\(^1\) The profits are huge and, unlike contraband, a person can be exploited, sold and resold many times over. During the past two decades, many loosely organized criminal networks trafficked people with near impunity. Few penalties existed and, where they did exist, they often were not enforced. In 2000, however, the tide turned. For the first time there was not only consensus as to what the phenomenon of trafficking is as such, there was also a coalescing of the international political will to fight it. International standards were set and countries throughout the world began to adjust their laws in response.

Global statistics on the scope and magnitude of trafficking in persons are difficult to come by. Trafficking tends to be clandestine in nature, and data collection and statistical record keeping have not kept pace with the general change in the international conceptualization and identification of the phenomenon, nor the adjustments made in national laws to combat it. While it is currently impossible to provide precise statistics, the US Government estimates that some 800,000-900,000 persons become victims of trafficking each year.\(^2\) Available evidence shows that flows are generally directed from less developed to industrialized countries, or towards neighbouring countries where standards of living are marginally higher.

Although trafficking in persons is defined in terms of human rights violations, and the struggle against it occurs within that framework, the movements as such cannot be divorced from the broader context of population flows. Likewise, trafficking cannot be divorced from the broader more specific issues concerning the status and rights of women, particularly as the majority of known victims are young females. When the widespread feminization of migration in Asia, as discussed in Chapter Three, is taken into account, it is logical to deduce that a majority of female trafficking victims will come from that part of the world. There is also abundant evidence of trafficking victims originating from the area of the former Soviet Union, especially regarding women who are forced into prostitution. This particular flow is not surprising as the disintegration of the former Soviet Union and the subsequent economic and structural changes that swept the region throughout the late 1980s and 1990s, generated
the economic and social inducements for such irregular population movements to occur. Research reports from the International Organization for Migration (IOM) on Eastern Europe, Latin America, the Caribbean and Africa all provide evidence of trafficking flows, with many of the victims ending up in Asia, North America, Western Europe or the Middle East. Depending on the kind of exploitation involved, the victims are usually taken to large cities, manufacturing centres, tourist spots or are dropped into establishments near military bases or coastal areas.

It must be stressed that any person may be trafficked and, while strategies are being worked out with particular emphasis on women victims, strategies must also be developed for children and men. This is particularly important when developing assistance mechanisms for victims, as the respective coping mechanisms and ingrained expectations differ not only across cultures, but also across genders. A realistic and effective analytical approach towards trafficking, therefore, encompasses a gendered perspective. Gender, as we defined in Chapter One, is very much about understanding power relations. Gender, therefore, is a relational issue. Even though much gender analysis leads to advocacy on behalf of women, the underlying principles of gender analysis examine power structures between genders, and between genders and society in general. Since trafficking in persons revolves largely around the criminal manipulation of a person, i.e. issues of power and control, a gendered analysis of the phenomenon is germane if the problem is to be successfully addressed. But, how can a gendered approach best identify and assist victims? And, how can victims be distinguished from ordinary flows of people?

DEFINING TRAFFICKING

It is tempting to situate trafficking in persons at the point of intersection between crime and migration. However, it is important to remember that trafficking is both a human rights issue and a migration issue. To fully understand this inherent complexity, a clear distinction between the terms “smuggling” and “trafficking” must be made. There are many misconceptions regarding “trafficking” and the term is often confused with, and indiscriminately used for “smuggling”. Though to the layman they may appear interchangeable, they are in fact two distinct phenomena, defined by international law and migration studies.

SMUGGLING

Smuggling relates to a situation where an individual seeks the assistance of a facilitator to cross an international border via some illegal means or process. Such border crossings are predominantly illegal. We use the word “predominantly” because smuggling can involve “proper” legal travel documents obtained through illegal means, or ostensibly legal border crossings with the help of forged travel documents. This may involve bribing officials to obtain a
legal travel document or visa, or the purchase of forged passports. Most frequently, however, it involves clandestine border crossings by land or by sea, with all the hazards this implies.

Thus, the individual wishing to leave seeks out the illegal assistance, pays for the service generally in advance and, on arrival at the destination the contractual relationship ends and the smuggled person is of no further interest to the smuggler. The crime, in essence, is one committed against the state. This perception often causes some to question the use of the term “victim” when referring to an individual who has been smuggled at his or her own behest over a border. However, there is one additional characteristic to keep in mind regarding the smuggling of persons. Smuggling fees are almost always paid in advance. This means that the smuggler has no vested interest in the health, safety or even actual arrival of the clandestine migrants at the agreed destination. Indeed, there are many incidents of smuggled persons perishing at sea or during land transport, which can be attributed to a lack of vested interest in their safe arrival, since no further profit is to be generated from them. Smuggled persons can be victimized.

How, then, does trafficking differ from smuggling and how can a victim of trafficking be recognized?

TRAFFICKING

According to the IOM Handbook on Direct Assistance for Victims of Trafficking, there are three perspectives which, in combination, help to identify a person who has become a victim of trafficking. These perspectives examine various implications from the points of view of (a) the law, (b) the criminal, i.e. the trafficker, and (c) the victim. In each of these perspectives, gender analysis (assumed roles, obligations and expectations of society) is an essential ingredient to better identification and assistance. Let it also be stated at the outset that the actual movement involved in trafficking may itself be legal.

The most complete and most universally accepted definition of “Trafficking” can be found in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in force since 2004, that supplements the UN Convention Against Transnational Organized Crime, Article 3 of which states:

a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prosti-
tution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve the means set forth in subparagraph (a) of this article.

d) “Child” shall mean any person under 18 years of age.7

While legal definitions are difficult to absorb and to commit to memory, the three core elements of the definition are the activity, the means and the purpose, where:

1) The activity refers to some kind of movement either within or across borders;

2) The means relate to the involvement of some form of coercion or deception, and

3) The purpose is the ultimate exploitation for profit of a person and that person’s loss of self-determination.8

For anybody having to work with the issue of trafficking and its implications, it will be helpful to bear in mind these constitutive elements of the definition of trafficking, especially as victims of trafficking will not normally be either in a position or willing to relate their experience in terms of the formal definition. To simplify the constitutive elements it is important to be able to effectively interface with the victims (who often find it difficult to fully understand and externalize what has happened to them, particularly if they have to do so with the help of a translator), as well as for activists and the general public who may be in a position to help identify a victim of trafficking.9

Though some of the constitutive elements of the two criminal activities are similar or even overlap, there are some distinct differences. One such difference lies in the process and mechanism used to control a victim of trafficking.10 Indeed, with the exception of victims who are kidnapped or abducted, trafficked victims are often elaborately recruited and lavished with promises of jobs, money, marriage and success. The trafficker plays into a potential victim’s desire to leave an unwanted or seemingly hopeless situation for better opportunities.

As already noted, women as well as children and men may be prone to become victims of trafficking, only the methods may differ. Five common means or methods used with the aim of trafficking women have been identified:11
1) Abduction or kidnapping;
2) Pretext of an offer of employment without sex industry connotations;
3) Pretext of an offer of marriage;
4) Pretext of an offer to be a singer or dancer in the entertainment industry;
5) Deception about the conditions in which a woman will undertake prostitution.¹²

These recruitment patterns are not exclusive and other recruitment patterns for women may also exist. It is important to note from our gender analysis perspective that these patterns are particular to women, and that they will vary when we look at trafficking of children or men. In the case of children, there is usually some sort of parental involvement. The following patterns have been observed:

1) Using cultural traditions as a pretext to give a child to a close relative or friend for care;
2) Pretext of giving a child up for adoption;
3) Pretext of giving a child, usually a girl, to someone for an arranged marriage;
4) Pretext of giving a child to someone for work purposes to increase family income, or to release the family from the economic burden of caring for the child;
5) Sale of a child to someone, known or unknown to the parents, to be used for begging, serving, assisting, marriage or sex (male or female);
6) Sale or abduction of a child to be used in sport or war, e.g. as a camel jockey or child combatant;
7) Abduction or kidnapping of a child for the purpose of soldiering or to assist in the care and maintenance of military camps.

Children who are being trafficked may or may not understand what is happening to them, just as the parents may or may not be aware of the actual outcome of their handing over the child. Some parents honestly believe that their children will have a better life, while others may not be concerned. However, for a child to be trafficked, the “means” — the deception or coercion — are irrelevant as constitutive elements of the criminal act. Only the “activity” and the “purpose” are relevant for a case of child trafficking to be established. These are only a few examples of possible recruitment patterns for children; the list is not exhaustive.
For men, recruitment patterns are less well known as fewer male victims over the age of 18 have been identified. This is an area in need of more research and awareness creation. Possible male recruitment patterns include:

1) Abduction or kidnapping;
2) Deception concerning an offer of employment;
3) Deception concerning conditions of work.

Greater attention needs to be paid to mechanisms of exploitation and control in heavy labour industries and seasonal work, as these are areas where male trafficking victims are likely to be found.

While both trafficked and smuggled persons may be accompanied during their movement, victims of trafficking are often coached and assisted to move by a more elaborate network, especially if their movement is illegal. Much like a package sent via a FedEx system, where FedEx employees keep track of a package’s route via barcodes, traffickers also maintain close watch over their victims until their arrival, although they may seem to be travelling alone. This, “FedEx syndrome” is an important distinction between trafficking and smuggling. For the trafficker has a vested interest in getting the person, i.e. their asset, to a destination and, unlike smugglers who have been paid in advance and may abandon the person at the first sign of trouble, a trafficked person will always have someone from the trafficking chain close by to ensure the movement goes smoothly. Payment in trafficking cases is usually to be made after arrival.

While the definition given in Article 3 of the UN Protocol referred to above has been widely accepted as the universal standard, some of its elements leave room for interpretation, and this has caused much controversy. These elements are the terms “sexual exploitation” and “prostitution” that have yet to be defined internationally. While their meaning may seem obvious, they caused great difficulty during the negotiations of the Protocol. Though all government representatives agreed that forced prostitution fell within the definition of trafficking, there was great disagreement about whether prostitution in general, fell within that meaning. In some countries prostitution is a legal and regulated industry, in others it is a crime. This terminology was and continues to be divisive among non-governmental actors as well. States chose not to define these terms during the negotiations, leaving the interpretation to the discretion of individual state in their national laws. This was done in an effort to achieve the greatest international consensus possible and to maintain the emphasis on the mechanism of exploitation and control. Various governments have taken very different approaches to sex trafficking. The Swedish Government’s approach, for example, focuses on demand and makes it illegal to buy the services of traf-
ficked persons. The Dutch Government decriminalized prostitution as an industry and attempts to monitor and regulate it as a form of labour. The US Government faces difficulty with federal versus states rights, and has not yet been able to ratify the Protocol.

The current anti-trafficking movement has become polarized most notably between those who wish to abolish all forms of prostitution as exploitative, and those who believe that prostitution is a viable form of work that should be monitored and regulated. The arguments concerning and surrounding prostitution and trafficking go back several decades, and an examination of the historical development of the concept of trafficking helps to illuminate the current dialogue.

THE EVOLUTION OF THE TERM “TRAFFICKING”

Although trafficking in persons has existed for a very long time, the concept is a rather recent analytic tool. In the mid-1800s, trafficking, as it is understood today, developed as an amalgamation of three lines of advocacy. The first focused primarily on relieving the exploitation of migrant women in forced migratory prostitution. The second aimed to alleviate the exploitation of workers, and called for both male and female workers’ rights. The third and oldest line of advocacy was directed at abolishing slavery as an institution. While independently strong, the weakness of these early movements was their failure to clearly define the word “trafficking”. The term was first used around the late 1800s to refer to the movement of a woman for immoral purposes. This usage was consolidated in the 1904 *International Agreement for the Suppression of White Slave Traffic*, where the connotation of trafficking was to move a woman for immoral purposes across international borders.

Underlying these three advocacy movements were three causative trends involving the mobilization and migration of single males. These trends were:

1) The sporadic abolition of slavery and *the use of non-white indentured labour to replace slaves* in heavy labour activities, such as the construction of canals, dams and railroads, and mining industries such as diamonds, coal and gold. Abduction, smuggling and debt bondage were known practices in this historical male flow.

2) The *deployment of large military contingents and administrative or commercial companies* to oversee and conduct commerce with the many colonies in Africa, Asia and the Middle East, and,

3) The *movement of sojourners and explorers*.

These three trends in male movement produced a ripple effect demanding special movements of women, both coerced and voluntary. First, indentured
labourers were not encouraged to integrate or mix with the existing upper class or ruling society. In the US, arranged marriages as well as commercial ventures supplying women were enacted for Chinese and Indian indentured labourers, who came to replace African and African-American slaves in mines and railroad expansion. Second, in the 1800s, just as today, large male-dominated military deployments arguably created an interest in the entertainment and prostitution industries. And third, racial tensions as well as gendered assumptions and expectations of western and non-western males created a type of exotic stereotyping that resulted in a stratification and hierarchy among women throughout different parts of the world. Racism and xenophobia became evident in many parts of colonial male-female relations, but were perhaps most noticeable in prostitution.22 By 1904 the International Agreement for the Suppression of White Slave Traffic referred to earlier, outlawed the movement of women across international borders for immoral purposes and the term “white slave trade” became synonymous with prostitution.23

The conceptualization of trafficking as a phenomenon underwent further changes throughout the early 1900s as it was expanded in 1910 to include movements within national borders.24 Eleven years later, the Convention for the Suppression of Traffic in Women and Children (1921) broadened the term further by associating it with issues such as the licensing and supervising of employment agencies.25 In 1933, the International Convention for the Suppression of the Traffic in Women of Full Age, concluded under the auspices of the League of Nations, tackled the notion of consent, a highly sensitive issue in modern advocacy dialogue. The Convention stated that no one could consent to being trafficked; a point firmly upheld by international law today.26 Finally, in 1937, the League of Nations tried to consolidate the evolving definitions of trafficking under a rubric that acknowledged that both men and women of any age could become involved in the exploitative phenomenon, that no one could consent, and that this crime could occur both within and across borders. However, this effort was cut short by the onset of World War II.27

After the war, the movement behind a broad interpretation of the term lost much of its momentum. A Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was approved in 1949 by the UN General Assembly, superseding all previous conventions (1904, 1910, 1921 and 1933). But the new convention proved problematic as the drafters had neglected to define the term “trafficking”.28 At the same time, the focus of the convention linked the word almost exclusively to prostitution and ignored earlier efforts to criminalize patterns of exploitation and control. The convention refers to “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution.”29 At this point, the focus is narrowed to sexual exploitation only. Fifty years later, counter-trafficking advocates again took up many of the lessons from the movements of the 1800s and early 1900s, and managed to
produce a broad definition in the UN Convention Against Transnational Organized Crime (2000). Although many states still define trafficking according to their own national and regional context, this is the first convention to provide a broad and universally accepted standard as to what trafficking is, criminalizing patterns of exploitation and control, and providing a strong cohesive platform from which state cooperation can move forward.

Although a great deal has been accomplished, much more remains to be done. The counter-trafficking movement will continue to strive towards further refinement and clarification of victims’ rights and their protection, and to institutionalize such rights in international law.

FROM CONCEPT TO REALITY

Moving from the theoretical definition of trafficking as stated in the UN Protocol to its practical application to identify victims of trafficking, a distinction has to be drawn between traffickers and smugglers. To this end it is helpful to consider the crime from the perspective of the criminal and to ask, what does the criminal intend to do with the victim?30

Law enforcement officials are in a unique position to ask questions that can contribute to identifying victims of trafficking by looking at the intentions of the criminal or the criminal network, and related criminal activities. Though trafficking may be an underground activity, the profits made from trafficked victims are often visible. According to Paul Holmes, former New Scotland Yard investigator, trafficking is a crime that generates cash on a daily basis and is about making a profit.31 Holmes explains that law enforcement agencies are in a position to approach the issue as one relating to financial crime outside a human rights framework identification process. Investigating the financial implications of trafficking can contribute to the discovery and identification of victims, and may involve financial investigators, or special police squads that are highly experienced regarding crimes such as money laundering and other fraudulent activities that are often related to trafficking. According to Holmes, the law enforcement community itself has begun to call for a holistic cooperative approach, which combines police, financial investigators, prosecutors and front-line assistance communities into a multidisciplinary group as a case is being investigated.32

The best way of identifying trafficking victims, however, is through NGOs or organizations with a victim-centred approach: social service groups, faith-based organizations and medical specialists such as gynaecologists who may have contact with trafficking victims.33 These groups often initiate the identification process by recognizing a victim’s immediate problem, such as physical or psychological abuse. They are the contact able to bridge the distrust and hostility victims feel. Trafficking victims need immediate specialist support, treatment and independent legal counselling While the mental trauma from trafficking is rarely
discussed, victims often suffer from post-traumatic stress disorder, and this affects their first interactions upon removal from a trafficking situation. The behaviour or reaction of a victim may appear strange and vexing to an untrained person. They may laugh or retreat into silence, they may find it difficult to concentrate and pay attention to questions. They can experience flashbacks that are set off by colour or smell, and which will affect their responses. Identifying a trafficking victim through interviewing techniques is often a long and difficult process, where pieces of the experience and crime have to be pieced together with the help of a variety of disciplines and actors assisting in any one case.

IOM promotes a joint model for the identification and assistance of trafficking victims that includes law enforcement agencies and NGO partners, and the assistance of experienced psychologists. A mental health provider is employed from the very first contact to help both the victim and the multidisciplinary team of persons providing assistance. While many non-governmental organizations have shown interest in rescuing victims, law enforcement agencies remain the only entities that have the legal means to do so.

A multidisciplinary approach to identifying and assisting trafficked victims is important because it allows experts from different areas to feed into the victim identification process, thereby improving the results. Identifying the victim can rarely succeed with limited and isolated pieces of information, and a holistic approach that looks at several factors is most successful. It is important to keep in mind that many victims do not see or identify themselves as victims. In the course of the identification assessment process, factors such as age, gender, nationality, personal documentation, last location, signs of abuse of the victim, as well as the bona fide character of the agency or institution referring the presumed trafficking victim for assistance, together with available local and global knowledge of trafficking trends and practices all play a role. No single factor alone is able to identify a person as a victim of trafficking, while several factors can collectively provide a more reliable indication of whether a person has indeed been trafficked.

IS THERE A PROFILE TYPICAL OF A TRAFFICKING VICTIM?

There is no available blueprint about who can become a victim of trafficking. The characteristics, as far as they go, are symptomatic of the respective regions and socio-economic conditions. Though the title of the UN Protocol refers specifically to women and children, the subsequent language is gender neutral. There is a tendency to believe that only young females are liable to fall prey to trafficking because they are indeed the most frequent victims we have seen so far. They are undoubtedly the preferred target as regards certain flows such as those into the sex industry, which are highly visible. And many of the causative factors that “enable” traffickers to recruit victims are highly characteristic of
many vulnerable young women: unemployment and under-employment, and social and economic inequality and discrimination, all factors emanating from gender inequality in source and destination countries.37

Though it is true that mainly young women represent the overwhelming majority of identified victims, that is a dangerous stereotype to follow, as victims with other profiles working in other industries may be overlooked. There is evidence of trafficking into other forms of forced or bonded labour, including mining, textile, clothing and assembly factories, poultry and the fishing industry and domestic service that are unreported and ignored, as well as into the service industries that spring up around tourist areas. Moreover, identification of trafficking victims may be further complicated by the existence of other legal migrants in the same trade or industry with very similar profiles.38

It is also clear that the current trend in regular population movements as a result of globalization have generated increasing flows of women from developing countries. These women have often experienced gender inequality, and are more vulnerable, a fact recognized and preyed upon by those involved in and profiting from this globalized criminal activity.

PUSH, PULL AND ENABLING FACTORS

What makes a person vulnerable to being trafficked? In short, lack of opportunity. The way an individual experiences and perceives his or her condition in relation to the, often imagined, outside world tends to generate a propensity to migrate. While in some regions, trafficking largely occurs through abductions and kidnappings, in most cases a trafficker is enabled because at some level the victim has a desire to move and to go with the trafficker. Globalization plays into this tendency through the expansion of global means of communication, such as e-mail, cell phones and mass information media such as television and radio. In countries of origin supply side factors, such as a lack of opportunity, gender discrimination and inequality together with a high degree of feminization of poverty fuel a desire to migrate. In destination countries the demand for additional labour forces combined with the expectation of greater financial security and a better life, act as strong pull factors.39

People in developing countries are able to see the higher living standards and profusion of goods available in richer countries, and feel it could also be attained by them. People in industrialized nations see what it is like in other locations and find it “exciting”. This scenario is prevalent enough that some advocates refer to trafficking as “migration gone bad”. While not completely accurate, livelihood opportunities do play a critical role in generating vulnerability. Young women are often the first to experience unemployment or under-employment, they are often discriminated against with regard to earnings, and their position in patri-lineal family systems can be a liability, as they become
seen as an expense to be married off. Also, young women can feel family pressures that feed into the impetus to move to support the family.

It is important to note that many factors contribute to trafficking and that they are varied and complex. They differ from country to country, within regions and from region to region. It is important to consider global and regional social and economic changes, and conduct analyses at the local level of the conditions in source countries, as well as the demand in receiving countries. Despite various contextual differences, there are recurring basic factors that create conditions conducive to trafficking. If we apply a gendered analysis to these factors, and to profiles of both victims and traffickers, a much clearer picture of the phenomenon of trafficking emerges.

An individual’s vulnerability to trafficking stands in direct relation to the desire or need, perceived or real, to move. Legitimate reasons to migrate abroad can be used by traffickers to induce such individuals into accepting their involvement. These reasons can include:

- Seeking employment;
- Earning money to help family members;
- A desire to travel;
- Visiting friends or relatives.

IOM is developing a global database on the information gathered and assistance provided through its programmes to trafficking victims to provide policy makers with up-to-date information on trafficking trends and practices. The database respects the confidentiality of such information and the names of the victims who have received services, and ensures that their identity is neither revealed nor traceable via indirect indicators. A pilot prototype was launched in six cities in the Balkans. Notwithstanding that such regional data are not representative of the global trends generally, they do provide examples and reveal practices that are neither isolated nor so specific to the region in question that they could not also be indicative of similar trends and situations and, in particular, demonstrate the flexibility and sophistication characteristic of trafficking within and across social and national boundaries.

The following charts illustrate the causal links between the desire or need to move, and the vulnerability to trafficking as revealed through IOM’s counter-trafficking database for the Balkans. The database relates the experience of over 2,253 trafficking victims, mainly from Moldova, the Ukraine and Romania, assisted through the interaction of six IOM field missions in the Balkans (Bosnia Herzegovina, Albania, Kosovo (Serbia and Montenegro) and the FYR of Macedonia). The data provide overwhelming evidence that the trafficking
The data presented here refers to the caseload assisted by IOM in the following locations: Tirana (Albania), Bucharest (Romania), Sarajevo (Bosnia and Herzegovina), Skopje (FYR Macedonia), Sofia (Bulgaria), Zagreb (Croatia) and Belgrade, Podgorica and Pristina (Serbia and Montenegro), between March 1999 and October 2004.

*The data from Serbia and Montenegro has the following breakdown:
Serbian: 34; Montenegrin 6 and; Kosovan 33.
How were victims recruited?

Belgrade

Podgorica

Pristina

Sarajevo

Tirana

Skopje

What were they proposed?

Belgrade

Podgorica

Pristina

Sarajevo

Tirana

Skopje

Source: IOM Counter-Trafficking Database.
victims interviewed were lured by the promise of a job abroad to leave their countries of origin. Actual cases of abductions are few, and the victims were recruited personally. While it would be unwise to extrapolate any general applicability of such data globally, the information obtained does give valuable insights into the experience of persons who have received IOM counter-trafficking assistance in this region. Almost all persons assisted in this sample were female.

There are strong indications of what the International Labour Organization (ILO) has dubbed the “informalization” of the labour market, where an unscrupulous acquaintance acts as a “job broker” to lure eager and generally unsuspecting individuals with spurious offers of employment abroad, taking advantage of the victim’s ignorance and lack of information about conditions and possibilities to travel abroad. The available information also shows that some victims of trafficking were not altogether unaware of the doubtful nature of the propositions, but were nevertheless tempted to take their chance in the expectation of better prospects. Such data reveal the links that exist between trafficking prevention strategies and larger migration and labour issues, and effective counter-trafficking intervention policies must take into account the
wider labour and social implications that ultimately drive and help to sustain trafficking.

Addressing these issues will not put a halt to trafficking, but they can be instrumental to eventually blunt the power and influence of “recruiters” and others who sustain the trafficking chain. Initiatives to prevent the availability and exploitation of cheap, compliant and vulnerable workers will be resisted in certain quarters, and the alleged complicity by the individual in the trafficking and labour relation emphasized. While it is true that, with the exception of cases of blatant abduction, an individual’s being caught up in a trafficking scenario may be presented to some extent as the result of that individual’s own will, interest or desire to migrate, it does not follow that the desire to improve one’s life is synonymous with being an accomplice to one’s own victimization and trafficking. Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime is quite explicit in that regard. It states, “the consent of a victim of trafficking in persons to the intended exploitation set forth in shall be irrelevant”.

PEOPLE ARE PRICELESS

Trafficking is a sophisticated crime and trafficking victims desperately need help to regain their freedom and begin recovery. Given the complexity of the issues involved, a gendered analysis of migration flows and the trafficking incidents they harbour, of enabling factors and the trafficking networks themselves can provide a crucial contribution to a better understanding of the phenomenon and its variegations. As our understanding of the causes of trafficking in cultural and regional contexts expands and becomes more sophisticated, it will be possible to better inform unsuspecting individuals and forestall their falling for the inducements and into the traps used by traffickers. The fostering of a large degree of personal and local communal responsibility, combined with the assistance and cooperation that relevant institutions and agencies are able to provide to counteract and remedy trafficking experiences, are and remain essential elements in any effort to identify and assist victims of trafficking.

To that end, information campaigns to make people aware of existing legal and safe migration channels, and of the means available to protect themselves during the migration process, are also essential if traffickers and their trade are to be stopped. Moreover, activities to reach and inform people intending to migrate must involve more than the local media. They must become a fixed feature of public education programmes, either through insertion in school curricula in areas with a particularly high propensity to migrate, and/or specific and repeated public information campaigns and events. Moreover, they must ensure the active involvement and support of local and international NGOs as well as community leaders if they are to be effective and viable.
Most of all, governments must be prevailed upon to assume their responsibility and to activate their resources in order to tackle trafficking for their own and their people’s sake, as well as for the countless anonymous victims of trafficking worldwide.
Notes


9. Professor Vitit Muntarbhorn, Lecturer, Department of International Law at Chulalongkorn University, Thailand. Remarks made at Inter-American Development Bank and the Japan Program Workshop on Anti-trafficking Initiatives in Asia, Latin America, the Caribbean and the United States, Panel on An Overview of Trafficking in Persons, especially Women and Children in Asia, Washington, DC, 18 June 2003.


14. Ibid.


18. Ibid, pp. 75-79.
20. Ibid, p. 76.
22. Ibid, pp. 75-79.
27. Ibid, p. 98.
32. Ibid.
36. Ibid.
38. Ibid.
39. Ibid.
40. Article 3: Use of terms

For the purposes of this Protocol:

(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used (..);
CHAPTER 5
The Immigration System

No introduction to migration would be complete without providing at least a cursory look at the appearance and evolution of immigration systems. Usually immigration systems are associated with efforts by States to constrain and control population movements, but new technologies are being introduced to better facilitate travel, especially for those who do so routinely such as businessmen and women. As post 9/11 concerns fuel greater changes to immigration systems worldwide, it is interesting to look at how immigration systems began, for they appeared as a reaction to a globalized concern over national security, an environment not unlike the one we are living in today.

Prior to 1914 and the ensuing World War, people entered countries and territories if they had the ways and the means. International travel was difficult because most individuals had few physical resources at their disposal. However, for those who could move, international travel was in some ways simpler because there were fewer restrictions imposed by States on migrants. Freedom of movement existed in a way unlikely to ever be seen again. It often comes as a surprise to realize that the current global system of regulating entry into a country using visas and passports is relatively new. While fledgling attempts had been made by European countries and the United States to institute immigration controls via a passport system in the 1800s (with the United States issuing passports as far back as 1789), these efforts to regulate people’s mobility were largely unsuccessful. It was not until 1856 that the US was able to centralize the issuance of passports federally within the State Department, but just as this capability was achieved almost simultaneously Norway (1859), France (1860), Sweden (1860), Italy (1861) and Portugal (1863) abandoned the practice. Only the onset of World War I, and the resulting security fears it brought forth, could establish a global mechanism to regulate persons entering sovereign territory.

As emphasized in Chapter One, every institutionalized system reflects the assumptions, expectations and obligations of a given society, and may additionally be influenced by issues of power such as accessibility to travel, and the empowerment and entitlement it provides. These are, of course, critical aspects of gender analysis and can be applied to all institutions, including the historical development of immigration as an institution. Immigration systems since inception have reflected, and still in some cases, continue to reflect, the gendered roles of men and women. For example, when the United Kingdom and United States issued passports during the colonial period a woman and her children could travel on the same passport as her husband or male head of household.
It was not until the nineteenth century that passport applications in women’s names became more common. Later in the twentieth century both men and women would be required to carry their own documentation. Today some countries, like Egypt and Saudi Arabia for example, require that a woman obtain written permission from her husband to acquire a passport and to travel. If she is unmarried, she must obtain permission from her father. In some Muslim countries this rule holds even if the wife is a citizen of another country. And in Saudi Arabia, unmarried daughters who are adults and citizens of another country, and sons under the age of 21 having a Saudi father must have permission of the male head of household to leave the country. In Australia before 1983, a married woman’s passport application had to be authorized by her husband. Feminists look upon these facts as examples of gender inequity, however, some women who participate in these practices strongly vocalize that they do not feel constrained by the practice, that the practice itself is respectful of one’s relationship with one’s husband or father. Regardless of one’s feelings on the issue, the system reflects how gender relations and roles vary both over time and across cultures.

In the wake of the terrorist attacks of 11 September 2001, governments worldwide expressed renewed interest in their immigration systems. Apprehension about security, a key motive behind the institutionalization of immigration systems in the first place, again precipitated changes that tend toward a more rigorous investigation of migrants. Despite public perceptions, these changes are not meant to prevent the movement of persons, but to preserve the integrity of the migration process and focus attention on areas terrorists could potentially exploit. Some of the basic changes to the system include pre-screening, trusted passenger schemes, and the introduction of new technologies to confirm identification, such as iris scans, fingerprinting and facial recognition software. As a result of the newly implemented changes there is generally a more thorough investigation of migrants. Immigration systems have essentially broadened the reach of “border control” by expanding the parameters of scrutiny by starting to look at a person’s motives and identity before that person is physically at a border. In effect, this allows law enforcement more time to examine travelers from a distance and effectively quickens the process for passengers of no-interest allowing more time to be spent probing passengers of potential interest. No security or monitoring system is foolproof, and any system can be compromised, but these changes do allow for greater time and scrutiny which, coupled with intelligence, provides law enforcement a greater opportunity to identify potential dangers.

Considering that migrants, refugees and business people are perhaps the people most affected by the post-9/11 modifications to immigration systems, it is important to draw a distinction between these migrant groups and terrorists or criminals. While it is widely acknowledged that interaction with migrating
populations may provide information of intelligence value, the act of migrating itself is not criminal, and terrorists and criminals will move by both illegal and legal means. Some will not have any kind of criminal record and thus, their identity will not likely trip the system.\textsuperscript{13} Thus, immigration controls are only one tool on the periphery of the intelligence community's kit to fight terrorism. Immigration controls alone are by no means the answer. Yet, how governments maintain the legal, and indeed economically desirable, movement of men and women across borders in this changing political and business environment remains an important and ongoing challenge.

Shrinking, aging populations in developed countries sustain the need for continuous migration from lesser-developed States. Legal, orderly migration will continue to prove indispensable in filling gaps in labour markets and in managing irregular migrant flows. The key principles behind freedom of movement, the right to leave and the right to return still resonate, and people will continue to move while the globalization of labour and international commerce demands it.\textsuperscript{14} But how can using a gender analysis make new immigration system requirements more user friendly? And how can gender analysis assist law enforcement agencies in their tracking of criminals?

Examining the latter question first, gender analysis for investigators is a tricky business, as law enforcement agencies must first suspend their own gendered assumptions. For criminal elements often use gender analysis (the expectations, obligations and assumptions in a society) to disguise intent. Gender analysis or profiling is a limited law enforcement tool. Demographic profiling without supporting evidence can also be a detriment to law enforcement investigation. It can easily anger individuals or groups being targeted, creating an us vs. them attitude, alienating people rather than creating the networks needed to locate criminal elements. Like migration controls, a gender analysis/profiling is only one aspect among many that contributes to law enforcement efforts. And it is one aspect that is only valuable when combined with other intelligence information.\textsuperscript{15}

Employing gender analysis can assist in making new immigration system requirements more palatable to users if immigration service agencies use this analysis to respond to the needs and efforts of migrants and refugees to comply with the system.

Migrants are challenged to comply with new State regulations, and those who seek to assist and facilitate migration must support their efforts to do so. For example, prior to 9/11, refugees would be photographed with a headshot in which the person looked directly into the camera, similar to a passport photo. Today, refugees must be photographed with what is called a three-quarter photo. What this means is they must turn their head 45 degrees from the camera lens which in essence produces a photo showing two eyes and one ear. The
reason behind such a shot is that picturing one’s ear can greatly assist in establishing identity. Ears simply do not change shape as adults continue to age. For women whose culture requires them to be veiled, to take a photo showing the ear, they must unveil themselves. Having to do so in front of scores of onlookers waiting for photos would prohibit some women from coming forward to take part in the process. To facilitate their access, small photo booths have been set up shielding them from onlookers. While a seemingly simple solution, it is one of utmost importance as it continues to facilitate the participation of women among certain refugee processing flows. Another change important to refugee processing is fingerprint identification. Many cultures practice designs similar to tattoos but using a dye called henna on their fingers. Use of henna fills in the ridges of one’s fingerprint making it impossible for the person to comply with new immigration regulations. Public awareness campaigns among relevant populations that practice such designs and others are underway. Raising awareness among these populations, and potential refugees, so that they understand the new regulations and what steps they must take to comply with them is an important duty.

As one can see there are particular cultural challenges that arise in trying to ensure compliance with new and changing immigration regulations whether the person is a refugee or a migrant. These examples are only a few of the most common cultural examples that immigration agencies must be cognizant of. There are, however, a myriad of strategies to respect the dignity of migrants in light of the rapidly changing immigration environment. Immigration systems themselves will continue to adapt and change to be a reflection of society.

Migration is, of course, older than recorded history, but the institutionalization of immigration systems with their rules and regulations, visas and passports, is relatively new. Since these nascent immigration systems are created to control and regulate population movements, they reflect levels of empowerment and entitlement in their respective societies. In essence they reflect status among the given population they serve.

These systems also record an enormous amount of data regarding migration that never before was available. As the pendulum swings toward increased information sharing at the international level to ensure national security, regional consultation processes on migration, made popular in the mid-1990s, will likely influence these systems bringing further harmonization of requirements. One thing is certain as immigration systems continue to evolve because of heightened security concerns, immigration system administrators will need to use gender analysis and demonstrate understanding of gender roles and needs at each step of reform.
Notes


5. The term passport is believed to have come from the French passe port, which means to pass through a port, as the custom of the time was to travel via ship.

6. Women and children residing in Saudi Arabia as members of a Saudi household (including adult foreign women married to Saudi men, adult foreign women who are the unmarried daughters of Saudi fathers, and foreign citizen boys under the age of 21 who are the sons of Saudi fathers) require the permission of the Saudi male head of their household to leave the country. Married women require the permission of their husband to depart the country, while unmarried women and children require the permission of their father or male guardian. The US Embassy can intercede with the Saudi Government to request exit permission for an adult American woman (wife or daughter of a Saudi citizen), but may not be able to obtain permission for the departure of minor children without the father’s agreement. Temporary visitors normally do not need an exit permit but may be prevented from departing the country if they are involved in a legal dispute. Source: US Department of State, Bureau of Consular Affairs, Consular Information Sheet, Washington, DC 20520, 24 February 2004, http://travel.state.gov/saudi/html and Australian Department of Foreign Affairs and Trade, Consular, Frequently Asked Questions, http://www.dfat.gov.au/travel/faq_conular.html and http://members.fortunecity.com/carolinaindiana/women.html.


Note that historically, devices which viewed through Western standards constrain the movement of women have varied from Chinese foot binding to the purdah, or the prohibition against women driving. Yet, views toward freedom and constraint are cultural. Some women who wear the purdah argue that it allows women more freedom not less.

9. Note issues of citizenship can also be gendered. A Jordanian man can pass his citizenship on to a foreign spouse or child, however a Jordanian woman cannot. Rana Husseini,


11. Trusted passenger schemes are voluntary programmes joined by frequent travelers which generally use some form of advanced biometric identification such as an iris scan to confirm identity. Such schemes allow participating passengers to move more quickly through immigration controls. With iris scans, it is felt that such control may allow passengers to advance through immigration controls at self-serve kiosks similar to mechanisms now used frequently during check-in with nothing but a credit card. Source: Jim Puleo, IOM Senior Advisor, Interview, 19 February 2004.


13. Ibid.


17. Ibid.
CHAPTER 6
Facing Rape in War

To devote a chapter to martial rape might at first sight seem odd in a publication that seeks to apply a gender analysis to migration studies; however, the vulnerability of migrant and refugee women to personal violence during armed conflicts and social upheavals warrants that the issue be addressed. In doing so, we will take a historical look at the evolution of martial rape — that is, rape of civilians by combatants — and the reasons behind it in an effort to raise and maintain awareness of its widespread occurrence. Martial rape is often the result of, or even reason for, the forced migration of women. It is an issue that tends to be swept under the rug by many, including the victims in need. This chapter will examine the widespread and frequent occurrence of martial rape, and will also use the issue of martial rape to demonstrate the transmutation of gender-related ideas and concepts over time.

Rape¹ is not a new tactic in war, much like pillage and looting, it has always been part and parcel of warfare. What is new, however, is the manner in which martial rape is perceived in legal terms. Indeed, with the passage of time and the evolution of social and legal standards, how martial rape is perceived has changed considerably for both victims and perpetrators. It has evolved from a crime of “honour” to being recognized as a crime against humanity. It is now viewed as a method of waging war, as a means of genocide, a form of torture. Yet, notwithstanding this evolution and the acknowledgement as a form of torture, martial rape all too often continues to go unpunished for reasons of political expediency, among others. However, this, too, is changing.

Attitudes toward martial rape vary, as does the scholarship on the subject. Most historians give the topic scant attention, others focus on the power of conquering forces to carry out single acts of rape and systematic mass rape with impunity. It is only recently that steps have been taken to examine the more complex relationships surrounding the use of rape as a military or political strategy. The role of military and patriarchal structures and the extent to which they play a part in inciting or condoning rape during periods of conflict, and the promotion of an environment where nothing is done to prevent its occurrence are now being seriously investigated, as are questions of how the relationship between gender and ethnicity may spur rape during nationalistic movements. It is to be hoped that these efforts will be instrumental in expanding the scope of the available literature on rape beyond the current focus on historical “dominant male – submissive female” stereotypes² and break new ground regarding not only the actual physical but also the deeper intrinsic characteristics that distinguish women from men, and contribute to the emergence
of aggressor and victim scenarios. Rape as a “policy” in warfare is simply too sensitive a subject for most historians to touch. Such evidence as has been uncovered by diligent researchers is often located in personal diaries or unofficial sources, and lacks the evidentiary quality to make it to history books.

What is increasingly clear is that women, as well as some men, become victims of martial rape for many reasons. Moreover, cases of rape are often given visibility during active conflicts or foreign occupation in an effort to draw publicity and attract help and, once the conflict is over, martial rape tends to disappear from political, legal, and public debate.

Historically, rape, pillage, and looting were an accepted form of manifesting power and means of personal enrichment. War booty and war brides were motivations, an outward reflection of manhood, achievement and conquest. Women were often devalued and perceived as spoils to be appropriated during warfare.

Though martial rape is, and always has been, a personal crime against and violation of the victim, traditionally it has been viewed as a crime against honour. It is important here to examine the significance of the term “honour” in customary international law, i.e. the general and uninterrupted practice accepted over time as representing rules binding on nations. Traditionally, in patriarchal cultures “honour” refers to a rape victim’s “protectors”, usually a male family member such as the father, brother or husband, but it can also be interpreted to refer to any protective entity. Thus, martial rape has always been considered as a crime against a man, a family, a community, an ethnic group or tribe, which is directed against women for what they symbolize for the group. Women’s reproductive capability makes them special targets, as do traditions that place great value on chastity. When the rape victim is a man, the objective is the same, i.e. to demonstrate dominance, to subjugate, to emasculate. Martial rape is often public, committed while members of the community watch or listen helplessly. Even when committed in a private space, such as in a home or an internment area, martial rape is always committed for its public meaning. Thus, as a weapon, martial rape is directed at primary and secondary targets, where the immediate target, the victim is raped and often killed, to send a message to the larger group, or secondary target. The message is simple, it is one of dominance.

It is important to understand the use or function of martial rape, in order to protect and aid vulnerable persons. Rape counsellors are the first to point out that rape, whether war-related or not, is primarily about the exertion of power and not about sex. During war and occupation, rape is used to control, to demoralize and to instil terror in the population. Committed by armies and other hostile combatant groups, rape communicates domination, whether political or military, and subjugates not just the rape victim, but the community as a
whole. Long a weapon of choice in ethnic conflicts, where rape can alienate the individual from the family, martial rape is often used to destroy the enemy’s “genetic bloodline” by impregnating the women and forcing them to bear the children of the oppressor. This desire to destroy an enemy’s race/ethnicity (read: women), uses a perspective that has come to be an accepted norm in many cultures – that “manliness” encompasses the ability to protect women.

While no global statistics are available regarding martial rape, experts dealing with sexual violence estimate that globally one in three women becomes a victim of sexual abuse or violence. No comparable statistics appear to have been gathered regarding men. If the vulnerabilities that occur during war (such as forced displacement, and separation from family and protective community networks) are taken into account, one begins to more clearly understand wartime realities. A look at just a handful of conflicts since the turn of the last century, shows that hundreds of thousands of women and girls have been violated and their cases documented. Factor in the personal nature of rape and the fact that it often goes unreported and the picture is quite grim.

It should also be noted that data on rape are often disputed, or exploited for political gain during or after a conflict. The numbers are often contested and vary depending on the source or context of the debate, and whether they are being put forward by the vanquished or the victors of a conflict. Information on the prosecution of rape cases appears mostly in research carried out against the losing side, but evidence shows that rape is committed by all sides during armed conflict, and that it has been resorted to as a weapon and means of domination throughout history, up to the present day.

SOME RECENT EXAMPLES BEAR THIS OUT

If we briefly consider World War II, a conflict involving some 73 countries, we find that mass rape was recorded by all sides in the conflict.

First, there are the well known and documented atrocities of the German and Japanese forces preserved in historical documents, literature and film. Mob rape during Kristallnacht, “became the model for a pattern that was to be repeated in many towns and many places once the official war began.” The Nazis also raped women in occupied France and the then Soviet Union as they pressed forward along the Russian front. During the Nuremberg War Crimes Trial the Russian Foreign Minister, R.V. Molotov, submitted evidence that has come to be known as the “Molotov Note”, which documented the mass violation of Russian women and girls, both Jewish and non-Jewish.

In China, historians recorded a 7-week period beginning in December 1937, during which occupying Japanese forces raped and pillaged. According to Iris Chang, author of The Rape of Nanking, whose book pulls together primary
sources (including photographs) and eyewitness material, estimates vary that between 20,000 and 80,000 women and girls were raped and killed, and left for public display. Such showcasing of the act was not new as part of the effectiveness of martial rape is that the act be made known. Similar displays can be found in the next generation's wars, such as in Viet Nam. However, the motivation for rape in both the German and Japanese cases mentioned above was in part the complete annihilation of people viewed as an "inferior" race.14

World War II war and post-war propaganda machines made sure such atrocities were known. What were less visible, however, were the cases of rape committed by the victors, especially near the end of the war. During the Battle for Berlin in 1945, the Russian military, as well as some British and American forces, participated in acts of rape. Berlin medical experts estimated that between 20,000 and 100,000 acts of rape were committed at the time, noting the increase in the suicide rate almost exclusively among women in certain districts of East Germany.15 “German historian and filmmaker Helke Sander, after meticulous (archival) research (. . .) argues that 1.9 million German women, or two-thirds of the female population in the Eastern Sector, were raped during the final operations of World War II.” Even more shocking perhaps is that mercenaries from Morocco, fighting with the Free French forces in Italy, negotiated with the Allies and received “license to rape and plunder in enemy territory.”16

World War II was a turning point in history; for, following World War II a culture of human rights advocacy and a regime of legal and institutional mechanisms to promote and support human rights emerged. However, if we flip forward through the pages of history to the 1970s, the wars fought by the next generation show little acknowledgement of this change. Some 200,000 to 400,000 women and girls are estimated to have been raped by Pakistani soldiers during the Bangladesh war for independence in 1971. Documentation by Human Rights Watch records that during the 1974 Turkish occupation of Cyprus, 25 victims who reported having been raped by Turkish soldiers to Turkish officers were raped a second time by the very officers to whom they reported the crime. The institutionalized setting of occupation worked to the rapists’ advantage, leaving little recourse for the victim.

In almost all these examples, and there are many others, the rape of large segments of the population, predominantly female, was not prosecuted. Martial rape is a topic that is inconvenient to discuss in peace negotiations, and it is therefore often censored from discussion, an act recognized only in movies and literature as part of the seamier side of war. According to Susan Brownmiller, author of Against Our Will: Men, Women and Rape, sexual war crimes are often bargaining chips at peace negotiations, traded and exchanged for various political arrangements by those mediating between the winners and the losers.17
More recent conflicts, such as the wars associated with the break-up of the Former Yugoslavia (which some scholars refer to as the War Against Women), catapulted martial rape into the general public’s eye. Some 20,000 women and girls between the ages of seven and 65 were raped over the course of one year, roughly an average of 55 acts of rape a day, a little more than two every hour. And estimates of some 50,000 cases of rape of victims from all sides have been released by the Bosnian Government over the course of the entire conflict.\(^\text{18, 19}\)

During the warfare in Rwanda, an estimated 250,000 women and girls were raped.\(^\text{20}\) And according to estimates of the Rwandan National Population Office, some 2,000 to 5,000 children were born as a result. These children are now referred to by the population as *mauvais souvenirs* (bad memories).\(^\text{21}\) The aggression was primarily carried out by Hutus against the minority Tutsis, but was also aimed at uncooperative Hutus as well.

The growing awareness of martial rape being used in the conflicts in the Former Yugoslavia and Rwanda as a weapon of war resulted in greater attention from the international community and local humanitarian groups to strengthen and support mechanisms to document rape and assist survivors.\(^\text{22}\) Human Rights Watch (HRW), a non-governmental organization (NGO) well known for documenting human rights abuses, has published a set of guidelines for researchers entitled *Documenting Rape as a War Crime*. These guidelines not only suggest questions and provide advice on how to conduct interviews with potential victims, but also how to safeguard the integrity of information and research documents, such as medical records. Careful documentation is vital to the success of future prosecution and victim assistance.

This brings us back to the original premise: the use of martial rape as a method and means of war is not new. What is new is the purpose or motive behind why the act of rape is being committed, and the legal mechanisms that no longer allow it to be committed with impunity.

**WAR AND PERCEPTIONS HAVE CHANGED OVER THE PAST 100 YEARS**

Rape has long been considered a crime under customary law as the chivalrous codes of medieval Europe reflect. For instance, the 1474 trial of Peter von Hagenbach was the first military tribunal conducted by an international coalition to convict a military officer on charges of rape. While international military tribunals were not yet known, and participants from the coalition represented territories, states and towns, many scholars point to this trial as the model from which today’s international military tribunals and their prosecutions of crimes against humanity emerged. Von Hagenbach had been sent to Breisach (in the Upper Rhine region) by Charles the Bold, Duke of Burgundy, as part of a military occupation. He installed a brutal regime that became well
known for rape and murder. The leadership of the surrounding towns and territories soon moved to attack, and together with Breisach’s town citizenry, they defeated von Hagenbach and his men. Von Hagenbach stood trial before a special tribunal consisting of 28 judges from the conquering coalition. He was convicted of rape, murder and perjury and subsequently beheaded. His trial is important to us as it has become known as the first international military tribunal to convict on charges of rape.

Four hundred years later in the US, Abraham Lincoln made rape a capital offence during the American Civil War, by General Order No. 100, a first draft of which was produced in 1863 by Francis Lieber, a professor at Columbia College in New York. The order stated:

All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense. A soldier, officer, or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior. (Article 44)

Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted the severer punishment shall be preferred. (Article 47)

The order soon became known as the Lieber Code, and while the Lieber Code bound only forces of the United States on the Union side, it soon set an important international precedent. Timothy Shanker, a participant in the Crimes of War Project, traces the influence of the Lieber Code on International Treaty Law. According to Shanker, the Lieber Code was later adopted as international law at the 1907 International Peace Conference in Copenhagen and became the basis for the section of the Hague Convention that was to deal with the laws and customs of war on land. While this further codification was welcomed, it is interesting to note that the term “rape” was dropped from the convention language. The Hague Convention of 1907, instead of referencing rape, states in Article 46: “Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice must be respected.” This provision is less specific than the language of the Lieber Code and this lack of specificity and use of the all-encompassing word honour, more specifically family honour, says a great deal about the place of women in society and the perception of the crime.
Regardless, the Lieber Code, the Hague Convention and trials such as the one held in 1474 in the small town of Breisach in the Upper Rhine region, all contribute to the codification of customary law on rape, and customary law is one of the bases of international humanitarian law under which rape can be prosecuted today. Let us now look briefly at the structures of international law-making and the content of the rules.

INTERNATIONAL HUMANITARIAN LAW AND THE PROSECUTION OF WAR-TIME RAPE

International humanitarian law binds parties to an armed conflict to adhere to rules and principles that safeguard lives and curtail suffering; it also regulates “the means and methods” of combat. Formerly known as the Law of War, International Humanitarian Law has its basis in “customary law”, or customs that have come to be accepted through constant and uninterrupted practice over time as rules of law binding on nations.

The basis of International Humanitarian Law can be found in:

Customary law;

The four 1949 Geneva Conventions;

The two Additional Protocols of 1977 to the Geneva Conventions.

We have already discussed rape in the context of customary law from medieval times, where rape was a motivating force for soldiery who had little if any other way of advancing their social stature than through rape, pillage and plunder. They raped to obtain wives. And we have traced the development of customary law through the Lieber Code to the Hague Convention of 1907. What is important is that the motivating reasons behind martial rape have shifted from medieval social advancement to domination and suppression – even destruction – of a social group.

While the methods of war continue to evolve – so have its targets. At the turn of the century civilians accounted for 5 per cent of all war casualties. During World War II this number had risen to some 65 per cent and in more recent conflicts civilians account for an overwhelming 90 per cent of casualties. While there is little disaggregated data on how many war casualties are women, according to the United Nations and international NGOs women and children account for the majority of civilian deaths and war related refugees. Women are perhaps those most affected, especially as conflicts have shifted from being fought among states to being pursued within them, i.e. they are most often not international conflicts, but internal ones. What has also changed is the interpretation of the laws that govern their protection during conflict. Let us now
look at recent treaty law widely accepted by the international community. How do the rules of the Geneva Conventions affect women’s lives and protect them against rape as a war instrument?

The Fourth Geneva Convention regulates the protection of civilians during armed conflict and, thus, is the part of the Geneva Conventions most likely to be used to protect civilians against rape. More specifically, Articles 27 and 147 of this convention are applicable to rape during armed conflict:

- Article 27 states: Women shall be protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault.
- Article 147 protects civilians against grave breaches that include wilful killing, torture or inhumane treatment.

It is important to note here that rape can be considered a form of torture and, thus, in breach of Article 147.

Article 3, common to all four Geneva Conventions, cites cruel treatment, torture and outrages upon human dignity, in particular, humiliating and degrading treatment, which could cover rape. Although rape is not specifically referred to in common Article 3, it is generally agreed that common Article 3 is applicable to rape.

The two Additional Protocols to the Geneva Conventions also protect against rape in both international and internal conflicts. Additional Protocol I protects victims of international armed conflicts under Articles 75 and 76. Article 75 refers to: Outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault. Article 76 calls for the special protection of women during international armed conflict.

Additional Protocol II protects victims of internal armed conflict against:

- outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.

These basic tools from International Humanitarian Law, formerly known as the Law of War, provide a basis to punish rape committed during both internal and external conflicts. Why, then, the tradition of impunity during the twentieth century? What kind of crime is rape? Why is the International Criminal Tribunal for the Former Yugoslavia heralded as precedent setting? Why has the terminology changed from the Laws of War to International Humanitarian Law?
In theory, martial rape has always been liable to prosecution. In practice, it has often escaped punishment. Although there have been historic cases in which rape has been prosecuted by international tribunals, for the most part until now there has been little will, political or otherwise, to prosecute rape. To whatever combination of factors this shift may be attributed, it is clear that the precedent heralding change occurred during the creation of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in February 1993. Most scholars credit the ICTY’s concern with rape to the influence of mainstream media that sought to shape international social consciousness by reporting on rape during the Balkan conflicts unlike any previous conflict. Some of the credit is also due to activist women’s rights organizations that had taken great pains to document cases during the 1990s in the Balkans. The convergence of these three factors, i.e. the establishment of an international tribunal, influential media coverage and strong political pressure from women’s rights groups set the Balkan conflicts apart from every other war, in that rape cases are being prosecuted. And they are being prosecuted because the ICTY brought the term “rape” back into the international definition of war crimes.

The ICTY was groundbreaking because, for the first time, it recognized rape under the category of crimes against humanity (Article 5). A crime against humanity is defined as a crime committed during armed conflict, whether international or internal, directed against the civilian population. This shift in the paradigm – from prosecuting rape as a crime of “honour” to one of “torture, inhumane treatment, and the willful causing of ‘great suffering or serious injury to body or health’” – was a significant step forward in legal circles. This also meant, however, that prosecutors had to prove that the rape was part of a widespread attack against members of the citizenry on national, political, ethnic, racial or religious grounds. In addition to prosecuting rape as a crime against humanity, the ICTY could also prosecute incidents of rape as grave breaches of the 1949 Geneva Conventions, violations of the Laws or Customs of War, or as Genocide. The Tribunal raised the crime of rape from a personal level to a state-sanctioned act of torture – shifting culpability. Thus, a defendant could be charged with individual responsibility or command responsibility. Command responsibility refers to persons who order or instigate, as well as persons who are in a position to know and do nothing to prevent or punish the act. This conceptual shift in the legal perception and the grounds of prosecution of rape is significant.

Just as groundbreaking is the treatment that international media now give to the subject of martial rape, formerly taboo. South African film-maker Mandy Jacobson in her Emmy award-winning film entitled Calling of the Ghosts, documents the experience of two rape victims, Jadranka Cigelj and Nusreta Sivac, a
female lawyer and judge, respectively. While the film focuses only on the experience of these two women and one particular war theatre – the Balkans – it universalizes the experience of the two women who were former colleagues, and forces the viewers’ empathy as though it were a mother, daughter, sister or wife. While the film has been both lauded and criticized, it is important because it documents the shift in international social consciousness, personalizing the development and implementation of protection in international humanitarian law at the highest level, within the International Criminal Tribunal for the former Yugoslavia, in The Hague. Jacobson brought rape into our living rooms and our schools, elevating its discussion to serious academic, political and, eventually, through the general release of the film, public debate.

The momentum to address martial rape created by the statutes of the ICTY has been followed with the incorporation of rape as a crime falling within the jurisdiction of the International Criminal Court (ICC). The creation of the ICC in July 1998 is important because it has jurisdiction over genocide, crimes against humanity and war crimes in situations where the appropriate authorities fail to act; and it is important because it codifies law on wartime violence against women. Martial rape can fall within each of the above categories. Moreover, the ICC takes the issue of martial rape one step beyond the ICTY, as the ICC defines rape as a crime against gender as a group – extending the definition beyond just being a crime against ethnic, national or religious groups. The ICC also provides a venue for bringing persons accused of violating international humanitarian law norms that entail individual responsibility to trial.

The ICC also differs from the ICTY in form; the ICC was created by an international treaty; the ICTY is an ad hoc tribunal, created under a UN Security Council Resolution for a specific conflict and only exists for a limited period of time.

Article 7 of the ICC Statute explicitly refers to rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other crime of comparable gravity as falling within its jurisdiction. While the ICC is an important milestone, whether it will be able to deliver justice for the victims of these crimes will very much depend on the victims and their strength to come forward, as well as the will and the power of investigators, prosecutors and judges to actually document, investigate and convict the perpetrators of these crimes.

This shift in the international perception and the interpretation of international human rights with regard to rape reflects three insights US Justice Sandra Day O’Connor, the first woman ever to be appointed to the US Supreme Court, speaks of from her experience of dealing with issues concerning women, law and societal change in the United States. These insights, while not made specifically in the context of martial rape, provide a wonderful
framework from which to view the attention given to rape in international law as interpreted by the ICTY.

Justice O’Connor said:

First, when legal change follows rather than leads public opinion, it is usually more successful.

Second, shaping the contours of public policy occurs through participating in public life.

Third, most significant change occurs when brought about by a group of individuals who unite and put aside their differences for a greater goal.

While these lessons may not be applicable to all societies and all countries, the ideas are shared and echoed in the actions of women throughout the world who have sought to influence international law, especially where it concerns women. Some of these women, like Jadranka Cigelj and Nusreta Sivac, share Justice O’Connor’s legal background and understanding; most of us, however, do not.
Notes

1. “Rape is a physical invasion of a sexual nature of a person under circumstances that are coercive”, the Honorable Judge Navanethem Pillay of South Africa, whose definition is now recognized by international law. Landmark Definition of Rape in International Law, Adopted From the Sisterhood Is Global Institute, 1995, http://www.fijiwomen.com/newsletters/regional/archives/regional_43/landmark_definition.htm.

2. “A rarely mentioned French intellectual and feminist, Celine Renooz, made a direct link between male biological imperatives and international war in her unique writings, lectures, and organized campaigns. Inspired by the work of Bachofen on matriarchy and the Darwinian legacy, Renooz understood that political culture and international warfare arose with the evolution of male power.” Sandi Cooper, Peace as a Human Right: The invasion of women into the world of high international politics, In Journal of Women’s History, 14(2): 9(18), Indiana University Press, June 2002, ISSN 1042-7961.

3. Many researchers point out that while rape is not about sexuality, one cannot dismiss the fact that rape, in general, is overwhelmingly committed by men against women. Women have an inner space that can be violated, men physically come with a natural “weapon” to violate that space.


5. The increasing gender equality in courts and other public institutions and the legal profession, may be instrumental in promoting the proper investigation and prosecution of rape cases.


7. Please note this figure includes cases of domestic violence and abuse, http://endabuse.org/resources/facts/.

8. Conservative estimates clearly show that tens of thousands of women and girls have been violated in the twentieth century alone.


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17. Susan Brownmiller, Against Our Will: Men, Women and Rape, Bantam Books, New York, 1975 XIX-XXX. Susan Brownmiller was the journalistic proponent who coined the phrase “date-rape”.

18. Catherine A. MacKinnon, lead counsel for Muslim and Croatian rape survivors in their case against Karadzic, says that the 20,000 figure applies to Muslim women only, in Bosnia only. Amy Hamilton, Women Serve Serbian Leader with Rape Lawsuit, Off Our Backs, xxiii (4): 1+ April 1993. ISSN: 0030-0071.

19. Feminists have also referred to the war crimes against women in the Balkans as “gynocide”.


24. Francis Lieber, Professor at Columbia College in New York prepared the first draft of what became known as General Order No.100 in 1863, binding the Union Army.


26. Ibid.


29. A modern concept of honour would refer to the victim, however, this notion would perpetuate the myth that rape “dishonours” the victim, usually a woman. Not a very welcome concept in feminist schools of thought. From a martial rapist’s side, the aim of rape is to communicate dominance and to reinforce submission, humiliation and anguish among defeated populations. A modern concept of honour would recognize a person’s right to choose with whom they wish to be physically intimate, and would be framed in such a way as to uphold and protect marriage vows.


31. A good example of a customary law is the use of a white flag to indicate surrender during battle.

32. The 1949 Geneva Conventions:
   - Convention (I) deals with the treatment and condition of armed forces wounded or sick on land.
   - Convention (II) deals with the treatment and condition of armed forces that are wounded or sick at sea, including shipwrecked persons.
   - Convention (III) concerns the treatment of prisoners of war (POWs).
   - Convention (IV) protects civilians during war.


34. Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 6 UST 3516, 75 UNTS 287 (Geneva Convention No. IV), Article 27.


39. “The implementation of a feminist agenda in which the definitions of torture and crimes against humanity would routinely encompass sexual exploitation, rape, murder and mutilation of women was a sea change (...). Rape and sexual enslavement were not proscribed in Nuremberg, considered then as private acts of soldiers unsanctioned by the State.” Sandi Cooper, “Peace as a human right: The invasion of women into the world of high international politics”, in Journal of Women’s History, 14 (2): 9 (18), Indiana University Press, June 2002. “The Nuremberg Principles adopted by the General Assembly in 1950 implicitly included rape as a war crime in Principle VI(b)(16), and as a crime against humanity in Principle VI(c)(17)... A second round of Nuremberg War Trials was conducted under the authority of Control Council Law No. 10, which specifically enumerated rape as an “inhumane act” constituting a crime against humanity. Anne Tierney Goldstein,

40. ICRC, Women Facing War, International Committee of the Red Cross, December 2001: 19. “At the international level, with the notable exception of the military tribunals established in Nuremberg and Tokyo at the end of the Second World War, no mechanism existed for trying those accused of violations of international humanitarian law entailing individual responsibility.”

In 1993 and 1994 the UN Security Council established two bodies which continue to play an important role in the interpretation and evolution of international humanitarian law. These two bodies are the ad hoc criminal tribunals for the former Yugoslavia and for Rwanda.


42. Prior to World War I, international law focused exclusively on the rights and obligations of nation states, and their mutual relations. An individual person did not have rights under this framework at that time. While a State did have certain obligations in regard to its citizens and nationals of other States present on its territory, international law did not apply to human rights violations committed by a State against its own nationals. These are significant changes to international legal "culture".

43. Cf. supra, ftn. 41.


CHAPTER 7
Female Genital Cutting

Many colleagues questioned the inclusion of a chapter on female genital cutting (FGC) in a publication examining the feminization of migration. While at first glance their questioning may seem appropriate, FGC is a health concern that is both a migration and integration issue. The International Organization for Migration (IOM), in particular, became increasingly concerned and aware of the practice when the numbers of African women refugees requiring health assessments for resettlement began to rise. While FGC is clearly a women's concern, it is also a gender issue, and exemplifies the manner in which gender roles and expectations are institutionalized within a family, community or country. FGC goes beyond the context of social customs, traditions or even individual choice, as the girl submitting to the practice often has little knowledge of or choice in the matter. It is a practice perpetuated by community expectations, and of which all health professionals must be aware and have the necessary knowledge in order to be sensitive to the rights, needs and anxieties being harboured by the migrant and refugee populations they serve.

FEMALE GENITAL CUTTING: WHAT IT IMPLIES

Female genital cutting (FGC) refers to the practice of female circumcision, or the removal of part or all of the external genitalia of a woman or young girl. It is often the cause of severe health problems and complications.

FGC can refer to several different forms of female circumcision. The World Health Organization (WHO) has established four categories, ranging from the least invasive to the most severe form.2

Type I Clitoridectomy or circumcision proper, also called Sunna.

Type I is the least extensive cut and removes the covering of the clitoris (prepuce), with or without cutting part or all of the clitoris itself.3

Type II Excision

Type II cut amputates the clitoris, the prepuce and may include partial or total cutting of the labia minora.4

Type III Infibulation or Pharaonic Circumcision

Type III cut is the most extensive and removes everything. The cut amputates the clitoris, the labia minora and at least the anterior two-thirds of
the labia majora. The resulting exposed vulva is stitched together sometimes crudely with catgut or thorns, sometimes with silk thread, and a small piece of wood or reed is inserted to keep scar tissue from completely blocking the opening. This allows a small space to form through which urine and menstrual blood may flow. To facilitate recovery, the girl’s legs are often bound from ankle to knee until the wound heals, a process that can take up to six weeks.5

WHO also acknowledges a fourth form of circumcision labelled “unspecified”:

Type IV circumcision can involve pricking, piercing, puncturing, stretching, burning or scraping of the clitoris or labia. It can also involve introduction of corrosive substances into the vagina that cause bleeding or tighten it.6

Cutting is normally carried out as part of traditional ceremonies by an older woman in the community. This woman may be a midwife or a traditional healer. Cutting may also be performed by a barber and in some cases by a doctor. The instruments used vary according to the “cutter”, but can include razor blades, scissors, knives, broken glass or other sharp instruments. The procedure often occurs without anaesthetic.7

Early attempts to lobby against this practice focused on the unsanitary nature of the instruments and settings, as the same instruments were often used on different girls in succession without sterilization. While infection is the most common complication of such a practice, concerns as grave as the spread of infectious hepatitis and of HIV were voiced. This focus on complications led to the “medicalization” of the procedure, where in some places it is now performed in hospitals by trained medical staff.

There are also accounts of traditional “cutters” who had abandoned the practice only to return to it again later, as their communities continued to request their services and less skilled cutters were causing injury and even death among young girls undergoing the experience.8 While seemingly merciful, the issue is very sensitive. Some researchers suggest that there is an economic and social side to the practice, and that one approach should be to provide other jobs of stature for cutters, as well as alternative rites of passage to adulthood for girls. Although many cutters may no longer agree with the practice itself, they feel that if it is to continue it should be done by an experienced person. This argument, as well as the argument to have the procedure performed in sterile environments under a doctor’s direction, is not supported by WHO, which advocates complete abolition of the practice.9 IOM is actively engaged in raising awareness of WHO’s position among migrant communities
to ensure the physical and psychological effects of FGC are known by all concerned.

Given the resistance by the international medical community to this traditional practice, why does it continue? There are several reasons, mostly cultural, but they can be divided into psycho-sexual, sociological, hygienic, aesthetic and religious reasons.

Psycho-sexual

Cutting, especially of the clitoris, is thought to curb sexual impulses in a woman. By removing the clitoris, some feel that it is easier for a woman to maintain her virginity before marriage and to be a chaste and faithful wife. This argument ignores the fact that a circumcised woman can be raped or engage in sex simply by cutting her open and closing her again. The circumcision does not actually protect virginity, although it might make a woman less likely to enter into sexual relations willingly. Moreover, it is the hymen, and whether it is broken or not, that is usually representative of virginity. Thus, it is important to note that FGC and the following infibulations and defibulations are not representative of virginity, but rather of women’s subjugation. It is the education the young girls receive from parents and relatives that inculcates the value of sexual abstention before marriage, not the genital cutting. Circumcised girls grow up believing that this is the way sexual life is, never having had any experience with regard to their sexual emotions to know the difference.10

Sociological

The girls who undergo FGC identify the experience as the passage to womanhood, an event that makes them more desirable, more marriageable, more valuable wives. This perception is maintained by the majority of women who undergo FGC. However, the increased influence and awareness of other cultures has eroded the concept of FGC as a rite of passage; moreover, where once it was done to prepare a young woman for marriage, it is now performed at much younger ages (ranging from five to 12), effectively nullifying the procedure as a rite of passage.11

Aesthetics

Aesthetically, the communities concerned identify the removal of the clitoris with the removal of “male parts”, after which a woman’s femininity is said to be enhanced.12 There are some similarities to the ancient custom of foot binding once practiced in China. Before the revolution, binding a woman’s foot was considered to enhance her beauty and desirability. The Communists outlawed the practice almost overnight. The reasons though were largely economic, as they needed workers and women with bound feet could not work. In many ways,
the gradual struggle to end FGC as a tradition and cultural practice, may in fact contribute to the difficulties communities have in abandoning the practice. Cultural expectations and obligations come into play. If men in certain communities still want their women circumcised, and women still want to marry among those men, the practice will continue. It is only when all members of society view it as a form of violence against women and young girls that the practice will be stopped. Sensitizing groups to the fact that circumcising a woman is not comparable to circumcising a man and that female circumcision irreversibly damages a woman’s sexual organ is important. It is also important to build consensus among practicing groups that the procedure is indeed outdated and has no place in a modern society.\(^\text{13}\)

Mythological

Notions that the removal of the clitoris enhances fertility and child survival are also advanced by communities who practice FGC; however, these notions are myths which the medical community is working hard to dispel. These myths were used as a means to control and oppress women.\(^\text{14}\)

Religious

In addition, religious motives are put forward to justify the practice; however, such notions are controversial and considered unfounded by many experts. Female circumcision is a cultural practice. There is evidence that it has been practiced by all three of the world’s major religions: Islam, Christianity and Judaism, although it is not mandated by any of them. While the practice tends to be associated with Islam, this is incorrect as many Muslim communities do not practice FGC and many Judeo-Christian communities do.\(^\text{15}\) The misconception linking FGC to Islam stems from two controversial sayings attributed to the Prophet Mohammed that seem to favour Type I circumcision. However, many Islamic scholars refute the authenticity of these sayings entirely. Again, what is clear is that FGC is rooted in cultural tradition going back thousands of years. This lack of focus on traditional belief systems has been widely ignored, yet they appear to have a strong influence on the perpetuation of FGC. There is, therefore, an urgent need to investigate the relationship between traditional beliefs and FGC. Investigating this grey area may explain why, in some parts of Africa, there is a resurgence of the practice.\(^\text{16}\)

Scope and Magnitude

For anybody believing that FGC as a practice is outdated, rare or irrelevant, it should be recalled that experts estimate that some 100-140 million women and girls have been subjected to some form of FGC, and that some 2 million girls are liable to be subjected to the practice each year.\(^\text{17}\) This is twice the annual number of women estimated to be vulnerable to traffickers.
The age range at which FGC commences varies widely from shortly after birth to just before marriage. The procedure is practiced by people from both urban and rural backgrounds and of all educational levels. Whether a society will continue to practice FGC or allow the practice to fade depends largely on the adult men and women of the community, the laws they hold themselves to, their acceptance of alternative rites and ceremonies and, as regards migrant populations, whether they have access to the procedure. It is important to remember that the procedure is irreversible and remains largely prevalent in patriarchal societies.

FGC AS A MIGRATION AND INTEGRATION ISSUE

FGC is practiced in some 28 African countries, mainly in sub-Saharan and north-eastern Africa. It is also practiced in countries of the Middle East (Egypt, Oman, Yemen and the United Arab Emirates) and Asia (Indonesia, Malaysia, Sri Lanka and India) and has spread to North America and Europe through migrant communities. While FGC has been practiced for thousands of years, it has only attracted the attention of human rights advocates at the turn of the century, and efforts to lobby against it have been most noticeable during the last 50 years. As movements of African refugees for resettlement began to increase in number and diversity over the last decade, resettlement agencies and organizations concerned have had to become more sensitive to the practice, as it touches not only on health issues, but on issues of law and order and of psychosocial repercussions.

FGC is undoubtedly a health issue as the practice often results in physical or psychological complications for the individual. Some of the short-term complications include shock, haemorrhage, urine retention and infection. These issues are important for persons involved in resettlement programmes, especially in Africa, as the vast majority of women among many communities are cut; for example among the Eritrean community where 95 per cent of the women are circumcised, and among Somalis where the number reaches 99 per cent. This knowledge is important as some young girls may be cut just prior to disembarking towards a new life and whatever complications these girls face will have to be addressed and managed by the medical escorts accompanying the movement. Longer term complications include chronic infections, cysts, keloid scar formation, incontinence, pelvic infections, reproductive tract infections, obstructed menstrual flow, fistulae and damage to the urethra. IOM advocates against this practice among groups preparing to resettle, but also supports those women who have been circumcised and who may still harbour anxieties and concerns about their integration into societies with different beliefs and a new way of life.

FGC becomes a criminal law issue for many refugees once they begin attending cultural orientation classes for resettlement in Western host countries.
This is where they first learn that the practice is banned in Belgium, Bulgaria, Canada, France, Germany, Italy, New Zealand, Norway, Sweden, Switzerland, the United Kingdom and the United States. Refugees resettling in those countries face the difficult decision of having to abide by new cultural norms or to quickly take steps to enact their own. Anecdotally, it is known that once refugees hear that the practice is considered a crime and that they will be prevented from practicing FGC, their first reaction is to circumcise girls as quickly as possible before resettling in these countries so that it becomes a non-issue. This “rush” to fulfill what they perceive as their duty has caused many girls in refugee camps to be cut at younger and younger ages, some just prior to disembarking for a new life. Cultural orientation programmes must inform refugees of their legal rights and responsibilities in the countries where they will resettle. They also have an obligation to inform refugees regarding the rights of girls and women, and to inform communities regarding the different status and freedoms of women in the societies they will be joining. After arrival, these women will be confronted with new cultural expectations and obligations. Though necessary, to approach the issue from a purely legal perspective lacks sensitivity and understanding. Few young girls would report a close family member for engaging in the practice out of fear of separation or retribution. While laws are important to have and must be known, eradication will only come through a process of education that is sensitive to and understands and addresses the belief system of the particular culture involved. This means addressing the issue both before and after resettlement.

Cultural orientation programmes must also prepare the refugee community for the culture shock they will experience in adjusting to a new home. Part of this culture shock includes the potential psychosocial repercussions that cut women and young girls may face as they try to integrate into a new way of life. When refugee girls are resettled into new cultures where women have more freedom of choice and expression and enjoy a higher social status, the way in which they manage to absorb and integrate this new reality into their own pre-formed cultural expectations and obligations is an important, but as yet little studied nexus. Equally important is the need to explain that the practice is not the norm in the society the refugee is about to enter. The absence of the practice may cause discomfort to women of childbearing age when they need to avail themselves of medical services. It may cause anxiety as girls enter puberty and become of marrying age. Few practitioners in industrialized nations have experience in dealing with women who have undergone FGC and are in need of prenatal care or birth assistance. Women with FGC have special health care needs and whether these needs can be met will depend largely on the existing awareness among health providers in their host communities. Reports have recently pointed to a trend among some resettled women to seek a procedure called defibulation or the opening of the stitches. Defibulation does not reverse FGC, but allows a greater opening of the urethra, and offers some degree of
comfort as much of the women's pain and problems come from the small opening. This practice is now being carried out in some hospitals in the United States. Removal of scar tissue can also help enlarge the opening of the vagina, although this is not always possible because of keloid scarring.23

Human rights issues, especially when they collide with cultural traditions and involve children, can be quite sensitive. In order for rights to have any meaning at all, they need to be made available to be exercised in a manner that is ultimately for the benefit of the recipient. For a child or young adult, exercising a right that runs counter to cultural expectations is a particularly challenging issue. The international community is pressing for an end to FGC and other physically harmful traditional practices, especially those targeting girls, such as female infanticide. Various international instruments have been used to support the abolition of FGC, including:

- The Universal Declaration of Human Rights;
- The Convention on the Rights of the Child;

In addition, several initiatives specific to Africa have been launched. A process for all African states to adopt and nationalize the African Charter on the Rights and Welfare of the Child is under way. A Zero Tolerance to FGM agenda has been adopted by the Inter-Africa Committee which seeks to eliminate FGC by the year 2010.

However, legal initiatives alone do not seem to suffice to prepare the road towards elimination of FGC. Some advocates go as far as to liken FGC to torture, and the fear of FGC has been used successfully in a claim for asylum.24 However, how can parents who decide to perform a rite which they perceive to be in their daughter's best interest be confronted and prevented from doing so? By listening to the women who themselves have been cut. They are often the strongest and most convincing voices to underpin the attempts to abolish the practice; in particular as they have not denied the importance of that special moment in the life of a young girl perceived as welcoming the girl into adulthood — a moment for both education and reflection. As a result, new alternative rites and ceremonies are being tried, including Ntanira na Mugamgo or “circumcision through words” tried in Kenya.25 While FGC may appear to be largely a privacy issue and in some cases a personal choice, representatives of international organizations owe it to the men, women and girls in their care to inform them about the harm that may result from participating in the practice, and to educate and encourage compliance with international norms.
Notes

1. While groups advocating against FGC have used the term Female Genital Mutilation (FGM), the term is out of favour as it has come to be viewed as disrespectful of those women who have undergone the experience. The preferred term is Female Genital Cutting. At the Zero Tolerance Conference in Addis Ababa, Ethiopia, held from 4-6 February 2003, the UNFPA representative Mr. Saad Raheem Sheikh discussed how the reference of FGM is culturally insensitive and inappropriate, and how FGC focuses on the act that affects women’s health without passing judgment on the woman or her culture. The term FGC focuses the discussion while respecting cultures, religions and the values of societies.


3. Ibid.
4. Ibid.
5. Ibid.
6. Ibid.

11. Ibid.
14. Ibid.

16. Some African communities strongly believe that their gods or spiritual medium have to consent or be appeased by the shedding of blood by young virgins who will then be accepted into adulthood. This is the case among the Pokots and the Kuria in Kenya. Among the Kuria, before circumcision, the clan elders through the council of elders have to seek permission and obtain consent from their ancestral spirits by offering a sacrifice and the desired consent will also indicate appropriate dates for circumcision. These religious obligations are sacred subjects (taboos) that are not discussed nor referred to because only the chief priests are privy to these rituals and their justification. It is possible that the practicing communities know the traditional religious obligations linked to FGC, but this has not been investigated. There is, therefore, an urgent need to investigate the relationship between traditional beliefs and FGC. This grey area could also be the reason why, in some parts of Kenya, such as the Rift Valley, there is a resurgence. Religious sects perpetuate this resurgence. Timnit Embaye, IOM Gender Focal Point, IOM Nairobi, Interview, 20 February 2004.


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Immigration and Naturalization (Series C 89-331) and Senate Doc. No.756, 61st Congress, 1820-1910, Reports of the Immigration Commission, Vol.3.

US State Department

World Health Organization

Interviews
Embaye, T.
Garrett, A.

Puleo, J.

Ratha, D.

Seymour, L.

Stephen, P.

Websites
This book will look at migration and select moments in time, past and present, through the experience of women. The feminization of migration, like the feminization of poverty, is a catch phrase. People use it in an effort to be “gender sensitive”; yet, the term itself has still to be defined and mainstreamed — much like waiting for a fuzzy Polaroid photo to develop into a precise image. You wave it around and slowly shapes begin to take on form and a clear picture appears. This is what we hope to achieve with this book. We hope to raise the visibility of the existing data and casework, to include what has been examined and interpreted by a few, and to present a snapshot of what the catchphrase “feminization of migration” means today and to what issues it may refer to in the future.

The book will map out a set of preliminary but common understandings on issues of importance to migrant women and their advocates, and further clarify the experience of women across several key themes: labour migration, migrant remittances, trafficking, immigration and identification — all of which are key areas of migration studies. It will also put forward issues such as rape and female circumcision, key issues of importance to the integration of both forced migrants and of women who migrate into new cultural norms.

Thus, for the student or practitioner of migration these issues are relevant to understanding the experience and needs of thousands of women who find themselves willing — or unwilling — migrants.