
A GENDERED PERSPECTIVE ON MIGRATION IN SOUTH ASIA

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ABSTRACT

The South Asian region has experienced rapid migration within and outside its boundaries for numerous reasons. Historically, women's migration out of economic want is observed in this region. Economic migration for such women is often fraught with gross human rights violations such as trafficking. Even when women are not migrating they are continually threatened by rights infringement, for example, the economic migration of their spouse may result in their abandonment. Hence it is imperative that the issue of migration, particularly economic migration is viewed from a gendered lens.

In this study, laws protecting women in the South Asian region will be comparatively assessed with a focus on India, Bangladesh, and Pakistan. The paper will first critically analyze the international framework for protecting women from the perils of economic migration. Later, the Constitutional safeguards for women in the context of migration in each of the countries shall be evaluated. Third, it shall be seen if the countries have enacted legislation defending women from rights transgression caused by economic migration. The comparative assessment would be done with the help of prominent case studies in the countries. Lastly, lacunae in the legislative edifice vis-a-vis rights of women against involuntary migration shall be discussed and suggestions offered.

The purpose of the paper is to find if the international, regional, and municipal norms in the South Asian region are equipped to guard vulnerable groups such as women. The results of the study can be used to suggest normative changes keeping in mind the susceptibilities of special categories.

Keywords: women, migration, poverty, trafficking, South Asia, human rights

Introduction

In common parlance, gender has been defined as socially acquired behavior and attributes in contrast to sex which is biologically determined. Gender is a cross-cutting migration issue and perhaps one of, if not the single most important factor shaping the migratory experience. Major steps have been taken in migration research resulting in a wealth of literature as well as field research, which clearly establishes gender as a crucial factor in our understanding of the causes and consequences of international and internal migration, and that gender is relevant to most, if not all, aspects of migration.

Globally, international migration has become increasingly diversified as a result of recent global economic and geo-political changes, in addition to policy shifts. These changes may affect men and women differently, resulting in gendered patterns of migration. Laws and regulations ruling geographic mobility often have gendered outcomes; migrants are positioned differently within labour markets and the labour demand is often gendered according to different economic sectors. Furthermore, migration implies economic and social costs and benefits for either men or women migrants, which adds to gendered migration patterns and outcomes.

Migration over the period of time has gained considerable currency with its impact felt in policymaking, demography, security, and empowerment. The theorization of migration has been traditionally male biased failing to capture the questions of women and address the gender related migration experiences. The feminist interpretations criticize the public/private divide that invokes a justification of female subordination, exclusion and an abuse of human rights within the home and public arena since women are a symbol of national esteem, its cultural roots and spirit. Hence women's spatial mobility had been dictated by cultural symbolic meanings of space. Gendering the city provides a new socio-political paradigm to conceptualize the intersections of power, belongingness, rights, culture, economy and law. The cities become the places and spaces which experiences huge influx of migrants living there and gendering the city enables us to reformulate the urban politics. The paper aims to deconstruct the traditional understanding of migration and will study the theoretical underpinnings of female migration in the cities while understanding the circumstances under which they migrate, the conditions, experiences as well as responses from the host city and the state in context of globalization, acceleration, differentiation, politicization and feminization. As cities become

the spaces for women migrants to escape the discrimination and exercise freedom they also get plugged into the informal market such as trafficking, sex industry, and low paid domestic work rendering them invisible in the entire economic circuit. Female migration mainly in the urban locales accompanies a production of changing role of women in their families and home country. Migrating independently they assume the role of main economic providers and heads of households thereby acting actively in public and social roles re-enforcing their status and reconfiguring gender relations and power equations in the urban space thereby carving a new

Why And How Gender Matters?

There have been several debates concerning the understanding of the term gender and the feminist discourse builds on the exclusion of women from various fields of research especially political economy, migration which has always been considered as andro-centric. The analysis of economics, urbanism, politics have been dominated by the production of knowledge as how the men define these fields in decision making and policy formulation often marginalizing the experiences of women who participate in domestic work, informal work and often unpaid, unrecognized work. In this context of exclusion women migrating across borders, within the nation across states have been overlooked by the analysts while studying the nuances of migration especially in urban areas for better life and search for job. The scholars who have examined the world affairs to dominate the mainstream understanding of crucial issues confronting the state and society, gender as a category becomes an additional criteria for analyzing subjects like International Relations, economics and politics. In the global south, the role of women in the work force, informal markets, domestic servants, to collect foreign remittances have made women visible in economic realities, revealing “women as agents and activists, as well as victims of violence and the poorest of the poor”(Spike Peterson 2005:502). This aspect ensures that exclusion of women from the presently dominant paradigm cannot pervade the understanding of theory whether it is economics or migration or political economy of migration. The feminists have investigated linkages with different dynamics of transnational, global to analyze the development of globalization as a process which is gendered reflecting both change and consistency. This has disturbed the gendered patterns by modifying the conservative belief system, their roles and political performances globally which are dominated by men institutionally, economically, ethnically. The benefits of globalization are also distributed unequally along with the male biasness that is reflected in the structural hierarchies like race, caste, class, theories/practices and “feminization of identities and

practices effectively devalues them in cultural as well as economic terms”(Peterson 2005:507). Women migrants, marginalized class, urban poor in developing countries constitute a large number of populations which constitutes major part of global economy even though their work remains unrecognized, less skilled and plugged in insecure informal market. A gendered migration studies the migration behavior between men and women as well as their inequalities which they face in context of socio-cultural-political conditions. The neoclassical economic theory of migration did not recognize the difference between the decision making power that exist within the households which acts as workplace as a site of disparity in terms of taking decisions across the cultures. In the households also control over resources has an impact over the consumption and expenditure since families are the units of production and redistribution representing the struggles which they face and the conflicts of interests, activities and power relations operating in the families that determine the decisions of who migrates, where and the time duration. Gender as a social construct becomes an essential criteria to determine family hierarchies affecting the migration of women since it is within the family where female subordination to male power authority is exercised. Family defines and allocates the roles of women, their motivation and enticement to migrate controlling the resources distribution can buttress the process of migration (Byoud2003). With globalization mobility has become a common trend and people are migrating beyond borders for work, escaping instability in home country, political persecution, abuse, violence. In most of the previous literature the movement of humans has been analyzed from male perspective but if we look at the world of human mobility it shows more women migrating inquest for better life or survival. In developing countries especially in India there is rising trend of women migrating from the rural areas to the cities and also from the neighboring underdeveloped countries for job opportunities. In India it has been found that women belonging to the Scheduled tribes and scheduled caste which is mainly because of the economic and social reasons as there are less employment opportunities in the rural areas compared to the urban areas as well as there are also social stigmas related women and work outside the domestic quarters.

In this manner the gender as a concept permeates into the process of migration often allowing the women to enter into the global labour market (UNGA 2004). In the recent past the trend of gender distribution has been mainly from the developing countries such as Asia, North America, Africa constituting the female migrant as independent entity making a difference for the development of flow of migrants (Sorensen, 2004). Sassen(1984) had interconnected proletarianisation and women of developing countries into export processing zones where

“immigration and offshore production are ways of securing a low wage labour force and of fighting the demands of organized workers in developed countries” (1984: 1145). In export manufacturing zones, agriculture, domestic services have feminized the migration flows as the product of capitalism where women from the global south are significant to the new sites of economic activities. The feminization of migration has also contributed in the bringing of remittances which boosts the economic activities of the countries especially in the global south. The amounts of remittances have been high from the women in past few decades compared to the male remittances as per the NSSO survey report of 2007-08.

Global South Scenario:

Global south has become an important source point of migrants to the developed countries and the rising trend of labour migrants which has become possible due to global integration. Increasing number of female migrants from South Asia especially to the North American states, Gulf countries have posed new challenges and issues pertaining to the institutional, legal framework, processes and the state protection for the female migration. Migration of women is not a recent phenomenon; it was prevalent even in the 19th century during the colonial rule when they were sent to the plantation colonies for labour. The female migration had been accompanied by several vulnerabilities which are also common today when they migrate to several countries with lack of policy measures for protection. The underdevelopment of undocumented and irregular migration from the global south have aggravated exploitation of women and increased crime against them such as sexual assault, sex trafficking, prostitution, bonded labour. Most of the women migrants from the global south are necessarily low skilled workers engaged in the domestic care work as nannies, cooks, house maids, cleaners and few are involved in skilled work like accountants, professors, teachers, doctors, nurses. The rising demand of workers from the global south are because of low labour force in the developed countries and in case of Gulf countries the cultural and social factors prevent women in those countries to take up jobs. In many cases the increase in Diasporas population from different countries in South Asia, Africa in the global north also calls for more women migrants to fill the gap in low skilled force. Female migrants in Gulf countries are mainly from Srilanka, Nepal, Bangladesh who are responding to the changing economic order and the relations of states with the countries in the Global north and Middle East. Global economic integration has also energized the movement of commodities, ideas, people and due to the lack of employment opportunities in the under developed countries, human mobility has been intensified. It also

shows that the movement is mainly from north to south or periphery to centre mainly in the advanced cities of those countries which are attractive to the women migrants (Oishi, 2005 et al). Europe had received around 70 million international migrants followed by North America and the flow was mainly from Asia, sub Saharan Africa, Latin America that were mainly low skilled migrants as the demand for low skilled labor in developed countries are high due to not only low population but also ageing population expanding the migration market in the global north (IOM, 2010a). It has been estimated that the labour force in developed countries will remain at 600 million till 2050, whereas the labour force in less developed countries will increase to 3 billion in 2020 and 3.6 billion in 2040. The Asian countries such as China, Bangladesh and India constitute the emigration countries where 37 percent of Asian migrants move to Organization for Economic Co-operation and Development (OECD) countries, 43 percent migrate within the region such as large number of SAARC countries migrate to India since it is the fastest growing South Asian country and a competitor of China. For the Asians USA is the major destination point for the search of jobs with India registering 6.1 million immigrants from Asian countries, Bangladeshis and Nepalese, followed by Pakistanis (with nearly 2.8million intra-regional migrants). Hong Kong Special Administrative Region (SAR) of China (nearly 2.5 million), Iran (almost 1.9 million) and Malaysia (almost 1.7 million) are also amongst the top countries which have outward human mobility to global.

Over the period of time the changing dimension of migration has invited a gender sensitive study which aims at exploring why and how women migrate?; its implications on the host state; the policy changes and safety nets for the women to prevent any kind of exploitation. The gendered analysis also helps to acknowledge the complexities that are prevalent in the recent migration cycle not only across borders but also within the state. The most common factor for migration is marriage where women move from the native place to a new land with the family as a dependent. In some cases they may migrate alone either to work in skilled or unskilled sectors; to escape social atrocities, poverty, environmental distress. The feminization of migration corresponds to two other transformations that affect women: the feminization of poverty and the feminization of work. (UNFPA-IOM, 2006) The feminization of migration gives rise to problematic forms of migration, such as the commercialized migration of women and girls as domestic workers and caregivers, often resulting in the trafficking of women for labour and sexual exploitation. By 2000, it has been reported that female migrants constituted nearly 51 per cent of all migrants in the developed world and about 46 per cent of all migrants in the developing countries (ILO 2003:9). The above trends, which show the increased mobility

of women in almost all regions of the world, and the increasing number of women migrating as breadwinners, make the feminization of migration more tangible.

The women's labour (e. g. domestic labour) is mostly unrecognized and undervalued. The restrictions on their right to work, and criminalization of their work (e. g. prostitution) mean that a higher proportion of women are statistically invisible and, undocumented. Gender, however, should not be limited to statistics only, but raise our awareness about underlining social factors that influence women's and men's roles, access to resources, facilities and services (UNRISD2005). Place of women within the labour market and type of job is related to mode of entry and immigration policies. The percentage of women crossing borders into neighbouring countries for trading is larger and so is the rate of women participating in inter-regional migration. This pattern seems to be similar in Latin America. It therefore depends not only on types of jobs and but also available mode of entry as well as also on socio-cultural factors. Changing labour markets globally have increased both opportunities and also pressures for women and men to migrate internationally in bulk. Their labour market positioning and experiences have to be analysed in relation to gendered labour markets in the countries of origin as well as host country. The rising number of independently migrating women has been referred to as 'feminization' of migration (ILO 2003).

Female Migration and Development:

Women have less advantage in employment opportunities, educational levels, health care and other services in their home communities than men. There are insufficient safety nets for women who are single beyond an age at which it is expected of them to get married; for single mothers; and women who are divorced, separated or widowed in most developing countries. From a gender perspective, socio-cultural aspects are very important because – although clearly related to an economically weaker position - negative attitudes towards divorced, widowed, childless or single women also contribute to a stronger push into outmigration than that experienced by men.

They mainly do not use money for development of social capital. They are lacking skills and relevant information. These issues are addressed by many NGOs but the real question is how far these new programs meet the interests and needs of individual migrants, how male and female migrants are able to translate these into successful 'action' related to social and economic development, and how the governments respond by creating gender sensitive

environments.

Gendered aspects of remittances can be approached from the senders' as well as recipients' perspective. It has been argued that gender affects the volume of remittances, with women sending more than men, but this very much depends on other elements such as migrants' marital and migration status as well as age (UN 2004). Female migration is also producing a change of the role of women in their families and home country. As women migrate on their own and less as dependents of male members, they assume the role of main economic providers and heads of households. Women also play important role in different stages of migration, such as caregivers for those left behind, managers of remittances, and emotional supporters of migrants in different circumstances. Women play a key role as recipients and managers of remittances. Data reveals that women use remittances primarily for food and education (INSTRAW 2008). This supports the hypothesis, already sustained in other areas such as food security, that the greater women's control over the household's monetary resources (whether it is as remitters which maintain strict supervision over the use of the remittances they send, or as administrators of remittances received), the greater the tendency to invest in the overall well being of the household.

The remittances sent by women differ from those sent by men in volume, frequency and also sustainability over time. Women send a larger part of their salary than men do, given the wage discrimination in the receiving country. Women's remittance strategy is sustained by keeping a tight control over expenses. This often makes it impossible for them to project some advancement in their careers as professionals, investments in education (for example, to take language courses) or capacity-building which would allow them to access other labour sectors outside of domestic service. This also affects their own construction of social capital which would help improve their integration into the society of their destination country. Beyond financial remittances, the social remittances of migrant women (ideas, skills, attitudes, knowledge etc.) also promote socio-economic development, human rights and gender equality. Migrant women who send money transform the definition of what it means to be female. This also affects how families and communities view women (State of World Population 2006).

Gender and Cities

Gender as a core concept of analysis in the urban local bodies and decision makers have not gained a considerable even though efforts have been made towards gendering the city. Cities

have always been a magnet of attracting migrants especially from rural areas and the Indian cities for example have been the key site for women to look for jobs. It has been found that most of urban poor are constituted by women with negligible access to the basic services. Mainstreaming gender in the decision-making process, local government institutions to address the necessities of women requires the inter weaving of gender and cities. Delhi, Mumbai, Kolkata, Bangalore, Chennai have been favorite destinations of the female migrants which also comprise a large number of illegal migrants. The mobility of women mainly in global south which are spouse related often helps to increase women's educational opportunities, careers of different streams and sectors which are neglected in the home or considered working women as against the cultural norms of the society. In case of agricultural societies women also leave along with the male members in the hope to get employment opportunities in the mega cities such as Mumbai had given employment to women in textile factories, fish markets whereas many are also engaged in the informal sectors like bars and hotels as dance girls which enabled them to earn for their living. Women are also seen in technical, academics and other professional areas in metropolitan cities thereby bringing a change in the family structure which leads to the development of nuclear families or small families. Women's traditional role as house wives change to dual role as home makers and working professional balancing both the families and work sector. Unfortunately the growing participation of women outside the domestic sector has also created conditions for the state and the urban governments to take legal steps for protection of women especially for those who are absorbed in informal sectors with no security measures. There have been many cases in Delhi where women from different parts of countries as well as from Bangladesh who heavily flood the city to engage in domestic work. Often there are reports of exploitation, violation, sexual abuse by the owners to whom many underage girls are kept as forced labour. These migrants who come to metropolis for investment and growth are often subjected to insecurities. In case of Mumbai and Delhi there are majority of female migrants are from north Indian belt such as Uttar Pradesh, Bihar who occupy skilled jobs as well as unskilled jobs mainly as labour contractor; Southern part of India such as Tamilnadu, Karnataka, Kerela also migrate to big cities in research centres, educational institutes, MNCs, public sectors and private enterprises. The increasing female migrants in Indian cities had led to gender mainstreaming in the governance structure where gender blending has become crucial for accountability and eradication of inequality by providing a gender sensitive city development. Most of the poor migrant women are urban slum dwellers that lack access to safe drinking water, sanitation, solid waste management, no electricity. It is now an urban reality that young girls and women are molested sexually harassed when they go

to search for safe place to get access to toilets often leading to health and environmental hazards. Women also lack housing facilities because they don't have ID cards, any formal bank account which pushes them further into informal market and financial vulnerabilities in the cities especially in the poor, developing countries. Another issue that arises from the illegal migration from the neighboring countries is that the women who lack education and technical skills are excluded from the market economy which affects the urban economy and environment in a negative manner. Since poverty is one of the major factors for migration to cities in the global south the women are willing to take up jobs which are underpaid with no security frameworks such as maternity leave, health care. The discrimination which women face in labour market is often unreported because they are not aware of their rights; often women who come to cities to start a new venture are unable to do so since they lack collaterals, skills; young girls looking for jobs are unable to travel freely and safely due to rising harassment of women and unsafe roads are major hurdles faced by women in the cities including mega cities such as New Delhi (UN report, Khosla). Gendering the city thereby becomes crucial not only from the perspective of the security and safety but also a major legal issue that emerges from the migration is the issue of citizenship. Many women migrants who move to cities as refugees facing environmental disasters or political instability are often denied citizenship because different countries have different rules of immigration. This process of human mobility presents a huge scope for economic and social advancements but it needs to incorporate gender into the migration policy especially in the Global south such as South Asia which is still comparatively poor than other regions. Deconstruction of the women not just as a mere entity in the process but rather seen as an important participant in human mobility whereby the state must try to focus on women migrants by providing safety nets to ensure rights of women and make their movement safe. The role of civil society, state organs also need to be vigilant to ensure that women related crimes such as trafficking, sex trade, prostitution, bonded labour are curbed to zero.

Conclusion:

The policies and legal frameworks are gender biased which do not look at women migrants independently but as dependents of male counterparts. There is a rise of violation of human rights and United Nations, NGOs playing a major role in suggesting policy frameworks for protecting the rights of women. It is also important for countries like Bangladesh and Nepal to ease the restriction in migration to prevent illegal migration. Government needs to deal with

the condition of living of women who are living in urban slums and in order to ensure safety and security of state review the approach in which the urban migration is dealt with. Human trafficking is contentious issue worldwide and a major threat to human security. South Asia has become a major hub of trafficking of women which needs to be controlled addressing the underlining structural problems rather than border control. CEDAW (Convention on Elimination of All Forms of Discrimination Against Women), Beijing Platform For Action, United Nations

Convention against Transnational Organised Crime (Palermo Convention) had drawn provisions for protection of women's rights that needs to be implemented in right spirit. Women in armed conflict are given protection under UN Security Council (UNSC) Resolution, 1325 in 2000 which aims to protect women's rights and similarly urges state to protect rights of women refugees and displaced persons. Civil Society also has a major role to play in protecting the rights of women migrants (Reeves and Jolly 2005).

Female migration all over the world has different trends and characteristics which are opening sources of opportunities and risks. The independence and desire for good life, escape from torture, abuses have induced women to cross borders. In this migration journey women are exposed to varieties of vulnerabilities which make them a prey to all the smugglers and women traffickers who make business out of it. It is the vulnerability which prevents women from speaking out and claim for their rights. Human mobility is a common phenomenon and a part of entire developmental process. It is expected that there will be more women migrants henceforth the state as well as civil society must provide them with the space for development keeping in mind the national security by preventing illegal influxes and activity. Legal protection and guarantees are required to provide an environment where women can make their choice.

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