

CM/MMW/2003/REPORT
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B. Documentation

The documentation for the meeting included:
A conceptual paper prepared by the consultant;
Papers prepared by experts;
Papers contributed by other participants;
Presentations made by experts and other participants.
(See annex II)

C. Programme of work

At its opening session on 2 December 2003, the consultative meeting adopted the following programme of work (see annex III):

Opening of the meeting
Election of officers
Presentation of the Consultant's paper
Presentation and discussion of experts' papers
Closing session

D. Election of officers

The consultative meeting elected as Chairperson, Dr. Monica Boyd. Dr. Susan Forbes Martin, consultant for the United Nations Division for the Advancement of Women, served as rapporteur for the meeting.

E.

The consultative meeting was opened by Ms. Carolyn Hannan, Director, Division for the Advancement of Women. In her statement, Ms. Hannan thanked the Government of Sweden for hosting the meeting, expressed appreciation to the President of the World Maritime University for its sponsorship and welcomed meeting participants. She outlined the background for the convening of the consultative meeting as part of the preparation by the Division for the World Survey on the Role of Women in Development. She stressed the need for interdisciplinary collaboration to better understand the gender dimensions of migration and emphasized the steps already undertaken to involve partners from both within and outside the United Nations system. The analysis during the expert consultation would provide the basis for the further elaboration of the outline for the World Survey and would contribute to the policy recommendations to be presented to the General Assembly in 2004.

Dr. Karl Laubstein, President of the World Maritime University (WMU), warmly welcomed all participants to the World Maritime University. He provided a historical background for the WMU and its affiliation with the United Nations and outlined some of the ways the WMU is working to promote gender equality among its students and in its work. He noted that 25% of the student population was female, representing many countries across the globe. The University's location in Malmö, where 26% of the population is of foreign origin, provides a multicultural, international environment for the University and its students. He expressed appreciation for the opportunity to collaborate with the United Nations Division for the Advancement of Women.

III. SUMMARY OF DISCUSSIONS

The discussions during the consultative meeting benefited from the diverse expertise and background of the experts - practitioners, academics and activists working on a plethora of migration issues, such as human trafficking, refugees and labour migrants, international law and social dynamics in societies with large migration flows. The discussions and recommendations are outlined below.

A. Overview

Migration has increased significantly during the past decades. A number of factors that contribute to this increase, particularly of international movements were discussed during the consultation, including:

- Economic globalisation and integration, which has linked the economies of source and destination countries together;
- Trade agreements that contain provisions for mobility of international personnel, particularly but not exclusively in trade in services;
- Growth of multinational corporations that move their personnel across countries and across the globe;

- Demographic trends, with many developed countries facing population stagnation and aging while developing countries continue to grow faster than their job markets can absorb new workers;
-

have moved from one developing country to another. In recent years, however, migration from poorer to richer countries has increased significantly. While the traditional immigration countries – the United States, Canada and Australia – continue to see large-scale movements as a result of labour recruitment that began in the 1960s and 1970s, Europe, the oil rich Persian Gulf states and the “economic tigers” of East and Southeast Asia are now also major destinations for international migrants.

The gender distribution of international migrants varies substantially by country. The proportion of legal immigrants who are women is particularly high in the traditional immigration countries. In places that only permit temporary migration, the proportion of men migrating may be higher, particularly if admission is limited to certain types of occupations typically dominated by men (e.g., miners or information technology workers). [REDACTED] referenced the considerably higher proportion of female migrants living abroad in such countries as the Philippines and Sri Lanka.

Table 1. Percentage of female migrants among the total number of international migrants, by major area, 1960-2000

Major area	1960	1970	1980	1990	2000
World	46.6	47.2	47.4	47.9	48.8
More developed regions	47.4	48.8	47.4	47.9	48.8

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Effects of development on migration

Participants agreed that underdevelopment is a cause of migration, but they noted that migrants tend not to be the “poorest of the poor.” Women with few economic resources are unlikely to have the financial means or contacts to migrate across long distances. Even in refugee crises, very poor women and children often find it difficult to cross the border into a neighbouring country and research shows they are highly unlikely to seek asylum in wealthier countries that are distant from their homelands. They are more likely to be internally displaced.

It is generally held that economic development is the best long-term solution to the pressures that cause migration. When women have adequate economic opportunities at home, they may choose voluntarily to relocate but they will generally not feel the need to violate immigration rules or be ensnared by traffickers. In the short to medium term, however, the development process itself can stimulate a high level of mobility, including international migration. Structural adjustment and other policies often precipitate large-scale movements out of rural areas into towns and cities. As women move from rural to urban areas within their own countries, they find out about opportunities for international migration. Internal migration may also empower women in a manner that allows them to migrate internationally, for example, providing them skills that can be used in manufacturing and service jobs in the urban areas of wealthier countries.

Gender inequality can be a powerful factor in precipitating migration, particularly when women have rising economic, political and social expectations that are not met by actual opportunities at home. Globalisation, with its emphasis on communications, trade and investment, has increased knowledge of employment options within and outside of home countries, and it has opened up a range of new work for women outside of their own homes.

A matter of some controversy is just how to stimulate development to reduce emigration pressures. Participants noted that there have been some negative linkages of migration and development; for example, some governments have recommended that the offer of official development assistance be contingent on the willingness of source countries to deter their nationals from migrating and to accept back their nationals who are deported from the aid-giving countries. This approach appears counter-productive in negatively affecting the very countries that may most need aid and encouraging repressive policies to prevent emigration.

Other approaches would focus foreign assistance or development cooperation on emigration areas to reduce the economic need for migration and to facilitate return when possible. For example, the French co-development approach seeks to target Official Development Assistance (ODA) at emigration areas in all of francophone Africa, with government support supplementing the contributions of migrants to their home communities. France also provides assistance to migrants who voluntarily return, in the form of a grant of funds to begin small businesses. A drawback of this approach is to target ODA on what may be already better off communities that can support the migration of their residents and benefit from remittances.

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Women migrants tend to remit more of their income to their families than do male migrants. This appears to be the case for both international migrants and internal migrants. However, women migrants often earn less than their male counterparts so the total revenue available for remittances may be lower. The remitting behaviour of women is also influenced by their marital status, with married women tending to remit more than single women.

The role of remittances in stimulating development was a topic of lively discussion, with participants agreeing that they have both positive and negative impacts. Some participants emphasized that remittances are not an efficient way to promote development. They argued that money sent back by foreign workers was spent largely on consumer items, pointing out that it seldom was invested directly in productive activities that would contribute to growth of the economies of the developing countries. They also feared that those receiving remittances would become dependent upon them, reducing incentives to invest in their own income-generating activities. Moreover, excessive consumerism, they argued, would lead to inequities, with remittance-dependent households exceeding the standard of living available to those without family members working abroad. Often, government attempts to encourage or require the investments of remittances are heavy-handed and lead to few economic improvements. Importantly, remittances flow primarily when families are split apart for long periods, creating social problems as spouses are separated from each other and children must deal with the loss of one or both parents.

Other participants emphasized the positive aspects of remittances as a resource for development. Because of the sheer scale of remittance transfers, they have become an important reason that countries receiving these funds have positive balance of payments. There are also advantages to the “people-to-people” aspect of remittances. While Official Development Assistance generally goes to governments, which make decisions about their use, remittances go to families, including many women headed households, who use the funds in the manner they believe most conducive to meeting their own needs. Not only does this process help reduce poverty by providing additional income to poor households; it empowers the women who receive the remittances and make decisions about their use. One participant noted that Sri Lankan women migrants in Arab countries often send money home to purchase land, a common practice in other countries as well. Even consumer use of remittances can stimulate economic development, particularly when households spend their remittances locally. The multiplier effects of remittances can be substantial, with each dollar producing additional dollars in economic growth for the businesses that produce and supply the products bought with these resources. A recent World Bank report also found that remittance flows are a more stable source of revenue for many countries than foreign trade, foreign direct investment and foreign assistance (World Bank 2003).

There is a danger, however, that governments and international banking institutions will see remittances as a substitute for foreign assistance. There is some evidence of this trend. One participant recalled that countries recovering from conflict and natural disasters have requested work permits for their nationals living in the United States because they recognize that the increased earnings that legally authorized workers could remit would far

outweigh the likely foreign assistance that would be forthcoming. Although remittances may help alleviate poverty in families with migrants, remittances do not reach everyone in need and may thus increase inequality. Moreover, remittances are a regressive form of foreign assistance; women migrants, in particular, are often the poorest residents of their host countries but they are responsible for a significant portion of remittances. Participants questioned what investments were not being made in their own living conditions, health care, nutrition and education in order to continue to send money home.

The cost of remitting money to home communities has been an area of particular concern. These transfer costs can be exceedingly high. The market appears to be responding to this situation, with greater competition leading to lower transfer costs, but more needs to be done in this area. The Inter American Development Bank's Multilateral Investment Fund supports programmes to enable the transmission of remittances through financial institutions that work with low-income clients, such as credit unions and micro-finance institutions.

Because the cost of migration can be very high, remittances are also used to pay off the debts accumulated by the migrant and her family. Even migrants who use legal channels for migration may have to pay high fees to recruitment firms and governments to obtain permission to exit their countries and work in another country. Migrants who cross borders with the help of smugglers often go into debt bondage, sending most of their earnings to the smugglers before they are able to remit to their families. Improving access to less expensive legal avenues for migration would clearly increase the amount of remittances reaching developing countries or, alternatively, allow the migrant to retain more earnings for her own support.

Some participants noted that investment by Diasporas might be a more focused way than individual remittances to stimulate economic development. Expatriate associations often form to raise and remit funds. These are used for infrastructure development and income generation activities in their home communities. Migrant groups as dissimilar as Malians, Mexicans and Filipinos have supported health clinics, built schools, repaired roads, and invested in small business enterprises in their home communities.

These associations also have been forces for democratisation and better governance in their home country. For example, Mexican political candidates have responded by campaigning extensively in US communities. The new political leadership in a number of post-conflict countries urged their citizens abroad to provide not only financial resources for rebuilding the country, but also technical expertise as they established new democratic institutions.

This is not to say that the experience of the Diaspora is always positive in stimulating respect for democratic values. Some returning migrants appear particularly reluctant to expose women and girls to western values if it means undermining cultural traditions, observing vehemently that they would never allow their wives or daughters to migrate with them to Europe or North America. In some cases, returning migrants appear

to have become more socially and religiously conservative as a result of their own migration experience.

Participants agreed that the migration of highly skilled individuals, including highly educated women, remains a problem as well as an opportunity for many countries. When the emigration of professionals reaches a critical mass, for example 30 percent of those with graduate degrees, the negative impacts on particular sectors such as health care and education, can be massive.

The impacts are not all negative, however. The prospect of employment in other countries can also stimulate interest in higher education. Because only some graduates

seen large-scale exodus of trained persons. The International Organization for Migration (IOM) provides opportunities for return through, for example, the Return of Qualified Afghans Programme. DM offers comprehensive assistance packages to qualified and highly qualified Afghans now residing in the European Union who would like to return to their home country to work in the public and private sectors. The programme focuses on the development of critical sectors in Afghanistan including: private businesses that provide goods and services in the domestic market, civil and social services, public infrastructure, and rural development. Women migrants are encouraged to participate in the programme, and are eligible for additional financial support. The Migration for Development in Africa (MIDA) programme provides a wider range of activities through which migrants can contribute to the development of their home countries, including virtual return (using information technology to transfer skills), investment, short or sequenced visits and permanent relocation.

C. International law and women migrants

The rights of migrants have been specifically or generally enumerated in various international instruments. The Universal Declaration of Human Rights provides that every person has the right to leave and re-enter his or her own country of origin. Although there is not a right to enter another country, the Universal Declaration provides the right to seek and enjoy asylum. The 1951 UN Convention Relating to the Status of Refugees obligates States to refrain from refouling (returning) persons to where they have a well-founded fear of persecution, with certain security exceptions (see below for further discussion of refugee law).

The Universal Declaration and subsequent conventions also specify that certain rights will be exercised without discrimination or distinction based on race, colour, sex, language, religion, political or other opinion, national or social origins, property, birth or other status. Rights applicable to women migrants (given the bars on discrimination on the basis of sex and national origins) include right to life, liberty and security; not to be held in slavery or servitude; not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; not to be subjected to arbitrary arrest, detention or exile; freedom of movement and residence within the borders of each State; right to marry and to found a family; and right to the same

the Rights of All Migrant Workers and Members of Their Families went into force. At the end of 2003, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, will enter into force as well. The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime goes into force in January 2004 (trafficking and smuggling are discussed below).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families builds on the International Labour Organisation's Migration for Employment Convention of 1949 and Migrant Workers (Supplementary Provisions) Convention of 1975. It reaffirms basic human rights norms and embodies them in an instrument applicable to migrant workers and their families. It was recognized that this group of people is often in a vulnerable and unprotected position, especially given the added problems encountered from clandestine movements and trafficking in workers. The underlying goal of the Convention, therefore, is to guarantee minimum rights for migrant workers and members of their families who are in legal or undocumented/irregular situation. Participants noted that its implementation could significantly encourage basic humane treatment of all migrant workers. However, the number of states ratifying the convention is still disappointingly small. No destination country of migrants has yet signed the convention, raising further questions about its effectiveness. The participants noted the importance of monitoring implementation of the Convention, including the activities of the Migrant Rights Committee to be established under the Convention in the Commission on Human Rights.

Regional conventions offer limited rights to migrant workers. The European Convention on the Legal Status of Migrant Workers focuses primarily on migrants in legal work situations. Basic human rights instruments in the Americas and Africa also offer some rights to migrants and refugees (including those not covered under the 1951 Convention). A number of regional mechanisms have been established in the Americas, Asia, Europe and Africa through which countries of origin, transit and destination have regular consultations on the rights of migrant workers, but the outcomes of these discussions have not led to binding law.

Participants urged careful examination of national laws on emigration and immigration to highlight overtly discriminatory provisions. Examples included provisions that bar or make it harder for female migrants to bring their husbands and children to join them, required pregnancy tests for female migrants, bars on emigration of women without their guardian's permission, and age limits on immigration or emigration that apply only to women and girls. Other legal provisions have a disproportionately negative impact on women, even though they appear to be neutral, because women tend to migrate more frequently in certain categories. For example, many countries provide residence permits but do not grant employment authorisation to the spouses of temporary workers. If most migrant workers are men, as is the case in many countries, the employment restrictions fall most heavily on women migrants. Participants cautioned that laws adopted ostensibly to protect women often have counter productive results, limiting their mobility and access to

employment. For example, several States have barred women from accepting employment

borders whereas trafficking victims have been coerced or deceived. The smuggling protocol refers only to movement across international borders, but trafficking can take place within countries as well.

Women and girls are disproportionately affected by trafficking. In one study of nearly 4000 cases reported in public sources, 83 percent of the cases involved women. Children were involved in 48 percent (sometimes overlapping) cases. More than 90 percent of the reported cases involved sexual exploitation, and slightly more than 20 percent involved forced labour. The vast majority of the sexual exploitation cases involved women and children. However, men also experienced sexual exploitation. In 66 percent of the cases involving male victims, some level of sexual exploitation was reported.

Participants recognised the sometimes, overlapping nature of labour migration into exploitative situations, debt bondage to pay off smuggling fees, and trafficking in humans, and they called for a careful use of these terms. They pointed out that women might volunteer to migrate but then find themselves subject to violence, coercion and exploitation after leaving their home communities. Trafficking is defined by such exploitation, coercion

smuggling and trafficking see themselves as helping women who would otherwise be destitute. The case of a border village that was highly dependent on cross border smuggling for its own survival was raised as an example. Although community members attended information sessions on the abuses that the women would face, the education campaign had little impact on their operations.

Participants also spoke of the need to balance crime prevention/prosecution with protection of the rights of the trafficked women and children. They agreed that the testimony of the trafficking survivors was generally invaluable to the prosecution of cases against traffickers. Trafficking is a difficult crime to investigate and highly dependent on the willingness of victims to cooperate with law enforcement. Such cooperation can be highly dangerous for the women and children, however. They will be too afraid to testify unless there are effective ways to prevent retaliation against them or their families at home.

The meeting outlined a number of options that States should consider with reference to the future safety and security of trafficking survivors. In some cases, the women and children can return safely to their home countries. In other cases, however, they should be allowed to remain in the destination country. They and their families may need to be enrolled into witness protection programmes to ensure that the traffickers do not retaliate against them. Participants pointed to progressive laws in some countries that provide for temporary or permanent legal status to trafficking victims (either in exchange for testimony or as a humanitarian act). In some cases, family members still in the country of origin will be admitted to the country of destination if the traffickers are likely to

Identification of trafficking victims was a final area of discussion. Participants urged a multi-sectoral approach, not relying solely on law enforcement. When trafficking victims come to the attention of authorities through raids on brothels and other places of employment, the victims are often afraid to reveal their situation. They may fear retaliation by the traffickers, who often have paid police for their cooperation, or they may fear that they will be imprisoned or deported. Participants spoke of the need to involve social service agencies, hospitals and clinics, schools, ethnic associations and other parts of civil society in the identification of women and children who have been trafficked.

E. Labour migration

Labour migration occurs as individuals seek improved economic opportunities away from their home communities. Migrants may move through legal, registered channels or they may move without authorization by government authorities. Migration can be temporary (individuals move for a short period and then return to their home communities), circular (individuals move back and forth between home and work communities), or permanent (individuals relocate themselves and, possibly, their families). Labour migrants may be admitted specifically to work, or they may be admitted as family members or refugees and then enter the labour force. Migration is a dynamic process so some individuals move from being one type of migrant to another. For example, workers may intend initially to remain only temporarily or to circulate but then become permanent residents of another location.

Several distinct categories of women migrate for work purposes, differentiated by their skills, the permanence of their residence in the host country and their legal status. At the lower end of the skills spectrum, women migrants pick fruits and vegetables, manufacture garments and other items, process meat and poultry, work as nursing home and hospital aides, clean restaurants and hotels, work in the entertainment industry and provide a myriad of other services. Overseas domestic service is a common occupation for migrant women. Women migrants from a wide range of countries provide domestic services in a wide range of receiving countries in almost all parts of the globe. They may migrate through official contract labour programmes that match workers and employers, or they may obtain such employment after migrating, often through informal networks.

At the higher end of the skill spectrum, women migrants engage in equally diverse activities. They fill jobs requiring specialized skills, run multinational corporations, teach in universities, supply research and development expertise to industry and academia, and design, build and programme computers, to name only a few activities. Sizeable numbers of migrant women are in the health professions, particularly nursing and physical therapy. Again, they can be found undertaking such assignments throughout the world.

In most countries, international migrants are admitted as temporary workers and they are granted work authorization for specified periods. They have no right to remain in the destination country beyond the period of authorized employment. This is particularly true in the Persian Gulf states and East and Southeast Asia. In some cases, particularly in Europe, if a permit is renewed several times, the international migrant is allowed to remain

indefinitely. The traditional immigration countries, the U.S., Canada and Australia, also have mechanisms for direct admission of foreign workers for permanent settlement.

While many women migrate through legal work programmes, female unauthorised workers can be found in almost as diverse a range of jobs and industries as authorised workers—domestic work, caregivers, agricultural and food processing jobs, light manufacturing, and service jobs being the most common types of employment.

Family reunion is often seen to be a consequence of labour migration. For example, in the years after guest worker programmes ended in Europe, most officially sanctioned international migration consisted of family reunion as former guest workers brought their relatives to join them. Family reunion is also a cause of still further migration. Many would-be labour migrants learn of employment prospects through their family members in other countries and then seek authorized or, in some cases, unauthorized entry to take the jobs. Moreover, once family members obtain residence status in a new country, they are often able to bring in additional relatives through family reunification programmes. This process is called chain migration. Although few countries permit legal immigration of extended family members, some migration systems do authorize admission of parents and adult siblings of already resident immigrants. To take one scenario, an international migrant with long-term residence sponsors his new spouse for admission; they then sponsor each of their parents, who in turn, sponsor their other children who enter with their spouses, who in turn sponsor their parents, and the chain continues.

Family reunification is not universal, however. Some countries do not permit temporary workers to bring their spouses and children to join them. Others have laws that restrict family reunification to highly skilled migrants but bar migrants in lesser skilled occupations from bringing their families with them. In some cases, policies are clearly discriminatory against women migrants. In contrast to male migrants, they may have to put up a larger bond or show a higher income to bring in their spouses or the admission of husbands may be prohibited regardless of income level.

Family reunification and formation programmes can invite various abuses unless managed well. If marriage to a citizen or permanent resident is the only or principal route to admission, marriage fraud may result. Companies recruiting mail-order brides tend to be highly successful in countries with poor economies and few economic opportunities for women. While many companies have a legitimate interest in matching spouses, some of these businesses use the lure of immigration as a pretext for trafficking the women into prostitution. To combat the potential for fraud, the United States, for example, offers conditional status to the immigrating spouse in recent marriages and reviews the cases after two years to make sure that the marriage is valid before granting permanent status. The United States also provides vehicles by which women and children who are victims of domestic abuse may become permanent residents without the permission of or remaining with the abusive husband/father.

Many migrant women work in the private sphere. They continue to perform what are culturally appropriate activities, such as child rearing, elder care, cleaning, and sewing.

They may perform these activities in their own home (e.g., piece work sewing or, in recent years, computer programming) or in other peoples' homes (e.g., child care or elder care). Others are employed outside of the home in family businesses within ethnic enclaves. They may not be paid a salary for such work, but they are nevertheless contributing to the economic viability of the family enterprise. Working in these situations has advantages,

An area of considerable discussion at the consultation related to the demographic gap emerging between the wealthy countries with declining fertility and poorer countries with continued population growth. As the populations in the wealthier countries age, there will be an increased demand for health services and caregivers. Since women are disproportionately found in nursing and caregiver services, participants posited a likely increasing demand for female migrant labour into these traditionally female occupations. There was some question about how this demand will be met. Some participants thought that destination countries are likely to implement new temporary work programmes, but consideration was given to the difficulty in keeping such programmes temporary. Since there is likely to be a long-term demand for these services and a declining population to provide them, some participants argued, there is also likely to be pressure to offer permanent residence to the health professionals and caregivers. Others thought that women entering through family reunification channels, who will often already be eligible for permanent residence, would fill the demand, but one participant pointed out that many countries are shifting towards admission of high skilled migrants and their wives were unlikely to be interested in becoming domestic workers. Participants were reminded that if there is sufficient demand for a particular job and the pay increased accordingly, men might begin to train for these positions, as has been the case in the Philippines. Participants were also reminded that unauthorised migration has been a consistent channel through which women entered caregiver positions and this mode of migration was likely to continue and perhaps grow in the absence of other alternatives.

F. When men migrate versus when women migrate

The consultative meeting assessed the impacts arising from the migration of men versus the migration of women. Asian migration was used as a case study since it has shifted from a primarily male dominated pattern of movements to one in which women dominate in several countries, including the Philippines, Sri Lanka and Indonesia. Male migration tends to be into the formal economy and public sphere, with men taking jobs in

it is likely to involve emotional and social costs. Particularly if the migrant woman is employed to take care of the children of other families, she mi

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violence, foreign aggression or other circumstances which have seriously disturbed public order, and who, therefore, require international protection.

membership in a particular social group. Women asylum seekers still face difficulties, however, because the persecution they fear is often in the private, not public realm. As reported at the consultation, some instruments of persecution are consonant with traditional and historical practices that are deeply discriminatory or even inherently persecutory, but because they lie within the private sphere, including the home in the case of domestic abuse, States of origin and destination too often fail to provide adequate protection from these abuses.

Access to asylum procedures is particularly difficult for many refugee women. They may not have the resources to reach locations in which they can apply for asylum; they are more likely to be illiterate and have little access to information about asylum procedures. Articulating their claim to asylum, particularly when it involves actions that are considered to be cultural norms, may be very difficult for women who have long been victimised by such practices. When rape and sexual violence are the forms of persecution they have endured, trauma may impede their ability to discuss these violations. An increasing number of States are instituting gender and age appropriate procedures for interviewing women claiming asylum, recognising the difficulty of discussing such experiences as rape with male officers, for example.

The protection of refugee and displaced women closer to conflict situations is even more problematic. Civilians are increasingly the targets of attacks in civil conflicts, with rape and sexual violence now a recognized war crime. Rape and sexual assault also occurs during flight at the hands of border guards, government and rebel military units, bandits and others. Women's safety may be no more ensured once in refugee and displaced persons camps. For example, refugee and displaced women have faced serious threat of rape when they pick firewood, often the only source of heating and cooking fuel. Refugee women have been forced to provide sexual favours in exchange for obtaining food rations for themselves and their families. In some cases, only male heads of households receive documentation of their status, leaving their spouses vulnerable to harassment each time they leave their homes.

Such problems often continue when the women return home. The conflict may still be continuing and, even if a peace agreement has been signed, political instability, the continued presence of landmines and the destruction of the economy and infrastructure make conditions dangerous for women and their families. Yet, refugee and displaced women are also an important resource for the development of post-conflict countries. They have often learned skills in refugee camps that are in short supply in their home country. For example, many refugee health services train refugee women as community health and outreach workers and traditional birth attendants.

Participants discussed the increasing attention given during the past decade to the role of refugee and displaced women in conflict and post-conflict situations. Reference was made to the Security Council Resolution 1325 on Women, Peace and Security that pressed for consideration of war-affected women and girls, not just as victims but as agents of change in promoting peace and security. UN agencies such as UNHCR, UNDP, DPA and DPKO have also broadened their programmes to look at the role of displaced and returnee

similar assignment of lead responsibility for internally displaced persons. As a result, the needs of displaced women and children often fall through the gaps. Similarly, there are clear assignments of responsibility for relief operations and for development programmes, but there is a gap in responsibility for the transition between relief and development. This is particularly the case in post-conflict settings, when the need for reconstruction and reintegration of populations is particularly acute.

I. Citizenship and civic participation

In general, citizenship is confirmed by birth (*jus solis*), by descent (*jus sanguinis*) and/or by naturalization. Most countries permit a combination of these mechanisms to grant citizenship, but some countries rely primarily on birth or on descent, and some make naturalisation very difficult to obtain for most foreign nationals. Although each person is ideally the citizen of one country, international migration creates exceptions to the rule. In one direction, migration produces opportunities for multiple nationalities. For example, an immigrant might naturalise, becoming a citizen of her new country, but she will not necessarily lose the citizenship of her country of birth. If her country of origin provides for citizenship by descent, and her country of residence provides citizenship by birth on its territory, her children might be dual nationals. If the child's father is a citizen of a third country that offers citizenship by descent, the children might have citizenship in three countries. The reverse can happen as well. If the country of the migrant's birth only provides citizenship to those born on its territory, and the country in which she gives birth provides citizenship only to by descent, her children might be stateless unless she is able to naturalise.

In addition to the basic rules of citizenship, some countries have laws that particularly disadvantage women migrants as well as native women who marry foreign men. These rules make it difficult for women to choose their own nationality or restrict the ability of male spouses to obtain the nationality of their new country, even when women spouses of natives are permitted to naturalise. Such provisions violate international human rights law. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women specifies that State Parties "shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage should automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband." It also says "State Parties shall grant women equal rights with men with respect to the nationality of their children."

Citizenship laws with gender discriminatory provisions have been changed in some countries. For example, until 1977 a child born abroad only had a claim to Canadian citizenship if the father was Canadian or if the child was born to an unmarried Canadian mother. The Citizenship Act of 1977 allowed children born abroad to a married Canadian mother to apply for Canadian citizenship. South Korea also changed laws that enabled female spouses of Korean nationals to obtain citizenship but restricted the access of male spouses of female nationals when its citizens began marrying foreign men. By contrast, the U.S. Supreme Court upheld significantly more stringent requirements for citizenship for children born outside the United States to an out of wedlock father. The children born out

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These programmes should use a variety of media techniques to reach migrant women in a culturally and linguistically appropriate manner.

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International and national legal norms

- States should ratify applicable international legal instruments that help secure the rights of migrant and refugee women. In particular, States, especially source, transit and destination countries, should ratify the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention relating to the Status of Refugees; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime.
- Implementation of these Conventions and Protocols should be actively monitored to ensure that the contributions and needs of migrant and refugee women are taken into account.
- Clearly discriminatory provisions in laws that undermine the rights of migrant women should be identified and addressed.
- States should develop more effective ways to help migrant women who have been abused than the blunt instrument of barring emigration for domestic work or other purposes. Bars on emigration are a violation of the human rights of women and do not address the root causes. They reflect patriarchal asse root caustriarchal asse root caus134 Tc 0.c

provide legal and non-harmful mechanisms for migration to women who would otherwise be vulnerable to trafficking. The policies should recognise that education alone will not prevent trafficking if women have no alternatives for their economic survival.

- Policies should balance the interest in crime prevention and prosecution with the interest in protecting the rights of trafficked women and girls. The crime of trafficking is difficult to investigate without the testimony of trafficking victims,

- States should make every effort to recognise the credentials that migrant women professionals bring with them or provide access to training for re-certification.
- Attention should be paid to ensuring that migrant women have access to adequate and safe housing, particularly when their economic situation will otherwise force them to live in slums or in their employers' houses.
- Access of migrant and refugee women to primary and reproductive health care services should be improved, including programmes to address gender and sexual based violence, trauma resulting from flight and conflict, and sexually transmitted diseases and HIV/AIDS.
- States should adopt policies that allow women who are victims of domestic violence to petition for residence permits on their own, in order to better protect them from abusive spouses.
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ANNEX I

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ANNEX II

LIST OF DOCUMENTS

A. INFORMATION PAPERS

CM/MMW/2003/INF.1	Aide Memoire
CM/MMW/2003/INF.2	Programme of Work
CM/MMW/2003/INF.3	List of Participants
CM/MMW/2003/INF.4	Information Note to Participants

B. WORKING PAPERS

CM/MMW/2003/WP.1	<i>Women and Migration</i> Dr. Susan Martin
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C. PAPERS BY EXPERTS

CM/MMW/2003/EP.1	<i>When Men and Women Migrate: Comparing Gendered Migration in Asia</i> Dr. M.B. Asis
CM/MMW/2003/EP.2	<i>International Labour Migration of Women -Past, Present and Future Challenges in North America and Europe</i> Dr. Monica Boyd
CM/MMW/2003/EP.3	<i>Key Issues for Refugee, Internally Displaced and Returnee Populations</i> Ms. Ramina Johal
CM/MMW/2003/EP.4	<i>The Legal Regulation of Female Migration: An Overview</i> Ms. Ratna Kapur
CM/MMW/2003/EP.5	<i>Women's International Labour Migration in the Arab World: Historical and Socio-</i>

- CM/MMW/2003/EP.7 *Mobility and Gender: Reflection on Urban Situation In East Africa*
Dr. Winnie V. Mitullah
- CM/MMW/2003/EP.8 *Seeking Protection: Women in Asylum and Refugee Resettlement Processes*
Ms. Kathleen Newland
- CM/MMW/2003/EP.9 *Internal Mobility in the Developing World (pending)*
Prof. John Oyaro Oucho
- CM/MMW/2003/EP.10 *Women in Migration and Development: Review and Analysis*
Dr. Abu Bakar Siddique

D. PRESENTATIONS

Trafficking in Human Beings in Southeastern Europe
Mrs. Barbara Limanowska

Mobility and Gender: Reflections on the Urban Situation in East Africa
Dr. Winnie V. Mitullah

Internal Mobility in the Developing World
Prof. John Oyaro Oucho

Trends in Trafficking in Persons
Ms. Kristiina Kangaspungaieic (CM/MMW/2003/EP.8) Tj 108.75 0 TD 0 Tc 0

ANNEX III

PROGRAMME OF WORK

(Breaks not reflected)

Tuesday, 2 December 2003

- 10:30 – 12:00 a.m. Registration of Participants
- 12:00 – 1:30 p.m. Break for lunch
- 1:30 – 2:30 a.m. **Opening Session**
Statement by Ms. Charlotte Svensson, State Secretary,
Ministry of Foreign Affairs, Government of Sweden
- Statement by Ms. Carolyn Hannan, Director of the Division
for the Advancement of Women
- Statement by Dr. Karl Laubstein, President of the World
Maritime University
- Organizational Matters
Adoption of the Programme of Work
- 2:30 – 3:45 p.m. **Presentation of the Consultant's Paper**
Dr. Susan Martin, Director of the Institute for the Study of
International Migration, Georgetown University
- 4:00 – 6:15 p.m. **The Migration – Development Nexus**
Prof. Abu Siddique, Director of Trade, Migration and
Development Research Center (TMDRC), University of
Western Australia
- Dr. Frank Laczko, Chief, Research and Publications
Programme, International Organization for Migration
- Discussion*
- 7:00 p.m. **Informal Welcome Dinner**, hosted by the Government of
Sweden

Wednesday, 3 December 2003

- 8:30 – 8:45 a.m. **Summary of Day 1**
Dr. Susan Martin, Director of the Institute for the Study of
International Migration, Georgetown University

8:45 – 11:00 a.m.

International Law and Women Migrants

Ms. Ratna Kapur, Director of the Centre for Feminist Legal
Research, New Delhi

Dr. Jyoti Sanghera, Adviser on Trafficking

Dr. Winnie V. Mitullah, Senior Research Fellow
Institute for Development Studies, University of Nairobi

Ms. Lucia Kiwala, Chief of Gender Mainstreaming Unit
UN-HABITAT

12:30 – 1:30 p.m.

Break for Lunch

1:30 – 3:45 a.m.

Refugees and Displaced Persons

Ms. Kathleen Newland, Co-Director
Migration Policy Institute

Ms. Ramina Johal, Women’s Commission for Refugee
Women and Children

Discussion

3:45 – 5:00 p.m.

Closing Session

Concluding comments by Dr. Susan Martin, Director
Institute for the Study of International Migration,
Georgetown University

Follow-up to the Consultative Meeting by Ms. Carolyn
Hannan, Director of the Division for the Advancement of
Women

Closing of the Meeting