

## GENDER AND INTERNATIONAL MIGRATION

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### **Abstract**

*Many people around the world are seeking new opportunities and better life. Gender affects and is influencing the reasons for migrating, it also refers to the behaviors, and expectations which are associated with being female or male. It is therefore necessary to understand, analyze and respond to current gender dynamics. One of the fastest growing group is women and girls migrating for employment. Migration can allow them to advance socially and professionally. Unfortunately, there is also another and less pleasant part, which could lead to abuse and exploitation. Thanks to the greater awareness that migration flows include women and girls the gender perspective in international migration is becoming more important. This paper therefore focus on short description of law, selected gender aspects, awareness on discrimination, gender based violence, protection and principles of human dignity and equality.*

### **Keywords**

*International migration. Cultural diversity. Gender. Discrimination. Protection. Equality.*

### **INTRODUCTION**

Women and men migrate for different reasons and it's also important in the formulating migration policy, whether it focus on immigration, labor, asylum or family reunification. Most of the migration policies are unfortunately not influence by gender. As stated by IOM gender refers to differences between women and men and how they are perceived by cultures and society. Gender is more important than country of origin, age, class or race. The number of migrant women is increasing rapidly, in many cases they are joining their husbands or in regards to family reunification or they are migrating independently for economic or carrier reasons. Migrant women play significant

role in welfare and social services both as providers or recipients. In Europe within past years become migration very sensitive political subject, e.g. in providing cheaper labor or claiming benefits. Almost half of the population movement consist of women. Migrant women could play an important role in their home country e.g. by strengthening political debate, enhancing the role of civil society, emancipating women and minority groups in countries of origin (de Hass 2006). However, the potential and benefits of migration is not fully enjoyed by women. Another important factor is Climate change which may not only directly impact women through environmental changes, but unequal gender relations and access to resources may make women more

vulnerable to climate change than men (Masika, 2002). The impact on women would be likely worse in developing countries because of the deeper economic and social gender divide. Women are targets of sexual violence because of their production and reproduction role of identity. They are usually caregivers for children or other members of family, and it's a very difficult decision for them about leaving their family or be exposed to a journey.

### Selected legal documents

There are several international law provisions, which are relevant to gender and migration, mostly addressed through nondiscrimination on grounds of sex, national and social origin etc. which are included in international instruments as follows:

- The Universal Declaration of Human Rights (art. 2)
- The International Covenant on Economic, Social and Cultural Rights (art. 2,2)
- The International Covenant on Civil and Political Rights (art. 2,1)
- The International Convention on Elimination of All Forms of Racial Discrimination (art. 1)
- The Convention on the Rights of the Child (art. 2)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- The 1951 Refugee Convention
- The Guiding Principles on Internal Displacement

There need to be stated, that women were absent from the drafting of 1951 Refugee convention (Edwards, 2010), so the masculine view was presented as a norm for the international legal protection and women were judged as secondary in importance. Important moment was the UN Decade on Women between 1976 and 1985 and World Conference in Nairobi and Beijing, where focus was stretched on impact of displacement, violence and conflict on woman (Martin 2010). The European Parliament in 1984 then passed a resolution that highlighted the specific problems faced mostly by refugee women.

On 19 September 2016, world leaders agreed to work towards the development of a Global Compact for Safe, Orderly and Regular Migration, to ensure that the particular needs of female migrant workers, and of all women and girls affected by migration are met. On the EU level is also important the EU Qualification Directive, which is applicable across EU member states as regards refugee determination, specifies that persecution may include gender specific persecution of a sexual nature. As stipulated, gender is a factor to be included in decision making on refugee determination. As stated by Gerard (2014), there are also key tensions between refugee protection and the discourses, policies and practices of the securitization of migration (including women) in Europe. This are including:

#### *Regimes of non-entrée and refugee exclusion*

Regimes of non-entrée are state restrictive policies that tactically deploy the border to minimize exposure to asylum seekers (e.g. visa requirements and carrier

sanctions). This also constitutes a critical line of inquiry on the gender impact.

#### *Warehousing versus durable solutions*

Warehousing are practices, which are disabling them from traveling further, so their lives are on indefinite hold in violation of their basic rights under the 1951 UN Refugee Convention. Warehousing has gender implication on women who are seeking refugee protection and is fostering gender based violence.

#### *Deterring refugees – diluted or withdrawn rights and entitlements upon reception*

Policies of deterrence aim to restrict socioeconomic rights and dilute legal protection, which has gendered implication.

#### *The right to non-penalization for illegal entry versus administrative detention*

The administrative detention of asylum seekers is becoming a key plank in securitization of migration in Europe and many detainees are never registered, it also creates a great deal of uncertainty for asylum seekers.

#### *Disrupting onwards migration and the potential for refoulement – expedited review and the Dublin II Regulation*

Non-refoulement is a concept prohibiting States from returning a refugee or asylum seeker to territories where there is a risk that this person would be threatened on account of race, religion, nationality, membership of a particular social group, or political view. EU member states have in many cases embraced the concept of “safe third country” to expedite asylum claim and asylum seekers to countries through asylum seekers transited.

In case of Dublin II Regulation was in research by Bloch (2000) concluded that the regulation disproportionately impact women via the disruption of family reunification.

#### **Gender aspects**

Some of the feminist theorists have described gender as a constitutive relation in the symbolic construction of the nation state and as a natural form organization of the society, based on sexualized division of women and men roles in the family (Pettman, 1996). Gender approach therefore works with migration, understood from perspective of interrelationship between different social characteristics, such as race, class or nationality. The decision on why to migrate may be based on various factors, but as stated by Jolly, Reeves (2005), its composition and the consequences may be different for men and women. Gender significantly affects the ability of the migrant to achieve self-sufficiency in the new environment. On the one hand, migration can lead to the advancement of women in the target country (e.g. also in the context of their social role in the family). However, it is important to highlight the fact that women are often at all stages of the migration subjects of the degrading treatment and discrimination (e.g. verbal, physical and sexual harassment, low pay, long working hours and so on.). In connection with this are many migrant women unqualified, and it causes more complicated integration and worse employment at the labor market. During migration are family relationships, regardless on the spatial distance, often carried out in conditions of changing societal roles. Due to the migration of men to find work, are women the main

supporters of the family, while the role established by society and community continues to preach them to bear the primary responsibility for the upbringing and emotional security of children. In a study based on interviews with immigrants among women is in many cases described the migration as a way of strengthening the personality that gives them a sense of efficiency, financial independence, or as a way to break free from the patriarchal society. Migration has also an impact on changes in family relationships and transformation of social roles (Šwičková, 2010).

Differentiation based on gender greatly clarifies many areas of life, such as sexuality, family, education and the labor market that determine the social role, status and prestige. Boyd, Grieco (In: Jolly, Reeves, 2005) consider sex as an important determinant of migrants, which affects the ability of adaptation, links to the country of origin, the possibility of return, successful integration or reintegration of migrant. In the current discourse on migration applies that gender is a crucial variable in the migration and integration process and without gender lenses we cannot sufficiently understand the migration and integration process. The experience of men and women in the context of these processes are so different, that is currently growing the need for specific gender-sensitive integration policies that take into account the different needs of male and female migrants. (Sekulová, Gyárfášová 2009).

Migration is not a gender neutral phenomenon, but experience of migrant women and men differ from the very beginning of their decision to migrate.

### **Discrimination and gender base violence**

Convention on preventing and combating violence against women and domestic violence, known as Istanbul Convention recommends protection of any women in case of gendered violence without discrimination on any ground. This also include protection of migrant and refugee women regardless of their undocumented status and their access to free health, accommodation and legal support. One of the characteristic lines in research in the field of gender studies is according to Šwičková (2010) to show the different dimensions of women's oppression which results from structural relations of power and domination. If the migrants are members of traditional paternalistic cultures (which are most of the refugees), in terms of their beliefs and social norms they strictly distinguish between male and female roles. Men's are in authoritative position against their wives and daughters, are economically active family members, while social space for women only applies to household.

Kovats et al. (2006) emphasizes the fact that this division of tasks can to women in European cities cause vulnerability and is not addressed fairly in terms of equal opportunities. Moreover, in the above-mentioned families is accepted the use of force as a means to control the behavior of women. They are totally dependent on the men in the household and their only role is to raise children and care for the well-being of men. For this reason, is not placed any importance on the education of girls and women in the family. So sex is in this context also barrier of school attendance. "The emphasis on cultural and biological roles may serve as a justification of women control in their

reproduction, education and employment area. Women who are belonging to minorities are often victims of multiple discrimination based on ethnicity, gender and socioeconomic status "(Kriglerová Gallová et al., 2009, p. 101).

Sekulová, Gyárfášová (2010) describe multiple discrimination as a type of discriminatory behavior in which an individual is discriminated on multiple grounds, respectively if it is possible to classified him/her into several disadvantaged groups at the same time. Apart of gender disadvantages are one of the most severe combination of discrimination ethnicity and social status. Migrant female characterized by reference to ethnic minority, feel all three forms of discrimination in many areas of life – in above mention education, further on the labor market, in access to services, to health care etc. To important finding came Krchová and Víznerová (2008) in the project focused on discrimination of granted refugees in the country. The survey was conducted in 2008 and respondents were refugees themselves. Those on question - whether they had experienced discrimination in their new country, responded negatively. However, during further communication appeared, that they have been in more situations that have discriminatory nature. From these findings occurred, that refugees are often not aware about their rights to decent treatment, respectively some are in a state of resignation, which combined together with the lack of awareness constitutes a space for the discriminatory behavior of the majority. As stated by authors Kečkešová, Ondrušková (2014) in our cultural area is conservatism based, in the question of

fundamental values and priorities, mainly on the Christian religious systems.

Swičkowska (2010) highlights the increased risk of sexual harassment, rape or forced prostitution faced by migrant women. Sexual and gender-based violence experience refugee women particularly during the asylum procedure and especially those without the protection of their families (single mothers, housewives and unaccompanied children). Kovats et al. (2006) argues that such violence can commit family members or relatives of harmed women, other refugees staying in the camp, members of staff or security personnel or local residents of the village.

Also, persecution may have gender essence - the subject of sexual and domestic violence, genital damage, forced marriage, trafficking and other reasons. Number of countries with regards to gender nature of migration apply in their asylum systems, provision of social group, which was also recognized by the UNHCR Executive Committee: "Recognized that States, in the exercise of their sovereignty, are free to adopt the interpretation that women asylum-seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society in which they live may be considered as a "particular social group" within the meaning of Article 1 A(2) of the 1951 United Nations Refugee Convention." (Kovats et al., 2006, p. 18 ). Experience of violence do not end after the crossing of international borders. Refugee women face violence from a variety of actor's including State and non-state actors, family members and other involved in facilitating of their migration (Smith 2004). We could point on Hamoods research (2006) in Lybia were women and men were kept separately in

detention centers and women reported being threatened with rape. There is also present evidence to a relationship between gender violence and border control. Another important factor is that gender inequality and the level of poverty affects the size of migration.

### **Protection and principles of human dignity and equality**

Given the above, it is necessary to draw attention to the opposite page of the multiculturalism to achieve equality between groups and it's strengthening by recognition of the customs and social norms of individual minorities. The nature of this policy can in fact cause a violation of the individual human rights of women, respectively weaken the autonomy of women within minority groups. Its therefore on place to see the minority policy from outside the box, while applying the principles of human dignity and gender equality (Kriglerová Gallo et al., 2009). UNHCR, the United Nations Population Fund and Women's refugee commission in 2016 established that women and girls and those travelling alone face high risk of certain forms of violence, including sexual violence by smugglers, criminal groups and individual along the way. There was identified lack of awareness of the authorities and humanitarian organizations about the sexual and gender based violence which affects this group. Reported have been cases on sexual based violence committed by guards in refugee reception and transit centers. Also migrant pregnant women were found in detention centers. There is also lack of and concerns about the adequate reception conditions for women because they often fail to meet minimum

standards what can lead to negative impact on their physical safety, health and their dignity. Important aspect of their protection is to ensure that they have access to justice. Many of women can be reluctant to lodge a complaint, there for is important to reach them. Another group of concern are women with disabilities or Roma migrant women. The Parliamentary Assembly of the Council of Europe has recommended that member states take due account of gender-based violence and gender-related persecution in their asylum systems should begin with the collection, analysis and publication of statistics and information on gender based violence in their country. European countries should facilitate safe passage to asylum, foster effective integration into society, improve reception conditions.

### **CONCLUSION**

In present time are gender aspects very relevant. In many cases migrant women left economically depressed countries in Africa, Asia, Latin America etc. to secure their children, family or to find jobs and send money back to their families. There need to be stated that many countries' economies also depend on the labor of women working abroad. Violation of human rights, sexual harassment, undocumented migrant and refugee women – these positions prevent women and young girls from seeking justice or may result in their deportations. All this creates vulnerabilities for migrant women, starting from initial position of disadvantage vulnerability. Discriminatory rules such as included in immigration laws or above mentioned patriarchal practices push

women into physical and sexual abuse, exploitation and bad working conditions, making them invisible and without right to justice. Very important is the policy framework of the state, which would focus on disadvantage and exclusion in all the forms. Enabling environment, with good governance, sustainable social infrastructure and awareness raising are necessary for closing the gender gap between women and men. Important is also to support women in decision making process, which is related to gender based problematic and disseminate good practices. Immigration and emigration policies should enable women as well as men to reach opportunities which regular migration may offer.

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#### Internet resources

- [http://www.rcmvs.org/documentos/IOM\\_EMM/v2/V2S10\\_CM.pdf](http://www.rcmvs.org/documentos/IOM_EMM/v2/V2S10_CM.pdf)
- <http://sitreport.unescapsdd.org/files/documents/Gender-international-migration.pdf>

- <http://www.coe.int/be/web/commissioner/-/human-rights-of-refugee-and-migrant-women-and-girls-need-to-be-better-protected>
- <http://www.caritas.org/includes/pdf/backgroundmigration.pdf>

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