Section 2.10

Migration and Gender

Topics:

Gender and Migration
The Legal Framework and the Global Agenda
Gender Issues and Migration Policy

Essentials of Migration Management
Volume Two: Developing Migration Policy
This Section discusses how gender-related issues are relevant for the development of migration policy. Topic One identifies gender-related issues and concepts that are useful for migration policy development. Topic Two discusses the legal basis for gender-related initiatives, and Topic Three discusses migration policy that is designed to address gender issues.

Learning Objectives

- identify areas where gender is a significant factor in formulating migration policy options
- understand the importance of gender-related and gender-specific issues
- develop your ability to assess the impact of gender on migration policy options in your setting

Background

Until the mid-1980s, migration was regarded as a male phenomenon. Today, women account for almost half of the migrant population globally. Migration is often seen as gender-neutral because it deals with the process of the movement of persons, however, it is in fact gender-related because migration impacts differently on men and women, and on different groups of men and women in their process of movement.

Awareness of gender-related phenomena exposes roles and relationships between men and women that can be subtle as well as obvious. These relationships are defined in and by the socio-cultural structures and systems of the societies people live in. The experiences men and women have as migrants differ, and most of the differences are due to the role, behaviour, and relationships that
society assigns to, and expects from, a woman or a man in a country of origin and a country of destination.

When designing policies and programmes, it is important to acknowledge and respect the background and socio-cultural context for gender relations in countries of origin. This will have impacts and determine the ability of individuals to benefit from policies and programmes.

Guiding Questions

1. Are gender differences taken into account in the development of migration policies in your setting, or is it assumed that migration is gender-neutral?

2. To what extent do migration policies and programmes in your setting need to be more reflective of the relations between women and men?

3. Do migration management policies and programmes in your setting recognize the different forms that gender relations can take?

Key Message

Migrants can be exposed to a dual vulnerability: as migrants and because of their gender. Factoring gender considerations into migration and other policies does not mean redesigning these policies, but rather looking at how to incorporate gender issues into the policy process and the programmes resulting from it.

Gender should not be viewed only as a set of issues that must be applied separately to migration policy for men and women. Migration policy should also take into account the relations between women and men in sending and receiving countries.
Terms and Concepts

**Gender**
A term that refers to socially constructed differences between the sexes and to the social relationships between women and men. These differences between the sexes are shaped over the history of social relations and change over time and across cultures.

**Gender identity**
An outcome of the circumstances in which women and men live, including economic, cultural, historical, ideological, and religious factors

**Gender relations**
The relationship between women and men that varies according to the economic and social conditions of the society and differs between social and ethnic groups

**International migrant**
A person who lives outside his or her country of origin

**Migrant**
All cases where the decision to migrate is taken freely by the individual concerned, for reasons of “personal convenience” and without intervention of an external compelling factor

**Migrant worker**
A person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a citizen

**Migration**
A term used to describe the process of the movement of persons. It includes the movement of refugees, displaced persons, uprooted people, as well as economic migrants.

**Sex**
Biological differences between women and men
Topic One

Gender and Migration

Even though population movements are a gender-neutral process, they are related to gender because women and men migrate for different reasons, use different channels, and have different experiences. The social context, within which migration takes place, is strongly influenced by gender and family relations. This, in turn, strongly influences migration behaviour, and also affects the experiences men and women undergo. The role that gender plays in the decision of an individual to migrate or not also illustrates why it is important to consider gender issues when considering and formulating migration policy options—regardless of whether these focus on immigration, family reunification, labour migration, resettlement, or asylum.

Today, women migrants are recognized not only as dependants, or part of the family reunification process, or as forced migrants in displacement situations, but also as independent agents and family supporters or strategists. Today, women account for almost half of the migrant population globally.

However, migration-related policies and regulations in countries of origin and/or destination have generally not adjusted to this trend. Despite growing evidence about the gender-related nature of migration, most migration-related policies and regulations are not influenced by gender. More often than not, they underestimate or neglect the gendered nature of migration, with unforeseen consequences for women. Despite the “feminization of migration”, they still frequently tend to take men as the “norm”, ignoring women’s needs, aspirations, and capacity to act independently. Policies and regulations typically do not consider the roles and relationships between men and women.

Important Points

1. The term “sex” refers to biological differences between women and men. Biological differences are fixed and (mostly) unchangeable and vary little across cultures and over time.

2. Gender refers to differences between men and women and how they are perceived in and by different cultures and social structures. Gender is not just another word for women.

3. The distinction between “gender” and “sex” can be significant. While biological sex-linked
differences are not easily changed, gender-related differences and gender relations can change, and are affected by policies, regulations, and legislation. “Gender” does not necessarily refer to differences or concerns linked to the biological characteristics of women and men, although gender-related differences and sex-linked differences are often interrelated.

4 Gender is perhaps the single most important factor shaping migrants’ experiences—more important than their country of origin or destination, their age, class, race or culture. As such, it affects many policies and programmes that governments put in place, not only in the field of migration. At the same time, the migration process impinges on gender relations and roles.

5 In approaching the task of developing appropriate policy and programme responses, a number of concepts can provide assistance.

- Gender role refers to the different activities that are ascribed to men and women based on their perceived gender differences. Typically, males have a productive role, and more often than not a management role, and women have a productive role, a reproductive role (childbirth), and a domestic role. These roles are subject to change, but are often a reflection of societal norms and pervading perception of which types of roles are “gender appropriate”.

- Gender gap refers to the disparity between demographic and actual representation regarding access to rights, resources, and ability to be heard and counted. For example, women are often the main agricultural workers/providers of food yet usually own no land nor have any access to resources.

- Gender sensitivity refers to the recognition of differences and inequities between the roles, responsibilities, needs, and identities of women and men.

- Gender mainstreaming is a methodology to work towards the advancement of women and gender equality goals. The ultimate goal of gender mainstreaming is to achieve gender equality. Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making the concerns and experiences of women as well as men an integral dimension of the design, implementation, monitoring, and evaluation of policies and programmes in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated.

- Gender equality refers to the norms, values, and rights required to ensure that men and women can attain equal status without neutralizing the biological differences between them.
• Gender equity, which should be distinguished from gender equality, refers to the process of fairness in granting access to resources. For example, making it as important and feasible for girls to attain secondary education as it is for boys.

• Gender balance refers to the participation of an equal number of females and males in an activity or an organization, and more importantly, to an equal level of responsibilities for men and women.

• Gender neutral refers to the pursuit of actions and interventions that are goal- or objective-based in a manner that is free of gender impact. Gender neutrality refers not just to the outcome or that action, but also to its design.

• Gender blind refers to actions that appear to be neutral but are in fact biased, and do not take into account factors that contribute to a non-equitable outcome.

What You Need To Know About...

Gender Analysis

Although there are no specific models connected with migration, some countries have developed approaches that include a gender analysis in their policy formulation.
Gender-based analysis addresses the following points in a policy and programme planning setting:

- Identification of the differences in the lives of men and women and if these are addressed by the proposed policy and/or programmatic intervention
- Analysis of eventual diversities among different groups of women and men
- Involvement of men and women in the process in order to assess anticipated and unforeseen impacts
- Identification of intended or unintended gender-specific or gender-related impacts of a proposed policy
- Consideration of social, political, and economic realities external to the topic addressed

**Example**

The Gender-based Analysis Chart noted in the previous example also looks at the skilled and investor/entrepreneur categories, and concludes that gender stratification and limited education opportunities in countries of origin can prevent women from meeting Canada’s criteria relating to desirable “human capital”. More research and ongoing monitoring is recommended, as well as the development of simulations of selection criteria for skilled workers that would value female experiences in the labour market, family, household, and community and facilitate women’s access to selection as independent skilled worker immigrants.

**What Do You Think?**

It can be argued that there is now a shift in thinking about the meaning of sovereignty, from control to responsibility. The protection of the human rights of migrants is not and need not be incompatible with either the exercise of sovereignty by States or the effective implementation of national security policies.

**Example**

An example is a Canadian Immigration Bill that considers the positive impact of including parents in the Family Class, by observing that the presence of family members will increase the access of migrant women to the labour market. Similarly, the inclusion of all children under the age of 22 in the Family Class (raising the age level from 19) is assessed to have a positive gender impact by keeping older daughters, or divorced/separated daughters with no other support, closer to the supportive family. These considerations are critical for certain cultures respecting the extended family, or for the protection of women.
What You Need To Know About...
Women and Migration

In parallel with developments on the international scene, a number of theoretical approaches have been initiated to examine issues related to women, and subsequently to gender, that were gradually incorporated into programmatic activities.

Research was initiated on these issues both from a developmental and feminist perspective. The Women in Development (WID), Women and Development (WAD), and Gender and Development (GAD) programmes reflect three development-focused theories that were put forward sequentially.

• The first two theories evolved from simply following the approach “add women, mix, and stir” without reflecting on societal roles and relationships between men and women as well as on the impact of the variable of “power relations” to an analysis that included a gender dimension.

• On the other hand, in the Gender and Development theory, the analysis starts by assuming that the behaviour, roles, and relations between men and women are conditioned by societal structures and expectations, and therefore have to be addressed as a totality and not in isolation.

• Gender and Development theory attempts to put the position of men and women on an equal footing and seeks to examine the impact of different programmes and policies on both sexes.

• The Women in Forced Migration Theory (WIFM) and Gender and Forced Migration Theory (GAFM) were developed at later stages to address forced migration situations, assess impact on women and gender, and apply this approach to emergency programming. A similar evolution took place in the analysis of forced migration and gender to that of the earlier development theories. The first approach looks into women refugees’ needs in isolation while the second includes in its analysis the roles and relationships as determined by societies and how the needs of women refugees impact on them.

Apply What You Have Learned

1 Describe one gender-related aspect of migration that should influence policy in your setting.
2. What impacts from the “feminization of migration” have you observed in your country?

3. How could a gender-based analysis help migration policy development in your setting?

4. What is being done to promote gender equality in your country?
There is no international legal instrument governing migration, but there are bodies of rights that can be of relevance to persons migrating.

The migration-related instruments of international law are dealt with in greater detail in Section 1.6, *International Migration Law*.

The provisions under international laws that are relevant to gender and migration are not particularly gender-oriented. In most cases, gender-related issues are addressed through the principle of non-discrimination stipulated in international conventions. Provisions against discrimination on grounds of sex, national or social origin, or other status can be found in a number of international (human rights) instruments including:

- the *Universal Declaration of Human Rights* (Article 2)
- the *International Covenant on Economic, Social and Cultural Rights* (Article 2, 2)
- the *International Covenant on Civil and Political Rights* (Article 2, 1)
- the *International Convention on the Elimination of All Forms of Racial Discrimination* (Article 1)
- the *Convention on the Elimination of All Forms of Discrimination Against Women* (Article 1)
- the *Convention on the Rights of the Child* (Article 2)
- the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (Article 1)
- the *Convention Relating to the Status of Refugees* as well as the *Geneva Conventions and the associated additional protocols*, which establish the “rules of war” and protection measures for civilians in international and internal armed conflict
- the *Guiding Principles on Internal Displacement*.

**Important Points**

1. The notion of “gender” was introduced in the global agenda well after the founding of the United Nations. Until the mid-1980s, emphasis was placed on matters affecting the status of women. Gradu-
ally, the focus has shifted to gender equality, equity, and the empowerment of women.

2 An important development in the area of women’s rights was the adoption by the General Assembly of the Declaration on the Elimination of Discrimination against Women (GA Resolution 2263 (XXII) of 7/11/1967), which, while not having the force of a Treaty, provided support for further actions on issues related to gender.

3 The Convention on the Elimination of All Forms of Discrimination against Women, (GA Resolution 34/180 of 18/12/1979), which enlarged the provisions of the 1967 Declaration, was adopted by the General Assembly and entered in force in September 1981. It is important to note that this Convention went beyond calling for equality and the removal of discriminatory barriers with which women were confronted. Article 5 (a) of the Convention promotes the modification of social and cultural patterns of behaviour of men and women in order to eliminate prejudice based on notions of inequality between men and women.

4 The World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, in Nairobi in 1985, called for the sharing of responsibilities between men and women, and for women to shift roles from that of “recipients” of decisions taken by others to that of planners, contributors, and decision makers. For the first time, the issue of violence against women was placed on the agenda during this Conference.

5 The Platform for Action adopted during the Fourth World Conference on Women, in Beijing in 1995, advocated for equality between women and men, not just elimination of obstacles to women’s status. It called for the integration of gender perspectives into all policies and programmes, the empowerment of women, and increased attention to eliminating all forms of violence against women.

6 The International Conference on Population and Development, in Cairo in 1994, and its consequent Programme of Action that included a set of principles related to gender, demonstrate that gender-related considerations do not operate in isolation but are interlinked and interrelate with a variety of issues and policies including migration, population, economic growth and development, education, and health.

7 The Millennium Declaration adopted in September 2000 reflects the progress achieved throughout the decades in the direction of gender equality. For example, goal number three is the “promotion of gender equality and empowerment of women”.

The Legal Framework and the Global Agenda
Apply What You Have Learned

1. Identify an international convention or instrument described in this Topic that your State subscribes to.

2. How have provisions against discrimination been applied to gender-related issues in your setting?

3. Which of the important points would you like to learn more about?
Topic Three

Gender Issues and Migration Policy

While women have always represented a significant portion of the migrant population, migration in the past was perceived as a predominantly male phenomenon. However, women’s participation in the migration process, and the reasons for which they migrate, are changing. This development represents one of the most significant trends in recent international migration streams. It influences the shaping of roles and affects relationships between men and women in countries of origin and destination.

Despite growing evidence about the gender-specific aspects of migration, most migration-related policies and regulations are not gender specific. There is a tendency among the majority of receiving countries when formulating migration-related policies and adopting relevant legal provisions to place more emphasis on issues related to immigration and border control without incorporating a gender analysis in their planning.

The same applies to countries of origin where, with few exceptions, gender dimensions and sensitivities that recognize and address separately the concerns and interests of men and women, potential migrants are not incorporated into Immigration and Migrant Workers Acts. Instead, they adopt restrictive provisions with respect to exit conditions in an attempt to protect them from exploitation and abuse.

For example, when labour migration programmes are being conceived, the nature and profile of employment opportunities for migrants should be considered along with the question of who can access them. Despite the fact that women increasingly migrate autonomously as the main income providers for the family, the labour markets in receiving countries remain sex-segregated. Thus, only certain sectors are open to the employment of women, including migrant women, including the so-called “traditional” female occupations such as domestic work, entertainment, nursing, care-giving, etc. In this way, migrant women help to liberate local women in receiving countries from some of the traditional female functions and facilitate their access to the labour market, while they themselves remain tied to traditional roles.

This situation underlines the need for immigration programmes to be sensitive and adapt to such trends. Labour immigration should be more flexible in its offerings of available employment, while family reunification programmes should grant to dependants all possible benefits and access to
services to facilitate their integration. For example, men might be unwilling to migrate as dependants for a variety of reasons without supportive programmes.

A number of questions arise when gender is included in perceptions of migration. These have implications when considering and formulating migration policy options—regardless of whether these focus on immigration, family reunification, labour migration, resettlement, or asylum. These are discussed in the important points that follow.

**Important Points**

1. In many societies, the social roles men and women play are different and are valued differently, often along gender lines. Some roles are considered more important than others, and some are taken for granted, particularly those related to reproduction and childcare, the obvious domain of women. Inherent differences in these roles, when entrenched as social and cultural values, can influence government policies and programmes.

2. Including a gender perspective in policy formulation and programme design can contribute to them being gender-neutral rather than gender-blind. Government policies influence people differently both as individuals or members of groups because of age, sex, race, class, location, etc. It is important when formulating policies and designing programmes to take into account not only the impact they have on men and women but also how they can meet the different needs of women and men.

3. Policies in countries where migrants originate can impact on their ability to migrate and affect men and women differently. It is not just the social culture that could cause difficulties for women to migrate on their own. Existing legal provisions, taking into account the country’s societal framework of roles and relationships between men and women, can be permissive or prohibitive with respect to exit conditions for men and women respectively. For example, some emigration countries have incorporated in their legal framework certain restrictive provisions affecting primarily migrant women in an attempt to empower and protect them from exploitation.

4. Policies determine the migrant’s legal status, and whether he or she is the “head of the household” or the “dependant.” Many countries receiving migrants have stringent entry policies with unintended adverse consequences for women. Immigration policies that are overly strict can increase the vulnerability of women to violence, abuse, and control, particularly in the workplace. Few governments include gender-specific provisions in their immigration policy and legal framework. Women
are usually registered as dependants of male migrants. Legal provisions may often constrain access to the labour market, particularly when migrants are admitted as dependants. In the past, this has particularly been the case for women who were granted a “dependant” status, making it difficult for them to engage in economic activities until certain conditions were met. This can determine the position, if any, women may or could occupy in the labour market of the receiving country and influence their access to services and programmes available to them.

5 In countries of destination, policies relating to admission, residence, access to the labour market, and integration can affect migrants’ gender relations because they influence the migration process for men and women differently. Entry, residence and work permits, and entitlements granted to foreigners often differ by gender. They can play an important role in determining the position of women in the host society and impact on women’s adaptation to these societies.

What You Need To Know About...
Questions Relating to Gender When Formulating Migration Policy Approaches

Do immigration policies in countries of destination influence migrants’ gender relations? How do gender considerations in these countries have an impact on migrants?

- Legal residence may be linked to a migrant woman’s relationship with a citizen or principal migrant; if that relationship changes, she may face deportation or loss of rights.

- Migrant women are particularly vulnerable in terms of reproductive health, especially when access to health care is tied to the legal status of the migrant.

- Migrant men and women are likely to find themselves in a sexually segregated labour market in the receiving country. They will be absorbed in different sectors of the labour market resulting in differentiated experiences, based again on perceived gender differences. For example, there may be a tendency for men to be concentrated in the construction sector, while women predominate in the service sectors, including domestic service, nursing, etc. The new and different experiences they enjoy could lead to a redirection and redefinition of the roles and relations between migrant men and women and impact on their family life.

- While there are increasing possibilities for women to migrate autonomously, the sectors of employment open to women are often limited. Data from migrant-receiving countries indicate that migrant women often face more disadvantages than men in their efforts to
gain access to the labour market of the receiving country, and that there has been a notable polarization of women’s jobs. In general, women migrating for employment purposes tend to be concentrated in “traditionally” female occupations such as domestic services, entertainment, nursing, restaurant and hotel services, as well as in assembly lines in labour-intensive manufacturing etc. that are relatively low status and provide limited prospects for socio-economic mobility in the receiving societies.

- Many occupations place women in informal work situations with little access to information networks and social support, leaving them vulnerable to discrimination and abuse.

- Migrants bring with them a set of roles and relations that guide and determine their behaviour. Migrants’ participation in the labour market of a receiving country varies also according to their background, including country of origin, ethnicity, length of stay, and command of the local language. These elements have a significant impact on the adaptation and eventual integration of migrant men and women into the host society.

Section 2.6, Migration and Labour, discusses several labour and gender issues.

What You Need To Know About...

Questions that Explore the Impact of Gender-related Factors on Migration

Do circumstances, culture and social structures as well as legal provisions in countries of origin influence men’s and women’s ability to decide to migrate at a given time? If so, how? Do they facilitate or impede the process?

- The roles attributed to, and the relationships between, men and women in the society of the country of origin not only define the productive and reproductive roles attributed to men and women but also affect their ability to migrate. The latter is also conditioned by a person’s capacity to make autonomous decisions and have access to supportive resources, which clearly varies from society to society.

- The roles men and women have tended to assume in the social and economic spheres have been highly differentiated. Men, as heads of a household, would move ahead and/or independently of their family, while the mobility of women was more restricted and less autonomous, as they were expected to assume caregiver roles for the family. In cases where migration is the only survival or economic improvement option for the family, family support of the woman’s decision to migrate places her in a certain position of strength, by extending to her a decision-making power traditionally attributed to the man of the house.
In societies where women’s social status or employment prospects are poor, women are often willing or eager to migrate, and can be more vulnerable to the ploys of traffickers and to various forms of exploitation.

Do relationships between men and women change with the migration process?

- There is no general rule on how roles and responsibilities are re-assigned as a consequence of migration. The consequences for families and home communities of men and women migrating can be significant.

- In some cases, little change occurs in the gender roles within the family. In others, women take over male responsibilities at home, for example, by becoming main providers or heads of households when men migrate. However, the reverse does not always happen when women migrate. In such situations, the social support network is activated and women of the extended family often assume the primary caregiving responsibilities, or other women are employed for that purpose.

- Migration can have an empowering impact on women through the independence, physical and financial, that they enjoy abroad, and the self-esteem gained by being perceived as family providers by their community. In some instances, however, the effects of this positive experience are minimized by difficulties that constrain migrant women from accessing the labour market. There are instances where migrant women have, through their earning power, become important agents of change, altering gender relations in the family structure. For example, in addition to becoming the family’s main provider, women labour migrants help devise strategies to make the transition between the norms and values of their societies of origin and those of the societies of destination.

- The reverse can also occur. Migrant women who have become the main family providers may not be perceived as such by family members, including women themselves, in these and other households. Instead, the husband is perceived as being the main provider. This occurs in an attempt to keep intact the roles and responsibilities assigned to men and women in a given socio-cultural environment, regardless of whether this is in the country of origin or in the country of destination.

- Gender relations also determine the ultimate use of what migrants send home, particularly their remittances, which are considered a part of the family income and not their personal possession.

Do relationships between men and women change during forced migration situations?

- Conflicts and disasters often lead to situations of forced displacement that affect both men
and women differently, and as a consequence, their needs for protection and assistance are different. Such situations affect the social fabric influencing family and social structures. The effects are often felt more acutely by women, who find themselves assuming roles and responsibilities previously held by men, in a very challenging environment, while at the same time remaining more vulnerable to discrimination, exploitation, and abuse in different forms.

- Traditional gender roles have a tendency to change, or even to reverse, during forced migration. This occurs particularly in regard to the power, or authority, to make decisions. Often, women are compelled to assume different and additional roles from those assigned to them by tradition. They become the family’s main or sole source of support and protection, which empowers them and increases their self-confidence, potentially leading to an improvement of their social position. At the same time, and in cases of absence of social support, they can be discriminated against and confronted with security threats and violence. The consequences for men are different, with men feeling in some instances more powerless, with less self-esteem, and finding it difficult to accept the fact that they have lost their position as decision makers. This can have an impact on participation in community activities.

Apply What You Have Learned

1. Which questions relating to gender and migration are important in your setting?

2. How can migration policy protect the needs of migrant women?

3. What can migration policy and programmes do to address the different effects of migration on men and women?

4. What policies would you recommend to support gender equality in labour-related migration?
Concluding Remarks

It is important for migration-related policies, regulations, and programmes in countries of origin, transit and/or destination to integrate a gender perspective at all levels. This Section described the need to identify all gender issues related to migration, to assess the impact on men and women, including different groups of men and women, and to analyze the extent to which existing differences will persist or new ones be caused by migration policy. The goal of a gender-balanced approach to migration is served by a number of international agreements and approaches.

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