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# The female face of migration

Advocacy and best practices for women who  
migrate and the families they leave behind



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# Summary of recommendations

This document emphasizes that national governments and the international community must improve their response to women who migrate and the families they leave behind.

Caritas Internationalis reaffirms its commitment to defend the rights of migrants, especially female migrants, to offer them protection and provide social services for them, such as social and legal counselling.

## Governments should

- Analyze the impact of female migration on communities in countries of origin and destination.
- Develop and implement policies and laws that treat the concerns of migrant women, namely options for affordable, safe and legal migration.
- Protect migrants and refugees from all forms of violence and exploitation.
- Ensure labour rights for women migrants, especially domestic workers.
- Give families the chance to remain together, either in their homes or where they migrate to or to maintain family ties with those left behind.
- Guarantee access to healthcare, including psychological counselling.
- Assist migrants in voluntary and sustainable return and not force them to return to countries with poor human rights records.

## Caritas and the Catholic Church should

- Urge their governments and be involved themselves in supporting development and equal opportunities for women in poor communities.
- Monitor and promote the implementation of international laws that protect women migrants.
- Protect and provide comprehensive assistance and pastoral care for migrant women in origin, transit and receiving countries.
- Educate women so they can make informed choices about migration.
- Involve men in education programmes covering equality and respect for women.
- Improve advocacy by linking across borders with other national Caritas organisations, churches and like-minded organisations.
- Stamp out prejudice against migrants and refugees, especially among the faithful.

# Introduction:

## Why the female face of migration?

**“Poverty is a driving force for migration... Women and girls are not only the most vulnerable to poverty; they are also an active part of the solution to eliminate poverty. Their role at the heart of families, communities and societies is the one of powerful actor in improving all aspects of human life.”**  
**Lesley-Anne Knight, Secretary General of Caritas Internationalis (2007–2011) at the ‘Female Face of Migration Conference’ in Saly, Senegal, November 2010.**

This paper is based on the outcomes of “The Female Face of Migration” conference in Saly, Senegal, 30 November to 2 December 2010. Over one hundred migration experts<sup>1</sup> and practitioners from Caritas members and Church-related organisations worldwide met in Saly. They discussed the feminisation of migration<sup>2</sup> and what implications it has for programming and policy.

This document provides guidance to key stakeholders on responding to the needs of women in the migratory process. It should guide Caritas organisations in their advocacy work and development of their own policies and practices.

Currently 104 million<sup>3</sup> women, 48.4 percent of the global migrant population, are away from their homes, fleeing persecution, poverty and economic and political instability. Some are searching for opportunities, employment and education. Some are escaping unequal treatment and cultural traditions that hinder their development. Some are joining family members. Others simply want to enjoy freedom, respect and their human rights.

Male and female migration experiences differ as men and women not only face different opportunities but also different risks and challenges. These include vulnerability to discrimination, to sexual exploitation, to violence against women and to specific health risks.

It is increasingly obvious that if migration is looked at separately from female and male perspectives, there are differences.<sup>4</sup>

The following figures refer to cross-border migration. Attention should also be paid to migration within a country as women’s experience in both cases might be similar.

Since the 1960s the overall percentage of female migration within international migration has only slightly increased (from 47 percent in 1960 to 49 percent by 2010). Currently, women migrants represent more than half of international migrants in the more developed areas (51.5 percent), and slightly less than half in the less (45.3 percent) and least developed areas (47.4 percent) of the world.<sup>5</sup>

Migration figures may have remained about the same over the last few decades, but the way women move has changed significantly. Today, more women migrate independently in search of protection and employment rather than as dependants of men<sup>6</sup>. The problems, needs and expectations of migrating women have changed considerably. The feminisation of migration should be understood through this broader perspective.

This new dimension of migration is reflected by two of the main subjects referred to at the Caritas conference in Saly, Senegal. Female labour migration is being pulled by a demand in the service sector for workers and there is an important impact on families left behind by those workers.

This document deals with the above issues. The paper also looks into the specific case of domestic work, safe ways of female migration versus human trafficking and women’s role as agents of development.

The paper also deals with “orphans of mobility”. In addition, the paper also shows that women forced to migrate are not necessarily refugees and the final parts take up the crosscutting issues of the impact of migration on women’s health and their return and reintegration.

# Women and migration

**“Half of migrants around the world are women. Many of them often do not fully enjoy their rights, quite simply because they are women and migrants. However, it is unacceptable that they are exploited, maltreated and their dignity disregarded.”**

**Fr Ambroise Tine, Secretary General of Caritas Senegal.**

## Facts and figures on migrant women

While there has been only a slight overall increase in the number of female migrants, the feminisation of migration is more visible in regional trends.

North America is an exception. Female immigrants have outnumbered male immigrants there since 1930<sup>7</sup>, and account for 50.1 percent of the total immigrant population in that region (50.4 percent in 2005)<sup>8</sup>. The percentage of migrants who are women is growing in Europe. They have exceeded the number of males since 2000 and account for 52.3 percent. In Oceania, female immigrants overtook their male counterparts only in 2005 and now stand at 51.2 percent of total immigration.<sup>9</sup>

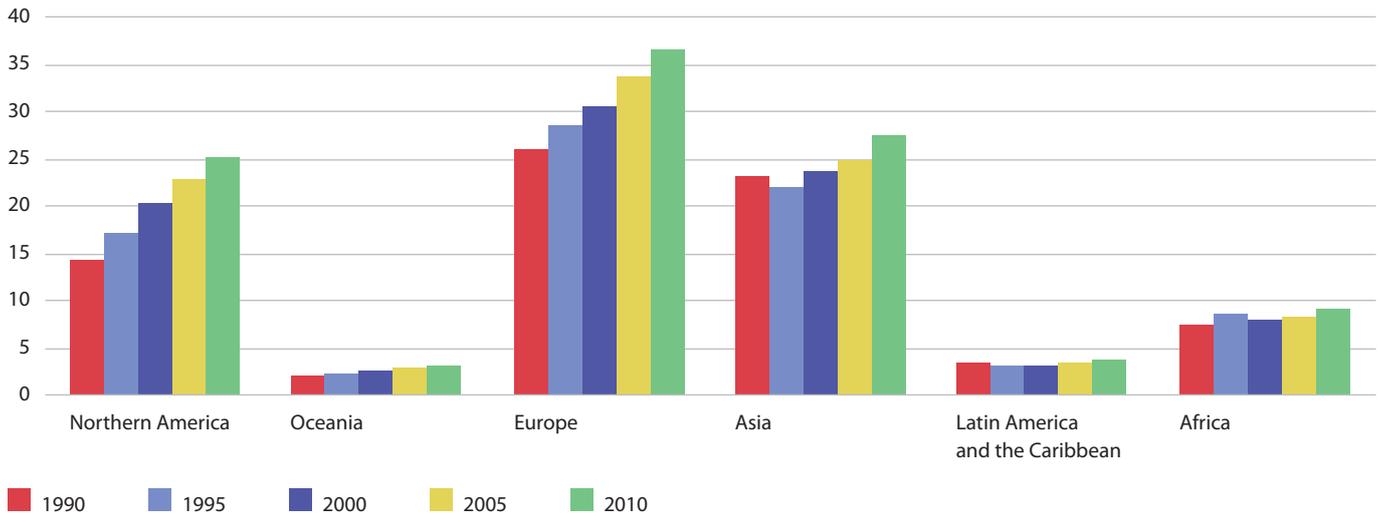
In Australia, women immigrants have outnumbered men<sup>10</sup> in the last three decades. Here migration flows have seen an increase in the number of women, married and unmarried, who immigrate alone or in the company of other women.

In Asia, female immigrants constituted 44.6 percent of total migration<sup>11</sup>, but the number of women emigrating from some Asian countries has exceeded that of men. The majority of Asian women migrate to East Asian countries and the Middle East. In the Philippines, 65 percent of those who left the country to work or live abroad in 2005 were women. Twice as many women as men migrated from Sri Lanka to other countries in 2002. In 2007, 78 percent of labour migrants from Indonesia were women.<sup>12</sup> It should however be noted that, “[T]he proportion of female migrants in countries such as the Philippines and Sri Lanka has, in fact, been declining in recent years. In Sri Lanka, the share of woman migrants were as high as 75 percent in 1997, then dropped to 67 percent in 2000, and to 56 percent in 2006. In the Philippines, where the

feminisation of migration was particularly pronounced, only 48 percent of annual new hire deployment is now women (2007) compared to the rate of 72 percent recorded in the year 2001. In terms of re-hired migrants in the Philippines, only 38 percent of them were women in 2007. There are several factors that contributed to this reverse feminisation or a proportionate decline of women among migrant groups in these countries. The first reason is the overall increase in the migration of men in most countries of Asia. [...] The second factor contributing to the reversal or reduction of the feminisation trend are the policy changes directly affecting the deployment volume and the destination of female workers. These changes include: a) an introduction of minimum wage for domestic workers by the governments of the Philippines and Sri Lanka, and b) enforcement of a stricter measure to monitor the deployment of entertainers to Japan. The third and the most pervasive and structural factor behind de-feminisation is the gradual increase in skills of the general workforce in the respective origin countries. More women attend secondary and higher education as well as skills training, and equip themselves for more skilled jobs at home and abroad. This means that there are less available workers who will take interest in domestic work that is the main resource of labour for migrants.”<sup>13</sup>

Latin American and Caribbean women are also very mobile. They migrate mainly to Europe, North America and within South America. The feminisation of the migratory process is evident among migrants moving from South and Central America to Spain where, in 2001, women represented nearly 70 percent of all migrants arriving from Brasil and the Dominican Republic. The migration flow from Latin America to Italy is also dominated by women and in 2000, 70 percent of the arrivals from there were women. In 2010 the percentage of female migrants from Latin America and the Caribbean was 50.1 percent.<sup>14</sup>

## Estimated number of female migrants at mid-year (millions)



Source: United Nations, Department of Economic and Social Affairs, Population Division (2009). Trends in International Migrant Stock: The 2008 Revision (United Nations database, POP/DB/MIG/Stock/Rev.2008).

## Mixture of reasons drive female migration

The following structural factors in determining female movement were identified during the Caritas conference in Saly in 2010.

- Economic factors: feminisation of poverty; female access to the labour market (employment discrimination; income inequity; female unemployment; increasing labour demands for female work force in destination countries); (patriarchal) traditions that limit economic female independence; restricted access to public services for women; commercialised female migration for the sex or labour industry; maintenance obligations towards families; expectations of communities.
- Non-economic factors: 'Human Security'<sup>16</sup>, climate change, restrictive government policies towards women; armed conflicts with violence against women, domestic violence; no or limited access to justice; (patriarchal) traditions that limit social development; discrimination.
- Personal factors: on the personal level individual attributes like age; role and position within the family; dependants, (forced) family formation and reunification; degree of emancipation; social relations; existing networks influence the decision to migrate.

**“While early attempts to conceptualise migration flows focused on differences in living standards, in recent years there has been growing understanding that these differences only partly explain movement patterns. In particular if movement responds only to income differentials, it is hard to explain why many successful migrants choose to return to their country of origin after several years abroad.”**

**United Nations Development Report, 2009.<sup>15</sup>**

# Women migrants at the heart of the Catholic Church and Caritas

“The theology of human mobility affirms the culture of respect for migrants, welcome, equality and the promotion of legitimate diversities, which are able to present women as holders of values and resources. For these reasons, the Church requests governments to review the policies and regulations that compromise the safeguarding of fundamental rights, such as the fight against maltreatment in the workplace especially entailing sexual abuse, access to healthcare services, accommodation, nationality, family reunion and assistance to young mothers.”

**Cardinal Antonio Maria Vegliò, President of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People.**

The work of Caritas is centred on five priorities for sustainable migration policies that take the needs of migrant women into account.

- To address the multiple root causes of forced migration of women, such as poverty, hunger, lack of opportunities or unequal opportunities, deteriorating living conditions as consequence of climate change, armed conflicts with violence against women, the myth of a better life abroad and the search for personal development.
- To address the impact of female migration on societies and communities.
- To promote channels for legal and safe labour migration taking into account the needs of women and men.
- To fight abuse and exploitation and protect the rights of migrants, with a special emphasis on female migrants; to defend the right to asylum and international protection.
- To sensitise and build attitudes against discrimination, victimisation and criminalisation of migrant women, with a special emphasis on women in informal settings and formal institutions and relationships, built on kinship, religious or customary ties. Migrant and refugee women are victimised by unjust systems, prejudices and traditional role models.

Caritas member organisations are located in many of the major departure, transit and destination countries for migrants.

## Prior to departure

To ensure that migration is an informed option, Caritas provides pre-departure counselling. Experts give guidance on risks, on what to expect and on how to make the experience safer. Caritas Sri Lanka has awareness-raising programmes that warn potential female migrants of the difficulties of going to places like the Middle East. Sometimes employers confiscate passports, thus trapping vulnerable migrants in abusive situations. Caritas gives commonsense advice, such as telling migrants to give a copy of their passports to their families.

## Support throughout the journey

The journey to other countries can take migrants across deserts and seas. It can leave them open to hunger, ill health and desperation. Caritas welcomes strangers and offers them food and shelter, whatever their legal status. In the Malian desert, the Caritas Gao Migrant House provides a resting place during their departure and return trips. It provides them with food and medical and psychological support.

### On arrival

Without a family support network or local knowledge, migrants often need an enormous amount of help in their host country. Caritas in Austria gives language and vocational training to help migrants settle in, and offers social and legal support to those seeking refuge.

### Healing trauma

Many women have faced violence and torture before or during their journey. Specialised services are offered by some Caritas members, such as Caritas in Germany and Poland, to help migrants deal with the trauma they may have faced in their host country, or with the difficulties of returning home.

### Finding work

Caritas helps migrants identify job and training opportunities both in their new country and also if they return home. In Senegal, Caritas helps people start up small businesses. This gives them an income and provides them with income options in order not to migrate.

### Children

Caritas conducts studies on the impact of migration on grandparents and grandchildren in Moldavia. Children affected by migration are especially vulnerable. Caritas reports abuses and ensures that children's best interests are taken into account. Caritas Ukraine provides assistance to migrant worker's children in specialised centres.

### Trafficking in human beings

Caritas supports COATNET (Network of Christian Organisations against Trafficking in Human Beings). This organisation offers advocacy and a network of service providers who give advice on preventative measures, assistance and help on returning home.

### Return and reintegration

European Reintegration Support Organisations (ERSO) provides voluntary returnees with pre-departure counselling, information about reintegration when they decide to return and assistance once they arrive back home. Several Caritas are members of ERSO.

**“Pastoral workers – priests, religious and lay people – play a crucial role in the demanding itinerary of the new evangelisation in the context of migration. They work increasingly in a pluralist context: in communion with their ordinaries, drawing on the Church’s Magisterium. I invite them to seek ways of fraternal sharing and respectful proclamation, overcoming opposition and nationalism. For their part, the Churches of origin, of transit and those that welcome the migration flows should find ways to increase their cooperation for the benefit both of those who depart and those who arrive, and, in any case, of those who, on their journey, stand in need of encountering the merciful face of Christ in the welcome given to the neighbour.”**

**Pope Benedict XVI, message for World Day of Migrants and Refugees 2012.**

## Advocacy and capacity building

Caritas advocates for changes for migrants at local, national and international level. In 2010, Caritas launched the “Under One Roof, Under One Law” campaign to highlight the need for greater protection for migrant domestic workers. Caritas Lebanon helped around ten domestic workers achieve an unprecedented legal victory when they received compensation for being badly treated.

## Caritas as part of the Church's care for migrants

The strength of Caritas, as part of the Church, is the close cooperation with parishes all over the world. Women religious and priests work daily with migrant and refugee women in difficult situations. Those who participated at the Caritas conference in Saly in 2010 asked Church leaders to:

- Spread the message of respect for migrants, especially women migrants, as widely as possible throughout Churches and Christian communities. Raise awareness among the faithful on migration issues.

- Concretise and contextualise the message of respect for women migrants in adopting pastoral guidelines regarding welcoming, supporting and facilitating the integration of migrants, especially women.
- Be leaders within the church hierarchy on the issue of migration. Distinguish between the needs of migrant men and women.
- Organise social and pastoral services to welcome, support and integrate migrants in receiving communities as well as care for families and children left behind in the countries of origin.
- Discuss at a regional and intercontinental level through episcopal conferences the issues of women and migration. Hold meetings with other Christian church leaders. Harmonise the churches' messages and practices to benefit migrants. Speak with one voice in defending migrants' rights.

### Good practice in Guatemala

Guatemala is not only a country of destination, but also a country of transit. The Catholic Church's *Pastoral de la movilidad humana* provides care and protection to migrant women. It monitors cases of migrant women from Nicaragua, Honduras, El Salvador and other countries in Latin America on their way to the United States and provides them food and housing. Women on the move are informed about the risks of trafficking. Advocacy work on this issue as well as fighting violence against women is done.

Please visit: [www.iglesiacatolica.org.gt/cmovhu.htm](http://www.iglesiacatolica.org.gt/cmovhu.htm)

# Migrant domestic workers

Domestic work is one of the largest sectors driving international female labour migration. In developed countries, there has been a rapid increase in the number of women entering the labour market over the last 50 years. However, there has not been a corresponding shift in the share of household responsibility to men. A gap in family friendly policies – policies that allow men and women to combine family and work – has been filled by domestic workers by those who can afford it. Other factors that have led to an increase in domestic workers in the form of carers is an ageing population and the withdrawal of social services to people in need of home care.

Domestic work worldwide is a widely unregulated sector. Only 19 countries have legislation for work performed in private households<sup>17</sup>. The Gulf States, as well as Malaysia, Singapore, Hong Kong and Taiwan are some of the few places that have recognised legal migration of women for domestic work.<sup>18</sup>

In 1965, the ILO's General Conference adopted a "Resolution Concerning the Conditions of Employment of Domestic Workers" that urged Member States to make all practicable efforts to introduce protective measures for domestic workers, such as limitations on hours of work and other conditions of employment. In a number of countries, labour laws do not cover domestic work. In other countries, not only are domestic workers not considered by law as workers, but they are not protected under any other national legislation.

## Convention Concerning Decent Work for Domestic Workers

Until 2011, there was no specific international convention to protect their rights. At the 100th Conference of the ILO (Geneva, June 2011), delegates from governments, employers associations and labour unions approved the Convention Concerning Decent Work for Domestic Workers (2011)<sup>19</sup>, together with a Recommendation.

Once it has been ratified, this recent legal instrument will enable domestic workers to enjoy rights such as social protection, holidays and rest days.

The Convention and the Recommendation include specific provisions regarding the protection and defence of the rights of domestic workers, who are also migrants and are often more vulnerable to exploitation and lack of respect.

Caritas Internationalis believes that adoption of the ILO's Convention constitutes a milestone in the defence of the rights of domestic workers around the world, as they have at last gained recognition for the work they do. Caritas will follow the process of ratifying and implementing the Convention, which has set international standards for the sector.

The migration of women workers is governed by three distinct sets of human rights standards: women's rights, workers' rights and migrants' rights. (...)

A key instrument regarding women migrant workers' human rights protection is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). The Convention recognises the rights of migrant workers and their family members in both regular and irregular situations during the entire migration process. It provides useful guidance for states on how to ensure that migration is managed humanely and within the rule of law. The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families monitors the Convention's implementation. It has adopted a 'General Comment' on Migrant Domestic Workers, thus demonstrating its willingness to protect migrants' gender-specific needs. Adopted in 1990 and coming into force in 2003, the ICRMW

has been ratified by 45 states and signed by another 15 states. That no single high-income destination country has ratified this convention strongly impedes its impact.

Despite the number of instruments and dispositions dedicated to women's human rights in the context of migration, the above-mentioned instruments are not evenly ratified, and thereby enforced. The reality of the rights enshrined in these texts will therefore considerably vary from one country to another, according to their levels of compliance with international standards and their own national legislation. In case of abuse, migrant women's ability to access justice and redress mechanisms will depend on national legislations and policies but this ability is also often undermined by social, cultural and language barriers.

Source: Blandine Mollard, IOM, at the Caritas conference on the Female Face of Migration in Saly, Senegal, November 2010

It's precisely because domestic workers are employed in the 'private sphere' that there is resistance to recognising and regulating the domestic work relationship. ILO reports have recognised that domestic work, mostly performed by women, remains invisible and excluded from the scope of labour legislation since it is done in houses (not considered workplaces) of private persons (not considered employers).

Consequently, migrant domestic workers are not normally considered employees themselves and their work is undervalued.<sup>20</sup> Women in this sector are at high risk of being exploited and/or badly treated.<sup>21</sup> It is also defined as a "dead end" from the perspective of labour mobility: it does not provide specific skills on the job, it does not open the way for other occupations and it rarely allows continuation of formal education. It can involve long working hours (10–12 working hours a day with very few rest days), abuse by employers, instability due to informal employment, lack of monitoring of workplace conditions, no or little social security protection or access to legal and health services, restrictions to mobility and communications, no legal redress<sup>22</sup> and it can become an obstacle to the formation or women's consolidation of their own families.<sup>23</sup>

Governments in some countries of origin have adopted a paternalistic approach to female migration. In Bangladesh, there was an outright prohibition of female labour migration, and even now women must be over 35 years of age to migrate, forcing many to resort to smugglers in order to seek employment opportunities.<sup>24</sup>

Governments in many countries in Asia assume that the labour migration of women needs to be controlled through recruitment agencies. Domestic workers are forced to pay money to agencies to find work, to be trained, to receive documentation, to travel, to change employers and to return home. Migrant workers are commonly indebted before they leave home and can still be in debt upon their return. These costs do not include protective measures, access to justice and protection from the recruitments agencies themselves. Governments are primarily concerned to manage the migration of women workers, rather than offer them protection. There is money to be made from remittances and the exploitative practices of recruitment agencies.<sup>25</sup>

Destination countries with previously open borders and markets are adopting more restrictive immigration and labour policies. They are still failing to protect migrant workers through legislation. There is an

increasing demand for migrant domestic workers and nurses due to a growing elderly population and lack of social services.<sup>26</sup>

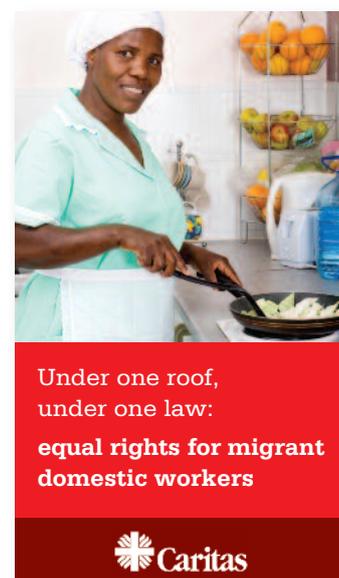
Severe restrictions on the access of migrants to the labour market have led to an increase of irregular entry through smuggling and trafficking and the increased vulnerability of migrant workers. This means that employers are often free to arbitrarily determine workers' wages, hours and other working conditions.

One of the major barriers to strengthening all women migrant workers' rights and labour conditions is the restriction on collective organising, for example Malaysia and Jordan<sup>27</sup>. The ability to form and join trade unions is a civil and political right recognised in the Universal Declaration of Human Rights, but it is a right that is rarely available to migrant workers.<sup>28</sup>

### **Under One Roof, Under One Law Campaign**

In 2010 Caritas Internationalis launched the "Under One Roof, Under One Law" Campaign to raise awareness on the lack of a legal framework covering domestic worker rights.

Campaign tools were a bookmark with the key asks and an electronic banner which was put in emails for more than six months on the email-correspondence. The basis for this campaign was a study conducted among member organisations on the situation of domestic workers, two events with the Committee on Migrant Workers of the Office of the High Commissioner on Human Rights and contributing to the elaboration of a General Comment for the application of the International Convention on Migrant Workers Rights to migrant domestic workers.



## Caritas asks

- Social policies in countries of origin which provide for integral human development, opportunities and equality of women. For example, by providing equal job opportunities to both women and men.
- Implementation of international legal instruments, which protect human rights with a special emphasis on the rights of migrant

Domestic workers are excluded from protection against abuse under international laws, treaties and even International Labour Organisation (ILO) Conventions, including the Minimum Age Convention, 1973 (No. 138), the Termination of Employment Convention, 1982 (No. 158), and the Protection of Wages Convention, 1949 (No. 95). In 2009, a questionnaire concerning a proposed instrument on domestic work was circulated to government, worker and employer members. In June 2010 the International Labour Conference (ILC) put decent work for domestic workers on the agenda with a view to adopting a new international standard on domestic work. The result was considered to be successful. For example, point 20 on protecting domestic workers (including migrant domestic workers) from the abusive practices of recruitment agencies was expanded upon, and the committee agreed to a comprehensive standard in the form of a convention and a recommendation, that were adopted at the June 2011 International Labour Conference (ILC).

Source: Philippa Smales, APWLD, Saly

women and advocate for low-threshold access to redress mechanisms. For example, by ensuring the right to collective organisation and representation by trade unions.

- Recognition of domestic work as regular employment including domestic work performed by migrant women. For example, by including it in the regulatory framework for professions.
- Further development of existing good policies and practices giving domestic workers a genuine workers' status through employment as home care workers by a non-profit organisation.
- Conclusion of bilateral or multilateral agreements ensuring that the needs of migrants women are duly taken into account. For example, by allowing them to legally migrate to other countries in other sectors of the labour market than the service sector; promoting bilateral agreements that guarantee the portability of pension schemes or pension contributions and/or other social security benefits for migrant domestic workers, as well as providing adequate social protection for them.

## Caritas urges governments to:

- Sign, ratify and implement relevant human rights instruments,<sup>29</sup> as well as regional instruments designed to protect the basic rights and dignity of migrant women. Priority should be given to the ratification and implementation of ILO conventions applicable to migrant workers, including the Convention concerning Decent Work for Domestic Workers, that has been recently adopted.

- Recognise and promote formal labour regulations, standards and protection mechanisms in labour sectors where migrant women predominate, with particular emphasis on labour inspection and consistent oversight of private employment agencies and the conditions of migrant domestic workers.
- Negotiate bilateral agreements to expand employment options for women beyond domestic sectors. Information on legal employment opportunities, wage rates and working conditions in countries of destination should be made accessible and broadly disseminated.
- Establish regional and international agreements and implementation protocols on the role and responsibilities of governments in ensuring expanded consular protection to their citizens throughout the migratory process.

### Caritas in action

- Working with men and educating them regarding issues of equality and respect.
- Informing and sensitising potential female labour migrants, enabling them to take an informed decision about their migration project.
- Providing know-your-rights training courses to migrant women (with the participation of migrant women in peer-to-peer education) and providing space for migrant women to meet.

### Caritas good practice

Caritas Sri Lanka-SEDEC raises awareness among women, aspirant migrant workers and society in general through programmes, publications and the media to ensure safe migration. Caritas Sri Lanka works closely with the National Foreign Employment Bureau. It provides pre-departure services and assistance for migrant women and their families. It also provides re-integration assistance to returning migrants and advocates for policy changes to ensure safe migration. It has established a monitoring mechanism for complaints of migrant workers.

See Caritas Sri Lanka-SEDEC website [www.caritaslk.org](http://www.caritaslk.org)

- Collecting evidence on rights violations against migrant women to support its advocacy work with governments and policy makers.
- Taking legal action via international and national human and humanitarian rights instruments to defend migrants' rights.

# Safe legal migration of women versus high-risk migration and trafficking

**“I hope that we will see a global understanding of migration, where migration becomes more of a legal and safe choice than a necessity.”**

**Martina Liebsch, Policy Director of Caritas Internationalis.**

It is estimated that victims of human trafficking (adults and children in forced labour, bonded labour and forced prostitution) around the world are 12.3 million (only 0.4 percent are identified) and at least 56 percent of those victims are female<sup>30</sup> according to the US State Department.

“[T]raffickers fish in the stream of migration [...] and often merge with the general population”, said Radhika Coomaraswamy, former UN Special Rapporteur on Violence against Women.<sup>31</sup> She says that in the context of globalisation and migration, human trafficking victims are rarely kidnapped or abducted. Rather, victims are trafficked through deception and false promises, thus becoming “active participants” in their own trafficking, and often using legitimate streams of migration.<sup>32</sup>

The feminisation of migration has led to an increase in the trafficking of female domestic workers and caregivers.

Organised migration for profit can also be seen in cultures where forced marriages are common. Especially mail-order bride businesses are often misused for recruiting and trafficking women and hide slavery-like exploitation of females.

Even to the extent that legal protection is available, women will often not seek help to escape abusive relationships, violence or discrimination at their workplace due to factors such as fear of retaliation, shame, stigmatisation and concern for their children.

Often migrants lack awareness of services such as legal aid. They fear law enforcement agencies due to bad experiences from their home countries or because they're staying irregularly in the destination country. Women who are irregular migrants (such as trafficked women), as well as women who rely on their husbands, fathers or employers for their legal status, are thus unlikely to report violence and other abuses.<sup>33</sup>

Safe and legal migration is a prerequisite for migrants to be able to contribute economically and socially towards sustainable development in their countries of origin (and to the economies of the countries of destination). Governments should invest in this resource rather than driving women into irregular migration channels.

Caritas recognises that it is a country's right to regulate immigration, but regulations must respect human rights. As evidence shows (for example, between the EU and Central America) irregular migration will not be successfully fought by restrictive measures. Such measures rather encourage people to resort to more dangerous and expensive channels of migration.

Human smuggling and trafficking<sup>34</sup> is a booming business and the total illicit profits generated in a year by trafficked forced labour reached US\$32 billion in 2005<sup>35</sup>.

In order to facilitate migration in a globalised world requiring a global workforce, flexible immigration policies facilitating human mobility are needed. This would also prevent the loss of thousands of human lives.

## Caritas asks

- Fair and just agreements between countries of origin and countries of destination, regulating international workers' mobility in order to ensure safe movement and respect of international workers' rights.
- Protection of human rights in the migratory process (in countries of origin, transit and destination). The involvement of migrant women and migrant organisations in these processes of deciding protection measures. For example, the possibility of granting long-term residence permits.

### Caritas good practice

The network of Christian Organisation Against Trafficking in Human Beings (COATNET) aims to exchange best practices, carry out joint prevention measures and assist trafficked women across borders. At the international level, COATNET participants encourage other Christian organisations to take action and provide relevant assistance where required. COATNET affiliates actively implement prevention and awareness-raising activities, support trafficked women with shelters and legal representation, assist them on return and support their reintegration, and do advocacy work and networking in their countries.

- Cooperation in the fight against trafficking, in particular of women, and setting up a legal system effectively protecting victims. For example, including granting humanitarian status independently of them providing testimonies and for prosecuting traffickers.
- Protection of women victims of violence, for example victims of domestic violence, regardless of their legal status.

### Caritas urges governments to:

- Step up cooperation between countries of origin, transit and destination in order to counteract criminal networks that make profits from the exploitation and abuse of migrant women.
- Sign, ratify and implement international and regional instruments designed to protect victims of trafficking. Priority should be given to the ratification and implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

- Establish comprehensive national plans to prevent and combat trafficking in persons. National plans should include clear strategies for collaboration between governments and relevant stakeholders, increased transnational coordination between police and judicial sectors, and social and economic reintegration programmes for survivors of trafficking, including monitoring mechanisms regarding their implementation.
- Allocate sufficient resources for the protection and recovery of victims of trafficking.

### Caritas action

- Raising awareness in order to prevent trafficking and specifically work with male heads of households.
- Offering services for migrant women, specifically legal and psycho-social counselling and support, as well as offering shelter to migrant women who need it, such as victims of trafficking.
- Building alliances with other like-minded civil society partners (including migrant organisations) in order to establish dialogue with governments to improve migration policies (for example round tables on combating trafficking or on specific law projects) and establishing referral systems for the assistance of migrant women in vulnerable situations (victims of trafficking).

# Remittances

In 2005 alone women sent remittances worth 200 billion euros through both formal and informal channels<sup>36</sup>. The latest World Bank studies show that recorded remittances of both male and female migrants are twice as large as official development assistance (ODA) and nearly two-thirds of foreign direct investment (FDI) flows to developing countries. The real size of remittances flowing through informal channels is expected to be considerably higher (according to the World Bank at least another 50 percent of the recorded flows).<sup>37</sup>

Women tend to invest their remittances on behalf of their families (daily needs and healthcare and education, but also on improvement of housing and infrastructure) rather than spending it on consumer items, such as cars and televisions or investments such as property or livestock<sup>38</sup>. Female migrants as remittance administrators (senders or recipients) play a key role in contributing to socio-economic development in their countries of origin if they are not excluded from decision-making within their families.

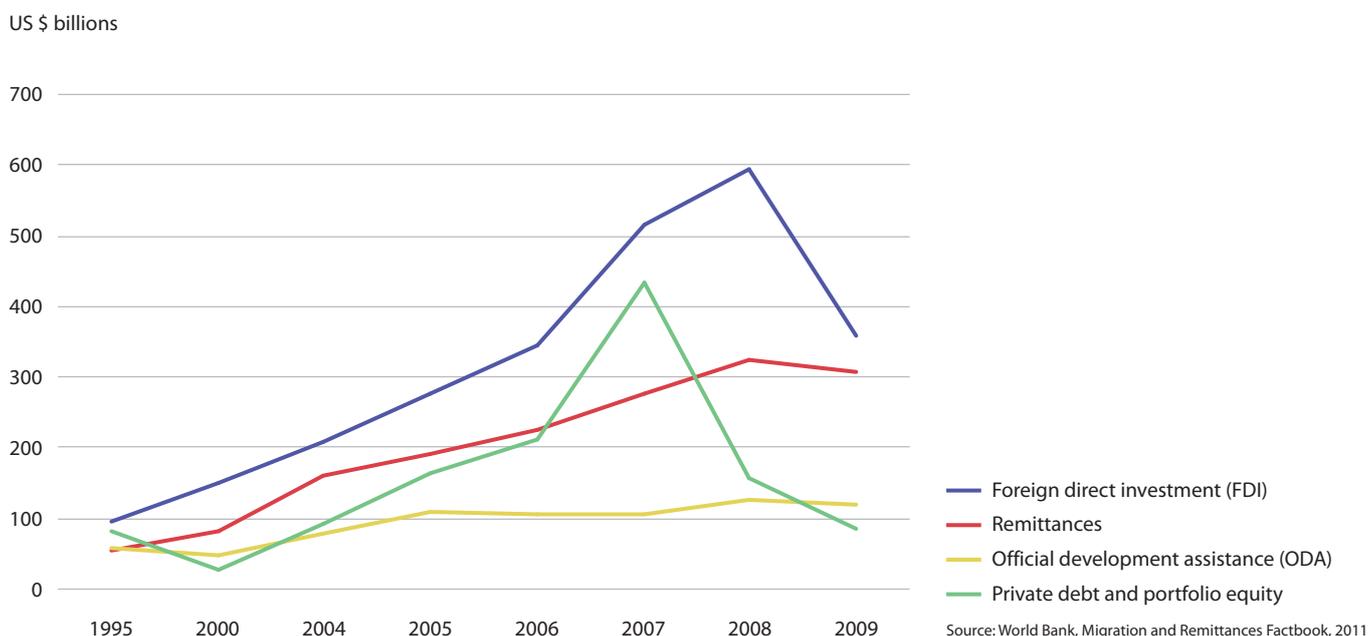
Women send larger amounts of their income as remittances in a more controlled way, due to tight control over expenses. For example, women will agree to serve as “live-in” domestic workers or caregivers to save costs. The live-in status, however, makes women

more vulnerable to exploitation and abuse by their employers and might hinder their advancement. When women bear the responsibility for more dependents (children and the elderly), their families often force them to remain in the country of destination to continue the remittance flow. In severe cases, women are pressed to incur debt, affecting their ability to survive in the destination country.<sup>39</sup>

UNFPA notes, “[T]o maximize the development benefits of remittances from women migrants, we need sex-disaggregated data and gender-sensitive research on the sending, use and impact of remittances. We need to reduce the costs associated with migration, and improve the financial literacy and entrepreneurship skills of migrants and their families. We need to reduce transaction fees of remittances, and provide financial products and investment opportunities tailored to the needs of migrants and their families. We also need a sound investment climate and regulatory framework. (...)”<sup>40</sup>

Caritas experiences drawn from working with migrant women at the grass-root level confirm that we need to look at the difference between men and women in migration with regard to remittances.

## Remittance flows are large and resilient



A recent World Bank study shows that poverty is reduced through migration, but also that the opportunities for migration are different for the poor. The poor migrate less or migrate to destinations with low return figures. Consequently, the economic benefits of migration are less for the countries that need it the most. It has been found that the main reason that the poor migrate less is the difficulty in accessing migration opportunities that have a high return. Also the high costs involved in migration limit the options for the poor. Reducing these costs would make migration more “pro-poor”.<sup>41</sup>

## Remittances and the global economic crisis

Female migrants are notably represented in the care and skilled healthcare sector, while male migrants are mainly concentrated in the agriculture, construction and manufacturing sectors. This has led to a disparity in the impact of the 2008 global crisis on migration and remittances; while construction decreases, jobs in the healthcare and domestic sectors remain stable.<sup>42</sup>

Therefore, it is noted that, when men face unemployment in their countries of origin, more women will be looking for employment through migration.<sup>43</sup> In some countries of origin migration outflows have decreased,<sup>44</sup> but the World Bank points out that new migration flows are still positive, implying that the volume of people willing to migrate continues to increase.<sup>45</sup>

In spite of the stability of employment for women migrants it is expected that recent current financial crises will negatively affect remittances. Some speculate that the decrease in remittances is due more to a lack of confidence in the banking system than to a decrease in revenue. More money might therefore be remitted through informal remittance systems.<sup>46</sup> The decrease in remittances as a result of financial crises may lead to adverse effects for those remaining behind in the country of origin, including in particular children who will see their access to food, schooling, health services and housing curtailed.<sup>47</sup>

In the world's most remittance-dependant country, Tajikistan, a recent study showed a correlation between domestic economic slowdown and the value of remittances. The decrease in remittances, however, only led people from Tajikistan to migrate more to make up for lost revenues. Where a household would previously support the migration of one family member, it is now not uncommon that more family members migrate to ensure a sufficient level of remittances. This has increased the dependence of Tajikistan on remittances and

## Caritas good practices

Caritas Dakar in Senegal advocates for prevention of internal migration from rural areas to urban centres. Where migration occurs, assistance is provided. In the case they return to their villages, assistance with reintegration is offered. For example, in the area of Patar Sine, Caritas Senegal's teaches women the value of savings and the profitability of farming to maintain a livelihood in rural areas.

Caritas has established an association of female migrants to raise awareness about the risks relating to migration to urban centres.

Please visit: [www.caritas-senegal.org](http://www.caritas-senegal.org)

the risks for the individual migrants who are increasingly younger, less skilled and more likely to engage in irregular employment and subsequently at risk of exploitation. The portion of women migrating from Tajikistan has increased from 6.61 percent in 2007 to 13.01 percent in 2009.<sup>48</sup>

Remittances are not just financial. Women who experience exposure to women's rights and empowerment abroad 'remit' ideas, attitudes, skills and knowledge. This can promote equality, the respect of human rights and socio-economic development in home countries. Such social remittance affects how families and local societies view the role of women. The women provide a new definition of what it means to be female. Experience shows that returnees promote greater female participation, and attitudes, opinions and knowledge acquired abroad lead to enhanced family health upon the women's return. In addition, women's social remittances contribute to female-tailored development programmes and women's migrant groups advocating for women's rights in their countries of origin, as well as counteracting patriarchal traditions like forced marriages.<sup>49</sup>

## Caritas asks

- Investment opportunities tailored to the specific needs of migrant women and their families. For example, supporting micro-credit programmes to develop small enterprises, healthcare and educational programmes.
- Greater participation of women in decision-making regarding development programming.

### Caritas urges governments to:

- Develop policies that respect the needs and interests of migrant women.
- Develop a thorough analysis of how migration policies affect migrant women, the impact of women migrating in the countries of origin as well as their impact in the countries of destination, and their contribution to building social capital (transfer of know-how, building networks).
- Collect sex-disaggregated data on migration, data about women migrating autonomously and their share in the remittance flows, as well as how these remittances are invested.
- Reduce the costs of migration and to develop an enabling regulatory framework for remittances.

### Caritas action

- Supporting migrant women in micro-entrepreneurship and small-business development.
- Advocating for reduced remittance transaction fees.

### Caritas good practices

Caritas Lebanon Migrant Centre operates as a good practice model in the region, and is active in the protection and the defence of the rights of women who have come to Lebanon as domestic workers from Bangladesh, Nepal, Sri Lanka, the Philippines and Ethiopia. Caritas assists these domestic workers with legal counselling, shelter, medical, psychological, social aid and educational support for their children. It also conducts campaigns to foster changes in attitudes and appreciation of the rights of domestic workers.

Please visit: [www.caritasmigrant.org.lb](http://www.caritasmigrant.org.lb)

# Orphans of mobility and the ‘care-drain’

Women who migrate in order to support their loved ones can carry a tremendous emotional and psychological burden.

Poverty and legal restrictions prevent them from bringing their dependants to the countries of destination. Employers welcome single migrants, as they are less distracted from their work duties.

Mothers are entering jobs in which they take care of somebody else's children in order to financially sustain their own children back home. During the period of separation from their families, women's personal relationships are also deeply affected. Caritas staff at the conference in Saly told of examples of when marriages are at risk and daughters become vulnerable as some might not only end up having to leave school to take up household duties, but also getting sexually abused by fathers to take on “marriage responsibilities”.

In countries of destination we see a so-called “care crisis” caused by an ageing society and a change in social roles. This is particularly evident in Europe where both men and women increasingly have well-paid jobs, which allows for employment of domestic workers to take on care and household responsibilities previously undertaken by women who were part of the household.

At the same time, domestic workers provide a more flexible option for families where both men and women work in Western Europe than those provided by the government (current options for childcare, if available, do not always fit in with work schedules). In Spain, for example, approximately 50 percent of annual immigrant quotas are allocated for domestic workers. And in the Middle East, prosperity leads to an increase in the use of domestic workers, who are mainly from Asia.

The migration of caregivers has serious implications on the care situation in the countries of origin. This ‘care-drain’ is particularly a concern with respect to professional caregivers such as nurses who are greatly needed in their own countries. The care-drain can be seen in Eastern Europe, Asia, Latin America and the Caribbean, and now also increasingly in Africa.<sup>50</sup>

Children left behind in countries of origin can be termed “orphans of mobility” as immigration policies prevent women from bringing their children to the country of destination.

Studies show that this new generation of children is deprived of formative care during a period when they need it most in terms of

their psychological growth. Such situations pose a threat to the development of a child's personality. Orphans of mobility are vulnerable to health problems (loss of appetite, development of an undesirable attention-seeking behavioural pattern), discrimination at school, inability to enter into social relationships, poor academic results or having to leave school<sup>51</sup> (remittances decreasing the motivation to study<sup>52</sup>), being vulnerable to teenage pregnancy or addictions<sup>53</sup>, and being physically and sexually abused or exploited. Children with mental and physical disabilities are even more affected by being abandoned. In the worst cases it has been noted that orphans of mobility become street children<sup>54</sup>.

In 2009, women made up 51 percent of the labour migrant population in Sri Lanka: 247,119 people in total<sup>55</sup>. The highest proportion of these female migrants were 25 to 44 years old, the ages when women have children and raise families.

According to an earlier study by Save the Children, approximately one million Sri Lankans were left behind when their mothers went abroad to work. Within this group, 75 percent were married and 90 percent of these married women have children.<sup>56</sup>

A study conducted by Caritas Ukraine<sup>57</sup> in 2008 shows that about 2 million labour migrants left for the European Union (according to various studies, female migrants from Ukraine constituted 55–65 percent of the Ukrainian migration stock in the EU over the last two decades).

The social costs of labour migration have long-term effects on individuals and societies. Nevertheless, heavily affected countries like Ukraine still lack a legal framework to protect children's rights.

When migrating parents leave behind their children, alternative care arrangements often involve having grandparents substitute the migrating parents. These grandparents often have care needs of their own, which remain unsatisfied as their children leave.

The grandparents are also often ill-equipped to support children's learning process, and may have a hard time controlling the children, leading to poor academic performance and behavioural problems. The stress involved can also negatively affect the health and well-being of the elderly. The inability of the elderly to cope, or the manner in which they raise their grandchildren, can also cause animosities and fractured relations between the migrants and their parents and children.<sup>58</sup>

### Caritas asks

- Engagement of both migrants and their families in pre-departure briefing to prepare them to cope with any problems relating to long-term separation.
- Protection of children's rights. For example, adopting policies in the best interests of migrants' children.

### Caritas urges governments to:

- Establish policies that prioritise the rights and protection of transnational families, in countries of origin and destination. Development policies should prioritise legal, economic and social opportunities for families to remain intact, and migration policies that incorporate opportunities for families to migrate together or to reunite in a timely manner.

- Where legal family migration opportunities are not available, social protection policies should be developed and adequately funded in countries of origin, to respond to the needs of vulnerable family members, particularly children left behind.

### Caritas takes action by:

- Offering medical and psychosocial counselling to affected family members.
- Offering services that facilitate communication among members of transnational families located in different countries.
- Offering counselling and services to migrants applying for family reunification.

# Women refugees

The term refugee is often wrongly used to describe all people fleeing poverty, hunger, armed conflicts, systematic discrimination, deteriorating living conditions because of climate change or other threats. But not all persons migrating or displaced are refugees within the scope of the Convention Relating to the Status of Refugees, 1951. According to the Convention, a refugee is every person "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable, or owing to such fear, is unwilling to avail himself [or herself] of the protection of that country."

Women refugees seek international protection from persecution by applying for asylum in host countries. After undergoing the asylum procedure with a positive outcome, they are officially recognised as refugees within the scope of the 1951 Refugee Convention entailing rights and obligations. In countries that are not signatories of the 1951 Refugee Convention or do not have an effective asylum protection system, the UN Refugee Agency (UNHCR) determines the refugee protection status under its mandate.

In 2010, it was estimated that there were more than 16 million refugees worldwide<sup>59</sup>, which constituted 7.6 percent of the migrant population.<sup>60</sup> According to UNHCR, less than half of the refugees are women, the lowest proportion of refugee women is to be found in Europe (44 percent), and the highest in the Central Africa and the Great Lakes region (53 percent). Developing countries were host to four-fifths of the world's refugees.

Refugee women in Africa live mainly in poor conditions in insecure and remote locations. Half of the population in camp settings are women. They are mostly to be found in prolonged refugee situations (five years and more). At overcrowded sites, life is harsh for refugee women as they lack access to basic items such as food, shelter, clothing and medical care. They can become victims of violence. This violence can happen for example while searching for firewood outside the camps. There is sexual discrimination or abuse in delivery of goods, services and documentation. Lack of family or other networks is a serious protection problem, especially for women.

In Europe, female asylum seekers mainly face unjustified and unduly prolonged detention and forced return, as well as restricted access to social or medical systems, combined with no or limited access to the regular employment market. Also, once recognised as a refugee, discrimination and xenophobia is a part of life.

International human rights law has seen progress in taking women's needs into account when interpreting the 1951 Refugee Convention. For instance, the "membership of a particular social group" argument has been advanced to extend the protection of the Convention to certain subsets of women, such as those suffering from or at risk of female genital mutilation where it is broadly required or condoned by their societies. The ability of women claimants in particular to access asylum procedures that take women needs into account has been strengthened but remains weak. Protection of refugee women not only requires an interpretation of the refugee definition considering women's issues, but also a refugee status determination procedure that takes women's needs into account, such as providing female interviewers and interpreters as women often feel intimidated by men. This is particularly the case for victims of sexual abuse.

To better protect female refugees, women themselves must be able to participate in planning protection and assistance activities, such as specific health and nutrition programmes, psychological services, educational and training programmes.

Programmes planned without the consultation of the beneficiaries, nor implemented with their participation, are rarely effective. Participation itself empowers women and therefore promotes protection.

UNHCR's Guidelines on the Protection of Refugee Women<sup>61</sup> have not always translated into concrete actions to improve protection. Recommendations that were offered a decade ago<sup>62</sup> are still not fully implemented, such as mechanisms to integrate women's issues in all stages of programme planning, women-oriented policies, needs assessments and data collection, and more creative needs-based programmes for women.

Susan Forbes Martin says in her book *Refugee Women*, "[T]he special needs and resources of refugee women are now well documented. The challenge for the future is to translate our improved understanding of their situation into concrete, effective programmes."<sup>63</sup>

Finding durable solutions to refugee situations is a major challenge for the international community. Returning refugee numbers are declining. In 2010, the number of refugees returning was 197,600 (including 15,500 unaccompanied or separated children) which is the lowest level in more than two decades<sup>64</sup>. Compared to

worldwide figures of refugees, resettlement quotas are extremely low. In 2010 out of 108,000 refugees whose applications to be resettled were forwarded by UNHCR to host countries, only 73,000 individuals actually departed for resettlement<sup>65</sup>.

Local integration remains modest as the majority of the world's refugees are hosted by developing countries. The consequences of failure to find durable solutions are considerable for the refugees, the host country, the country of origin, and the international community itself. Refugee women must be an integral part of all efforts to find solutions if these are to be successful.<sup>66</sup>

### Caritas asks

- Protection of the human rights of refugee women (in transit and receiving countries), with special emphasis on state border zones and camp settings. For example, monitoring of human rights violations like the principle of non-refoulement<sup>67</sup> at borders, alternatives to detention of asylum seekers, active participation of refugee women in planning protection and assistance activities. Non-refoulement is a principle laid down in the Geneva Convention by which no party to the Convention should return somebody to the frontiers of a country where his life and freedom would be threatened.
- Higher resettlement quotas in industrialised countries, especially in Europe.

### Caritas urges governments to:

- Prioritise protection of refugees in transit and destination countries from all forms of exploitation, violence and life-threatening conditions.
- Sign, ratify and ensure full implementation of the 1951 Refugee Convention and its 1967 Protocol, as well as full access to the refugee registration process.
- Prioritise a serious, shared international commitment to durable solutions for all refugees, including safe repatriation, local integration and expanded resettlement options. Adopt approaches that take the specific situation of refugee women into account.

### Caritas takes action by:

- Building strategic alliances with other like-minded partners in order to establish referral systems for the protection of refugee women.
- Providing vocational training within refugee camps in order to empower women refugees.
- Providing legal counselling.

# Health

The decision to migrate, the need to flee, the journey itself, the experience in the country of destination, the emotional and psychological burden of leaving your family behind: all of these have an impact on women's mental and physical well-being.

Women refugees have often survived experiences in their country of origin that have affected their health. Even in the host society, migrants, refugees and victims of trafficking can be exposed to human rights violations affecting their health, such as sexual or domestic abuse or exploitation by an employer<sup>68</sup>.

The lack of integration, including language and cultural barriers and xenophobia in host societies make it more difficult for women to have access to adequate medical treatment. There are also frequent legal implications, as irregular migrants have no health insurance and their access is therefore limited to emergency care. Studies show that migrant women often receive no or inadequate medical care especially prenatal care and have a greater chance of experiencing stillbirth and infant mortality.<sup>69</sup> Access to health services depends primarily on knowing where to receive free medical aid. Women migrants in particular often lack this information.

The International Convention on the Protection of the Rights of all Migrant Workers and their Families protects the migrants worker's right to emergency care regardless of their legal status and calls for safe and healthy working conditions (Art. 25, 28). The UN's Special Rapporteur on Health has also stressed that sick asylum-seekers or undocumented persons, as some of the most vulnerable persons within a population, should not be denied their human right to medical care (see OHCHR, WHO. *Right to Health*, Fact-Sheet No. 31).

## Caritas asks

- Ensure the right to health of all migrant women, including social protection regardless of their legal status.

## Caritas good practice

The Community Centre for Refugees and Migrant Workers in Jordan promotes the legal rights of migrant workers, assists migrant workers in connecting to the broader migrant worker community, provides migrant workers with humanitarian and medical assistance as needed and cooperates on institutional and government reform in coordination with international agencies, NGOs and volunteers groups. The centre provides medical and humanitarian assistance and raises awareness on health issues, as well as on migrant workers' rights and legal obligations. [www.caritasjordan.org.jo](http://www.caritasjordan.org.jo)

## Caritas urges governments to:

- Guarantee access to health and healthcare services, including psychological counselling for migrant and refugee women.
- Set up consular services catering for women's issues<sup>70</sup>, including ways of responding to unsafe and unhealthy working conditions and violence against women.

## Caritas takes action by:

- Offering free medical and psychological support to women migrants.
- Informing and raising awareness regarding the beneficial impact of migrants on the receiving societies in order to facilitate social integration of migrant women.

# Return and reintegration of women

Participants at a Caritas conference on female migration in Saly in 2010 welcomed migrants having the choice and being given the support to return to their country of origin. They said that returning to the country of origin can be difficult for migrants, especially if it is not voluntary.

Return is often the only option left after a failed migratory process. The reasons why women return are as many as why women migrate in the first place (economic, non-economic and personal). The decision to return may be driven by 'push-factors' such as politics, security, material needs, family issues or not being legally recognised as a refugee. Experience shows women might be more ready to return to their country of origin after events like a death in the family which require their presence as care providers.

The UN refugee agency (UNHCR) recognises that the decision to return will not be an act of free will if taken under such circumstances. However, UNHCR emphasizes that return which is voluntary is far more likely to be lasting and sustainable.<sup>71</sup>

In practice, true voluntary return is rare as in almost every case there might be compelling factors, be they legal, personal, economic or otherwise. Caritas adheres to the notion of voluntary return as the ideal case. Even if the decision to return contains push-factors beyond the decision of individuals, they should be accompanied by a series of measures. These include:

- Pre-departure counselling (including country of origin information research) by a return counselling service provider of choice.
- Preparation and accompaniment of the returnee.
- A tailored reintegration programme carried out in cooperation with local partners.
- Monitoring of return counselling.
- Monitoring of repatriation itself to ensure safety and dignity.

Women who return voluntarily have to be able to take fully informed, active and independent decisions about their return and be part of their reintegration planning to make the return sustainable. Women do not always receive the full range of information as men, who in their function as male leaders may often have determined the

## Return definition

According to the International Organisation for Migration (IOM) voluntary return is defined as "Return based on the voluntary decision of the individual. The concept of voluntary return requires more than an absence of coercive factors. A voluntary decision is defined by the absence of any physical, psychological, or material coercion but in addition, the decision is based on adequate, available, accurate, and objective information"<sup>72</sup>.

repatriation. Return counselling must take into account the needs of both men and women.

When social infrastructure in countries of origin has been destroyed, it is essential that assistance be provided in educational training, health care, reclaiming property and obtaining employment.

If the places of return are characterized by beliefs, practices and laws that disadvantage women, then women (especially those returning alone) may face significant barriers in re-establishing themselves and their families.<sup>73</sup>

After returning, women might need to comply with local norms with regard to the role and the function of a woman, especially when they are connected with female respectability<sup>74</sup>. This needs to be taken into special consideration, when women have gained positive experiences in their host societies, including a greater feeling of empowerment, exposure to women's rights and more liberal family roles. When the women return to their country of origin, studies show that women often report the loss of those rights and freedoms.<sup>75</sup> It is crucial that return counselling takes aspects specific to women into account and that the women are counselled independently of male company. There should be an overall needs and risk assessments undertaken which addresses issues such as female genital mutilation or forced marriage.

Migrants who are required by law to leave a country of destination and do not consent to do so are often detained to secure their deportation ('forced-return'). Women and other members of vulnerable groups (including children, unaccompanied minors, the elderly, traumatised people, those with disabilities and the sick) are often among those detained.

Some Caritas member organisations don't offer return counselling in detention facilities. Others do, acknowledging that a decision on return in such circumstances can never be considered genuinely voluntary.

Caritas believes migrants have the right to choose a dignified return on a regular flight rather than being removed by force to travel on a chartered plane with only forced returnees as other passengers.

Forced return and joint removals (when two or more countries join together to send migrants home) are often implemented in line with readmission agreements. A readmission agreement in this context is an agreement between countries to take back third country nationals who have migrated from or through their territories.

Several countries of the Sahel (Senegal and Niger) and the Maghreb (Morocco, Tunisia, Libya and Algeria) have signed readmission agreements for third-country nationals with the European Union and European countries in exchange for development programmes or residence permits for their highly qualified workers or students. Failed migrants in Europe get readmitted to those states that then deport them to third countries or territories ('chain deportation'). This has included relocating them to hostile environments such as in the desert.

These deported migrants may also end up in detention centres built along the main migration routes that were originally meant to keep potential migrants out of Europe. Reports of physical and sexual assaults are common in these centres. Despite reports by human rights organisations<sup>76</sup> of human rights violations this ongoing practice of readmission agreements is tolerated by the international community. Human rights violations also happen in other places where readmission agreements are enforced, such as Central Asia.

There is the need for mandatory procedures to monitor forced removals. There should also be monitoring critical border situations, for example in the Sahel or in Central America.

Voluntary return linked with reintegration measures is the most sustainable form of repatriation. Sustainable reintegration is when the returnee successfully reconnects to or rebuilds and expands his/her social networks and secures an income by joining the labour market.

Reintegration programmes to regain economic livelihoods in countries of return must be tailored to women's individual needs, especially for single women or single mothers. If women are returning to patriarchal societies, specific attention should be paid to their needs so that they are empowered.

Trafficked women may suffer from severe trauma and need long-term support and protection through local NGOs upon return. This is necessary to prevent further trafficking, which is a considerable risk when women return to their home countries and fear going back to their families with empty hands.

### Caritas asks

- For a human-rights based approach and mandatory common standards in return counselling based on the principles of mutual trust and respect.
- Return counselling has to be applied without any means of force, monitored and safeguarded to ensure the return is voluntary and sustainable.
- Return counselling that takes into account the needs of men and women equally.
- An approach to reintegration programmes that looks at the different needs of men and women. For example, providing training on business plans and micro-credit programmes that allow the set-up of small business or purchasing of livestock.
- Equal opportunities for men and women to participate in voluntary repatriation and have equal access to information on which to base the decision.

### Caritas urges governments

- For common standards on the composition of monitoring bodies and the implementation of their monitoring activities with regard to joint removals.
- To implement readmission agreements with full respect of human rights.

- To put on hold the implementation of readmission agreements with countries where human rights violations occur and not to enter into new readmission agreements with countries already known for their poor human rights record.

### Caritas takes action

- In using its worldwide network to facilitate return, where the decision to return is an active and fully-informed one.
- In ensuring sustainable reintegration that benefits from the support of Caritas and local partners in the countries of return.
- In working with families in the communities of returnees, to ensure that returnees can return in dignity.

The return counselling offered by Caritas organisations is based on the following 'Caritas Standards on Return': The migrant freely exercises a decision in favour of the right to return as a result of an informed choice, including the consideration of all other legal options. This decision is found without any physical, psychological, or

### Caritas good practice

The European Reintegration Support Organisations (ERSO) is a network working on behalf of the potential returnee. ERSO shares its resources and reintegration funds in the countries of destination and countries of return. It shares experience, best practices and lessons learnt. Several members of ERSO are Caritas members engaged in pre-departure counselling or re-integration assistance.

Please see: [www.erso-project.eu](http://www.erso-project.eu)

material pressure and after having received an independent return counselling, which is performed on the basis of independent country research, takes women's needs into account, is based on an open decision to either return or to not return, is conducted in confidentiality and with the full protection of personal data, and is aimed at self-empowerment to reach sustainability; and can be withdrawn or cancelled at all times. In addition, the repatriation itself can be carried out in physical and economical safety and human dignity.

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# Footnotes

- <sup>1</sup> A range of high-level experts from the Catholic Church, international organisations such as the IOM and ILO, IDLO, BICE and academics from different universities were also invited to share their reflections and research with Caritas.
- <sup>2</sup> If not further specified the term migration/migrant encompasses the following categories: internal migrants, (labour) migrants in regular and irregular situations, asylum seekers, refugees, internally displaced persons and trafficked persons.
- <sup>3</sup> UN, Department of Economic and Social Affairs, Population Division (2009), *Trends in International Migration Stock: The 2008 Revision* (UN database, POP/DB/MIG/Stock/Rev.2008)
- <sup>4</sup> Global Migration Group, *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights*, October 2008, 45
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- <sup>15</sup> UNDP. 2009. *Human Development Report*, 13
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- <sup>19</sup> For more details on the convention please visit the ILO website: [http://www.ilo.org/ilc/ILCSessions/100thSession/reports/provisional-records/WCMS\\_157833/lang—en/index.htm](http://www.ilo.org/ilc/ILCSessions/100thSession/reports/provisional-records/WCMS_157833/lang—en/index.htm)

- <sup>20</sup> Moreno Fontes Chammartin G., *The feminisation of international migration*, International Migration Programmed, ILO, undated, 41
- <sup>21</sup> Caritas Europa. 2010. *A reflection on the dynamics between Migration and Development*, Reflection Paper, 27
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- <sup>25</sup> APWLD, CARAM Asia and GAATW. *Demanding Protection for Foreign Domestic Workers and All Women Migrants* – Summary report of the 2008 Joint Regional Consultation on domestic work with UN Special Rapporteurs (UNSRs) on the human rights of migrants, and on contemporary forms of slavery including its causes and consequences, 2009, 12
- <sup>26</sup> Yuki Oda, "Japan's Burdened Care Sector Looks Outwards for Help", *Time*, 19 November 2008
- <sup>27</sup> ITUC. 2010., *Annual Survey of Violations of Trade Union Rights*, see <http://survey.ituc-csi.org>
- <sup>28</sup> APWLD. *Advance Domestic Worker Rights: Recognise Their Right to Collective Representation*, August 2010, 13
- <sup>29</sup> The UN human rights treaty system consists of the Covenant on Civil and Political Rights (CCPR), the Covenant on Economic, Social and Cultural Rights (CESCR); the Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC); the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC); the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention for the Protection of All Persons from Enforced Disappearance (adopted in 2006 but not yet with enough States Parties to enter into force) and of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, on the latter Caritas and the Catholic Church have reservations. Most of the rights contained in the above mentioned treaties also apply to non-citizens and thus provide a basic protection for displaced women and their families against discrimination and other violations of their fundamental rights.
- <sup>30</sup> US State Department. 2010. *Trafficking in Persons Report*, 10th Edition, 34
- <sup>31</sup> UN Doc. E/CN.4/2001/73/Add.2
- <sup>32</sup> UN Doc. E/CN.4/2001/73/Add.2
- <sup>33</sup> IOM. *Violence Against Women*, undated, 4–5
- <sup>34</sup> Human trafficking is the recruitment, transfer or receipt of persons by improper means such as force, fraud or deception, abuse of power or position of vulnerability with the aim of exploiting them. Smuggling of migrants involves the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident.
- <sup>35</sup> [...] next only to the illicit profits generated from drugs and firearm trafficking. (UNODC. 2010. *The Globalization of Crime. A Transnational Organized Crime Threat Assessment*, 49)
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- <sup>37</sup> World Bank. 2011. *Migration and Remittances Factbook*, Abstract
- <sup>38</sup> Mane Purnima, *Importance of Women Migrants' Remittances*, UNFPA, February 18, 2011 (Caritas Internationalis doesn't necessarily support other views and policies expressed by UNFPA)
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- <sup>49</sup> IOM. *World Migration 2005: Costs and Benefits of International Migration*, 46. IOM World Migration Report Series. No. 3. Geneva: IOM
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- <sup>52</sup> Caritas Europa. 2009. Migration Forum, Poland
- <sup>53</sup> Study by Ms. Rosemarie G. Edillon, Asia Pacific Policy Center in *Quilted Sightings: A Women and Gender Studies Reader*, Philippine Copyright © 2008, Miriam College – Women and Gender Institute (WAGI), 12
- <sup>54</sup> Caritas Europa. 2009. Migration Forum, Poland
- <sup>55</sup> Information Technology Division. Sri Lanka Bureau of Foreign Employment
- <sup>56</sup> Save the Children. 2006. *Left behind, left out – The Impact on Children and Families of Mothers Migrating for Work Abroad*, Abstract
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- <sup>58</sup> Yeoh Brenda, Hoang Lan Anh, Lam Theodora, *Effects on International Migration on Families Left Behind*, Civil Society Days at the Global Forum on Migration and Development, Mexico 2010

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<sup>62</sup> Forbes Martin Susan, *Refugee Women*, 1st Ed., 1992

<sup>63</sup> Forbes Martin Susan, *Refugee Women*, 2nd Ed., 2004, 157

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