

RESEARCH PAPER

WOMEN MIGRANT WORKERS' JOURNEY THROUGH THE MARGINS: LABOUR, MIGRATION AND TRAFFICKING



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LIST OF ABBREVIATIONS

BLA	Bilateral Agreement
BLLA	Bilateral Labour Agreement
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COD	Country of Destination
COO	Country of Origin
COWA	Committee on Overseas Workers Affairs
DIOC	Database on Immigrants in OECD Countries
DIOC-E	Database on Immigrants in OECD and non-OECD Countries
DOLE	Department of Labor and Employment
EFTA	European Free Trade Association
EOI	Export Oriented Industrialization
EU	European Union
FRONTEX	European Border and Coast Guard Agency
FWRC	Filipino Workers Resource Centre
GAATW	Global Alliance Against Traffic in Women
GCC	Global Care Chain
GFMD	Global Forum on Migration and Development
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HRW	Human Rights Watch
HSW	Household Service Worker
HTA	Hometown Association
ICRMW	United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICT	Information and Communications Technology
IGO	Inter-Governmental Organization
ILO	International Labour Organization
IMF	International Monetary Fund
IMRC	International Migration Research Centre
IMSS	Instituto Mexicano del Seguro Social
IMUMI	Instituto para las Mujeres en la Migración, A.C. (Mexico)
IOM	International Organization for Migration

ISCO	International Standard Classification of Occupations
LFT	Ley Federal del Trabajo/ Federal Labour Law
MTO	Money Transfer Operator
NGO	Non-Governmental Organization
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OFW	Overseas Filipino Workers
OHRC	Ontario Human Rights Commission
OSCE	Organization for Security and Co-operation in Europe
POEA	Philippine Overseas Employment Administration
PWC	Philippine Women Centre
SAP	Structural Adjustment Programmes
SAWP	Seasonal Agricultural Worker Program
SEC	Standardized Employment Contract
STI	Sexually Transmitted Infection
TRP	Temporary Resident Permit
UN	United Nations
UN-INSTRAW	UN International Research and Training Institute for the Advancement of Women
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
OHCHR	United Nations Office of the High Commissioner for Human Rights
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
USD	US Dollar
WB	World Bank
WHO	World Health Organization
WMWs	Women Migrant Workers

ABSTRACT

This report is a contribution toward UN Women’s project, “Promoting and Protecting Women Migrant Workers’ Labour and Human Rights: Engaging with international, national human rights mechanisms to enhance accountability.” This report is the second of three designed to build on the growing body of scholarship pertaining to gender and migration, and to provide a resource for the creation of gender-sensitive policies and practices aimed at empowering women migrant workers. Continuing to draw from the cases of Moldova, Philippines and Mexico, this report uses primary and secondary research to provide a detailed account of the lived realities of women migrant workers. The report focuses on specific sectors with high concentrations of women migrant workers, as well as the global issue of trafficking, to illuminate the gender-specific vulnerabilities and risks faced by women throughout their migration trajectory, and highlights the agency of women workers as they navigate challenges to claim their labour and human rights across borders.



PART I: Women Migrant Workers in Context

INTRODUCTION

The feminization of the global labour market in virtually every country around the world has had profound effects on the lives of women and men. In recent years, there has been a rise in the number of women migrating independently to pursue opportunities abroad. Women now constitute over half of the 244 million migrants who live and work abroad. Women are not passive actors in migration processes, and increasingly women migrant workers are recognized for their contributions to local and community development in countries of origin and destination. Indeed, the transfer of knowledge and financial remittances sent by women migrants have been linked to poverty reduction, an increase in entrepreneurship, and to economic and social development in both contexts.

Despite being well educated and employed in a variety of sectors across the globe, women migrant workers are commonly concentrated in low-skilled, low paid, and informal sectors, and many perform vital, yet insufficiently valued, care services.¹ Due to the general undervaluation of low-skilled occupations, prevalent notions around migrant workers, coupled with norms and social understandings surrounding gender, women are consistently marginalized for the work they perform. As a result, women migrant workers are typically valued less than their male counterparts in the workplace, they perform work that is typically seen as an extension of their gendered roles (i.e. care work, cleaning), and their labour is competitively cheap and regarded as flexible (McDowell et al., 2007).

Limited access to information and support networks, insufficient levels of social protection, and gaps in the governance frameworks can reduce women migrants' ability to access decent work opportunities and successfully exercise their labour rights. While intermediaries, employers and the authorities can expose migrants to economic exploitation and violence, the risks that women migrants face are gendered and specific. For instance, many migrants are vulnerable to exploitation; however, women migrant workers are more susceptible to being trafficked for sexual exploitation, constituting 98 per cent of all such victims. The

human rights abuses that women migrant workers are exposed to are coloured by perceptions around gender, and can range from physical, psychological and sexual violence, to labour abuses including excessive work hours without rest or additional pay. Furthermore, migrants' limited access to health and education services, coupled with family separation or delays in family reunification, can have long-term deleterious effects on the health and well-being of women migrant workers and their children.

The complex processes and interactions between work and migration produce very particular outcomes for women migrant workers. To understand such complexity, the lived experiences of women migrant workers as they intersect with a host of regulatory frameworks and actors must be analyzed. This report, which is a part of the European Union funded UN Women project on "Promoting and Protecting Women Migrant Workers' Labour and Human Rights," is anchored in three pilot countries that are situated in varied labour migration systems. It aims to provide a critical examination of women migrant workers (WMWs) experiences across a range of sectors and occupations.

This report will commence with an overview of the global statistics on women migrant workers and, drawing on international and national data, will outline the labour market insertion of WMWs. A summary

¹ See <http://progress.unwomen.org>, pp.92.

and discussion of the available data on WMWs, with particular reference to their labour market participation and the estimates of trafficking will be discussed. Following this global statistical summary, the report will trace the migration trajectory of women from the initial decision to migrate, through recruitment, to the realities of their work lives, to reintegration. In doing so, it will make visible the structures (both material and discursive), which can produce or reproduce conditions and moments of precarity, vulnerability and empowerment for women migrant workers. Throughout the report, evidence will be drawn from secondary scholarly research, policy documentation and reports from international and national level organizations. In addition, primary qualitative and quantitative data and evidence will be integrated from three case studies involving Moldova, Mexico and the Philippines, which together represent a range of complex migration systems across distinct contexts, with various levels of development, socio-economic, labour market and political variability. Compiled vignettes of

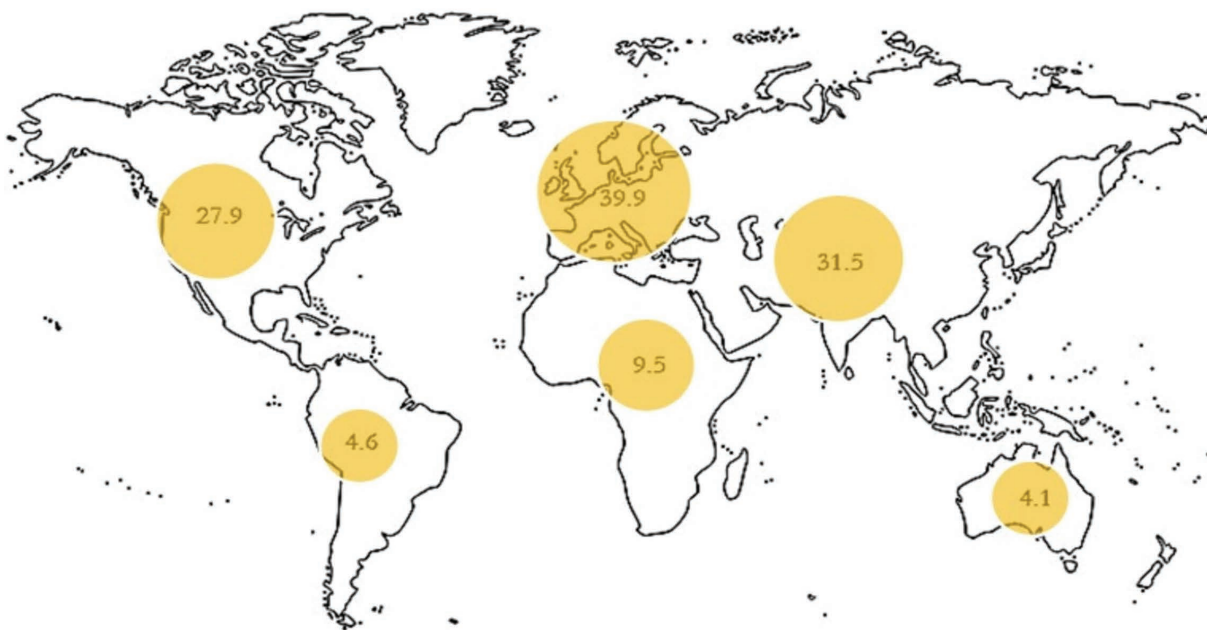
women migrant workers in these migration systems will further highlight the lived realities of WMWs throughout their migration journey.

Global Distribution and Labour Market Insertion of Women Migrant Workers

There are approximately 244 million migrants worldwide, and women constitute roughly half of this population. There is significant spatial variation of male and female migrants stock. Women migrants are most concentrated in Europe, Asia and North America. Migrant men, while also concentrated in Europe and North America, have greater concentrations in Africa than women migrants. Figure 1 and Table 1 (Annex) show the regional distribution of all female migrants stock for 2015. Europe has the largest concentration of women migrants (39.9 million), followed by Asia (31.5 million) and North America (27.9 million).

FIGURE 1:

Regional Distribution of Women Migrants Stock in 2015 (Asia, Africa, Europe, North America, Latin America and the Caribbean, Oceania).



Source: UN DESA, 2015

In 2000, the Organisation for Economic Co-operation and Development (OECD) estimated that about 42.3 per cent (or 25.7 million) of all labour migrants were women in the 100 countries it considered (OECD, 2016). Of these women labour migrants, 79 per cent (or 20.3 million) originated from Asia, Europe, or South America, Central America, or the Caribbean; the origin of 11 per cent of the migrants was unknown. Each of the top ten countries of origin had more than 500,000 women labour migrants abroad, including Mexico (1.44 million), Russia (1.26 million), Ukraine (1.16 million), China (0.91 million), the Philippines (0.89 million), Kazakhstan (0.86 million), Germany

(0.83 million), Great Britain (0.8 million), India (0.56 million), and Poland (0.5 million). In contrast, Table 2 showing UN DESA's calculation in 2015 shows the top 20 destination countries for WMWs have each more than 1.4 million women migrants revealing some of the increases in female labour migration in the last years. As shown in Figure 2 (according to the Database on Immigrants in OECD Countries (DIOC) and non-OECD Countries (DIOC-E), the countries with the highest concentration of women migrant workers are located in Europe, North America and Australia, with the exception of Russia and Saudi Arabia.

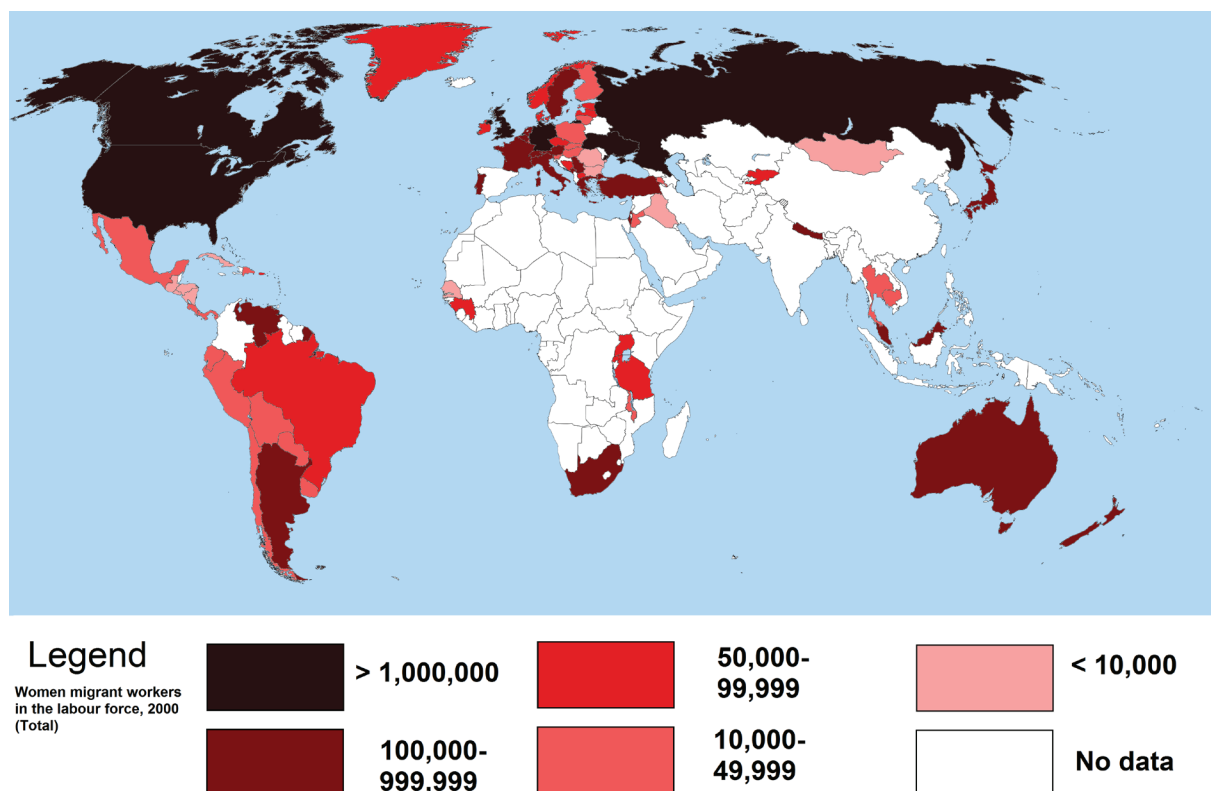
TABLE 2:**Top 20 Destination Countries for Women Migrants in 2015 (Stock at mid-year)**

No.	Countries of Destination	Stock of Women Migrants (Millions)
1	United States of America	23.8028
2	Germany	6.295751
3	Russian Federation	5.928065
4	United Kingdom	4.482928
5	Canada	4.087235
6	France	4.001799
7	Australia	3.426083
8	Saudi Arabia	3.247347
9	Italy	3.180424
10	Spain	2.997774
11	Ukraine	2.751668
12	India	2.55628
13	United Arab Emirates	2.050143
14	Thailand	1.945767
15	Kazakhstan	1.788596
16	Pakistan	1.77482
17	China	1.718708
18	Jordan	1.544849
19	Turkey	1.450448
20	Singapore	1.420652

Source: UN DESA, 2015

FIGURE 2:

Destination Countries for Women Migrant Workers, 2000 (Source: DIOC)*



*Includes all countries in the DIOC-E in addition to Bahrain, Kuwait, the Philippines, Qatar, Saudi Arabia, South Korea, and United Arab Emirates. Estimates for the following countries are not from the year 2000: Bahrain (2003), Kuwait (2001), the Philippines (2006), and Qatar (2006). The data for these set of countries came from ILO, 2016.

Source: OECD, 2016; ILO, 2016

The top ten countries of destination for female labour migrants in 2000 were the US (7.45 million), Germany (2.94 million), Russia (2.85 million), Canada (1.39 million), Great Britain (1.07 million), Ukraine (1.02 million), Australia (0.93 million), France (0.6 million), Hong Kong, SAR (0.57 million), and Switzerland (0.45 million).

Occupational and Sectoral Distributions of Women Migrant Workers

Estimating the distribution of migrant workers across sectors and occupations is particularly challenging due to the lack of consistency and high variability in

data collection across national contexts, differential measurement approaches by international organizations, and the challenges of disaggregating informal work, work performed in the private sphere, and other types of work across sectors and occupations. The DIOC is the only worldwide data source on labour migration. While the basic data set only looks at labour migration to the OECD countries, DIOC-E looks at 100 destination countries and more than 200 countries of origin. DIOC records a number of characteristics on labour migrants, such as their location of birth, their education level, age, occupation, labour status and their sex.²

While an important source of data for this report, there are some limitations with the manner in which occupations are coded in the DIOC. First, DIOC-E was published using data from the year 2000 which means that it uses an older version of the International Standard Classification of Occupations (ISCO). Another problem with ISCO in DIOC is that it does not include occupational codes for four countries: the United States of America, Turkey, Argentina and Japan, which have unique codes in DIOC. A final problem is that these datasets fail to capture informal work which is often unrecorded in labour

force survey instruments. Yet, using the DIOC, it is possible to give basic, conservative estimates on the numbers of women migrant workers worldwide, and shed light on their socioeconomic and labour force characteristics.

The concentrations of WMWs in particular occupations are estimated as follows: service workers and shop and market sales workers (18.8 per cent), elementary occupations (17.3 per cent), craft and related trades (15.2 per cent), professionals (13.9 per cent), and clerks (12.3 per cent) (OECD, 2016).

TABLE 3:
Employment of Women Migrant Workers by Economic Sector in DIOC-E*, 2000 (n=22.8 million)

Sector**	Women Migrant Workers (Total, Millions)	Proportion of All Women Migrant Workers (%)	Proportion of Total Labour Force (%)
Domestic Workers	5.4	23.6	6.8
Agriculture	0.7	3.2	0.7
Manufacturing	2.8	12.1	1.7
Services, Low-Skilled	5.6	24.6	4.5
Services, High-Skilled	8.3	36.5	4.1
Total	22.8	100	3.4

*Includes all countries in the DIOC-E except for Argentina, Japan and Turkey, whose occupational codes could not be easily mapped to the ISCO-88.

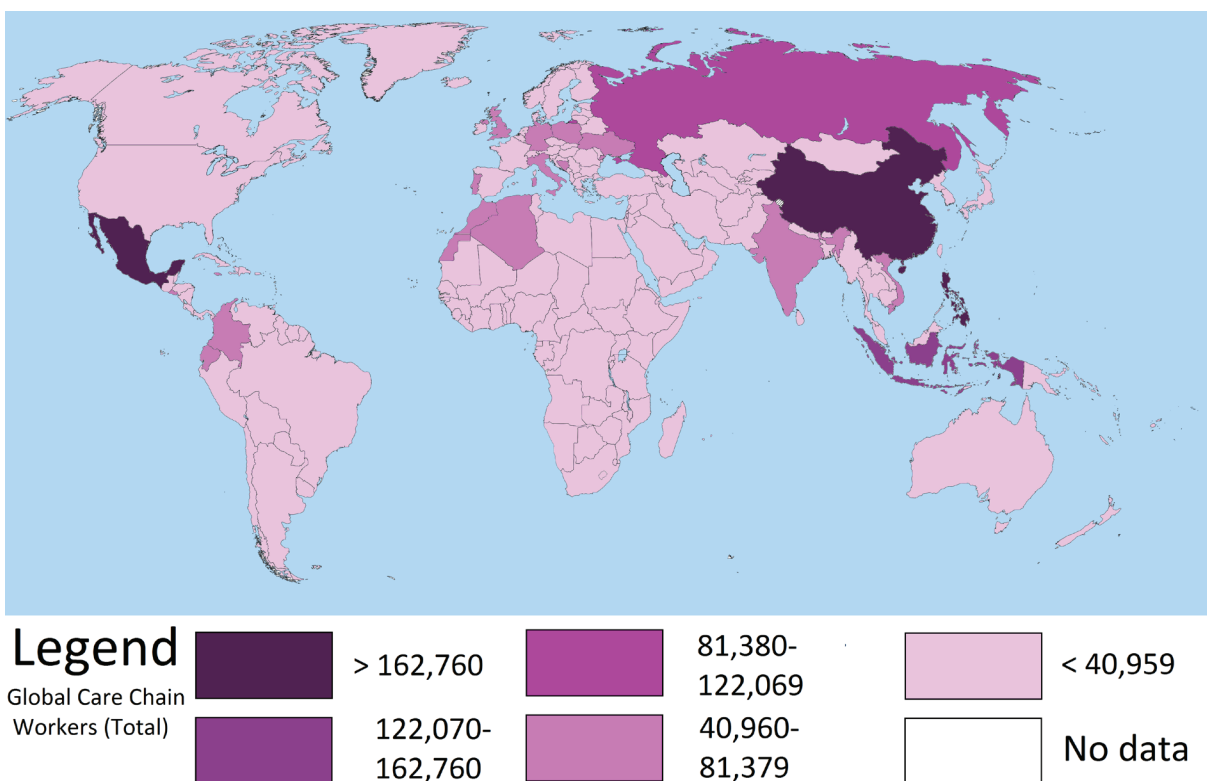
**Each sector includes some or all of the following ISCO-88 two-level codes: domestic workers – 50, 51, 90 and 91; agriculture – 60, 61, 62, 90 and 92; manufacturing – 70, 71, 72, 73, 74, 80, 81, 82, 83, 90 and 93; services, low-skilled – 40, 41, 42, 50 and 52; and services, high-skilled – 1, 10, 11, 12, 13, 20, 21, 22, 23, 24, 30, 31, 32, 33 and 34.

Source: OECD, 2016

2 DIOC uses the International Standard Classification of Occupations (ISCO) based on two main concepts: the kind of work performed and skill. ISCO has evolved multiple times since its first introduction in 1958. In structuring occupations, ISCO first looks at jobs that require similar tasks and duties, and then considers the function or complexity of the tasks involved (ILO, 2004a). Skill is not simply based on formal education, but incorporates informal training and experience workers acquire through work itself. The International Labour Organization performed detailed examinations to translate national occupational classifications to their scheme.

FIGURE 3:

Women Domestic Workers by Country of Birth, 2000



Source: OECD, 2016^{3,4}

In addition to these specific occupational codes, there are some concentrations of women migrants in particular sectors, such as domestic work, manufacturing,³ services (low-skilled and high-skilled), and agriculture,⁴ which have highly gendered work practices and labour market realities. According to the DIOC-E, among the estimated 700 thousand women migrant workers in agriculture in the OECD in 2000, more than a third (37 per cent) were born in Africa. The top five countries of birth for women migrant workers in agriculture were India (53,100), Burundi (36,300), Indonesia (26,300) and Liberia (25,100).

3 The ISCO-88 records manufacturing workers under all 700 (craft and related trades workers) and 800 (plant and machine operators and assemblers) codes as well as manufacturing labourers (code 932) (ILO, 2004c).

4 The ILO's ISCO-88 uses all 600-level (skilled agricultural and fishery worker) codes for agricultural work in addition to agricultural, fishery and related labourers (code 92) (ILO, 2004c).

There were at least 2.8 million women migrant workers in formal employment in manufacturing in 2000. Of these women migrant manufacturing workers, 74.7 per cent were born in Europe or Asia, with the top five countries of birth being Russia (150,600), the United Kingdom (127,900), Ukraine (126,200), Kazakhstan (94,600) and China (84,900).

The map in figure 3 displays the concentration of women migrant domestic workers by country of origin. There are also at least 5.6 million women labour migrants formally employed in domestic work⁵; 69.5 per cent of these domestic workers were born in Europe or Asia, with the top five countries of birth being Mexico (285,113), the Philippines (203,500), China (176,200), India (127,800) and Russia (99,400).

5 The ISCO-88 records 50, 51, 90 and 91, including personal care workers (code 513) and domestic and related helpers, cleaners, (code 913) (ILO, 2004c).

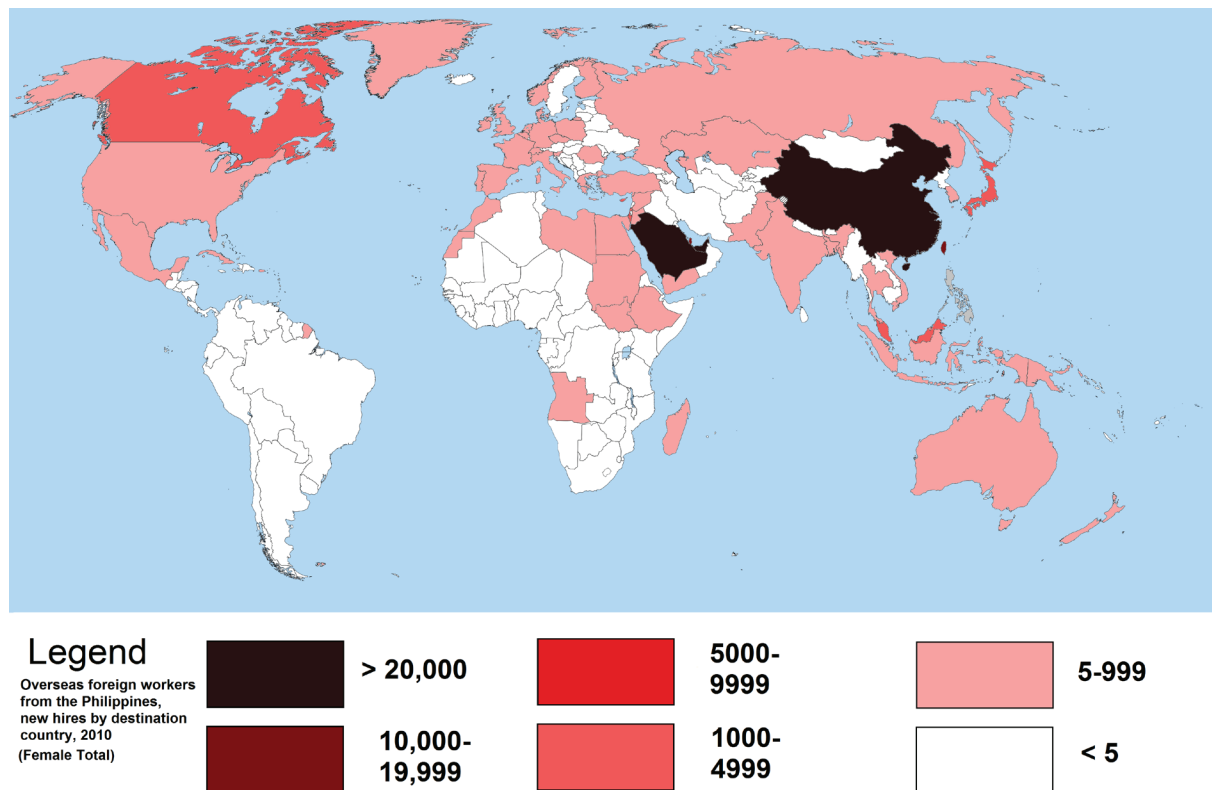
The geographical spread of women migrant workers from the Philippines is significantly dispersed, with some concentrations in Asia, the Middle East and Canada.

Statistical estimates generally capture only those migrants who have traveled through regular migration channels with recognized migration status in countries of destination. As a result the number of WMWs employed with undocumented status, working in informal sectors, is conservatively estimated.

The Philippines

From the Spanish Polo system, to the British occupation of Manila from 1762-1764, people in the Philippines have experienced a variety of labour and economic systems (Tyner, 2009: 15, 17). The United States acquired the Philippines as a result of the Spanish American War in 1898; a strategic move for the Americans in an effort to exert power in that region of the world (Tyner, 2009: 21). These relations and systems have structured contemporary labour migration from the Philippines. More than other countries, the Philippines has been engaged in overseas migration for work for centuries, and the notion of going abroad for work has been a dominant facet of their culture for at least a century.

FIGURE 4:
Overseas Women Migrant Workers from the Philippines by Destination Country, 2010



Source: POEA, 2010

The Philippines' migration bureaucracy is a distinct feature of their overseas employment. The Philippines is often touted as a 'model' of migration management. State-sponsored overseas employment for four decades has resulted in the multiple government agencies tasked with functions ranging from pre-employment to reintegration (Encinas-Franco, 2015: 24). Labour out-migration has influenced Philippine foreign policy; the protection of the rights and welfare of overseas Filipinos is one of three pillars of Philippine foreign policy as enshrined in the Philippine Foreign Service Law of 1991 (Republic Act 7157). The law that governs the entirety of the Philippines' migration governance is the Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, and its amended version, the Republic Act 10022. Figure 4 shows the distribution of Filipino WMWs around the world. China and the Kingdom of Saudi Arabia (KSA) each host more than 20,000 WMWs in 2010. Taiwan

is a destination to more than 10,000 Filipino WMWs followed by Canada, Japan and Malaysia with more than 5,000 Filipino WMWs in 2010.

Philippines Migration Indicators⁶

- Total Residents: 100,699,400 (World Bank, 2015)
- Migrant Stock in Country (Thousands): 213.150 (World Bank, 2015)
- Nationals Living Abroad (Thousands): 6.001.696 (World Bank, 2015)
- Per cent of Nationals Abroad: 6% (World Bank, 2015)
- Remittance Inflows (Millions Current USD): 28,483 (World Bank, 2016)
- Remittance Outflows (Millions Current USD): 153 (World Bank, 2016)

TABLE 4:
Counts and Changes in Migration Indicators by Decade, 1970-2010⁷

Indicator/Year	1970	1980	1990	2000	2010	Change	Linear Trend
Migrant Stock in Country (Thousands)	217	122	136	322	435	100%	6 (±9)
Nationals Living Abroad (Thousands)	401	981	2049	3083	4276	967%	99 (±20)
Per cent of Nationals Abroad	1.1	2.1	3.3	4	4.6	308%	0.08 (±0.02)
Remittance Inflows (Millions Current USD)	N/A	626	1465	6961	21369	N/A	672 (±99)
Remittance Outflows (Millions Current USD)	N/A	12	5	21	N/A	N/A	2.9 (±1.5)

Data source: World Bank, 2010

In 2010, the percentage of nationals living abroad reached 4.6 per cent of the population with a visible increase in flows of remittances over the last 30 years (See Table 4). Filipino women are prevalent in the

gender-segregated labour force, working as domestic workers and helpers, nurses, and caregivers/caretakers (See Table 5).

6 World Bank, 2015: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2015, and Annual Remittances Data World Bank, 2016: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2016, and Annual Remittances Data

7 Notes: Numbers rounded to nearest integer for migrant stocks and remittances and change; nearest first decimal place for per cent national abroad. Linear trend error is for a 95 per cent confidence interval.

TABLE 5:

Deployed New Hires by Major Occupational Category and by Sex, 2000-2013

Skills Category	Male	Female	Not Stated	Total
1.Domestic Helpers and Related Household Workers	1,661	159,563	3,172	164,396
2.Nurses Professional	2,209	12,746	1,449	16,404
3.Waiters, Bartenders and Related Workers	7,201	7,356	266	14,823
4.Charworkers, Cleaners and Related Workers	4,357	7,455	270	12,082
5.Laborers / Helpers General	10,961	593	338	11,892
6.Wiremen Electrical	9,032	88	419	9,539
7.Plumbers and Pipe Fitters	8,235	43	316	8,594
8.Welders and Flame-Cutters	7,483	58	226	7,767
9.Cooks and Related Workers	3,520	3,412	158	7,090
10. Caregivers and Caretakers	377	5,900	189	6,466

Table source: Encinas-Franco, 2015: 1

Data source: POEA, 2010

Mexico

Mexico is most often understood as a country of emigration, but over the last decade Mexico has also increasingly been recognized as a country of transit and of immigration.

In 2010, the Mexican Population and Housing Census recorded 968,147 persons born abroad, an amount that represents less than 1 per cent of the national population (INM, 2013). From this number 49.6 per cent are women. Even though there are variations depending on the type of migratory category, these women are mainly young (of working age), with low levels of literacy and/or only a few years of education.⁸ Mexico's legal and social system is responding to this shifting migration pattern, but many governance gaps remain. In the case of women migrants from Central America, many remain in Mexico, either by intention or due to

truncated labour migration routes that result from increased security and border control along Mexico's Northern border with the US. Many of these migrants reside in the Southern state of Chiapas. Among women born in Guatemala residing in Chiapas, about half (49 per cent) are engaged in domestic work, 15 per cent are agricultural workers, 12 per cent are traders and 9 per cent are street vendors. Honduran residents in Chiapas, meanwhile, are mainly engaged as traders (42 per cent) in domestic services (37 per cent) and miscellaneous services (12 per cent), and the Salvadorans living in Chiapas engage mainly in household services (65 per cent) and, to a lesser extent, traders (15 per cent), industrial workers (8 per cent) and work in agriculture (7 per cent) (IMUMI, 2014).

A greater percentage of Mexican nationals live abroad: from 2 per cent in 1970 to 10 per cent in 2010. At a slower rate, the migrant stock in Mexico has grown from 194,000 to 726,000 in 2010 (See Table 6).

8 UN Women, *Women migrant workers' human rights (2015)*. Available from: <http://www.unwomen.org/es/digital-library/publications/2015/01/las-trabajadoras-migrantes-centro-americanas-en-chiapas>.

Mexico Migration Indicators⁹

- Total Residents: 127,017,220 (World Bank, 2015)
- Migrant Stock in Country (Thousands): 1103.460 (World Bank, 2015)
- Nationals Living Abroad (Thousands): 13.220.345 (World Bank, 2015)
- Per cent of Nationals Abroad: 10.4% (World Bank, 2015)
- Remittance Inflows (Millions Current USD): 26,171 (World Bank, 2016)
- Remittance Outflows (Millions Current USD): 811 (World Bank, 2016)

TABLE 6:
Counts and Changes in Migration Indicators by Decade, 1970-2010¹¹

Indicator/Year	1970	1980	1990	2000	2010	Change	Linear Trend
Migrant Stock in Country (Thousands)	194	269	345	499	726	274%	13 (±6)
Nationals Living Abroad (Thousands)	1033	2579	4744	9551	11,859	1048%	286 (±100)
Per cent of Nationals Abroad	1.9	3.7	5.5	9.2	10.1	417%	0.2 (±0.07)
Remittance Inflows (Millions Current USD)	N/A	1039	3098	7525	22,080	N/A	836 (±137)
Remittance Outflows (Millions Current USD)	N/A	11	N/A	N/A	N/A	N/A	N/A

Data source: World Bank, 2010

Moldova

Moldova had a large percentage of its population living abroad at 24.14 per cent in 2013 (World Bank, 2013). The projected growth of the Moldovan population for the year 2050 is negative with a decrease in its population in part due to emigration. In the last 20 years, remittance flows have increased seven-fold. By 2015, remittance flows reached 1.533 billion USD, representing 23.406 per cent of the GDP, which is 6.55 billion USD (World Bank, 2016).

It is estimated that between 25 and 40 per cent of economically active Moldovans have migrated or are currently engaged in migration (Vremiş et al.,

2012: 29). Women accounted for 35.9 per cent of labour migrants in 2014 (NBS, 2014), and tended to be engaged in longer term emigration; while men have tended to be more involved in short term labour migration (Vremiş et al., 2012: 29).

Moldova has developed a National Strategy on Migration and Asylum (2011-2020) with an Action Plan for implementation, as well as the Law on Labour Migration which came into force in 2008. There has been recognition at the government level, however, that more could be done to make these policies and laws more gender-responsive.

Despite efforts to regulate labour migration there are serious gaps in Moldova's legal migration system; some of them are manifested in national governments and regional frameworks, while others are grounded in socio-cultural structures. The consequences of these gaps are grievous; and can contribute to individuals participating – whether by their own agency

⁹ World Bank, 2015: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2015, and Annual Remittances Data World Bank, 2016: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2016, and Annual Remittances Data

¹⁰ INM, 2013.

¹¹ Notes: Numbers rounded to nearest integer for migrant stocks and remittances and change; nearest first decimal place for per cent national abroad. Linear trend error is for a 95 per cent confidence interval.

or by means of coercion – in illicit migration systems, increasing vulnerabilities, precarities and putting their rights in jeopardy. Moldova is still identified as a country of origin for human trafficking. Prior to 2001, Moldova had little, if any, legislation to properly address human trafficking (Catana, 2014: 5). Between 2001 and 2010, an anti-trafficking NGO in Moldova received 48,000 calls to its hotline and referred at least 500 victims of trafficking to support services (Interview with Moldovan NGO, November 2014).

Moldova Migration Indicators¹²

- Total Residents: 3,554,150 (World Bank, 2015)
- Migrant Stock in Country (Thousands): 391,508 (World Bank, 2013)
- Nationals Living Abroad (Thousands): 859,400 (World Bank, 2013)
- Per cent of Nationals Abroad: 24.2% (World Bank, 2013)
- Remittance Inflows (Millions Current USD): 1,533 (World Bank, 2016)
- Remittance Outflows (Millions Current USD): 154 (World Bank, 2016)

TABLE 7:
Counts and Changes in Migration Indicators by Decade, 1970-2010¹²

Indicator/Year	1970	1980	1990	2000	2010	Change	Linear Trend
Migrant Stock in Country (Thousands)	421	489	583	478	408	-3%	-0.4 (±8)
Nationals Living Abroad (Thousands)	453	441	594	643	771	70%	8.4 (±4.4)
Per cent of Nationals Abroad	17.3	15.1	19	20.3	24.4	41%	0.1 (±0.1)
Remittance Inflows (Millions Current USD)	N/A	N/A	N/A	179	1351	N/A	118 (±20)
Remittance Outflows (Millions Current USD)	N/A	N/A	N/A	46	79	N/A	3.6 (±1.5)

Data source: World Bank, 2013

Estimating Trafficking

The estimation of trafficking suffers from gaps and inconsistencies in data collection. Namely, many trafficked individuals travel through informal channels and are disproportionately concentrated in informal sectors, which can lead to an underestimation of data on trafficked individuals. The current definitions of human trafficking,

as employed by the Trafficking in Persons reports, can be traced to policy instruments in international law that were shaped by historically gendered social constructions. The 1949 UN Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others explicitly constructed trafficking along gendered lines by directly associating trafficking with prostitution of women and children (OHCHR, 2015). This definition was extended with the introduction of the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations, 2015). The extensions included a broader conceptualisation of coercion as well as the addition of forced labour, slavery, servitude, removal of organs and child labour as forms of exploitation (ibid. Articles 3a-c). The protocol represented the operationalization of trafficking, translating the definitions of trafficking and victim of trafficking into a set of applied procedures and tools, including global data collection, in the early 2000s.

¹² World Bank, 2015: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2015, and Annual Remittances Data World Bank, 2013: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2013, and Annual Remittances Data World Bank, 2016: World Bank – Bilateral Migration Database, Bilateral Migration Matrix 2016, and Annual Remittances Data (all stats)

¹³ (Vremiş et al., 2012: 24).

¹⁴ (Vremiş et al., 2012: 24).

¹⁵ (Vremiş et al., 2012: 24).

¹⁶ (Vremiş et al., 2012: 24).

¹⁷ Notes: Numbers rounded to nearest integer for migrant stocks and remittances and change; nearest first decimal place for per cent national abroad. Linear trend error is for a 95 per cent confidence interval.

Global data on human trafficking is sparse and often unreliable. Researchers compiling data on trafficking face significant obstacles in addition to constraints associated with compiling other types of migration data. Similar to migration data collection, much of the trafficking data is absent or insufficient to describe the phenomenon at hand (Bijak, 2011: 16-17; Hennebry and Preibisch, 2010: 16; Massey and Zenteno, 1999), and is collected through various measurement techniques, which can render the data invalid or unreliable. Human trafficking data also has many data gaps that can increase error and bias in estimating statistics or can render estimation infeasible in some cases (Greene, 1993: 275). Different definitions, divergences in recording and reluctance to report are substantial issues in reporting trafficking data (Ellis and Wright, 1998: 129-131; Rogers, 2008: 276-283; UNODC, 2014).

Many reports that estimate human trafficking numbers aggregate disparate data to achieve a larger sample size over a wider geographic area. However, mapping definitions to equivalent concepts strips substantial information and leads to bias (Massey and Capoferro, 2009: 259-265). Furthermore, most demographic instruments are not designed to measure populations in irregular situations (Anderson and Nilsson, 2009: 169-170; Heckmann, 2009: 286; Hoffman and Lawrence, 1996: 35-42), which can also render collection of this data even more difficult.

Finally, a hindrance in collecting trafficking data surrounds the blurred theoretical division between what constitutes trafficking versus smuggling (Laczko, 2002). As will be demonstrated throughout this report, the boundaries between the two are often unclear, and exploitation cannot reasonably be reduced to a dichotomy or only assigned to specific types of persons or labour.

Collectively, these limitations severely constrain the use and collection of trafficking data, and necessitate careful and thoughtful interpretation in analysis. While these issues can deem the collection of exact human trafficking data difficult to obtain, many international organizations continue to generate estimates on these numbers to inform policy

makers and governments about the magnitude of the phenomenon.

The United Nations Office on Drugs and Crime (UNODC) states that victims of trafficking come from 127 countries and get trafficked to 137 different states (UN General Assembly, 2012). While the linkage between trafficking and sexual exploitation tends to be strongly made, it is important to note that not all trafficked individuals are exploited by the sex trade. In 2012, the International Labour Organization (ILO) estimated that 14.2 million individuals were victims of various forms of forced labour, excluding sexual labour (UN General Assembly, 2012). The majority of trafficking for sexual exploitation disproportionately impacts women and girls, as they constitute 98 per cent of all sexually exploited trafficking victims (UN General Assembly, 2012). The International Organization for Migration (IOM) estimates that between 700,000 to 2 million women and children are trafficked internationally every year (Tavcer, 2006: 136).

Furthermore, cross-border or international trafficking is more likely to involve sexual exploitation. The ILO estimates that 74 per cent of internationally trafficked persons are associated with forced sexual exploitation (UN General Assembly, 2012). The concentration of trafficked individuals also varies geographically. For instance, trafficking from Eastern to Western Europe is estimated to constitute a quarter of worldwide trafficking (Tavcer, 2006: 135). Africa has the highest proportion (62 per cent) of trafficked children worldwide (i.e. those under 18 years of age), followed by South and East Asia (36 per cent), the Americas (31 per cent) and Europe (18 per cent) (UNODC, 2014). Trafficking in forced labour is most common in South and East Asia (64 per cent of all persons trafficked into forced labour worldwide), whereas sexual trafficking is most frequent in Africa and the Middle East (53 per cent of all persons trafficked for sex) and Europe and Central Asia (66 per cent) (UNODC, 2014). The Americas reported parity in forced labour and sexual exploitation trafficking (UNODC, 2014: 34). While trafficked individuals can originate from a variety of countries, they are also concentrated from certain parts of the world, and can face misconceptions surrounding their country of

origin. For instance, determining the country of origin of migrant sex workers in Israel is very complicated, as 46 per cent of those considered ‘Russian’ prostitutes are actually from Moldova, many of whom have travelled under the historically more easy-to-obtain Romanian passport (Tavcer, 2006: 137). This further reinforces the issues with properly classifying trafficking data and skews states’ ability to properly address this phenomenon (See Hennebray et al, 2016).

Situating Migrant Women at Work

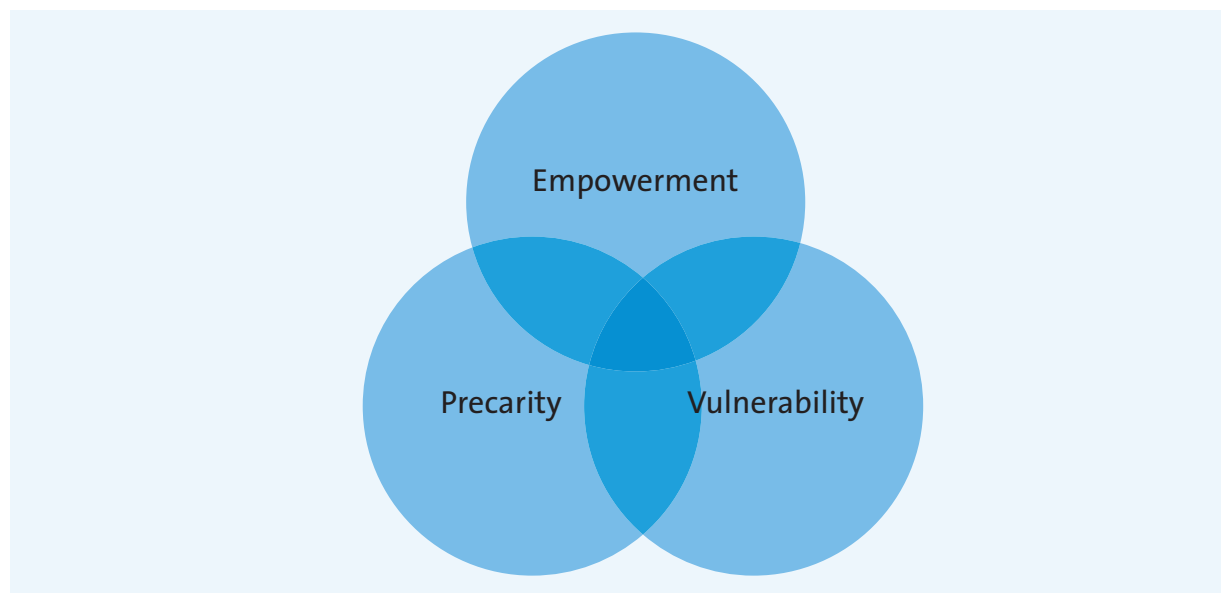
WMWs embody transnationalism. They traverse sending and receiving countries, simultaneously engaging with new societies, cultures and work while maintaining ties with family, friends and communities in countries of origin. They are embedded in global labour markets, supply and value chains, transportation infrastructures, labour mobility and social protection regimes. This report, and the work that informs it, has a foundation based in critical theories such as feminist epistemology and transnationalism.

We begin with some important assumptions about gender, power and migration. An obvious starting

point from a feminist standpoint (See Hartsock, 1983), is that gender is socially constructed, and that material life differentially structures, sets limits, and has differential outcomes for women and men – and that these structures are (re)produced by gender norms and discourses.

Multiple factors contribute to vulnerability and precarity, which can be experienced by WMWs, including (but not limited to) the intersections of race, ethnicity, gender, class, sexual orientation, and other differentiations. Essentially, while migrants face direct forms of physical violence, exploitation and abuse, embedded forms of structural violence are also present throughout their journey. Structural violence in the context of migration can be understood as social influences that can damage a migrant’s well-being, constrict their choices, limit their agency and prevent them from being able to meet their most fundamental needs for self-actualization (Kleinman, 2000; Farmer et al., 2004; Jácome, 2008). These systemic and structural factors can manifest themselves in various forms, like lower wages for migrants, stigma, racism, sexist procedures, omnipresent threat of deportation and barriers to legal and social institutions (Guruge and Khanlou,

FIGURE 5:
Intersecting Realities



2004; Svensson et al., 2013; Bhuyan and Smith-Carter, 2010). State responses to these vulnerabilities have been wholly inadequate and many government policies exacerbate these realities, or even create them, due to the restrictive and discriminatory nature of government policies, particularly in immigration law and security practices (Anderson, 2012; Rojas-Wiesner and DeVargas, 2014). What emerges is a system of intersecting oppressions, or what feminist scholar Patricia Hill-Collins might call a “matrix of domination” (1990), in which a dynamic and interlocking set of social structures come together in ways which affect the living and working conditions of migrant women (affecting their relationships, opportunities, options for resistance, etc.).

Such a dynamic system produces the conditions under which WMWs may experience moments of precarity, vulnerability, and empowerment at different points in their migration trajectory – even simultaneously (See Figure 5). These are not mutually exclusive experiences, nor are they defining for women. Indeed, WMWs may encounter conditions of work which are precarious, or where there is a heightened vulnerability to exploitation or harm; but these conditions do not mean that these women are themselves ‘vulnerable women.’ Further, women may experience both some degree of precarity and empowerment simultaneously (e.g. in a contractual employment relationship in which the employer has withheld wages, but the WMW is working actively with a labour union or civil society organization to demand better employment conditions or that contractual obligations be upheld). This simultaneity of social/work experiences is by no means unusual, but there is a tendency to locate women into static positions or to essentialise their vulnerability as women workers.

Empowerment is different from agency. WMWs exercise their agency throughout the entirety of their migration experience. The circumstances of their work and personal lives, among other factors, can empower or disempower them and limit or constrain agency, but cannot take it away. Yet, WMWs are all too often portrayed as having little or no agency within the world economy, either at the macro-level as passive

victims of the supply and demand of global labour markets, or as isolated actors engaging in ‘everyday resistance’ at the micro-level (Piper, 2008: 256). The unique structures, practices and discourses across labour market and citizenship contexts differentially enable empowerment. Everyday agency or resistance for migrants often extends well beyond the micro-level, to the transnational level (as women exert agency throughout their migration trajectories and across borders). Indeed, much of the collective action, which can and has influenced national, regional and global governance and policy, has involved transnational networks (Piper, 2005c as cited in 2008: 256) including a range of civil society organizations or collectives (often across borders).

Understanding Rights: Intersecting Roles, Relationships and Regulations

Throughout the remainder of this report, our rights based approach conceptualizes rights (both *de jure* and *de facto*) as contingent upon **Roles, Relationships and Regulations** (the 3Rs). By following a feminist epistemological approach, this report can explore how gender influences and affects the 3Rs. It is not sufficient to demonstrate the unequal treatment of WMWs, their lack of voice, and the stereotypes that constrict their empowerment; this report seeks to deconstruct, using the 3Rs, the gendered structures that (re)produce the conditions that increase vulnerability and precarity for WMWs, as well as inhibit the promotion of their human and labour rights.

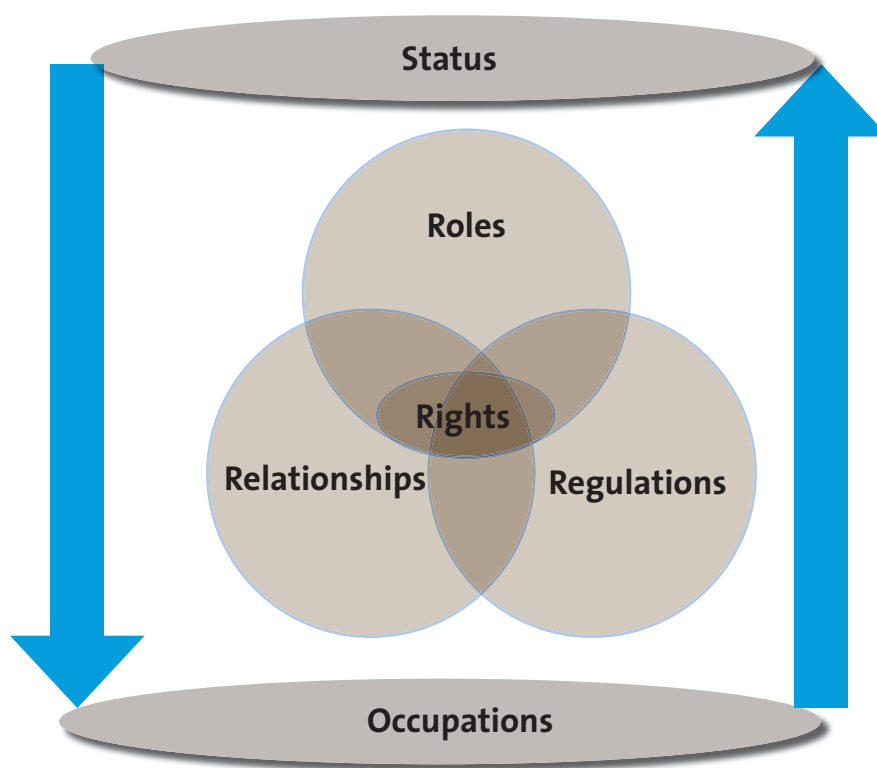
“Many migrant women, for example, pose as men, they cut their hair, they tape their breasts [to cover them], or pretend to be lesbians. It is a strategy that they also use to not be noticed by men. They project a masculine identity and men do not approach because they think they are lesbians.”

(Interview with a Woman Migrant Shelter Volunteer in Mexico, October 2014)

As Figure 6 demonstrates, the formulation of labour and human rights mechanisms and protections, as well as work and social structures and practices, are heavily framed by **Roles** and representations (i.e. patriarchal standards, normative beliefs and values, cultural structures, gendered notions of work, etc.); the formation and practices of **Regulations** (i.e. rules and programmes, international, domestic and foreign laws, bi/multilateral arrangements, etc.), and the interactions with a range of actors (i.e. employers, civil society, recruiters, smugglers, etc.) who take part in the migratory process (**Relationships**).

These pillars are mutually constructive of each other, whereby a migrant’s experience may influence rules in the workplace, or can change her standing in the community, thus shaping norms. Similarly, these pillars impact the human and labour right systems formulated to protect workers, and the existence (or absence) of these rights can, to varying degrees, impact social norms, laws and legal frameworks, and the everyday living and working reality of migrants.

FIGURE 6:
Interaction Between the 3Rs, the State and Work



Further, these pillars are embedded in, (re)produced by, and indeed, partly constitutive of larger structures and systems (e.g. global political economy, gendered hierarchies of power, etc.). In part, the objective of

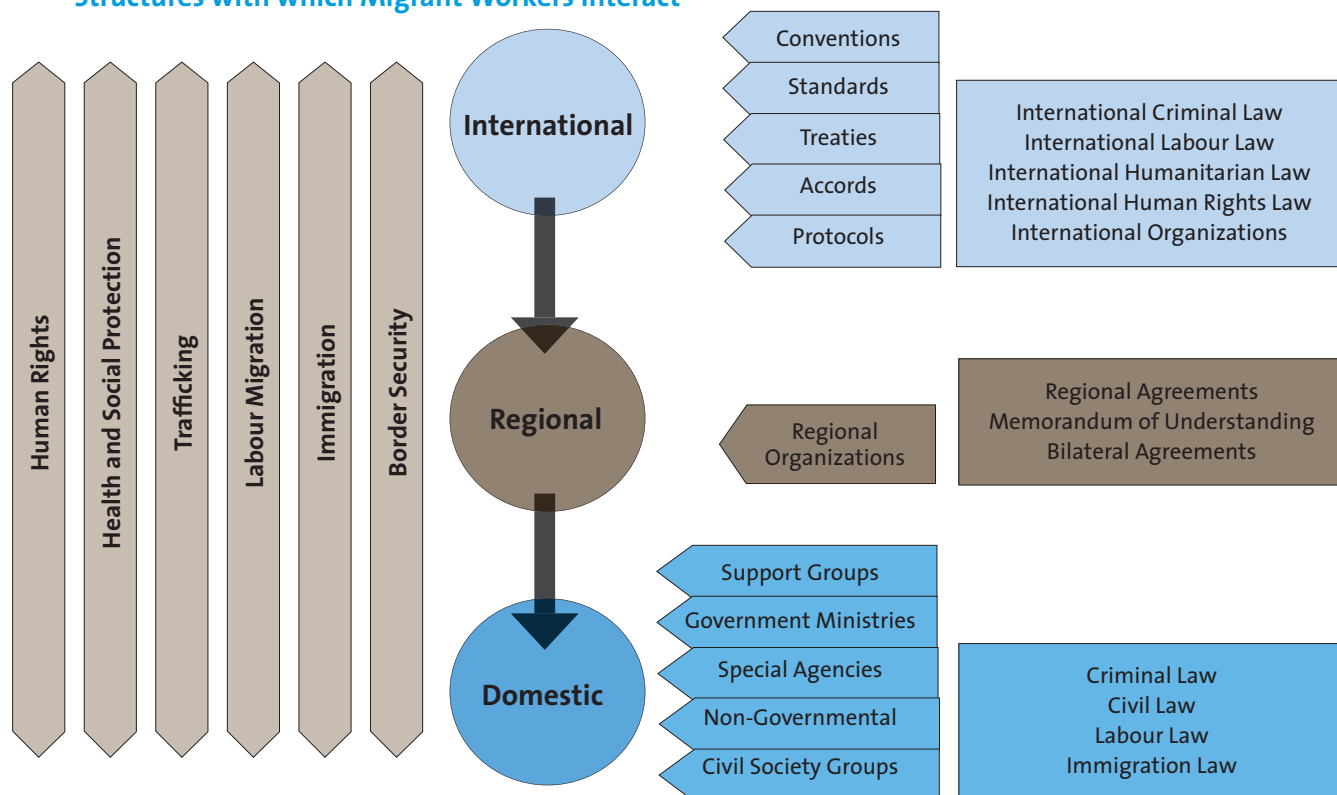
this report is to understand how these material and discursive structures interact with and are manifested in the everyday working and living of women migrant workers.

Women Migrant Workers and Governing Frameworks

To highlight how various structures affect WMWs, it is important to dissect the myriad ways that regulatory frameworks, legislation and governing practices can intersect to (re)produce oppression and/or create conditions for empowerment. The way in which policies and legal frameworks have developed over time, whether incorporating or focused on gender or not, is critical to examine as well; gender impacts the processes that lead to frameworks as much as frameworks affect gender, and in turn WMWs and

their experiences. Some structures have deliberately emerged that focus on women, or WMWs; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has extremely specific recommendations pertaining to WMWs, which aim to increase the protection of WMWs' rights and to facilitate their agency. Other structures affect WMWs whether or not they are intended to, such as provisions for special export processing zones that prohibit collective bargaining of workers. Immigration and labour frameworks are excellent examples of contexts that have profound interaction effects with WMWs.

FIGURE 7:
Structures with which Migrant Workers Interact



Regulatory frameworks, in the form of policy and laws, can have impacts, both by their absence and their presence. They can be formulated and implemented independently or in collaboration by sending or host countries (typically in the form of bilateral or regional

agreements or understandings), and they can pertain to a range of areas (e.g. labour, migration, civil, criminal, etc.), which have consequences for the rights of women migrant workers. Policy itself is gendered (and its formulation has been influenced by other social

hierarchies), and it in turn can (re)produce gender hierarchies that intersect with material inequalities (e.g. disparate wage levels).

Laws are implemented in an attempt to codify rules to make a safer or more gender-sensitive workplace. Provisions against unpaid overtime and discriminatory hiring practices are important to promoting or facilitating a safe and productive workplace. However, the day-to-day reality for women in the workplace remains one in which difficult conditions of employment and lax regulatory frameworks create precarity. These conditions, in turn, create spaces in which vulnerability and danger are still present for women (Lu, 2011: 74-75).

The highly complex and numerous interactions WMWs have with frameworks happen before they leave (pre-departure), as they are in transit, when they work abroad, and well after they return home. The absence of frameworks (i.e. the lack of gender-sensitive labour policies in a country) has profound effects on WMWs due to the void of mechanisms or tools available to them to address challenges or problems. Such absences of substantive policies or authorities can be deliberate; there may be political, cultural or economic reasons (however inappropriate and damaging) against putting in place measures that would protect the rights of WMWs. Beyond the appropriateness, strength and capacity of the wording of these frameworks, there is much variability in their application.

De facto and *de jure* distinctions are critical in the efficacy of structures that interact with WMWs in any way. For instance, a domestic labour migration law that prohibits charging WMWs a fee for employment contracts may appear suitable from a *de jure* perspective. However, when examining the *de facto* application of that law, it can be seen that recruitment agencies find other means to extract fees from WMWs, such as charges for paperwork or résumé assistance. Additionally, the provision for monitoring and evaluation of frameworks is critical. Be it a policy or bilateral agreement, mechanisms and resources for evaluation should be built into any guiding document. Similarly, measurable indicators for compliance integrated into a review process are important components.

All of these dimensions vary depending on context; whether women are located in countries of origin, in transit, or working abroad, their interactions with formal structures will differ. This report will briefly explore these interactions drawing on global comparative examples and rooted in three case studies: Mexico, Moldova and the Philippines.

International Frameworks

There are numerous international frameworks that apply to WMWs (See Hennebry, et al., 2016), either directly or because WMWs are within their purview at some point during their migration journey. International frameworks require implementation through domestic law and policy. Domestic laws attempt to enshrine the stipulations of international conventions, but each country may manifest them in a different way. For this reason, WMWs interacting with frameworks at this level face an uneven landscape where in one location, the strength of a framework is quite apparent, while in another it may be completely non-existent. For example, rights to social protection for women migrants and their families vary considerably from one country to the next, despite broad-based consensus around the Social Protection Floor initiative and Recommendation 202 that accompanies this initiative (ILO, 2013b; Hennebry, 2014a).

With respect to international frameworks pertaining to WMWs, there is an uneven terrain of rights protection. Early ILO conventions specifically focused on migrant workers have had patchy levels of ratifications. For instance, ILO Convention 97 was put in place to address labour migration in postwar Europe after World War 2, and has been ratified by 49 countries to date. Similarly, ratified by 23 countries, Convention 143 was adopted to alleviate the issues and abuses faced by workers migrating through irregular channels in the 1970s..

Following on this historical pattern of weak ratifications to some degree, two recent targeted instruments, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and ILO's Domestic Workers Convention, 2011 (No. 189), have

also had minimal uptake at international levels with the majority of ratifications among migrant sending states. In December of 1990, the United Nations (UN) passed the ICRMW, providing a new human rights instrument that would protect the lives of migrant workers regardless of status by placing responsibility on state parties to the Convention to provide migrants with equal treatment to citizens. The ICRMW, despite its good intentions, did not come into force until 2003, when it finally received the necessary signatures (20) by state parties, and almost no receiving states have signed the convention to date. ILO Convention 189 (C189), was entered into force in 2013. This convention highlights decent work standards for domestic workers through outlining the need for rest hours, entitlement to minimum wage, and ability to choose where they live. C189 also specifically sets out guidelines for state parties regarding private employment recruitment. When the Convention was proposed in 2011, it was met with overwhelming support, with 396 state delegates voting in favour and only 16 voting against. Nevertheless, there are only 17 ratifications of C189 (See Figure 11). Though the Convention addresses important sector-specific vulnerabilities and issues faced by migrant domestic workers, its sparse international recognition poses a problem to the protection of rights of migrants, and specifically WMWs, who comprise a large proportion of the domestic work sector. For instance, whilst ICRMW was ratified by Mexico in 1999, they have yet to ratify C189. One of the key challenges facing states in the acceptance and the implementation of C189 is the need to regulate private spheres (i.e. homes of private individuals) as work places. Comparatively, states have been quick to ratify the UN Convention against Transnational Organised Crime and the Palermo Protocols, and implement anti-trafficking frameworks at national levels (See Hennebry, et al., 2016). The impacts of such anti-trafficking frameworks are discussed in more detail later in this report.

One important and often underestimated instrument for protecting the rights of women migrant workers is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and General Recommendation No. 26 (GR 26) on women migrant

workers. CEDAW represents a crucial normative framework for the protection and empowerment of women globally, particularly those exposed to violence, abuse and discrimination, and is especially applicable for women in vulnerable situations. CEDAW was adopted by the UN General Assembly with 130 votes for and zero against with ten abstentions. It came into force the next year and was the fastest UN human rights convention to enter into force to that date, with signatories from the majority of countries worldwide. As such, CEDAW and GR 26 are particularly valuable tools which can be employed to strengthen protections for the rights of WMWs, and can be used as a touchstone for formulating and evaluating regional, bilateral and national level governance frameworks pertaining to labour migration.

Bilateral Labour Agreements

In addition to national and international frameworks, bilateral agreements, Memoranda of Understanding (MOU) and other commitments are common instruments employed to manage labour mobility. Similar to international frameworks, these too encourage participating states to draft legislation that support the terms of the MOU. However, unlike international frameworks, these agreements expire, are commonly non-binding, and have no automatic monitoring or enforcement mechanisms. Power relations, especially imbalances between states at the regional and international levels, play a large role in how these frameworks interact with WMWs. Receiving countries are often in a position of greater leverage than migrant sending countries; sending countries are quick to draft laws to protect their citizens while receiving countries have little incentive (besides international/regional agreements and media attention) to do the same.

Bilateral labour agreements (BLAs) have increasingly become the preferred method of managing flows of labour migrants into receiving states and have been lauded as having the potential to create 'triple-win' scenarios for sending states, receiving states and migrants themselves (IOM, 2012). However, migrant workers continue to experience violations of labour and human rights. Despite their obvious contributions

to host societies, migrant workers are often marginalized and face barriers to basic services and social protection, even when such agreements are present (Hennebry, 2014a).

Increasingly, many migrant workers gain ‘temporary’ forms of employment through managed labour migration programmes or similar regimes. Under such categorization (as temporary migrant labour), they are vulnerable to exploitation and to employment contracts that favour the employer at the expense of the migrant worker. Increasingly, such temporary labour migration categories are being employed by governments to manage labour flows. For example, governments of Belgium, Cyprus, Hungary, Luxembourg and Slovenia, issue work permits of limited duration (Ambrosini and Barone, 2008); in Finland, migrant workers are employed in the public sector in some areas where temporary employment contracts have become normalized (Ambrosini and Barone, 2008); and in Canada there are numerous categories for entry as a ‘Temporary Foreign Worker’ into a range of sectors (such as caregivers or agricultural workers) with numbers of temporary migrants surpassing permanent migrant flows in recent years (Hennebry, 2014a; 2012). Within this landscape, bilateral labour agreements and Standardized Employment Contracts (SEC) have been cited as tools to increase migrants’ access to rights. Yet, these agreements represent trade-offs where rights are negotiated in return for labour market access.

The key question in understanding BLLAs and their effect on women migrant workers is in what ways particular governance mechanisms are ‘better’ for whom, and how they enable ‘management’ for what interests (Hart, 2006). There is considerable variation on what goes into a BLA or BLLA, which can impact the type and scope of protections it offers migrants. For instance, a bilateral social security agreement between Spain and Morocco extends to cover migrant domestic workers. However, in general, many migrant domestic workers remain excluded from social security mechanisms and systems. Other agreements don’t have the necessary detail to address concerns that arise from an organized movement of workers, or are more pragmatic rather than focused on rights.

“There are a lot of agreements that are thin on operational aspects and on implementation. They’re basically a Memorandum of Understanding between two countries that they’ll cooperate on labour migration. Some of them are very vague and very short. Others are more detailed, of course. But it’s more of a will to basically sit at the table and discuss these issues, and let’s get an agreement together and we’ll work out how to implement it.”

(Interview with the Head of Labour Migration and Human Development, IOM, June 2014).

There is a range of bilateral agreements focused on facilitating labour migration, many of which focus on recruitment and labour market insertion, and most are either gender neutral or gender blind. The Mexican-Canadian Seasonal Agricultural Workers Program (SAWP) is governed by an MOU that is entirely pragmatic and operational in nature. In this case, the bilateral agreement serves as a tool to provide access to international labour markets/labour migrants. However, this agreement does not provide stipulations pertaining to rights or social protection. Very few bilateral agreements have a specific focus on women migrant workers. The Philippines-Kingdom of Saudi Arabia agreement pertaining to domestic workers signed in 2013 on the heels of a human rights scandal with wide media coverage provides an interesting case where tangible gains in protecting rights of women migrant workers are evident (e.g. establishing that employers shall not withhold migrant passports), but fall considerably short of international human rights frameworks (e.g. CEDAW, Convention 189). Further, its main purpose is to facilitate the flow of women migrant workers into the labour market for a given time period, into a given occupation. Other agreements, such as those between India-Saudi Arabia, Indonesia-Malaysia, Bangladesh-Jordan, Morocco-Spain, have specifically been aimed at women migrant workers in domestic work.

Overall, such labour migration agreements tend to be sector or occupation specific, do not challenge employer power, do not typically provide broad-based protections aimed at ensuring access to health care or other services, are largely unenforceable, expire, and are specific to a group of migrants (usually stipulating gender and skill level expectations) from a given country, resulting in embedding rights differentiations by country of origin, gender and skill level, into the governance of labour migration. Finally, bilateral labour agreements serve as 'band-aid' measures, which do not address the underlying issues and practices that have led to exploitation or human rights violations in the first place.

Standardized Employment Contracts

At present, Standard Employment Contracts (SECs) are used in countries/regions like: Hong Kong, Jordan, Lebanon, Malaysia, Singapore and the Philippines. However, they are not human rights-based and have a range of gaps and/or lack clarity. For instance, in Jordan, hours of work and conditions around safe and healthy work are not outlined, increasing the risk of exposure to vulnerability and exploitation. The UAE in their standardized contract fails to provide any rest days: and while in Singapore, a notice of termination is not included in the contract.

The need to establish a model contract of employment for domestic work was made explicit in the ILO Recommendation 201 concerning Decent Work for Domestic Workers; paragraph 6, no.3, 2011. In relation to contracts in general, where there has been a general deregulation of labour markets (for example, cutting back on legislative protection of labour markets), the common law contract of employment as a source of rights and duties of the relevant parties gains more relevance (Vettori, 2016).

Migrant domestic workers are affected by a general lack of regulation of their workplace and/or lack of clarity in their employment contracts. Their vulnerable position is compounded by abusive employers with the right to limit their mobility, permissive laws that

are hard to enforce in a private space (such as a home), and a general devaluation of domestic work. Around 80 per cent of care and domestic workers are women (ILO, 2013). There is typically little ability to negotiate working conditions, and one bad review from an employer could ruin the woman's chances of finding future employment (Hondagneu-Sotelo, 2003).

A SEC for migrant domestic workers, based on international conventions and guidelines, can become a tool for advocating for the rights and social protection of domestic workers. Specifically, a SEC:

- Enshrines the migrant domestic workers' right for a written employment contract that is legally binding and enforceable in the destination country (as made explicit under Article 7 and 8 of C189 and paragraph 3 of ILO Recommendation 201).
- Affirms domestic workers as employees with the same rights and labour standards as other workers. (For example: in Hong Kong, the title of 'domestic helper' shows little recognition of the contribution made to the household, subordinating the worker in the relationship making it easier for exploitation and abuse to happen).
- Provides a form of protection for migrant domestic workers that are excluded from coverage under the labour law of countries of destination.
- May assist stakeholders to be clear on the terms and conditions a worker is entitled to, and therefore may empower migrant domestic workers by providing a tool that can be used to 'judge' an employer, and it would help limit deception from recruiters.
- Can serve as a point of reference to resolve labour disputes, facilitating arbitration and other labour resolution processes (Migrant Forum in Asia, n.d.).

There are still unscrupulous practices during the contracting process that limit the effectiveness of SECs, such as: the absence of a contract, lack of specifics in the contract (e.g. details about wage rates, housing, benefits), the worker not being given a copy of the contract,

the contract is in a language that the worker does not understand, contract terms are misrepresented to the worker, contract substitution happens often and is unchecked (Migrant Forum in Asia, n.d.). In addition, workers may also be asked to sign other agreements with recruiters that may be utilized to pressure workers to void contracts, or shy away from contract disputes (such as agreements to file labour complaints in order to guarantee future employment via the recruiter, or the return of deposits or other fees).

Bilateral frameworks also tend to be established with little consultation with civil society stakeholders (other than employers) or migrant communities. BLAs and SECs are only as good as the enforcement and willingness of receiving countries and employers to implement measures and protect rights. As such, the protection of the rights of migrants remain dependent on the national human rights frameworks and labour law, regardless of the existence of bilateral agreements.

National Frameworks

At the domestic level, there are several layers to unpack regarding WMWs' interactions with governance frameworks. Indeed, many legal frameworks, policies, agencies and other structures are a result of states aiming to meet international and regional commitments. There is considerable variability across countries, with approaches to governance being unique to each state, such as the presence of specific government agencies, levels of government, NGOs or laws that pertain to WMWs in a given country. These layers at the domestic level overlap and may or may not be coherent across jurisdictions at regional and local levels. For example, in Canada, migrant workers enter the country under the Temporary Foreign Worker Program and the Immigration and Refugee Protection Act (IRPA), which falls under federal jurisdiction and pertains largely to entrance, security, and the offer of employment; but the everyday realities of working in Canada are more directly impacted by provincial and municipal level governance (i.e. access to health care and insurance, access to collective bargaining rights, housing standards, labour legislation, etc.) (Hennebry, 2010; 2012).

Navigating such a jurisdictional quagmire can pose significant challenges, and have very real consequences for WMWs' access to rights. For WMWs, their labour and human rights do not always extend evenly across transnational spaces and into other countries (e.g. unemployment insurance, paternity benefits, and health care are typically only accessible when the migrant is working and present in a host country and do not continue when the worker returns home). Awareness of the ways such temporal, spatial and jurisdictional factors impact WMWs' rights can help to reduce negative interactions with frameworks. For example, freedom of association and collective bargaining are key to enabling empowerment and agency for WMWs, but protection of such rights varies by sector, region and country. This is true whether a worker is documented or undocumented, formal or informal. In particular, transnational collective activism or networking is a critical component to promoting rights of WMWs.

Understanding if and where frameworks exist at domestic, regional or international levels, and how to access these rights while at home, in a country for work, or traveling between, can help WMWs claim their rights. Yet there are significant barriers to accessing rights and protections for women migrant workers, which are far greater than lack of knowledge or language. Indeed, factors such as lack of, or weak proactive enforcement, insufficient regulation of recruitment, uneven collective bargaining rights (particularly in sectors such as agriculture and domestic work), as well as the reality that those in precarious situations (e.g. undocumented or afraid of losing work) may be too afraid to exercise even those rights that are enshrined in law (See McLaughlin and Hennebry, 2015), which pose particular challenges to claiming rights and social protections.

The following sections follow a 'typical' woman migrant workers' journey through stages of migration and return, providing perspective on the extent to which WMWs experience precarity, vulnerability and empowerment as they cross borders and jurisdictions, across a range of sectors with concentrations of WMWs.



PART II:
Women Migrant
Workers' Journey

This section begins by tracing the stages of migration undertaken by many women migrant workers, from deciding to migrate, securing employment, documentation or transportation, working and living, and returning home. The majority of this section concentrates on the experiences of women migrants as workers – engaging in both formal and informal work as they plan, navigate and manage their transnational lives.

Gender is embedded in all aspects of migration, impacting options, decisions and outcomes. Labour migration, labour markets, regimes of work and workplaces are highly gendered. In addition, categories of entry, recruitment practices, housing, interactions with other workers, relationships with employers and interactions with the state are also immensely gendered. As such, WMWs empowerment, vulnerability and precarity is subject to gender implications within both formal and informal employment and migration sectors. While both male and female migrants are frequently subjected to exploitation along their journeys to work, women migrants encounter situations of gender-based discriminations and violence distinct from men (Pessar and Mahler, 2003; Oishi, 2005; Petroziello, 2013).

Throughout each stage of their journey, WMWs encounter a range of formal and informal actors and contexts which can impact their rights, including recruitment agents, employment contexts, means of travel to and from their host country, etc.

The following section begins by introducing three iconic women migrant workers, whose journeys through the margins illustrate the complex realities of women working abroad. Each subsequent section will carry through their stories, compiled from primary and secondary sources, forming case studies of the everyday experiences of women migrant workers as they navigate borders, policies and perceptions throughout their migrant journey.

PRE-MIGRATION

Tala

Tala is the eldest daughter of a large family that lives in a small rural town in the Philippines. She has had a difficult couple of years of economic hardship and has been physically and verbally abused by her husband. Tala has a two-year old daughter for whom she works hard to provide a good future, and she is constantly concerned about her daughter's well-being and her exposure to violence at home. She says that she is unhappy in her marriage, but she feels trapped since the Filipino legal system does not allow for divorce and prevalent norms in her community prevent her from separating from her spouse (Lichauco De Leon, 2014).

She states that cultural oppression, domestic violence and her desire to provide a better future for her family led her to join many migrant workers who work in the domestic sector in Saudi Arabia. Before migrating, Tala participated in the mandatory training seminars (officially known as the Pre-departure Orientation Seminar or the PDOS), where she met other women migrating to secure a better future for their families. During her training for deployment, she said she heard rumors of exploitative circumstances in some Gulf countries. Yet, she expected the work to provide her with an alternative to her situation and thought the extra earnings would improve the economic stance of her family.

Izel

Izel is in her mid-twenties and originally from Honduras. The decision to leave her country of origin was an emotionally difficult one since she has a teenage son who she had to leave behind. She expressed

that leaving her son, while he cried and told her not to go, was the hardest thing she has had to do in her life. Her principal reasons for embarking on this journey were two-fold. First and foremost, she wanted to

provide for her family back home. The United States was her country of destination, specifically Houston, Texas, where she has three cousins waiting for her, all of whom have found work, albeit as undocumented migrants. The second reason was to bring her son to the United States because of the never-ending threat of violence. She made it clear that Honduras is a very dangerous country and young males are at a greater risk of being recruited or co-opted into local gangs or 'pandillas'.

In terms of the journey, she knew the trip would be difficult, especially because she had heard about the journeys of her three cousins before her. So there was much mental preparation prior to departure. She was also newly pregnant before her departure. She took some solace in knowing that she would be travelling with her husband who had already travelled to the United States a handful of times but had been deported. In order to travel to the US rapidly, they had planned on taking the train, nicknamed 'La Bestia' (the beast). However, when they arrived in Mexico, they were told that the Mexican authorities had been conducting regular patrols to stop migrants trying to illegally attempt entry to the US, under the Plan Frontera Sur (Southern Border Plan) announced by the Mexican President Enrique Peña

Veronyka

Veronyka was just 19 when she was trafficked; older than some of the other girls in her rural village in Moldova. She had overheard family and friends talk of how they had gone to work abroad, but no one was talking happily about them leaving. Shortly after Veronyka left, she understood why.

After finishing secondary school, Veronyka could find little work around her village; mainly odd jobs helping some other families with chores. Her family's finances were always a point of concern for her parents, who fought often about money and work. When a family acquaintance offered to arrange work for Veronyka in Italy as a care worker for a wealthy family, her father and mother were enthusiastic, and encouraged Veronyka to take the offer. She wasn't earning much at home or using

Nieto (Gutiérrez, 2014; Pskowski, 2014). They concluded that taking the train would heighten their risk of deportation before they even reached the US, and decided to find other modes of transportation that would prolong their journey but offer them a better chance of reaching their destination.

The first part of the journey appeared to go smoothly. Izel claimed that she was lucky because they were able to take buses as their primary mode of transportation and, during this five-day journey from Honduras to the south of Mexico, their buses were never stopped by 'the migra' (migration authorities) or by the police. Unfortunately, when they were close to Ixtepec, Oaxaca, Mexico, they encountered a gang of five men who began to chase them. She was not fast enough and got caught while her husband was able to hide in the bushes. They took her into the woods, surrounded her and asked her to take off her clothes; they were going to rape her. She began to do as they asked but pleaded with them to let her go because she was pregnant. And all of a sudden, they did let her go, "God saved me because they let me go" she expressed. In shock and completely disoriented, she did not know where to run to but managed to reunite with her husband.

her education. Work abroad would surely pay better, she'd get to travel and maybe learn some skills that would help her get a job upon her return. Though there were stories and rumours about how these offers were deceptive, they came from other villages. Plus, her father assured her this acquaintance was a trustworthy individual.

So Veronyka left her family, went to Chisinau and got on a plane. She arrived in Romania, where she was supposed to meet the family friend, who would take her on to Italy and her work. Two men met her there and took her passport, only giving it to her when she needed to present it to the authorities. They told her to do as they said, or else her family would be harmed. The men said little, except to tell her that she had been sold and would be working in a home in Italy.

The Decision to Migrate for Work

A complex set of factors, including global trends, transnational ties, existing policies and incentive structures, and economic and social influences, affect a woman's decision to migrate for work. Her social and economic status, personal circumstances, desired career objectives and preferred country of destination will further impact migration decisions and trajectories (Cerrutti and Massey, 2001: 189). Some may be primarily motivated by the prospect of economic gains, while another may place a heightened importance on existing transnational ties as well as promise of economic opportunities. A migrant may also be initially encouraged to migrate for economic reasons, but throughout the migration process, may be further incentivized to remain in a country of destination due to the presence of other factors, such as the promise of permanent residence or family/social connections in the destination country.

It is difficult to conclusively identify the motivations behind migration (Cerrutti and Massey, 2001: 189). Since the factors that impact a woman's decision to migrate for work are multifaceted and multi-dimensional (i.e. individual factors, social factors and global trends), this section of the report aims to touch on some of the most prominent features that impact WMWs' decision-making process.

Macro Factors Influencing Migration

Social and economic realities in source countries can bear a large influence on women's decision to migrate for work. For instance, shortages in available jobs, poor working conditions, limited opportunity for professional development, and low wages have worked to motivate many Filipina nurses to migrate (Lorenzo et al., 2007; Kline, 2003: 108). At the same time, global nursing shortages and increasingly favourable recruitment conditions and promises of permanent residence have also enticed many Filipina nurses to work abroad (Lorenzo et al., 2007). Increased migration flows from Moldova also have some parallels with

“Women who come in these flows with whom we have contact, come motivated by perhaps four things: some are fleeing the violence in their countries, others come pregnant in hopes of giving birth in the United States and having an American son or daughter and with that have a little more assurance that they can stay there, other women go for family reunification and others for economic reasons - looking for jobs in the United States.”

(Interview with the Director of Servicio Jesuita a Migrantes, November 2014).

nurse migration from the Philippines. Heightened social and political instability, rapidly rising unemployment and reduction in wages have resulted in poor domestic labour market conditions (Kaşka, 2005). As demonstrated by the vignettes above, the existence of such macro realities can intersect with ongoing global trends, like shortages in the healthcare and caregiving sectors, to provide individuals with an incentive to migrate.

In other instances, where there is some available employment in the domestic labour market, women's lack of equal access to meaningful employment can be a factor in their decision to migrate (Vijayarasa, 2012: 61). For instance, despite having the same training as men, women in Moldova are disproportionately excluded from the labour market, with the majority of unemployment impacting women (El-Cherkeh et al., 2004: 79-80). Additionally, employed Moldovan women earn less money than men, face workplace discrimination, and they tend to work longer hours per week in comparison to their Western-European counterparts (El-Cherkeh et al., 2004: 80). This may be because of the prevailing stereotypes in Moldovan society where men earn the money and women attend to domestic duties (Vaculovschi, 2015: 6). For this reason, many Moldovan women are responding to the increasing demand for female labour in European countries and are migrating to take jobs in the domestic sector, health centres, or as entertainers (Kaşka, 2005).

However, gender stratification of domestic labour markets does not impact all individuals uniformly. In some instances, this phenomenon can push women to migrate to improve their economic status, while in other cases it can act as a factor that reconstitutes the gender roles assigned to women, and can have the impact of discouraging migration. For instance, in Mexico, the presence of gender stratification is especially prevalent in manufacturing and maquiladora industries. In the 1980s and 1990s, there was an increase in demand for women in these industries (Kanaiaupuni, 2000: 1319). However, the social depiction of women as ‘unambitious’ and ‘untrainable’ manifested in their recruitment for low-skilled jobs, excluded them from skills training, and denied them entry into higher skilled positions (Wright, 1999). Increasingly, these industries became entities that benefit from women’s perceived disadvantages, as women exclusively saturated the low-skilled and tedious positions with limited opportunity for growth (Koggel, 2003: 173). As a result, many women in these sectors remained economically dependent on their husbands and their participation in the labour market did not necessarily result in their improved social status (Kanaiaupuni, 2000: 1319). In this context, some women migrate to generate income, usually on a needs-basis as secondary earners at times of economic downturn (Kanaiaupuni, 2000: 1319). In the Moldovan context, it is notable that the traditional role of women is replicated in the labour they undertake overseas, with 43 per cent of Moldovan women migrant workers in domestic help, and 59 per cent working in unskilled work, arguably doing little to address this gender stratification of roles (Vaculovschi, 2015: 7). The prevalence of unskilled work for women labour migrants has led to many professionally skilled Moldovan women engaging in unskilled work. In 2013, 14.2 per cent of migrant women from Moldova had a higher education, whereas only 1-2 per cent of them worked in sectors that required that level of education (Vaculovschi, 2015: 8).

Overall, existing realities in source countries can be an impetus in an individual’s decision to migrate. Some of the domestic factors that influence a woman’s decision to migrate for work revolve around economic

incentives. Indeed, the presence and the search for new economic opportunities have long been identified as a driver in international migration (Arya and Roy, 2006: 10). While the gender stratification of the domestic labour market may influence some women to migrate for work, it is important to note that these economic realities function within larger social structures and gender relations to impact an individual’s decision-making process. In other words, the presence of similar domestic factors may encourage some women to work and others to remain in their country of origin. Although many migrant women are incentivized by the promise of economic gain through migration, the extent to which this is an imperative factor depends on the migrant’s socio-economic status, prevalent notions around gender, chosen industry, and desired standard of living, among other things. Assuming that most women migrate due to poverty is a simplified notion that does not account for the realities of a wide array of migrants. For instance, many nurses migrate to acquire new skills and to improve their social standing, as well as to increase their earnings (Kline, 2003: 108).

Social Factors Influencing Migration

The factors impacting migration interact with social context, expectations and existing gender systems and relations (Kanaiaupuni, 2000). Since the decision to migrate is commonly not made in a social vacuum, often a migrant’s family and community, along with other social factors, influence this process. These factors include cultural norms and values, commonly

“The main motive is to give their children a better life and to give them opportunities of which their country cannot give them. For instance, they always give the same example – ‘my son or daughter’s birthday arrives and I cannot buy a cake or a gift because I have no money’. And for them, it is super important that at least all the basic needs of their children are covered.”

(Interview with a Woman Migrant Shelter Volunteer in Mexico, October 2014)

accepted beliefs, societal conventions and historical and structural factors (Cerutti and Massey, 2001; Boyd and Greico, 2003). These may influence not only a woman's decision to migrate, but also how they migrate and with whom it is appropriate to migrate (Boyd and Greico, 2003).

For instance, in Mexico, the decision to migrate is related to gender and household position, and as such, migration is not a realistic option for some members of the family (Cerutti and Massey, 2001: 190). Although increasingly becoming less common, sexual division of labour is still prevalent in the country (Canudas-Romo, 2004: 2). Therefore, societal understandings surrounding gender norms also influence the migration patterns of Mexican women. Research demonstrates that older and married women have a lower propensity to migrate, and for Mexican women that do choose to migrate, family reasons are the main motivation (Cerutti and Massey, 2001; Canudas-Romo, 2004). Essentially, once married, women are more likely to migrate for family reunification purposes. In this social context, duties assigned to women, like caring for other family members, can discourage women from moving (Broughton, 2008).

While social factors may make international migration difficult for some married Mexican women, the same pattern does not seem to be present for single young women in Mexico (Cerutti and Massey, 2001; Massey et al., 2006). These migration patterns seem to align more closely with those of male members of the family, suggesting that the same social norms and structures do not apply to them (Cerutti and Massey, 2001: 192-3).

In the Philippines, international migration of women as overseas workers is a well-documented phenomenon, with Filipino women considered among the most mobile women in Asia (Lauby and Stark in Encinas-Franco, 2015: 17). Though previously discussed economic factors are a large reason for this migratory pattern, the rapid increase of movement also has roots in the social acceptability of migration for work. Social factors such as the tradition to have domestic workers in Filipino homes from the lower-middle

class encouraged the internal migration of women. Enhanced by the pull of women into feminised jobs in light manufacturing, the movement of women for work became more commonplace than men (Encinas-Franco, 2015: 17). In many instances, women are encouraged by parents to enter professions like nursing, and subsequently, are encouraged by their families to migrate in order to increase the family's socio-economic status (Alonso-Garbayo and Maben, 2009; Salami et al., 2014). The legacy of female mobility, equal education and exposure to globalisation can help to explain why there is an acceptance that Filipino women will and should seek better opportunities overseas (Encinas-Franco, 2015). In contrast to the Mexican case, the social patterns that prevent married women from migrating seem to be absent in the context of the Philippines. This may have to do with a combination of the heavily migration-dependent economic context of the country, the demand for overseas workers in care industries, and institutionalization of migration and the presence of pro-migration policies and programmes that result in a "culture of migration" (Asis, 2006).

Indeed, a favourable political approach to migration can provide many individuals with an increased incentive to migrate. The Philippines provides an excellent example of an active government policy framework in terms of sending women overseas for work. Migration for work is seen to hold the potential to alleviate local unemployment and yield economic benefits for migrants' families (Asis, 2006). Indeed, official Filipino policies recognize these supposed benefits of migration (Hennebry et al., Forthcoming; Barber, 2000: 400).

Labour migration policies in the Philippines can take on both supportive and regulatory roles. For instance, to support and facilitate the temporary movement of its citizens, labour migration is a policy priority of the government in many negotiations (O'Neil, 2004). Further support is provided through pre-migration training programmes to educate prospective migrants on social and work circumstances in destination countries, as well as some social protection measures (Battistella and Asis, 2011). The government also attempts to regulate the labour migration of citizens

to bolster the high-quality 'brand name' of migrant labour, to protect nationals from abuse, and to ensure the steady flow of remittances (O'Neil, 2004).

However, the effectiveness of source country policies can be bolstered, or lessened, by the presence of migration programmes or incentives in destination countries. For instance, the Canadian Caregiver Program (formerly called the Live-in-Caregiver Program or LCP) offers migrant workers who enter under the programme access to permanent residence after fulfillment of residency and employment requirements. Conversely, some countries like South Korea or Japan, maintain high skill-level requirements for immigrants, with very limited opportunities for permanent residency (Asis, 2003).

The incentives created by government policies are augmented with the presence of transnational networks in destination countries. The presence of migrant networks, a social link between the source and destination country that facilitates the migration process, can have a positive influence on an individual's decision-making process (Massey and Espana, 1987). In Canada, for instance, the presence of church-based Filipino networks, friends and kin can provide migrant women with a community and aid them during their transition process (Barber, 2000). Mexican migrants have also been shown to leverage their networks during the migration process and to get jobs once they have immigrated (Livingston, 2006). As demonstrated in Izel's story above, migrants can also rely on other individuals who have undertaken the journey previously, to map out their own expectations and trajectories.

The decision to migrate can also have roots in gendered violence and abuse. Indeed, many women are motivated to move abroad to escape marginalization or violence (Segura and Zavella, 2007). Women can be impacted by different forms of violence, in a direct (individual) or structural fashion. This type of abuse can occur at a specific instance or last throughout a woman's lifespan. For instance, in some cases, abusive male behaviour is socially tolerated or normalized, and legal migration may provide women with a way

out of this relationship (Parreñas, 2001: 67). In the Philippines, "legal restrictions and the burden of cultural expectations... constrain the option of women to leave abusive husbands permanently," thus making migration a viable option for some of these women (Parreñas, 2001: 67). Political and economic instability have also generated social factors for migration from Moldova, with an increasingly disenfranchised youth seeking opportunities outside a country they do not feel any patriotic bond with (Vaculovschi, 2015: 12).

"Others migrate because they are victims of domestic violence and want to leave their country because they have no protection from the government."

(Interview with a Woman Migrant Shelter Volunteer in Mexico, October 2014).

Women may be compelled to migrate due to a range of economic, social and personal factors. As noted above, macro factors in source countries, like the levels of development, labour force participation or access to employment can impact decisions to migrate. Similarly, the presence of international trends, such as the 'care deficit', that created women's exit from the private sphere, can support these trends and encourage migration flows (Ehrenreich and Hochschild, 2002). Although the macro-level factors of source countries can play a role in women's decisions to migrate, migration patterns demonstrate that the factors that push women to migrate are much more complex and multifaceted. Indeed, many women migrant workers are not from the poorest countries in the world, and most are relatively well educated with previous access to middle-class jobs in their home country (Ehrenreich and Hochschild, 2002).

Since an individual does not decide to migrate in an isolated context, socio-cultural factors also play an important role in shaping the decision of migrants. Gender norms and gender equality levels will impact a woman's role and status in her family and community, and can be an important indicator of the opportunity she may have to migrate. Further, such gender norms may encourage some types of labour migration, and

not others. Indeed, as norms are also embedded into policies of both sending and receiving states, flows are facilitated through programmes or categories that are highly gendered (e.g. caregiver programmes, etc.).

Preparing to Migrate

Migrating for work requires a substantial amount of organization and labour by migrants and their families (Hennebry, 2014b); such preparatory work can involve a range of formal and informal tasks and a host of private and public actors. Much work precedes, and indeed is required to facilitate migration, such as the procurement of documentation, preparing applications, having medical examinations, engaging a recruiter or labour broker, finding employment, securing care for children in their absence, etc. Indeed, when many women migrate to find work, they also must find an individual to take care of their dependents, a role usually taken on by other women in the family or greater community (Yeates, 2009). Searching for a suitable caregiver for dependents can be time-consuming and may cause women further stress.

Migrating, whether regularly or irregularly, typically requires a host of documents that are often procured via brokers to facilitate border crossings, transiting through a country, arriving in the host country, and finally remaining in the host country. Berg and Tamagno (2013) found that individuals migrating from Peru to the United States informally would need about 20 documents in order to properly migrate and obtain residency in their destination. These included visa applications, false marriage or birth certificates, passports with change of photograph, stolen foreign passport to the country of destination, or *visa lavado* (washed visas) which involved a technique of treating passports with chemicals in order to more accurately falsify the document (196). Similar fees are required in many other contexts. For example, Guatemalan women transiting through Mexico pay numerous fees from departure to arrival in the U.S., depending on the method of transport, and to coyotes working for organized criminal groups. In some instances, women migrants may use sex as a currency to continue on

their journey (Angulo-Pasel, 2015: 20, 29; IMUMI, 2014; IMUMI, 2015).

Using her body as a form of currency – a form of payment: “...Or to find someone who will protect them during the trip on the train or on the road, or to pay the ransom to organized crime groups [if they are kidnapped] or to prevent security forces from deporting them. And, unfortunately, because of the culture of Mexican machismo, it is very clear that an irregular women migrant is very vulnerable in this regard and thus very easily they abuse them.”

(Interview with the Director of Servicio Jesuita a Migrantes in Mexico, November, 2014).

Preparing to migrate may also involve physical and emotional labour. For instance, parents who ready themselves mentally for prolonged separation demonstrate a psychological form of preparation. To prepare their children, migrant women may choose to have a conversation with them about the various benefits associated with working abroad (Asis, 2005: 26). Depending on their chosen industry and status, many migrant women may also feel the need to mentally prepare themselves for the journey that lies ahead. This preparation may involve obtaining more information about their country of destination, engaging with other migrant women or physical preparation (i.e. many women traveling through Mexico take birth control to prevent pregnancy in the likely event of a sexual assault during the journey) (Angulo-Pasel, 2015).

Mediating Migration and Encountering the Border

Throughout their migration journey, WMWs encounter many physical and political borders as they navigate through a range of legal and regulatory requirements and obstacles across sending, transit and destination countries. Further, such regulatory frameworks (involving a host of institutions, structures, rules, policies and regulations) may also increase their vulnerability to

exploitation or rights violations (See Hennebry et al., 2016). For example, *Programa Frontera Sur*, also called *Programa Paso Seguro*, is a programme implemented by President Enrique Peña Nieto in the summer of 2014. Formally, it is a programme between Guatemala and Mexico, which had the principle objective of managing the inflow of migrants from Central America that are transiting through to the US. While on paper, the programme seeks to guarantee migrants' human rights and protect regional security, in reality, the programme offers these individuals little protection while in-transit (as seen in the case of 'Izel' throughout this report). Essentially, the programme serves to promote and advance the border security logic as it paves the way for harsher control over migrant populations, especially those that are 'unauthorized'. A dominant narrative associated with this programme is that of reinforcing security; the creation of more order and enhancement of regulation. Thus, this programme facilitates the securitization of migrants by creating biometric databases; in order to obtain this temporary visa, migrants have to be willing to register biometric information with the Mexican state (Angulo-Pasel, 2015: 8).

To navigate through such myriad regulatory and legal frameworks, WMWs may leverage their networks to gain information about migration processes, access funding and other forms of assistance. These networks can provide migrant women with important knowledge around recruitment, mediate access to employment, or with crossing borders, preparing or obtaining documentation, etc.; and they can also expose migrant women to heightened risks of violence, exploitation and human rights violations. Indeed, as migration policies become more restrictive and complex, migrants increasingly turn to intermediaries to assist in their trajectory across borders for work. Recruiters, smugglers, employment agencies, migration consultants and a range of other formal and informal agents which comprise the burgeoning migration industry—a set of public and private actors operating in the boundaries of licit and illicit, which seek to facilitate various components of the migration process (See Hennebry, 2008; Preibisch and Hennebry, 2013; Sørensen, 2012). The migration industry is not necessarily curtailed by

the presence of heightened border controls and stringent migration management policies, rather it grows and develops in relation to these structures, and often in response to needs of migrants as they attempt to navigate restrictive migration policies or border control (Sørensen, 2012: 69).

State Involvement in Recruitment

Many states have sought to capitalize on the economic development and remittance potential of migrants by becoming actively involved in the promotion of migration for labour (Massey, 1999). One of the ways in which states involve themselves in the migration process is through participation in, and control over, recruitment practices. State involvement in recruitment can be encapsulated in creating the avenues (i.e. programmes and policies) for labour migration, and in the regulation (or the lack-there-of) of actors involved in recruitment.

Some states, like the Philippines, are actively involved in both the regulation of recruitment and, to a lesser extent, the act of recruitment itself. Government policy in the Philippines seeks to push migrants towards legal channels for migration through a transnational bureaucracy composed of the Philippine Overseas Employment Association (POEA), the Department of Foreign Affairs (DFA), Department of Labour and Employment (DOLE), and the Overseas Workers Welfare Association (OWWA). The main functions of the POEA include regulating the recruitment industry, facilitating employment through outward migration, and worker protection. The agency facilitates migration through publishing job advertisements and employer's contact details on its website, and monitors the agency's status (Ruiz, 2008: 1). The POEA grants permits to private recruitment agencies, receives complaints against recruitment agencies, implements incentives and penalties for recruiters, assesses overseas job advertisements, and supervises the government's initiatives that aim to tackle illegal recruitment (POEA, 2015). The OWWA is primarily responsible for ensuring the well-being of Overseas Filipino Workers (OFWs) and their families (OWWA, 2015).

Keeping with its obligations under CEDAW and C189, the Philippine Congress has passed several laws (e.g. the *Magna Carta for Women*) aiming to address discrimination against women (Aguiling-Pangalang, 2015: 4). The Philippine government has also been active in international treaty processes such as CEDAW, ICRMW and the ILO Convention C189, and has been active in the Global Forum on Migration and Development (GFMD), the Abu Dhabi Dialogue, and the Colombo Process (Encinas-Franco et al., 2015). At the regional level, the Association of Southeast Asian Nations (ASEAN) has agreed to a common legal framework for protecting migrant workers, which includes the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Encinas-Franco et al., 2015: 9). However, several contradictions with CEDAW exist in national Philippine law (Encinas-Franco, 2015: 25-31). For example, deployment bans occur in times of conflicts in destination countries and during media reports of exploitation. Deployment bans are generally imposed on women and are meant to serve as 'protective policies' (Carling, 2005: 9-12), yet directly curtail women's mobility rights. Further, the emigration of Filipino women to non-signatories of CEDAW is common, and indeed, the Philippines has signed BLLAs with such countries (e.g. Saudi Arabia). Finally, pre-employment processes in the Philippines often charge fees to WMWs.

Even with these measures, there are still overseas foreign workers who migrate through illegal channels. The government seeks to reduce this phenomenon and ensure that the individuals contribute to the growth of the Philippine economy through the use of regulation. Furthermore, the recruitment of individuals in this context tends to be highly gendered, whereby many women are recruited in order to fill traditionally gendered occupations and roles in the labour market.

The Philippines has a well organized civil society, and CSO/NGO participation is enshrined in both the 1987 Constitution and RA 8042. Migrant rights organizations representing WMWs are represented in government agencies, but little information is made available as to what extent their recommendations are considered in international processes.

Moreover, the voices for migrant women themselves are seldom included in the policy making process (Encinas-Franco, 2015).

Furthermore, the regulation of certain aspects of the recruitment experience to protect the labour and human rights of migrants can often be contradictory to the state's desire to promote labour migration and economic development (Ball and Piper, 2002). States like the Philippines that are intimately involved in overseas foreign workers' migration experience through maintaining and imposing certain standards, still pass along much of the responsibility to employers, employees and private actors (Ball and Piper, 2002). For instance, the Government of the Philippines has a policy around full disclosure that applies to government and private agencies to divulge all relevant information around the migration processes. While this policy aims to provide individuals with increased access to information, it also displaces much of the responsibility to do so on private organizations and on to migrants themselves (Ball and Piper, 2002).

In some cases, major migrant sending governments can also put political pressure on receiving states to properly regulate their recruitment sector. For example, the Government of Philippines put pressure on the Kingdom of Saudi Arabia in the form of a bilateral arrangement to strengthen cooperation and establish appropriate recruitment practices to reduce the instance of abuse of migrant workers (Philippine Government Official Press Release, 2013). However, for receiving states, government involvement in migration tends to be heavily focused on various aspects around management, and negate the gendered vulnerabilities that migrants face during this portion of the migration journey.

Seasonal migrant worker programmes are an example of an approach to migration management which tends to encapsulate not just the regulation of migration flows, but also management of the recruitment process (Sandoval, 2013). This is the case with the Seasonal Agricultural Worker Program in Canada, for example, which has involved sending governments in the management of recruitment since its inception in

the late 1960s and early 1970s. Yet, as discussed in more detail below, since the 1970s there has been a growing presence of private sector actors and organizations in management of seasonal migration for employers, such as assisting them in preparing applications and fulfilling requirements, facilitating communication with sending governments, etc. (Hennebry, 2008).

Overall, during the 1970s, states had been more intimately involved in the recruitment of migrants to fill their domestic labour needs (Abella, 2004), however, there has been a recent shift to privatize these recruitment activities. This results in many private and quasi-private organizations acting as brokers or mediators in migration processes. For instance, private recruitment agencies may work within and around international norms or conventions, bilateral or regional agreements, and national policies in sending and receiving countries to negotiate arrangements between groups of migrant workers and employers. Alternatively, large corporations or organizations can also act as mediators in migration by recruiting temporary migrants to fulfill their labour needs. While involvement with these actors may seem like a choice, the sheer presence of a growing migration industry increases the exposure of migrants to myriad actors that operate within the boundaries of private/public and legal/illegal.

Private Recruiters, Employment Agencies and Other Intermediaries

Since the 1990s, governments have pulled away from carrying out recruitment for labour migration, and instead there is growing reliance on private employment agencies and recruiters which range from formal organizations operating under government supervision and regulation to informal networks (Fernandez, 2013). Women migrants can be exploited through the utilization of these employment agencies, even if they are formally sanctioned by the state. Hondagneu-Sotelo's (2007) work on migrant domestic workers in Los Angeles highlighted that recruitment agencies, often run by former migrants, can keep migrants in the dark about what to expect from their employers, charge them

illegal fees to search for jobs, and not carry through on promises of job placements, or place women in dangerous and exploitative situations. Many of these private employment agencies are elsewhere considered 'ungovernable' (Fernandez, 2013: 832) because they are so pervasive and provide such an important service. Thus, even before they depart their country of origin, women migrants are vulnerable to the exploitative practices of recruitment agents.

While these agencies are often framed as a resource to provide women with guidance and security, some agencies can take advantage of their relative power and exploit the precarious circumstances of migrants. For instance, some agencies may leverage the economic state of migrants and their families to prevent them from complaining about working conditions (Faraday, 2014).

In many instances, migrants also have to pay for recruitment and other intermediary fees. Some migrants will take loans from family members or they may sell various items. Some agencies may take advantage of the precarious state of migrants and pass along additional costs normally paid by the employer, like placement fees, to the migrants (Asis, 2006). During this process, migrant women and their families may also incur debt which may later be deducted from their salaries by recruiters or agents (Asis, 2005). In other cases, especially when women face a longer deployment process, they may choose to find interim work to be able to finance their migration journey (Asis, 2005). Women may accept jobs with poor working conditions in order to repay the debt incurred during the preparatory process. In this way, financial burdens of migration can place women in a precarious situation and can increase their vulnerability to exploitation in the workplace. Whilst the Philippines has sought to address this issue by banning placement fees for domestic workers and limiting fees to the equivalent of one month's salary for other workers, excessive placement fees are still prevalent, especially in Hong Kong (Encinas-Franco, 2015: 35).

Despite the perceived lack of control on the part of states to regulate many aspects of the migration

industry, states negotiate, arrange agreements with, and participate in profit-seeking through the facilitation and management of migration alongside and often as part of the migration industry. As mentioned, the Philippines has a well-developed system for assessing private recruitment agencies, and regularly prevents them from operating should they be found to be breaking laws or exploiting migrants abroad (Sun Star, 2015). This relationship with private formal recruitment agencies is a powerful tool of the state and one that makes recruitment practices more formalized than in most other contexts.

Despite continued government involvement in the Philippines, recruitment problems such as contract substitution and human trafficking are common (Encinas-Franco, 2015: 34). By contrast, Guatemalan and other Central American officials, including those at borders and in immigration control, can be 'greased' with cash or other incentives to facilitate the migration of groups or individuals northward (Sandoval, 2013). Such forms of deep institutional corruption and bribery among officials is also seen in Asian (Spaan and Hillman, 2013) and African (Fernandez, 2013) contexts.

Further, border control policies continue to evolve in severe and drastic ways, raising humanitarian concerns (Squire, 2011) and increasing human rights violations. Currently, we observe three prominent trends. The first is a continued intersection between immigration enforcement and crime control (like drug enforcement) agencies, departments and/or information. The second trend is a reliance on and use of increasingly complex forms of knowledge based on 'experts'. This notion of 'experts' combines private companies along with government personnel. In this sense, the state is not necessarily losing power with respect to border security governance, but is part of an assemblage of security agents (Abrahamson and Williams, 2009; Angulo-Pasel, 2015: 4). Finally, the third trend is a constant overemphasis on risk governance. This kind of governance focuses on trying to virtually create a vision of 'zero risk'. It delves into trying to quantify risk using assessments that attempt to predict all possible future scenarios in order to maintain security at the border (De Goede,

2008; Angulo-Pasel, 2015: 5). Restrictive immigration policies and heightened border control on the part of migrant-receiving countries create a demand for both formalized recruitment agencies and range of informal third-party brokers and actors that can assist migrants in navigating through barriers to mobility (Hennebry et. al, 2016; Preibisch and Hennebry, 2013).

Within this landscape, there are often few options, particularly for women migrants who are less likely to qualify for formalized permanent migration channels, which have largely narrowed to favour the highly skilled and those with significant capital and wealth. For example, in Moldova, some of the key bilateral agreements that focus on managing recruitment for labour migration are with Italy for skilled work, and Israel for construction work; neither of these agreements will benefit the majority of women Moldovan migrants who work in domestic work and unskilled sectors (Vaculovschi, 2015: 21). In such circumstances women may enlist the help of private actors and agencies despite the dangers of trusting informal third-party brokers. There is a slippery slope from engaging third party brokers or informal recruiters to smuggling and trafficking, something that is often ignored in receiving country strategies aimed at the elimination of trafficking in persons.

Regulated private agencies represent only one type of actor facilitating the movement of migrants within the larger migration industry context. Essentially, lack of accountability, oversight and legal frameworks can spur the growth of informal actors that operate within the illicit realms of the market, which can cause migrants to face increased precarity throughout their journey, including risks of trafficking and grave exploitation.

Petrozziello and Wooding (2013) identified experiences by Haitian women migrants with *buscones* (informal scouts) and other agents as they transit through areas and share information on services informally. Berg and Tamagno (2013) looked at how Peruvian women interact with document fixers, and the prices they pay, in order to transit to the United States. Many other authors mention or directly deal with women's experiences with migration brokers and agents, the

factor that many migrant women have in common is that they possess little in the way of formal, legal status in either transit or destination countries, or are in several ways much more open to exploitation and abuse (Donato et al., 2006; Anderson, 2000; Pessar, 2005; Trask, 2014).

Women migrants often travel well-worn paths to their destinations, following in the footsteps of many migrants before them. Information on these routes is passed along informally between women through established networks, as in the case of Haitian women seeking to abide by the safest possible route (Petrozziello and Wooding, 2013: 190). They often travel in large groups, or with (often paid) male companions, in order to deter abuse and exploitation. Many women migrants transiting through Mexico, for example, traditionally made use of a public freight train known as 'La Bestia' or 'The Beast' to go northward. Along this route fees are charged by informal, non-state actors and migrant women often find themselves in exploitative situations. Those with greater economic means take buses on major highways which were formerly considered a much safer route (Angulo-Pasel, 2015). Informal transit arrangements are difficult to monitor or control on the part of the state, as they often operate by word of mouth and trust. For example, Berg and Tamagno (2013) were unable to verify prices during their research, yet an undercover journalist found in 2000 that women would pay thousands of dollars for a variety of false documents (197, 212). Efforts to crack down on illegal means of transportation, as in the case of Mexico, or document fixers in Peru, has had the opposite of its intended effect: driving up the price of the journey and pushing women to seek increasingly informal and clandestine avenues of transit.

As women negotiate shifting administrative and legal realities in countries of transit and 'destination', they routinely turn to private, for profit and non-profit actors to assist them or render services. The 'migration industry', or the collection of brokers, includes civil society groups, intermediaries, agents, financial services, smugglers and traffickers, thrives and profits from numerous women pursuing work in other countries (Agustin, 2007; Berg and Tamagno, 2013;

Petrozziello and Wooding, 2013; Hennebry et. al, 2016; Hennebry, 2008; Fernandez, 2013).

Private actors and other agents of illegal transportation are central to the experiences of women migrant workers, particularly those in lower-skilled occupations. At every stage of their journeys, women migrants encounter a litany of actors whose primary motivations are to profit from their journeys. Restrictive migration policies enacted by the state often exacerbate these tendencies, pushing women migrants into informal situations. Such interactions often lead to exploitative circumstances, increased vulnerabilities and abuse.

Private actors ranging from intermediaries and brokers to financial institutions and recruiters have held a major place in transnational labour migration in both high-skilled and low-skilled sectors for a very long time and in many different contexts (Fernandez, 2013; Gammeltoft-Hansen and Sørensen, 2013; Martin, 2005; Hennebry, 2008; Preibisch and Hennebry, 2012). In recent decades, private actors have increased in importance and number and now control many of the routes and locations through which migrants must pass in order to progress on their journey. Many of these actors seek to profit directly from migrants by lending them a service such as security, safe passage, money-lending, remitting, transportation, or document acquisition. Others act as a quasi-sanctioned arm of the state and profit from the government's desire to control, regulate and manage migrants at borders or in transit. A third,

"Yes, generally if that person is trustworthy, if the pollero or coyote is trusted and has done the trips several times, then it may be a safe method for migration. But there is a high percentage and chance that the coyote or pollero is untrustworthy, and as it happens, they may leave a high percentage of women halfway because of self-interest. They take their money and leave them because they really do not care either way."

(Interview with a Woman Migrant Shelter Volunteer in Mexico, October 2014).

yet under-studied group includes actors seeking to 'rescue' victims of trafficking, primarily women and children, in the spirit of altruism and higher societal morality. The rise in these entities is owed partially to the growing interconnectivity of the world's people and technologies under a neoliberal economic logic and the openness of many governments toward the involvement of private actors in migration. Private actors are also driven by the rising demand on the part of prospective migrants for lucrative jobs and on the part of employers for capable, obedient workers. The longstanding presence of women in the global labour force, particularly in gendered occupations such as domestic and care work, has opened up the doors for many of these actors to profit by transporting women migrant workers through third countries and across borders to their destinations. The relationships women migrant workers develop with private, for-profit actors on their journeys are complex, and require greater scholarly attention.

Private actors have been well-documented in both popular media and scholarly literature. For example, the role of smugglers and traffickers in facilitating illegal migration is a popular subject across news sites, often coloured by assumptions of nefarious transnational criminal groups controlling innocent, misguided migrants into receiving countries (Coleman, 2015; BBC, 2015). The treatment of migrant workers by labour employment agencies and brokers in transit and upon arrival in the destination country is intertwined with such concerns (Agunias, 2012). Some have also recognized the role of banks and money-lending intermediaries in facilitating monetary transactions for migrant workers as well (Hennebry, 2008).

Feminist migration scholarship has long identified the central place that private actors occupy in the lives of WMWs as they transit through countries and arrive in others. The creation of hundreds of recruitment agencies in the Philippines and other Southeast Asian nations throughout the 1980s, Constable (1997) illuminated the blatant racist, sexist and abusive characteristics of recruitment firms that would bring in hundreds of thousands of domestic workers for decades after. Hondagneu-Sotelo (2007) looked into

the recruitment practices of organizations and informal companies in Los Angeles catering to domestic workers. Agustin (2007) identified the intersections of the informal rescue industry, comprised of NGOs, civil society groups and church affiliates, and popular conceptions around trafficking and smuggling which places low-skilled/low-income women into 'always, already' victims (162).

Whether migrants are recruited by state agencies, use private agencies (i.e. state-sanctioned or quasi-state sanctioned recruitment agencies), or interact with illicit actors (non-state sanctioned recruitment agencies, traffickers, smugglers, or other more informal networks), migrating can shape their exposure to a wide range of risks – prior to migration, in transit, and while working abroad.

Working and Living Abroad

The experiences of WMWs are coloured by gendered and occupation-specific hazards, migration status in the destination country, and the (in)formality surrounding their job, as well as other differentiating factors, such as race, ethnicity, religion, sexuality, etc. In order to demonstrate the nuances associated with some of the more common occupations for WMWs, this section will focus on the experiences of women migrants in the manufacturing, agriculture, service sector/small enterprises, domestic work, and sex work industries. It will commence with a brief general discussion around the status of migrants and examination of informality, which may be present in many of these sectors, and will later highlight the sector-specific issues migrants face.

The work undertaken by women happens throughout the migration journey in both formal and informal settings, in both paid and unpaid contexts (e.g. work to prepare to migrate; caregiving for families; working for employers in private homes, etc.). In countries of destination, many WMWs work for employers operating informal businesses, or in the homes of employers (i.e. in the area of care work). Most commonly, women migrant workers will experience a combination of both formal and informal working conditions over a

series of employment experiences across source, transit and destination countries (ILO, 2004b; 2012a; 2014).

In contrast to formal work, informal work is equated with the 'shadow' economy; outside government control, protections or prosecutions. As discussed in later sections, this is not always accurate, as informal work broadly comprises work that is 'unrecognized, unrecorded, unprotected and unregulated' (ILO, 2012a: 4-5). Though women are overrepresented in all informal sectors, they are particularly concentrated in care work, which retains many elements of formality and informality (McDowell, 1999: 123). Care work is defined by blurred boundaries between regulated and unregulated, paid and unpaid, licit and illicit. And a cross-disciplinary and overall feminist conceptualization of the ways in which women articulate and negotiate these boundaries is central to its exploration (e.g. Parreñas, 2001; 2011; Piper, 2008; Anderson, 2000).

Many migrant women also face gendered vulnerabilities that are specific to their sector of labour market insertion. In the care sector, for example, women are often isolated in private homes and/or with restricted movement, and without access to legal or social

protection. The situation of migrant care workers can commonly contravene relevant international human rights standards, including the ILO Convention 189 concerning decent work for domestic workers. The low status of domestic and care work contributes to its invisibility, informality and under-regulation.

While WMWs may have various opportunities for empowerment throughout the migration process, the risks associated with migration cannot easily be offset through these empowering effects and the entrance of women into paid work does not always result in empowering women (Espiritu, 1997). Many factors, such as racism, patriarchy, gender discrimination and class bias, can all impact women living and working abroad. Indeed, women are often selected by employers based on a set of gendered and racialized assumptions about suitability, work ethic, honesty and ability to integrate or be compliant (Silverstein, 2005). Thus, governments and policy makers concerned with empowering women through work should take the existence of these factors into consideration when designing and implementing policies.

MIGRATION

Tala

When Tala started working for her employers in Saudi Arabia, the poor working conditions shocked her. Tala said that she sometimes worked over 20 hours a day, did not receive any days off, was not fed well and did not get remunerated for some of her work (Hennessy, 2014). She said that she received no respect from her employers, and described the experience of being confined to their home as very isolating. Since her employers treated her like property, and forbid her from leaving the house, she was not able to form relationships with other migrants and confessed to having very little human contact during her deployment.

Tala admitted to missing her family, especially her daughter, every day while working. She stated that she felt pressured to remain in Saudi Arabia because she wanted to live up to her family's expectations of her and did not want to disappoint them by failing to provide for them (Constable, 2015). However, when she started facing physical abuse by her employer, she knew she had to return home (Falconer, 2015). She stated that although the "protection from abuse" law existed during her deployment, she was not able to access the legal protections afforded to her under this legislation because the language barrier, societal factors and her onerous employment conditions prevented her from doing so (Habboush, 2013).

Izel

Izel and her husband reached the migrant shelter in Ixtepec (Mexico) “Hermanos en el Camino” and they filed for a humanitarian visa under the 2011 Migration Law, which allows for migrants subject to crimes to seek asylum (Pskowski, 2014). Receiving a humanitarian visa is notoriously difficult for many migrants, and Izel claimed to have waited for months for their file to be processed. She explains that throughout this process she was traumatized from the event, was unable to sleep and was still extremely nervous around wooded areas because she felt “they are going to come out and get me!”

Living in a migrant shelter in Ixtepec for months while the humanitarian visa process was ongoing was economically difficult. The visa process is expensive for migrants without economic resources. Every two weeks, Izel and her husband had to travel

from Ixtepec to Salina Cruz to provide testimony and sign papers. They were interviewed separately in order to provide their testimony and they had to tell their story in stages. The round-trip by bus to Salina Cruz costs about 150 pesos per person; so every two weeks they had to find 300 pesos while they were both out of work. Working while in-transit was challenging for Izel due to the stigma against migrant workers in Mexico. When she came to Ixtepec and settled in the migrant shelter, she had every intention of working while waiting for her visa. Nevertheless, when she went looking for work she found that local people discriminated against her as soon as she stated she was from Honduras. “One person ruins it for everybody else” she says. “People here don’t trust migrants”, she added, “One lady I went to find work with at her house said that the woman working before her stole stuff from her. Now, she doesn’t trust them.”

Veronyka

Upon arrival in Italy, Veronyka was driven to a house in a city and shown to a room with several other girls who spoke Romanian. She had no documents, cash or cell phone. The other girls told her she would be forced to have sex with clients and that there was no hope of escape. Some of the girls had been in the house for a while; others had arrived more recently. Veronyka was scared for herself and for her family. Her time in the house was horrific. The men who kept her and the other girls beat them for the slightest infraction and rape, or the threat of it, was used as a way to prevent escape.

For months, Veronyka was scared for her life and lived day-to-day. She found it hard to trust any of the other girls and was not allowed to travel alone. She felt separated from everyone and everything. However, she knew a Moldovan embassy was close. One day, while being escorted to a store, she ran. She managed to hide from her escort and made her way to the embassy.

Migrating with Irregular Status

While the motivations for migration are vast, not everyone is able to migrate through formal channels due to a variety of factors. These range from ineligibility in obtaining visas, urgent need to escape dangerous or violent situations, environmental change, economic or political reasons and family pressures, among many others. In 2012, for example, it was estimated that 12 per cent of Filipinos abroad were irregular or undocumented, and women comprised the majority of these (Encinas-Franco, 2015: 27). As women are prescribed certain attributes, the demand for their labour in certain sectors, like domestic work, increases.

While some women commence their journey as irregular migrants, many WMWs can slip into irregular status during transit or in destination countries. Indeed, throughout the migration process, there are a range of ways which individuals may find themselves occupying an irregular status. Broadly, the primary ways can be divided into two categories, whereby migrants enter the destination country as irregular (illegal border crossing, migration using false documentation, falsifying information) or may become irregular while at the destination country (exhaustion of time on a visa, loss of status due to breaches/contract completion/loss of job, receiving irregular status upon birth, receiving a negative asylum decision, or administrative errors by the state) (Morehouse and Blomfield, 2011).

Many of the individuals who enter the country as irregular are aided by a variety of illicit actors in the migration industry in order to enter the destination country. Actors like smugglers, coyotes, non-state sanctioned recruiters, traffickers and informal networks, can offer falsified documentation, provide transportation services, perform advisory duties, and help establish travel and work arrangements to migrants seeking to cross international borders. While these actors have often been painted in a pejorative light in popular discourse, not all actors that operate in the grey areas of the migration industry are profit-seeking criminals. For instance, some migrants who have completed the journey successfully aid other migrants seeking to cross international borders. Some

of these migrants have also helped other migrants in tough or dangerous situations during their journeys (Biemann, 2001).

However, the reality remains that individuals who lack status while migrating are more vulnerable to facing exploitation, violence and abuse by unscrupulous actors, as their lack of status also delineates a lack of legal and social protections. Upon migrating, social protection for migrants can be based on citizenship, status, local legislation or bilateral agreements; however, this access is still primarily dependent on participation in the formal labour market (Levitt et al., Forthcoming). As undocumented migrants are faced with pervasive difficulties obtaining formal employment, they remain excluded from various forms of social protection (Levitt et al., Forthcoming). Furthermore, due to the many perceived 'dangers' associated with irregular migration (loss of jobs in the domestic market, undermining the law, stress on public services), many states have securitized their borders and have supplemented their return policies in order to prevent irregular migration (Morehouse and Blomfield, 2011). These measures have further driven many migrants to use generally dangerous methods of migration, have compelled them to resort to many non-state sanctioned actors, which in turn, has increased their vulnerability to risk and violence.

Pathways to Irregular Status

While many migrants are considered irregular due to their lack of proper documentation upon entering the destination country, other migrants, who are among the second category, may find themselves falling out of status during their migration trajectory. Unlike the migrants discussed above, individuals in this category had the legal recognition to work and reside in the destination country at some point but they eventually fell out of status for a variety of reasons and became classified as irregular or undocumented. This irregular state is sometimes permanent, as many migrants live in destination countries for years, without status and with the imminent threat of deportability (De Genova, 2002). While some irregular migrants, like trafficked individuals, may receive status through asylum claims in destination countries, other migrants may face

a more ambiguous process, whereby they receive and lose status at different points of the migration process. For example, irregular migrants transiting through Mexico for work may gain temporary humanitarian visas, which are granted to individuals who have been the victim of various crimes during their journey (Pskowski, 2014). While this visa may protect these individuals from deportation for a time, many find themselves without a status again once this visa expires.

Essentially, migrants' temporary status is one of the chief factors contributing to their precarious status, and in turn, to their insecurity in destination countries (Faraday, 2012). Due to their ineligibility to obtain permanent residence in many destination countries across the globe, temporary foreign workers comprise a large category of migrants who fall out of status. Even in a country like Canada, which is internationally regarded as a leader in migrant integration, temporary foreign workers lack pathways for permanent residence and the eventual attainment of citizenship (McLaughlin and Henneby, 2015). In fact, one of the only temporary worker schemes that allows for permanent residence is the Live-in Caregiver Program (LCP). However, this initiative suffers from many drawbacks and barriers for social integration, such as prolonged family separation, deskilling of migrant workers, and onerous standards for family sponsorship (Pratt, 2008). For many women migrants, particularly those who are low-skilled and from developing countries, policies and programmes to permanently settle in destination countries are absent.

Throughout the migration process, those without status face greater risk of abuse and exploitation, and may be denied access to various forms of protections. For women, these vulnerabilities are generally compounded by structural and gender-based violence and insecurity. Furthermore, these vulnerabilities can intersect with the migrant's experience, and may produce even more severe forms of vulnerability. For instance, women that are victims of trafficking may also be misidentified as irregular migrants by state officials, which may affect the support they receive, can increase their vulnerability to violence, restrict their ability to achieve legal grievances and result

in their detainment and deportation (UN General Assembly, 2012). The governments of many countries require trafficked women to be active participants in the state's prosecution of their traffickers to gain temporary visas or asylum status (Gallagher, 2004). As many victims may not want to testify against their trafficker due to fear for their safety, these policies can influence trafficked women's decision-making process and increase their exposure to risk. However, in some states like Spain, even when trafficked individuals cooperate with state officials, they may not be eligible to gain temporary status due to their use of a smuggler (Gallagher, 2004). Policies like this can push women to work in the informal sector since their lack of status in destination countries can prevent them from getting jobs in the formal economy.

Informality

In most areas of the world, women engage in informal work, whether it be through care work in the home or for the family, subsistence agriculture work, or the procurement of services both licit and illicit, such as garbage picking, street vending, and other means of self-employment or sex work. In South Asia and Sub-Saharan Africa, more than 75 per cent of all jobs are informal (UN Women, 2015: 102). Those employed in the informal economy are seldom covered by employment insurance, pension and maternal, or health and housing benefits. The combination of being employed in the informal economy and being a non-citizen of the country heightens the precarity experienced by women migrants in host countries.

Conceptually, the informal economy is not necessarily exclusive of the formal economy, and definitions of both can be murky and context specific. While it is difficult to incontestably define informal work, in 2002 the ILO determined the parameters of informal work as, broadly speaking, any work that is not covered by formal arrangements (ILO, 2002a). Informal work is thus 'unrecognized, unrecorded, unprotected and unregulated' and includes some forms of casual or flexible labour undertaken in the formal sector (ILO, 2012a: 4-5). Exclusion is central to this conceptualization, and workers in informal sectors are in highly precarious working

arrangements with their employers, and are typically removed from social protection schemes. While many governments have made strides to extend social protection to the informal sector, migrant workers are still excluded from these schemes. Informal workers, chiefly women, are excluded from data gathering practices and their numbers are difficult to quantify. Globally, national institutions are often unable to track and protect the workers in these sectors, especially among less-developed countries where poor governance and diminished capacity prevents the state from actively regulating informal activities (ibid. 6).

The ILO, since the early 1990's, has played a major role in defining and recording the numbers of workers in the informal sector. The most common practice is to measure the informal economy through the various enterprises being undertaken by workers in the formal and informal sector. Many different practices exist at the national level, and many are not compatible with each other and may show different results based on the methods of data collection and of definitions of the terms 'formal' and 'informal'. However, all national surveys appear to agree that women and youth are disproportionately represented in the informal economy, while men are more likely to be employed in the formal economy (ILO, 2012a: 7; ILO, 2013). According to UN Women, in most of the heavily affected sectors women tend to occupy a diminutive role in terms of wages, status of employment, social protection and job security, while men tend to occupy higher-paying jobs in the informal sector (UN Women, 2015: 102). Furthermore, there are a growing number of women working informally. In their recent report on the informal economy, the ILO estimates that in the 30 out of 41 countries examined, the percentage of women working in the informal non-agricultural employment surpassed that of men (ILO, 2013d).

While informal work arrangements can result in precarious employment, many women also lack social protections to mitigate risk. For instance, there are many mothers that work in Italy and have a child with disabilities back in Moldova; these women face problems because Moldova does not always pay them welfare, a disability pension, or other social protection services (Interview with Italian NGO, November 2014).

"I work with projects against gender-based violence; many women denounce [partners] and then, after a few days, they withdraw the complaint. They do this because they are persecuted; there is stalking and they are scared and some safe houses are not good; social assistants often cannot find places for mothers and children."

(Italian Focus Group, November 2014)

There are no real systems to assess if money sent home by workers is going to children or not. While the lack of social protection provisions is a challenge, the provision and access to protections to women abroad is another level of difficulty (Interview with Moldovan NGO, November 2014). Though some countries have BLAs on social protections, these usually offer migrants a weak patchwork of protection. Furthermore, while working, women encounter various sector/occupation-related and gendered risks that can cause insecurity. For women working informally, these risks are compounded with those associated with their status, a general lack of social protection, and sector-specific work conditions.

Manufacturing

Recent global trends have increasingly resulted in the prevalence of market-oriented economies. This has manifested in the ever-expanding role of multinational corporations (MNCs) in the global economy and has also increased the adoption of export-oriented development strategies by many countries, especially by developing states (Pyle, 2001; Kopinak, 1995). This approach to development has proliferated the growth of the manufacturing industry in many countries, which has been marked by the increased presence of women in this sector (Sassen-Koob, 1984; Soriano, 2013; Solis, 2014). Although traditionally a sector considered to be dominated by men, women's participation in the manufacturing sector has increased over the past decades (ILO, 2010). There were at least 2.8 million women migrant workers in formal employment in manufacturing in 2000 (OECD, 2016). For

instance in Singapore, between 1970 and 2008, the growth of female labour force participation increased by 26 percentage points (ILO, 2010). This growth in female labour participation is cited as one of the contributing factors to the rapid growth in many newly industrializing countries (ILO, 2010).

Social understandings and perceptions around gender have a strong impact on the prevalence of women in labour-intensive and unskilled factory work. Many companies prefer employing women workers, as they are generally perceived to be more 'nimble,' 'docile,' accustomed to performing tedious tasks and less likely to demand unionization (Biemann, 2001; Pyle, 2001; Wright, 1999). Although the working conditions can be abysmal in many of these factories, many state governments continue to actively support the growth of the manufacturing industry through providing incentives for firms. In Mexico, little research has been dedicated to the transregional flow of people arising from the growth in the maquiladora industry (Factories in Mexico run by foreign companies for export to that country; Kopinak, 2012). The data on international migrants working in the maquiladora industry seem to be absent, reflecting broader issues around data collection and knowledge dissemination. Although migrants are employed in this sector, the paucity of data and knowledge, and subsequent lack of monitoring and enforcement standards within this industry, can increase the precarities of workers involved and further expose them to vulnerabilities.

The establishment of export processing zones (EPZs) represents a clear and extreme manifestation of how far governments will go to promote export as a means to achieve economic development in the country. Many states offer a variety of incentives to EPZs to reap economic benefits. These can include tax and tariff concessions (e.g. exemptions from export or direct taxes), lowered duties, and exemptions from foreign exchange controls of the country (Milberg and Amengual, 2008). States, which seek to realize the benefits of hosting MNCs, have also bent rules and regulations for these companies, usually at the expense of workers. These opaque incentive structures result in a more relaxed regulatory environment for firms but

frequently violate individual labour rights (Milberg and Amengual, 2008). Many companies in EPZs do not disclose information about their operations. Places like Ciudad Juarez in Mexico, one of the most popular EPZs, draw hundreds of women every day to work in the maquiladora industry (Biemann, 2001). Migrants working in these industries may find themselves in increasingly precarious situations due to the exploitative practices of these companies (McCallum, 2011).

McLaughlin (2009), in her analysis of Canada's Seasonal Agricultural Program (SAWP), noted that employers restrict women's social interactions in their residence because "they are ladies" (221), even while they face constant invitations from male colleagues, much of which borders on harassment and abuse (222). Within the workplace, women are expected to occupy the lower echelon of employment, protected from the masculine-dominated work undertaken by men, and infantilized through their interactions with employers. Perhaps because they make up such a small percentage (3 per cent) of SAWP workers, their needs are left unconsidered (Otero and Preibisch, 2010; Preibisch and Encalada Grez, 2010).

According to international human rights law, all individuals have the right to organize or to join unions while working. For instance, the ILO's Plan of Action, which outlines a rights-based approach to migration, champions for these freedoms universally in all states and for all individuals, including migrant workers (Piper, 2008: 256). Although these rights may be granted *de jure*, workers' experiences depict a different reality: in Mexico, maquiladoras are able to prohibit employees from protesting or unionizing, usually at the onset of employment (Milberg and Amengual, 2008; Navarrete and Aragon-Druand, 2011). Individuals who object to exploitative working conditions or demand the protection of their labour or human rights, may not only find themselves out of a job, but also blacklisted in entire industrial zones (Biemann, 2001). In some cases, protests and attempts to unionize have resulted in violent repressions by firms (Milberg and Amengual, 2008). Although it is recognized in international law that

migrant workers are able to join trade unions or protest their conditions of employment, these rights are generally not upheld universally.

Essentially, while national legislation may exist to protect migrant rights, many manufacturing firms that employ migrants continue to violate laws like maximum work hours and compliance with health and safety regulations, which puts employees in these industries at risk (Milberg and Amengual, 2008). Furthermore, workers in these industries also face increasing job insecurity due to the volatility of global markets, the growing propensity for companies to use part-time labour, relocation of production to other countries with lower wages and more relaxed regulatory frameworks (Pyle, 2001). Although companies and maquiladoras represent one of the most 'formalized' types of work covered in this report, the level of precarity in this sector still remains high for the migrants involved.

The precarious working conditions found in these factories can lead to a wide range of psychological and physical problems for the employees. Employers and managers constantly supervise the workers in an effort to control them through implementing tight time schedules and minimum quotas for production (Navarrete and Aragon-Druand, 2011: 98). Women generally earn less than men in these sectors, may be required to live on-site, and may be exposed to extremely low quality housing (Pyle, 2001). Practices like the regular administration of pregnancy tests, also represent a gendered aspect of the industry's attempt to control these women's bodies (Biemann, 2001). While the abuse of migrant workers in the manufacturing industry tends to have a heavy focus on developing countries, gender-based vulnerabilities of temporary WMWs can also occur in all contexts where there are gaps to protect the rights of these workers. The Presteve Foods Limited case in Canada, where two migrant women from Mexico were sexually harassed, appropriately illustrates this (CBC, 2015).

This case shows how the framework of the Temporary Foreign Worker Program restricted the workers' freedom to change jobs increasing their vulnerability to abuse and exploitation. Since the programme effectively ties an individual's work permit to one employer, the owner was able to threaten to send the women home if they did not return his advances. While media focused on the decision by the Ontario Human Rights Tribunal, which collectively awarded them \$200,000, the case was equally important in exposing the issues around faulty policies and how they impact migrant's lived experiences and WMWs' vulnerability to gender-based violence (Friesen, 2015).

Working conditions and the lack of appropriate protections can lead to a variety of vulnerabilities for individuals, some of which may be gendered. The lack of regulatory measures may expose women to overtime work with no pay; poor living conditions can take away their privacy; low wages can increase their dependence on work; and inadequate safety measures may deem them susceptible to illness, injuries and psychological harm. Furthermore, the absence of available daycare and legal remedies, the presence of poor transportation, or prevalent notions around women can have gender-specific repercussions for these workers. For instance, while the absence of appropriate transportation to and from work can impact all migrant workers, it can specifically put women in extreme physical danger, and expose them to increased risk of sexual violence (Pyle, 2001; Wright, 1999).

Although attention is paid to the poor working conditions and vulnerabilities that women may face while engaging in this type of work, it is important for governments to examine the reasons why women feel pressured and compelled to participate in manufacturing and the export industry, and also to assess their role in institutionalizing the exploitative circumstances to achieve economic development (Pyle, 2001).

Agriculture

Women are critical to the global agricultural labour force, particularly in developing countries. Today, 43 per cent of the global agricultural labour force is made up of women (FAO, 2011: 1). The literature exploring gender relations and women in farming is rather diverse, and ranges from studies of women in small-scale agricultural production (Dolan, 2005; Whatmore, 1991), to women's experiences in and interactions with waged, commercial farming (Hellio, 2014; Preibisch and Encalada Grez, 2010; Sachs, 1991). Agricultural work remains highly gendered, racialized and class-based in both developed and developing country contexts (Hennebry, 2014b). For instance, in Canada, the regulations of the Seasonal Agricultural Worker Program (SAWP) give discretionary powers to employers to hire individuals from a select group of Latin American and Caribbean countries. While not containing any overt discriminatory guidelines, hiring practices have proven to be fraught with gender discrimination, which is in part evidenced by the characteristics of migrants selected annually into the SAWP. The end result is that agricultural migrant workers in Canada under the SAWP are visible minority groups predominantly from Jamaica and Mexico, and there are very few women hired (less than 3 per cent annually on average) as employers select workers on the basis of country of origin and gender (often informed by gender and racial stereotypes about appropriate work and housing expectations), through regulations that do not have the necessary provisions in them for oversight (Hennebry, 2014b; McLaughlin, 2009; 2010; Preibisch and Encalada Grez, 2010). Indeed, in late 2014, the Ontario Human Rights Commission (OHRC) issued a statement that recruitment practices of the SAWP discriminated based on sex, noting a violation of human rights.

Against this backdrop, women's contributions in agriculture become even more difficult to quantify because many studies that focus on the 'family' as the unit of analysis tend to emphasize the male migrant breadwinner, and neglect the role of women (Hennebry, 2014b). Despite efforts on the part of UN Women and other organizations to raise the profile of women

in agriculture and in rural settings, there has been less scholarly uptake on women's role in agriculture when compared to domestic work, sex work, or other forms of traditional extensions of women's reproductive labour. Gendered analysis of women migrant agricultural work is even less common, though many authors have made important contributions to the study of women migrants in agriculture in recent years (Basok, 2003; Preibisch and Encalada Grez, 2010; Hellio, 2008; 2014; Dolan, 2005; Nieto, 2014). These studies have illuminated the ways that women interact and engage with highly gendered and patriarchal relations central to traditional farm work sites.

The evidence is mixed on whether or not the proportion of females engaged in agricultural work is increasing. Several studies have pointed to women's rising participation in the domestic agricultural industry occurring as a result of men's out-migration, driving feminization into rural work settings (FAO, 2011: 29; Reimao et al., 2015). Hennebry (2014b) explains that one of the consequences of male out-migration is women working a 'double day' in adopting both traditional domestic roles and maintaining agricultural production (53). In other contexts, such as China, male migration does not appear to lead to a significant rise in women's participation in agriculture (de Brauw et al., 2008). There is evidence to suggest that the rise in women's involvement in work outside the home may be an empowering exercise despite the increased workload (Reimao et al., 2015). Dimensions of empowerment will be discussed in a later section.

While agricultural work in general is fraught with hazards and often represents among the most 'Dangerous, Demanding and Dirty' (3D) work for everyone involved, women are subjected far more to unique gender-based issues along with conventional hazards. Women experience a range of systemic challenges in agricultural work. Broadly speaking, occupational hazards, mental and physical health, reproductive health and health care access are starkly different for women than men in the context of agricultural work. All of these factors are linked. For example, while all agricultural workers experience

physical injuries, for women, they can have more severe impacts on their reproductive health, such as infertility, miscarriages and other complications (McLaughlin, 2008: 10). Health care access for WMWs is a problem in Canada, where necessary examinations and services (pap smears or mammograms) are often hard to schedule due to the transient nature of agricultural work (McLaughlin, 2008: 11). All of these negative factors contribute to WMWs vulnerability and precarity in agricultural contexts.

Enforcing Women's Roles as Secondary, Specialized Labour

Masculine-focused, manual labour-intensive perceptions of agricultural work have dominated 20th century farming, just as the family unit is still the dominant unit of analysis in small-scale agricultural production, despite widespread global economic restructuring (Brandth, 2006).

There is a longstanding expectation that women should undertake tasks requiring 'delicate fingers' based on their 'docile natures' (Glass et al., 2014: 10; Rojas Wiesner and Cruz, 2008; Hellio, 2014). Such tasks are normally subservient to men's work in the same sector. Feminized jobs include sorting fruit, picking delicate crops like strawberries and flowers, or tasks that preserve the good quality of vegetables and fruits (Hellio, 2014). The selection for specific skills is thought to originate in reproductive care work. This ties in with many conceptualizations of women's labour as reserve forms of labour, secondary to men's, in neoclassical economic theories (McDowell, 1999: 127-140).

Small-scale studies indicate that women occupy traditional roles in the household (FAO, 2011: 8-11), with agricultural activity thought to be secondary to their reproductive roles (Reimao et al., 2015; Preibisch and Encalada Grez, 2010: 291). As such, women's labour in agricultural work is undervalued (ibid. 292). Employers draw upon their own cultural understandings of

women, both in the work they undertake and in the way they treat them outside of work, the latter of which is particularly problematic in managed temporary programmes.

Although cultural assumptions vary across locations, a pervasive expectation exists in many places that women should remain docile to men (Glass et al., 2014). Further, some managed migration programmes specifically manipulate women's inscribed family expectations to achieve an 'ideal' temporary labour force. In the case of Canada's Seasonal Agricultural Workers Program (SAWP), women were officially excluded from participating until 1989, after which only single mothers (or women with other dependents) were officially allowed entrance to the programme (Preibisch and Encalada Grez, 2010: 298). In Spain, Hellio (2014) found that employers, together with Moroccan authorities, sought to employ women who would most clearly match their expectations by recruiting only those who had children under the age of 14 because they were deemed to have more to lose and therefore be less likely to leave the worksite and become undocumented while in Spain (149).

Skewed power relationships that exist at every stage of the migration process are central to precarity; employers often exert power over employees and agricultural work is no exception. Employers often engage in practices of control in the workplace to construct the 'ideal female worker' (Glass et al., 2014; Barber, 2008). Women are routinely excluded from any sort of decision-making, and employers will usually only offer the bare minimum in terms of labour and housing conditions. The model of the 'family farm', still prevalent within the agricultural industry in the 21st century, places male control of the family farm as a foregone conclusion, similar to the tendency in other workplaces toward passing the business down to sons rather than daughters (Brandth, 2006: 183-184). Women then already occupy a subsidiary role within the family farm ethos, and are doubly excluded as migrants within this brand.

Maintaining the Informality of Women's Roles

Often, women in agriculture are paid less for work than males, or a male head of household is paid instead (Preibisch and Encalada Grez, 2010: 291). A recent study undertaken by IMUMI (2015), a Mexican civil society organization, revealed that women migrant workers in the agricultural sector in Mexico are routinely paid less money than their male counterparts and also take part in non-paid labour, such as cleaning their employers' homes (26). Women in agriculture often feel the need to work even harder than their male counterparts to prove that they belong in the industry. And in many cases, even if all the family works, only the male spouse who has documentation collects wages, leaving WMWs dependent on their spouses for access to their earnings (ibid).

In Mexico, legislation and cultural norms produce discrimination and conditions of informality which negatively impact WMWs in agriculture. For example, while the majority of women migrant workers in Mexico are employed in domestic work (70 per cent), 12.4 per cent work in agriculture. Many migrants looking for employment in agriculture usually migrate as a family to Mexico. However, many families cannot finance the cost of obtaining documentation for all members of the family. Much of their situation is characterized by precariousness, as many women are not individually recognized or registered as migrant workers under the law. WMWs' opportunities to negotiate and protect their rights are limited by the traditional practice of the employer or recruiter only negotiating directly with the male members of the family. This leaves women migrant workers in a disadvantageous and unequal position vis-à-vis their male counterparts, excludes them from labour rights and social security, and denies them social protections. Essentially, the high cost of documentation coupled with the gendered processes of recruitment, discriminates against these women migrants.

Women are frequently 'left behind' by husbands who leave to participate in temporary or more permanent migration programmes (Hennebry, 2014b).

They often assume both the household duties traditionally ascribed to their gender, such as cleaning, cooking and reproductive work, and also delve into agricultural or money-earning activities in informal markets. Hennebry (2014b), based on evidence from her study on transnational precarity, labels this as "migration work" [which] includes working on and managing family farms and farm employees, engaging in family business and retail, caring for children and relatives, traveling to the bank and managing family finances and organizing remittances (Hennebry, 2014b: 49). This finding is echoed by Dolan (2006) in her earlier study of gendered divisions in Kenyan horticulture production, and others (See Preibisch and Encalada Grez, 2010). The concept of "migration work" also extends to the preparation for migration, keeping migration processes going, and forgoing opportunities outside the home, particularly in the paid formal labour market, to undertake 'double days' in the absence of women's partners (Hennebry, 2014b: 53).

"When the woman comes with her child(ren) she has double or triple vulnerabilities and are constantly suffering human rights violations throughout their journey."

(Interview with a Woman Migrant Shelter Volunteer in Mexico, October 2014).

Small-scale agricultural work is often at least partially informal, and includes many extra tasks outside the sole act of farming (e.g. upkeep and maintenance of machinery, caring for livestock, cleaning). Women are a growing share of the agricultural labour force worldwide, both as a result of male out-migration and as a result of women's migration under seasonal and informal working arrangements (FAO, 2011; Hellio, 2014). In South Asia for example, 71 per cent of women are employed in informal agriculture, and 59 per cent in Sub-Saharan Africa (UN Women, 2015: 102).

An additional area in which women are increasingly situated is within informal subsistence agricultural work undertaken when men leave the home searching for work in the formal labour market, often in other countries. Migration by one family member can create labour vacuums in the sending country, particularly on family subsistence farms. Women are therefore filling labour shortages at home while other members of the family leave for work. Evidently, this type of agricultural work is closely tied to informal, non-waged care work in the home as well.

The practice of protecting women from harm, and bringing them into the household as ‘part of the family,’ which is common in domestic work (Anderson, 2001), is also a common practice in agriculture, particularly in small farms owned by families. Paternalistic relations on those farms are considered positive, and ensure that workers remain obedient and productive; in turn this gives the impression, among the public, that migrants are well-treated and protected (Bélanger and Candiz, 2014: 56-57).

Managed Circular Agricultural Migration Programmes

Formal temporary migration programmes do not necessarily reduce the vulnerabilities faced by women migrant agricultural workers; in many cases, formal temporary roles can actually heighten precarity and vulnerability. Host-state migration programmes worldwide are increasingly geared toward enabling the entrance of temporary, flexible labour that can be re-used (and/or quickly replaced) the following year (Hennebry and Preibisch, 2012). Temporary migration programmes are constructed around the assumption that there is limited domestic labour supply. In Canada, many farmers in the province of Ontario have become so deeply dependent on workers in the SAWP that its dissolution would likely mean the disintegration of some sectors of labour-intensive agriculture in Southern Ontario altogether (Hennebry and McLaughlin, 2012). Importantly, the SAWP and other similar seasonal migration programmes are not based on filling labour market needs, but in response

to employer demand and to policy mechanisms which enable production to be organized around this reserve pool of labour (Hennebry, 2011: 4). Spanish temporary migration programmes bringing women to Andalusia province appear to be in response to employer demand for cheap, flexible labour (Helleo, 2014). From the outset, the state processes that enable these programmes operate with the logic of market efficiency, thus entrenching these women’s precarity by creating ripe conditions for skewed power relationships and inadequate housing and living conditions. If not specifically addressed, WMWs’ vulnerability can be magnified in such formal migration programmes because of employers’ overarching power in that they can threaten women’s deportation if they do not conform to expectations.

Such issues are supposed to be addressed by layers of regulations across jurisdictions, but the patchwork of regulations (from bilateral, federal, provincial or state, to local governments) has a tendency to repudiate any one government to be held responsible for protecting migrant workers’ rights (Hennebry, 2010). Further, this tends to enhance vulnerabilities for women migrant workers, who find it difficult to manoeuvre the complex regulatory system, and are subject to abuse and discrimination along the way. As McLaughlin (2009) notes about Canada’s SAWP:

The SAWP permits a liminal space in which people who are otherwise deemed undesirable (poor bodies of colour) are integrated temporarily to extract their labour, which is desirable. In this way, the program ushers bodies into a zone of temporary, but differential inclusion, which is ultimately exclusionary. Migrant workers are integrated so long as their bodies are deemed useful, and their minds compliant. If either of these conditions changes, migrants are ushered into a zone of exclusion — treated almost as criminals who have no right to be in Canada, and quickly deported.

(McLaughlin, 2009: 27).

Female agricultural migrants also face a lack of adequate, safe housing, often without sufficient

privacy or security. Employers rarely provide adequate storage or private bathrooms for migrant workers; regulations surrounding agricultural housing merely ensure a basic level of compliance with on-farm housing guidelines which tend to vary considerably across regions, marked by the qualifier that it be 'adequate', which in reality is anything but adequate (Otero and Preibisch, 2010; Hennebry et al., 2010).

Health and Living Standards and Protections

Numerous studies have documented the health vulnerabilities and adverse living conditions of women migrant workers in agriculture (Preibisch and Encalada Grez, 2010; Encalada Grez, 2011; McLaughlin, 2009; Helliö, 2008; 2014; Hennebry, Preibisch, and McLaughlin, 2010). As Otero and Preibisch (2010) note:

Poor toilet facilities create conditions of indignity for all farmworkers, but particularly for women, given the degree to which women working in agriculture confront sexual violence in the workplace... In both Canada and the United States, women working in agriculture are badgered for dates and sexual favours by coworkers, supervisors, and employers... If they reject these requests, they can be penalized with lower pay or inferior work assignments, or even fired.

(Otero and Preibisch, 2010: 28).

CEDAW Recommendation No. 26 states that "Women migrant workers are more vulnerable to sexual abuse, sexual harassment and physical violence... Sexual harassment of women migrant workers in other work environments, such as on farms or in the industrial sector, is a problem worldwide" (CEDAW General Recommendation No. 26, Article 20, 7). General Recommendation No. 26 also states that where accommodation is provided on farms, it is often inadequate and living conditions for women are often poor and overcrowded. There may be problems with running water or adequate sanitary facilities, privacy and hygiene may also be compromised (ibid. Article 17). Such problems can cause intense psychological

and mental stress, as well as open them up to the possibility of being harassed and abused at all hours of the day, even outside of working hours. In France, Helliö (2008) noted that women migrants were housed on the farm and not given adequate access to transportation to the town to seek specialized health services. A litany of studies has revealed that sexual advances made against women in agriculture are incredibly common (Waugh, 2010; Castañeda and Zavella, 2003).

Sexual harassment and other forms of violence are in direct contravention to CEDAW, which is explicit in stating that women must be free from all forms of discrimination in the workplace, and that they must have "The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work" (CEDAW, Article 11(e)).

Studies of migrant agricultural workers in Canada and the United States have consistently shown that migrant workers, both women and men, are exposed to a wide variety of chemicals and hazards on the job, often without protection, training or safety equipment (McLaughlin et al., 2015; Otero and Preibisch, 2010; Hennebry, Preibisch, and McLaughlin, 2010; Frank et al., 2004; Villarejo, 2003). Even in their housing units, workers may be exposed to mold, airborne dusts, animal-borne diseases and unhygienic conditions (Basok, 2002: 60; Hennebry et al., 2012). Surveys conducted with workers in the SAWP have revealed high levels of exposure to pesticides, repetitive movements, extreme heat conditions, heavy loads and other occupational risks (Hennebry et al., 2012; McLaughlin et al., 2015). In the face of these hazards, farm workers experience a variety of work-related injuries, such as musculoskeletal injuries and disorders, and respiratory, skin (e.g. rashes), gastrointestinal and ocular (eye) concerns (Otero and Preibisch, 2010). Studies of California's migrant worker population showed significantly higher risks among women migrant workers, who experienced additional reproductive health effects as a result of exposure to chemicals and unsafe working

conditions (Rao, 2008); similar concerns were noted among WMWs in Canada (Edmunds et al., 2011; McLaughlin, 2008).

Domestic Work

In the 21st century, there are three critical and inter-linked demographic shifts occurring that are acting to reshape the nature of care and social reproduction. First, a period of unprecedented population aging is ongoing; by 2050, a quarter of the world's population is expected to be above 60 years old (UN, 2015). In many rapidly aging states, like Germany, the labour pool is expected to shrink from 45 million to 29 million people by 2050 (Oberoi, 2015). Second, fertility rates are reducing to the point where many developed nations will face population decline without the immigration of younger populations. Third, women have an increasing role in the paid labour market. In developing countries, the manufacturing workforce is a third to a fifth female. Along with other variables, these factors are leading to the formulation of a care deficit in some countries.

Through undertaking domestic work, women migrant workers secure the functions of the household, enable individuals to remain in the labour market, and contribute to consumption in their local economies of their countries of origin through sending remittances, which provide tangible social and economic value to individuals, households and societies at large (ILO, 2014c). Despite this contribution, the domestic work performed by migrant women is consistently undervalued and underpaid (ILO, 2014c).

Global Care Chains

The concept of 'global care chain' (GCC) was first coined by Hochschild (2000) and is a useful concept to account for all the interactions WMWs have with various frameworks. The GCC describes the linkages that exist between people who are engaged in paid or unpaid care work across inter-regional contexts. It pertains to the transnational exchange of care labour; where migrant women (often mothers) are paid to transfer their emotional surpluses to host families,

frequently in developed countries (Yeates, 2009: 40). The presence of social norms and structures in destination countries deter men from undertaking care work, and facilitates migration for care (Yeates, 2009). In both sending and receiving countries, the absence of men in care work is bolstered by social constructions around care work and policies that implicitly mark women as the providers of care (Moss, 2014: 427; Yeates, 2009: 42). Missing the mothers, the head and manager of many households, families often seek the help of either another care worker or an unpaid member of the family to assume her previous roles.

More women than ever are balancing work and family life across multiple time zones, leading to women as 'mothering transnationally' or occupying different spaces while carrying out traditional and new roles in traditional (i.e. home) and new (i.e. destination country) spaces (Hondagneu-Sotelo, 1992; 1997; Parreñas, 2001). Their newly minted status as 'woman-as-wage-earner' may not challenge rules of the patriarchal mode of labour market governance in the way that could be expected. Even though the context of their roles may be changing, women continue to occupy traditional roles.

Several studies have identified private employers perceiving themselves in a role outside employment and instead preferring the role of patron, host, or patriarch to direct employer (Anderson, 2000; Hondagneu-Sotelo, 1992; ILO, 2013: 44). An understanding of domestic workers as persons that they are 'taking care of' can be harmful to migrants, not only because it patronizes them but because it opens up the door for further abuse by employers. Indeed, migrant domestic workers may not deny their employers' unreasonable requests due to a fear of retribution or job loss. Formal mechanisms of domestic labour recruitment, in the form of brokers, agencies and recruitment organizations, charge fees to place migrant women in the homes of private employers. These formal mechanisms have sprung up in the diminution of state management of the care industry. The ILO C189, which sets out guidelines to state parties, largely deals with recruitment practices of private employers. Governments often do establish

rules and regulations under which migrants can be hired as private caregivers or domestic workers, but often there is little regulation.

The Live-In Caregiver Program (LCP) in Canada is a longstanding programme that matches foreign workers with Canadian employers to engage in household work such as cleaning, cooking, elder care and child care. After a certain number of working hours usually over several years, the foreign worker (usually Filipina) is eligible to apply for permanent resident status in Canada. This established corridor of Filipina workers into Canada has been facilitated by formalized and managed policy frameworks. The LCP is the product of a formalized policy process that combines sending and receiving policy frameworks. Alternatively, in the case of the United States, frameworks regarding care work arguably implicitly tolerate undocumented migration; this may be the major contributory factor that shapes the available care workforce in the US (Gammage and Hennebry, 2015: 7). Though geographical ranges and degrees of policy formality have been recognized, an emerging proliferation of actors requires greater attention. Private recruitment agencies are paying care workers, either through informal methods in private homes, or through formal commercial recruitment operators (Razavi and Staab, 2010). Such regional care corridors intersect to create larger global care chains. These GCCs are embedded in a range of formal policy frameworks as well as informal networks of recruitment that may be international, inter-regional or local in scope (Gammage and Hennebry, 2015: 7).

The deficiency of social programmes and policies around care are root issues that need to be addressed. Due to the lack of legal frameworks, women's work in the care industry is often precarious, which can make migrant women vulnerable to exploitation. Furthermore, the absence of policies around family reunification and the lack of access to social protection in destination countries prevent migrant women from exercising their own rights to receive care for themselves and provide care for their families (Gunduz, 2013). The existence of these issues creates the need to adopt a rights-based framework on care to improve the experiences of migrant

women, as well as other women, heavily tasked with the currently-private responsibilities around care. Such a framework should include provisions around the right to receive care when needed, right to choose, provide or abstain from providing care, as well as rights around work conditions that govern the paid care industry (Orozco, 2009: 10).

The GCC is facilitated by the existence of several factors that compel women to migrate as the solution to the existing care deficit. The first link in the GCC is the lack of welfare and public services available for caring in both origin and destination countries, which can act as a reason to migrate. Many states do not take on the responsibility of care through various social policies and programmes (i.e. delivery of care services, recipients of services, and standard rules of delivery). This has led to private households bearing care related responsibilities (Orozco, 2009). For countries where women are increasingly participating in the labour market, or in places where hired domestic workers symbolize affluence or social status, households seek out migrant women to undertake care responsibilities (Yeates, 2009). Arguably, the lack of state provisioned care services fosters demand for migrant women in these societies because women entering the workforce cannot simultaneously fulfill the domestic duties that are socially ascribed to them (Yeates, 2009). The second link of the GCC is that migration to provide care abroad creates an absence of care providers in origin countries. This absence is usually filled by other local women (Yeates, 2009). In these cases, the absence of social policies around care displaces this responsibility on other local women. Therefore, the existence of care chains signals the absence or lack of policies around social welfare and protection vis-à-vis care in both sending and receiving states.

Emotional and Physical Labour

Care work easily creates spaces where social inequalities can manifest. The work is physically taxing, emotionally difficult, often involves long and irregular hours, and is not well remunerated. It may not be socially respected, and is usually undertaken as a 'survival strategy' or as a means to improve

the migrant family's socio-economic status (Yeates, 2009). Though richer segments of society are able to access care, other populations face uneven access to care and as a result, provide care for other households. WMWs occupying the role of transnational mother can face the emotional strain of not being able to provide care for their families in addition to being unable to afford a domestic worker to alleviate the lack of care provided in their absence (Yeates, 2009: 41).

Women's international care work is broadly defined by work in a setting that provides assistance to persons otherwise unable to provide such care to themselves either because they are young, ill, disabled, or work outside the home. The requirements of care work result in the formation of informal relationships between employers and employees. Many care workers occupy a blurred boundary between formal and informal work; such ambiguous employment can be paid or unpaid. Although basic care work requirements are general (anyone could do it), prevailing norms and essentialised notions around gender lead to women being selected. Two factors prevent a generalizable assessment of the particular experiences of each care worker: **first**, women's multiple roles and relationships, formed and fomented in the care work industry; and **second**, the lack of data on the issue, particularly in the informal sector.

Nevertheless, many of the same precarities, moments of vulnerability, 'levers' of empowerment and general experiences of women migrants in care work are felt across multiple contexts. In occupying these multiple roles, the care worker presents a personification of the privatization and commodification of the global care industry; her emotional labour surplus is extracted to fulfill labour market demands. Relationships with employers and state regulations are inflected with a high degree of informality and precarity, even as the sites of empowerment, participation and agency are found through the care worker's interactions with non-state actors, relationships with co-ethnic communities and successful negotiations with state regulations.

Care work practices are highly gendered, depend on women migrants' constant emotional and physical availability, and have largely remained unchallenged for decades (Piper, 2008). Theories of economic rationality stipulate that in special circumstances, women accompany men into the paid labour market and return to unpaid homecare work after such special circumstances have expired; yet empirical evidence disputes this assumption (McDowell, 1999: 128). Parreñas (2001) and others (Anderson, 2000; Hondagneu-Sotelo, 2007; Hochschild, 2000) point out that women's move into paid care labour is understood as the commoditization of reproductive labour (62-77). This is linked with capitalist and paternalistic notions that particular work is uniquely suited to either men or women based on supply and demand in the labour market and the particular experiences and skills of each gender (McDowell, 1999: 127-134). While it is true that men more readily occupy paid, formal work because they have generally spent more time devoted to earning credentials, women are given many fewer opportunities to earn education and enter the labour market, thereby putting them at a disadvantage and compartmentalizing them into care work. Thus the attitude that providing care, whether inside one's own home or elsewhere, is a 'secondary' or 'reserve' form of labour, has remained consistent over many decades and continues to be perpetuated through stereotypes, roles and expectations (Oishi, 2005:7-10). Some argue that the GCC concept further exacerbates this compartmentalization, by defining the chain as one uniquely experienced by women (Yeates, 2009). There has traditionally been a distinct lack of attention paid to men in global care work and in the provision of care in the global labour market, notably because of their diminutive presence in such professions relative to women. The sites of reproductive labour, including both the homes and public settings in which these care workers work, are characterized by precarity and the potential for vulnerability, but also by empowerment and experiences of agency and control.

Care work is highly precarious and represents one of the least regulated sectors in which women migrants work, and is often inflected with legal uncertainties and contingent on women's relationships with their

employers. Women migrant workers who engage in care work leave their families to care for another family or individual, in turn leaving another to provide care for their families back home, commonly represented as a global care chain (Hochschild, 2000; Yeates, 2009). Precarity is produced through uncertain legal status in the receiving country, a high dependence on wages to send back home in the form of remittances (and therefore the possibility of exploitation), poor conditions of employment, and the particular institutional, administrative, governmental and legal structures that surround these factors.

Protecting Domestic Worker Rights

In receiving countries, the national legislations and labour laws that affect women migrants in the care industry vary considerably according to context, governance tradition and prevalent migrant populations. Many have argued that policies and laws in sending and receiving countries have profound effects on the experiences, conditions and realities of women's participation in care work internationally (Oishi, 2005). As previously discussed, the Philippines' foreign policy is committed to protecting the rights and welfare of Filipinos abroad and it does so by implementing labour export strategies with the 97 countries who have signed 107 BLAs. Labour laws in Canada are implemented at both federal and provincial levels, meaning women migrant caregivers there may be subject to different options for recourse should they be mistreated depending on their immigration status (though most would be part of the Live-In Caregiver Program (LCP), which places them under provincial jurisdiction). In Saudi Arabia, Decision 310 of 1434 on Domestic Workers, signed in 2013, is an important piece of legislation that limits domestic workers to nine-hour workdays and regulates the recruitment of domestic and care workers. Decision 310 is complemented by the 2013 bilateral agreement on Domestic Worker Recruitment, signed with the Philippines, that seeks to protect Filipino care workers. In 2007 Italy introduced a new collective agreement for domestic workers that seeks to limit the number of hours worked and improve treatment of domestic workers. Most major receiving countries of domestic workers

have laws in place to establish the minimum wage, hours worked, conditions and procedures for recourse for domestic workers, yet care workers consistently work outside of these legal boundaries, both by choice and to maintain good relations with their employer.

Formal management of labour programmes, such as temporary labour migration programmes, aim to govern the numerous sites where care work takes place. However, because the work occurs in informal sites, such as households, the conditions of work, the wages, the social protections and other employment relations found in the formal economy do not typically apply to women in domestic work. While labour laws may delineate such conditions, these laws do not protect many domestic workers from abuses suffered in the employer's home, where the latter is in complete control of the worker's fate (Trask, 2010: 153).

The LCP in Canada, often cited as a 'best practice' model of a managed domestic worker programme, illustrates the blurred distinction between formal and informal work. The programme does offer some basic guarantees of safety for the domestic worker (95 per cent of whom are women), who may switch employers if they wish to do so (Bourgeault et al., 2010). Further, the employer must sign a work contract with the employee. Despite these provisions, the government has little to no ability to actually enforce the contract (Boyd and Pikkov, 2009: 46). This example shows that even within the fairly well-regulated LCP, insecurity persists as informal relationships between employer and domestic worker are still paramount.

The lack of skills recognition and the presence of informality can also impact individuals' access to rights. Recognized qualifications for care work exist, but families who hire workers are not bound by having to hire based on qualifications. In fact, families will sometimes hire under-qualified or less qualified workers to save money (Interview with Italian NGO, December 2014). Agreements are frequently made where cash will be paid for additional hours not declared in contracts, allowing families to pay less, and workers to avoid greater contributions to social assistance (Interview with Italian NGO, November

2014). Such activities, though seemingly beneficial to both parties at times, come with risks, transforming a legal contract into one that now has blurred boundaries; making prosecution of abuse or harassment more difficult.

Despite some legislative protections, the legal rights and status of care workers in receiving countries usually depend on establishing a good employee-employer relationship. Further, domestic workers are rarely covered by labour laws and commonly have their migration status tied to a single employer.¹⁸ These gaps in protection for care workers also exist in countries known for better working conditions. The UK recently abolished the domestic worker visa, replacing it with a 'tied visa' that prohibits the workers from changing employers within six months, leading to more cases of abuse and unpaid salaries.¹⁹ The 'tied visa' which names employers on work permits is commonly used in Canada as well, across a range of sectors.²⁰ Similarly, in Saudi Arabia and other Gulf countries, the *Kafala* system of immigration sponsorship puts the employer in charge of all the domestic workers' affairs including decisions on their legal status, their visa and possible repatriation. This system prevents care workers from ever changing jobs and locks them in with a particular employer. The employer is able to deem the worker 'incompetent' under the various laws and provisions governing the recruitment of domestic labour and send them home with no further recourse. In other contexts, migrant care workers face onerous job requirements set by their employers, limited remuneration, and physical and psychological strain. Moreover, a lack of proper regulation can also force employees to bear the peculiar requests of their employers without any recourse (Parreñas, 2001: 162).

Care work demands inherent flexibility on the part of the worker to perform several jobs, unpaid overtime if necessary, and a variety of tasks not previously

assigned. For instance, in Rome and Los Angeles, Parreñas (2001) noted that part-time domestic workers hold a variety of jobs with different employers, and report facing exceptionally strenuous workloads, highly arduous daily routines rushing from one job to the next, and increased expectations of being available outside working hours (Parreñas, 2001: 155-6). This finding is reflected in innumerable contexts (e.g. Hondagneu-Sotelo, 2007; Oishi, 2005; Onuki, 2011), and is tied with the notion that workers are 'part of the family' or an extension of the unpaid labour required at all hours of the day (Anderson, 200: 31), which helps manage the complex relationships between employer and employee. The extensive emotional nature of this work, which often involves intimate care of young children, can manifest in women feeling exhausted, while impacting their physical and psychological health (Parreñas, 2001). Conversely, workers who provide care services for the elderly generally live-in with their employers and may have more decision-making ability due to their employer's dependency on their assistance (Parreñas, 2001: 158). Similar to live-in domestic workers, migrant women who care for the elderly have very little time off as they are constantly expected to provide their employers with care throughout the day (and sometimes also overnight). As many of these caregivers live in the homes of their employers, they not only experience extended work hours, but may also feel psychological isolation (Parreñas, 2001).

When migrant women face issues in the workplace, their lack of legal recourse can also place them in a vulnerable situation. Many countries may have some systems in place to protect migrants, but these are rarely effective. For instance, in Italy, the existence of social protection services and access to them are varied. The city of Bologna offers many services to foreigners (i.e. housing, rent, a stipend for vulnerable families, and a stipend for infants) because they are treated as equal as Italian citizens. (Interview with Italian NGO, November 2014). However, access is a problem in other parts of Italy. Women migrants can easily lose their residence permit and experience worse off living conditions as a result (Interview with Italian Lawyer, November 2014). Isolation of female migrants (both culturally and as

18 See <http://progress.unwomen.org>. pp. 34.

19 See <https://www.hrw.org/news/2014/03/31/uk-migrant-domestic-workers-face-serious-abuse>.

20 Hennebry, Jenna. Falling through the cracks. Migrant workers and Social Protection. Global Social Policy, 2014.

a side effect of care work) is a significant issue: they have difficulties accessing services, and are concerned they may lose their status or employment as a result of interaction with formal services. Some migrants pay their own salary in order to have a job contract that secures them a work permit (Interview with Italian Lawyer, November 2014).

Precarious Migration Status and Exploitation

Precarious and uneven power relationships between employers and employees, coupled with the lack of effective regulatory measures in place at many national levels, contributes to women migrants' vulnerability in their home and working lives. Not all care workers experience the same vulnerabilities, rather regulatory frameworks, working conditions and uneven employer relationships contribute to the strong possibility of their occurrence.

Precarious migration status can exacerbate the care worker's vulnerability to exploitation and abuse by employers and non-state actors, particularly if they are in the country under temporary migration programmes. A migrant woman's proximity to her employer at all times may also create vulnerabilities, as the care worker may not feel comfortable requesting her wages, or turning down work. When a migrant care worker loses legal status, for example, she may turn to informal work, thus preventing her from accessing social and employment benefits in the country of destination or transit. Losing legal status can also isolate the care worker from others in her community or in similar situations, preventing her from accessing important information and services that may only be available through non-state means such as organizations and groups (Bhuyan, 2013). WMWs who face the prospect of homelessness, violence and abuse either through informal, unregulated work environments or in their daily lives, have an even more difficult time as they seek services to meet their needs; their multiple precarities heighten their vulnerability more than women with legal status. In many receiving countries, immigration policies compound this precarious legal status among care workers and women migrants

more broadly. In the case of Canada, the gradual move toward less permanent solutions to immigration needs, such as through temporary labour migration programmes, makes the question of legal status contingent on migrants' participation and adherence to programme requirements. Thus, moments of vulnerability are produced through precarious legal status (Goldring and Landolt, 2013). A recent summary of the problems concerning Filipino WMWs includes: marital problems, jobs that are not commensurate to education with an emphasis on undocumented workers, wage differences based on gender, work environment problems, underpayment, non-payment, or delayed payment of salaries, overworking, contract substitution, maltreatment, physical abuse, and sexual abuse, charging of excessive placement fees, withholding of passports and important documents, and false allegations against migrant workers (CMA, 2014: 11; Encinas-Franco, 2015: 36).

Violations of Reproductive Rights

The particular conditions of work in the private settings where care work is most often undertaken have deep implications for the health care of these women. Women's health is tied to their availability in seeking out health care outside the home, access to which may be restricted because of the onerous expectations put forth by employers. Employers may incorrectly assess whether a worker is in need of care, and women may be unable to request care out of embarrassment or expectations. The risks associated with the workplace can also be dangerous for care workers and can impact women differently. Conditions of work, such as isolation from society, co-existence and proximity with employers, open up these women to increased risks of sexual violence, abuse and harassment in the workplace (McLaughlin, 2008; Edmunds et al., 2011; Villarejo, 2003). Filipino NGOs have highlighted violations of sexual and reproductive rights particularly among domestic workers with cases of migrants being deported on being found pregnant or HIV positive (Encinas-Franco, 2015: 36).

The costs of migration, such as the financial, emotional and physical tolls incurred by women at every

stage, are supposedly offset by the financial benefits that migration can bring in the long term. However, the risks associated with care work place women into potentially vulnerable situations, vulnerable situations since women may be inclined to ignore their own safety and wellbeing in an effort to maximize financial benefits and offset the costs of migration. While not all women experience the migration process in the same way, moments of vulnerability may nevertheless occur at various stages throughout their journey.

Services, Small-scale Enterprises and Street Vendors

Sectors such as hospitality, sales or cleaning services, and street vending can be seen to fit the purview of service sector employment, but face a variety of other challenges and vulnerabilities when compared to other sectors and also within the sector. For instance, Filipina migrant hostess workers in Japan can broadly be seen as working in the service industry, as they serve club customers food, drinks and cigarettes, and entertain them throughout the night (Boris and Parreñas, 2010). Although they engage in activities that closely resemble that of the *konsumatrices* discussed in the sex work section, they have more control over their labour and many do not perform sex acts (Boris and Parreñas, 2010: 132). Their job may entail ensuring that customers are entertained, and their employment status while entering Japan can immensely influence the type of work that they can get (Boris and Parreñas, 2010). This has a large bearing on the type of issues, vulnerabilities and risks they face, and can shape their migration experience. Some issues may include limited job options, increased financial stress, and pressure from other migrants, employers and patrons of the clubs, which can manifest in particular vulnerabilities for these migrants.

Migrant women in cleaning, domestic and janitorial work also comprise another category in the larger service sector. Women who work as live-in caregivers and domestic workers have been extensively discussed in the previous sections; however, migrant women that

work as cleaning or custodial staff comprise a different part of the service sector with distinct challenges. While the relative control over one's own schedule, increased autonomy, flexibility with employers and the individual's disassociation from the family have been cited as relative advantages of these jobs (Parreñas, 2001a), women that work in these sectors are exposed to different types of vulnerability. For instance, many of these women work informally, and on occasion, for a number of employers. This can result in impersonal relationships with their employers, who may push them to finish tasks faster or not pay them extra for additional work (Hondagneu-Sotelo, 2007). Furthermore, without the aid of recruitment agencies, these cleaners have to resort to their personal networks to find jobs. This can add extra stress on migrant women as they must find more opportunities while also working. Indeed, it is not uncommon that some women will go through slower periods in terms of employment (Hondagneu-Sotelo, 2007).

While there may be informality present in some of these occupations, some migrant women may prefer this type of work to other, more formalized jobs. For instance, some migrant women working as independent cleaners have stated that they prefer to be disassociated from various commercial cleaning companies, as these companies are known for overworking their employees without appropriate compensation (Hondagneu-Sotelo, 2007). Essentially, while women in the service sector face a plethora of different issues and challenges, they also share some common vulnerabilities with other WMWs.

Women who work in some service sectors, like cleaning, may also resort to other forms of income generating service activities in services or sales. For instance, some Latina housecleaners in Los Angeles may hand out promotional flyers, sell food, clothes, makeup, kitchen equipment or take on extra shifts in cleaning or janitorial services to supplement their income (Hondagneu-Sotelo, 2007). Indeed, women have always had a disproportionately high presence in service-oriented, own-account activities, which also include micro and small enterprises (MSEs). Examples of MSE's include small-scale manufacturing out

of one's home, hairstyling, vending, and providing a range of services while self-employed. The nature of this work means that these women are typically not protected by domestic labour laws or standards. Street vendors include individuals that sell goods and services informally on city streets, often in public spaces and usually unregulated by the government. The fact that street vendors are inherently mobile prevents them from being regulated, and they are often in competition and conflict with regulated, formal businesses that feel street vendors are engaging in unfair business practices (Bhowmik, 2005).

There is a strong level of discrimination that dominates the attitudes of citizens towards informal workers in MSEs and street vendors. Street vendors and peddlers are very visible in countries that host large numbers of undocumented or non-status migrants, where their numbers are difficult to quantify due to their mobility. They include, for example, "... shoe shiners and shoe repairers; car window cleaners; tailors specializing in mending; bicycle, motorcycle, van, and truck mechanics; furniture makers; metal workers; garbage pickers and waste recyclers; headloaders and cart pullers; wandering minstrels, magicians, acrobats, and jugglers, beggars and mendicants." (ILO, 2002b: 49). There is an overall sense that street vendors tend to cheat consumers or sell lesser-quality wares without the knowledge of the buyer, and that they buy their products from underground factories or small-scale manufacturing workshops (Reyneri, 2001). They experience frequent harassment and evictions from their places of work and are often ignored by law enforcement or government officials. In many places, assumptions surround migrants that are engaged in these entrepreneurial activities. Specifically, many locals often incorrectly label these migrants as undocumented and their activities as illicit. As a result, many migrants engaged in these activities face violence from xenophobic groups and hostility by officials (Crush et al., 2015).

While it is incorrect to assume that migrants participating in small-scale entrepreneurial enterprises are undocumented individuals, a safer assumption would surround the informality associated with

these activities. In countries where street vending and service sector positions are prevalent, like South Africa, migrants (both internal and international) comprise a considerable share of this informal economy (Crush et al., 2015). While these migrants may pose significant potential for increasing local employment, and therefore bolstering development, they face considerable constraints on their ability to start up and grow their businesses (Crush et al., 2015). The Bellagio International Declaration of Street Vendors, proposed in 1995, summarized many common problems for street vendors around the world, including lack of legal status, lack of space and location, restrictions on licensing, having to offer bribes in order to fight evictions and confiscation, lack of services offered to them, and no voice or representation (ILO, 2002b: 50). Essentially, for migrant street vendors and small-scale entrepreneurs, the challenges in establishing their businesses commence with the lack of access to financial institutions and services, and conclude with threats from state officials and xenophobic locals.

While many migrants are exposed to vulnerabilities through their participation in these activities, women face specific gender-based issues that heighten their exposure to risk (Crush et al., 2015). One of the primary reasons why migrant women are highly active in some informal and small-scale enterprise activities, like street vending, is because of the general lack of willingness to hire WMWs in many sectors (Crush et al., 2015). Though this pushes many women to participate in this industry, they still face acute barriers that can limit their success and expose them to gender-based risks. For instance, women may face social challenges to establishing a business, such as: accessing capital; securing property to site a business; and lack of patronage due to a woman owner. Despite such challenges, street vendorship and MSEs represent one of the most common and effective ways for women migrant workers to make a living in host countries, and should be regulated and protected by formal government regulations, support from NGOs, and greater coverage in discourses.

Sex Work

Sex work can be considered as sexual services exchanged for goods or money, undertaken by both women and men, and nearly always undertaken informally. There is considerable variance in both the sites in which sex work takes place and the actual definition of sex work, yet sex work is always undertaken with the expectation of remuneration. The true extent of the sex industry is difficult to quantify, chiefly because the work is usually criminalized by government authorities, but also because many different practices are commonly considered under the rubric 'sex work' including, but not always, entertainment, escort services, prostitution and adult massage services. The scale of the industry is also blurred by the conflation between sex work and entertainment work, where both direct sex workers (those workers who undertake sex work, as their primary source of income) and indirect sex workers (those who choose to occasionally exchange sexual services for goods or money but may not identify as a sex worker) work out of the same venues, for example beer gardens, karaoke bars and casinos. In general, sex work is highly variable in terms of formalization across countries and state legislation, even when undertaken in the formal entertainment industry, and lines between formal and informal work are often blurred. For example, in the case of North Cyprus, legislation enables women migrant workers to gain formal employment in the country as *konsomatrices* (legally defined as "women who eat and drink with clients at a nightclub and make an income out of this") while simultaneously preventing them from engaging in prostitution, though it is implicitly understood that women will engage in some form of sex work (Güven-Lisaniler et al., 2005). Essentially, these women work with some level of formality through their employment as *konsomatrices*, however, they lack any protection and face criminalization as informal sex workers. This places them in a state of legal limbo where they are regulated and may access some limited labour protections under their formalized work arrangements, but are not able to access remedies for labour grievances or rights violations which are more likely to be encountered while they are engaged in informal sex work.

As a result of murky or non-existent regulation and legislation within this industry, many sex workers face heightened vulnerability to a range of risks (e.g. health, reproductive rights, violence and abuse, exploitation, forced labour, trafficking, etc.). As will be discussed in later sections, sex workers are subject to grave exploitation at the hands of numerous actors, including migration brokers and traffickers, government agents seeking bribes, their employers, their clients and others who may be involved in the process and claiming to provide some measure of protection (or who are in a position of power). Further, in some cases sex work is happening within the private sphere, inside apartments or informal brothels, not on the street or inside entertainment businesses or clubs – rendering such exploitation invisible.

The regulation of sex work is a hotly contested topic within the policy discourse. It is heavily laced with notions around morality and it frequently percolates up to the international level and at the level of global organizations and conventions. At the heart of the debates among civil society and other organizations leading up to the creation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, were calls to protect the rights of sex workers and decriminalize sex work, which were levied against arguments to protect women from sex work by essentially rescuing them from what many saw as exploitative circumstances (Gould, 2010). Many organizations have since developed more nuanced views on the topic. In a recent report, the ILO stated that the criminalization of sex work in many countries prevents sex workers from obtaining health protection, particularly against HIV and AIDS (ILO, 2014b). Sex workers, along with all workers in the informal economy, have fundamental human rights and the right to be protected from discrimination, harassment, exploitation and barriers to basic needs as stipulated by the fundamental UN conventions on human rights, including CEDAW. Despite this, basic employment and social security benefits and labour laws are typically not applicable for sex workers. Furthermore, this lack of access to rights is often compounded by the informality and invisibility surrounding sex work.

Many organizations, both at the local and transnational levels, are engaged in laudable efforts to help women migrant workers employed in sex work attain the rights, dignity and protections they need to work and live in their host countries. For instance, the Bangkok-based network of NGOs, Global Alliance Against Traffic in Women (GAATW), recognized the agency of many migrant women in the sex trade industry and instead of problematizing sex work, it drew attention to the appalling conditions that some of these women are forced to work under (Piper, 2003: 734). In Moldova, a private-public and NGO partnership put forth a national screening of the film “Lilya 4-Ever” in order to inform the public on the phenomenon of sex trafficking (Samarasinghe and Burton, 2007: 56). While many organizations may work to empower women in this industry, the varying degree of informality resulting in a patchwork of protection heightens the precarity surrounding sex work and exposes many migrant women to various forms of risk and rights violations.

Trafficking, Forced Labour and Grave Exploitation

There are a range of condemnable acts that migrants may be vulnerable to throughout their migration journey that can be conceptualized as trafficking, forced labour or grave exploitation, such as: extortion and debt bondage; capture; work for no pay; the harvesting of organs; sex slavery; and other such practices. There are commonalities between trafficking, forced labour and grave exploitation, and in many cases it is difficult to separate acts of violence, coercion, and extortion, among others, into discrete conceptual categories. The recent case of nineteen Hungarian migrants, who were brought to Canada under false promises of financial gain, and were later forced to live under horrific conditions illustrates the linkages between these concepts and also demonstrates the difficulty of separating these issues (See CBC News, April 2012). The concept of forced labour is typically used to capture instances where individuals have been forced to perform work against their will, or while facing threats of violence. In broad strokes, trafficking is most often used to refer to situations where a confluence of factors are present, which

typically include recruitment under false pretenses, movement or transportation (either domestically to an unfamiliar city or region, or internationally), the presence of coercion or control involving the use of or threat of force, and exploitation. Grave exploitation refers to severe and undeniable criminal violations of the rights of individuals. Due to a confluence of factors, women migrant workers face unique and higher risks of experiencing criminal violations of their rights along their migration journey.

According to ILO, globally, almost 21 million people are victims of forced labour, and 14.2 million are victims of forced labour exploitation in economic activities such as agriculture, construction, domestic work and manufacturing. Of the total number of victims of forced labour, about 11.4 million are women and girls and 29 per cent are migrants (ILO, 2012b: 14, 16). Some countries like the Philippines, have established bilateral agreements with the government of countries like Saudi Arabia, Kuwait, Jordan and Lebanon to prevent the exploitation of migrants, where practices like passport confiscation, contract substitution, and forced labour are prevalent (Encinas-Franco, 2015). While these bilateral arrangements have the intent of improving the lived realities of migrant women, the realization of this goal is largely dependent on the proper implementation and enforcement of these arrangements. Indeed, the repatriation of migrants from the Middle East and North Africa in 2011 and 2012 revealed a large number of Filipino women who had been trafficked into the region for domestic work (Encinas-Franco, 2015: 15).

Factors that contribute to the vulnerability of women migrant workers specifically to forced labour, trafficking and grave exploitation include structural barriers to employment (i.e. hierarchical and patriarchal employment schemes) both abroad and at home, restrictive immigration schemes by migrant-receiving countries, threat of violence and persecution by employers and persons in positions of authority, and the dangers of trusting informal third-party brokers, recruiters and other intermediaries (Basok et al., 2013: 53). During the Arab Spring, the Filipino government discovered thousands of domestic workers in Syria, a country with no formal agreements on labour migration, exemplifying

the heightened vulnerability of WMWs where no formal route to employment exists (Encinas-Franco, 2015: 58). Numerous reports by international organizations have focused on the vulnerabilities of women migrants to trafficking.²¹ Since 2000, most trafficking reports have focused on factors shared by *undocumented* women migrants, drawing particular attention to their vulnerability to trafficking and the risk of violence and persecution along their journey. While being undocumented may make women more vulnerable to trafficking, having appropriate documentation and passports does not prevent women from being trafficked (Interview with La Strada, November 2014). Regardless of whether migrating through regular or irregular channels, women migrants often face the risk of economic exploitation as well as physical and sexual violence with little access to legal protection or justice (UN Women, 2015: 92). In many instances, this vulnerability can increase their risk of being trafficked, as many women with limited resources may trust other individuals or migrants along the way, who may continuously demand sexual services from these women in exchange for providing them with protection (Interview with a Woman Migrant Shelter Volunteer in Mexico, October 2014).

Many women migrant workers also face gendered vulnerabilities that are sector-specific. Women working in domestic care and cleaning work can be particularly vulnerable to not only labour exploitation but also sexual and physical violence, as national labour laws often do not cover this sector and the workers live and work in isolated conditions with little protection (UN Women, 2015: 34). In addition, most women employed abroad have children and families (many of whom remain in countries of origin); in the case of Ukraine, for example, Kyzyma (2008) reported that over 90 per cent of women migrant workers have at least one child. Family members in home countries often greatly rely on the financial contributions of women migrant workers abroad, and this applies greater pressure on WMWs to continue to produce consistently, maintaining employment under any condition. This alone makes women migrants more vulnerable to exploitation while working abroad.

21 See TIP, 2014; UNODC, 2009; UNODC, 2012.

Problematic Policies and Governance Challenges Addressing Trafficking

Trafficking can be viewed through multiple lenses: migration (with irregular entrance to another state); prostitution (a dominant motivator of trafficking) and human rights (modern day slavery) (Tavcer, 2006: 138; Laczko and Gozdzia, 2005). From each of these lenses both the problem and the remedies for it are differentially articulated and implemented. When trafficking is viewed as a migration problem, the tendency is to see the issue as one of legality and then entry/border crossings are the target of policy makers. When understood in reference to prostitution, the focus is typically one of victimization, criminality and morality; then the concern becomes the regulation of human bodies and sexual behaviours. Whereas when the human rights lens is employed, the focus is on power relations that impact individuals.

One of the most entrenched norms of anti-trafficking laws is that they are constructed as a response to crimes against the state, rather than against the individual (Goodey, 2008: 423; Bertone, 2004: 16). The standard discourse on trafficking tends to revolve around the security sectors informed by a neoliberal logic that usually triumphs over human rights concerns (Basok et al., 2013). With most regulatory bodies formulated around a migration-crime-security nexus, as is the case with EU laws, responses to trafficking tend not to centre on the trafficked individuals, but instead on the crime of trafficking more broadly, and the role of traffickers more specifically (Goodey, 2008: 431). Situations of trafficking typically garner support for greater involvement of border security and law enforcement as the most effective actors capable of fighting trafficking across borders and regions. This maintains trafficking as a major threat to state and society, to citizens and the nation, and keeps the discussion of trafficking squarely in the security realm. Laws and policies are created with little incorporation of the needs and rights of individuals, many of whom though possibly entwined in what states have deemed as illegal activities, are not inherently criminals, and regardless of this, face frequent human rights violations (Goodey, 2008: 424).

GROWING SECURITIZATION IN MEXICAN MIGRATION POLICY AND CONSEQUENCES FOR TRANSIT MIGRANTS

Officially speaking, Mexico did not have a migration policy until the start of the 1990s. Prior to this migration was considered a temporary issue related to political conflicts in Central America. As refugees, many Hondurans, Guatemalans, Salvadorians and Nicaraguans migrated to Mexico but having encountered significant challenges claiming rights within Mexico, and many set their sights on crossing the Northern border into the US. Transit migration was perceived as not affecting governance or labour relations at the border region in the South of Mexico (Casillas, 2016).

Attitudes and policies toward migration changed with the end of the Cold War and the establishment of peace agreements in Central America. The Mexican Government created the Instituto Nacional de Migración (National Migration Institute: INM) and developed a presence in strategic registries, created juridical and administrative concepts around migration, and established regional offices and INM delegations. The new government strategy would be called 'Plan Sur'. The programme, established in 2001, was intended to increase the government's ability to control and monitor migration flows through Mexico's southern border (Casillas, 2002). Plan Sur established:

- Two inspection belts with the purpose of creating a barrier that covered the main migration routes.
- The establishment of 'Grupos Betas' (Beta groups) in charge of providing water, medical aid and information to migrants at risk.
- A strategy for returning Central American migrants back to their countries of origin.

Some have argued that a more accurate understanding of trafficking would be gleaned by the adoption of a business model approach, which allows trafficking to be viewed with much more complexity, involving more actors (Shelley, 2003). This reduces the ease of

In 2005, the INM shifted to be included under the Mexican state's national security efforts, marking the beginning of the 'securitization' of migration in Mexico. The result was that migration policy was brought in line with national and border security and meant the subordination of migrant human security to national security priorities.

The participation of the army and the police in migration control criminalized migrants and fostered a negative societal attitude that generated greater instances of xenophobia and discrimination directed at Central American migrants. The concentration of enforcement resources in an area of great migrant transit had the immediate effects of altering migration routes, displacing transit migrants to inhospitable areas and raising the prices of services provided by *coyotes* or *polleros* (Casillas, 2016). Some indirect and direct effects of these policies include: the kidnappings of transit migrants; the development of a generalized fee for the right to transit; the murders of a massive number of migrants (Casillas 2010); and increased vulnerability to violence and sexual assault among women migrants.

The result of the increased securitization of migration has been an increased vulnerability of transit migrants to trafficking networks, particularly affecting women migrants. Women migrant's vulnerability to exploitation and violence is influenced by compounding factors including a lack of resources or documentation, the presence of criminal groups along principal migration routes, the government's inability/lack of will to guarantee the security and rights of transit migrants and corruption within enforcement authorities. All of these factors have been exacerbated by the current securitization discourse and strategy surrounding migration in Mexico.

making binary distinctions like with a criminal/security perspective. Many actors, individuals or groups, carry out acts involved in trafficking and operate based on business principles; and networks, organizations and techniques can vary widely (Shelley, 2003: 122). For

instance, “trafficking to the US, through Mexico is a very big business,” whereby traffickers build small chain hotels from Guatemala to Mexico in strategic locations to further their businesses and avoid prosecution (Interview with the Director of Servicio Jesuita a Migrantes in Mexico, November 2014). In other cases, traffickers can also be intertwined with official employment agencies, recruiters and other legally operating businesses. Further, shifting to a business model approach can impart motivation for actions and give policy makers key issues or areas to target policy. For example, demand for sexual services creates motivation to locate a supply that can maximize profits for traffickers. Louise Shelly (2003) explores several business model approaches to regulation, and finds that they all had inherent, frequently severe, human rights violations except one; the regulatory approach to sex work employed in the Netherlands where brothel owners are licenced and have to employ workers with legal status (Shelly, 2003: 127). While the business model approach enables governments to conceptualize the actors and demands for trafficking with arguably greater accuracy, it does not inherently lead to better regulation in the interests of migrant workers themselves; nor does it move away from the compartmentalization of trafficking as a unique criminal act.

Neither the security/criminal or business model approach addresses the complexity of the issue and the information gap that poses particular challenges for governance. There is a limited amount of knowledge about individual traffickers and trafficking networks: their organization, their histories, their motivations for engaging in trafficking, and their methods remain largely unidentified by governments and law enforcement (Goodey, 2008: 430). Further, there is no uniformity of response by governments or civil society. Indeed, there is no globally coherent anti-trafficking strategy, something which is clearly evidenced by the staggering, yet fractious number of NGOs that are working to address this form of exploitation (Bertone, 2004: 14).

The governance response to trafficking is also highly gendered in that the ‘worst forms’ of human trafficking are often posited to be sexual abuses and

violations of women and children. While these abuses and violations should in no way be normalized, popular narratives often position trafficked women as helpless and passive victims in the fight against trafficking. Despite calls by international organizations such as UN Women to ‘mainstream’ gender into trafficking and migration policies, trafficking discourses and policy solutions often employ gender to convey a particular message: the weak are being exploited, and the nations of the world must act to protect them from harm (Anderson, 2012). Far too often, the phrase ‘protection from harm’ is used as a substitute for human rights in national legislation (Anderson, 2012). While there may be a move towards policy that is ‘victim’ centered (Goodey, 2008: 433), the normative assumption, evident when invoking victimhood, reinforces a gendered criminal/victim binary that prevents policies from being truly human rights oriented (Brennan, 2005: 46). For Filipino entertainment workers in Japan, navigation of the strict binary approach of trafficking and prostitution laws have led to women facing limited choices and ending up in more precarious positions with less protection (Parréñas, 2011; Encinas-Franco, 2015: 66).

A human rights-based approach to trafficking would diverge from these courses by taking into account gender, economics and societal factors that help to create conditions where trafficking activities are prevalent (Goodey, 2008: 433). Further, researching, understanding, and implementing policy for the multiple dimensions of trafficking simultaneously requires a comprehensive understanding rooted in gender-sensitive analysis that includes the voices of trafficked individuals and those who support them. Policies or strategies to date have tended to focus on ‘easy’ goals, such as making trafficking offenses more severe or attempting to increase the support for trafficked individuals (Goodey, 2008: 431). Ironically, efforts to fortify borders, ‘crack down on illegal immigrants’, and more effectively police border checkpoints may be leading to a greater proliferation in informal trafficking networks, as women seek informal assistance in obtaining work in the destination country and criminal groups profit from this demand.

For women migrant workers, trafficking is a potential reality of the terrain, as are other forms of exploitation and violence, particularly when soliciting employment and crossing borders may require the aid of a third party broker or recruiter, whom may range in terms of state sanction and legality (Preibisch and Henneby, 2012). In some ways, trafficking can actually be understood as a labour issue, with trafficking at the extreme end of a spectrum of exploitation, rather than compartmentalizing it as a unique crime (Brennan, 2005: 3).

Despite the popular attention to the issue, trafficking continues to be a major threat to women workers abroad, and the human rights of women migrants before, during and after their journeys are routinely cast aside. The agency and human rights of trafficked individuals continue to be neglected as states invest in preventing and capturing traffickers (i.e.: male criminals) on the one hand, and simply promote safe return policies for those trafficked (i.e.: women victims) on the other. In practice, for women migrant workers who have been trafficked, this amounts to deportation, loss of livelihood, and continued precarities that increase their vulnerability to re-trafficking and other forms of exploitation. Very little discussion of the root causes of trafficking takes place within the global discourse, and even less responsibility is claimed by duty-bearers to do more to tangibly protect the rights of migrants who have been trafficked.

Categorization and its Consequences

Trafficking, forced labour, and grave exploitation, while viewed as discrete categories by policy makers and law enforcement, tend to have significant overlap and complexity, both in reality and discourse. In reality, those who experience forced labour often experience exploitation; some individuals are trafficked into forced labour, and so on. Similarly, in popular discourse and everyday life, the terms are often conflated or employed differently from their categorizations in law or policy. The use of these categorizations can have important consequences for individuals, as each

carries with it very specific parameters and trappings within both policy and discourse.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted in 2000 (the Palermo Protocol), does little to alleviate the confusion, yet it considers exploitation a necessary condition for the process of trafficking to occur.

Trafficking is defined as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

(Palermo Protocol, 2000)

The last portion of the definition demonstrates what kinds of exploitation are the most relevant for trafficking, namely in the areas of prostitution, forced labour, slavery, servitude and organ removal. These categories that represent some of the 'worst forms' of exploitation, are crucial to the definition's global weight, and inarguably encompass serious violations of the rights of individuals. So central is exploitation to trafficking, in fact, that a person recruited, transferred or otherwise moved under deceptive or fraudulent circumstances is not trafficked unless it is for the purpose of exploitation (O'Connell-Davidson, 2010). If an individual is recruited or transferred across a border of their own free will, for example, it is labelled as smuggling, or illegal immigration and the person smuggled is often seen as the perpetrator. The Palermo Protocol does little to clarify when exactly exploitation occurs or does not occur, but still infers a binary between exploitation/non-exploitation.

In practice, exploitation and trafficking are exceedingly difficult to identify and measure, and the line between exploitation/non-exploitation is hazy at best (Van Liempt, 2006). This is historically a common practice for liberal-democratic societies, where slavery/freedom, civilized/barbaric, modern/traditional are fundamental dualisms to help distinguish between good and bad (O'Connell-Davidson, 2010: 255-256). Indeed, this murky binary opposition of exploitation/non-exploitation employed in relation to trafficking obfuscates the complexity of these issues at institutional, societal and individual levels, and the Palermo Protocol shifts the responsibility of actually distinguishing between exploitation/non-exploitation to the national level.

Yet within the commonly employed anti-trafficking framework, evidence of exploitation is the crucial component in identifying victims of human trafficking and is largely thought to be present where trafficking is present, making its documentation necessary (often calling on those exploited to offer such evidence). Indeed, the European Union employs the same definition of trafficking as the Palermo Protocol, and uses exploitation in all its forms as the central methodological indicator to identify the instances of trafficking (European Commission, 2013). Many national governments hold that the prevention of exploitation is the central concern of law enforcement agencies in the field of trafficking, and the term is frequently mentioned in national legislation. In the U.K., “exploitative conduct is conduct which involves the use of force; threats (whether or not relating to violence); any other form of coercion; or deception” (CPS, 2015). The U.K.'s Action Plan on Combatting Human Trafficking (2007) mentions the word “exploitation” approximately 150 times (U.K. Home Office, 2007). Similarly, in Italy, Law 228 (2003) conveys that exploitation of an individual for sexual or other ends is punishable by 8 to 20 years in prison, depending on the severity of the offense (Italy, 2003). Canada's Bill C-49 sought to limit the actions of human traffickers and set out to clarify the definition of exploitation:

A person exploits another person if they cause them to provide, or offer to provide, labour or a service by engaging in conduct that, in all the circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide, the labour or service

(Bill C-49, 2005)

Exploitation is then considered to include an abundance of practices, and from the above explanations could include just about any informal, precarious work, but it is largely up to national governments to decide what that actually includes. From the standpoint of the immigration law of the U.K., Canada, Italy and other countries, exploitation is the defining difference between smuggling and trafficking, where a smuggled individual is given consent and a trafficked individual is considered a victim. This can lead to women migrants becoming ‘securitized’ by governments by being subject to detention, removal or harassment if they are indeed thought to have entered the country illegally and of their own free will (Anderson, 2012).

Global, regional and national anti-trafficking policies and legislation generally use human trafficking as the worst form of exploitation often entwining it with undocumented migration, and informal or forced labour. Further, since the framing of trafficking is uniquely tied with the administrative prosecutorial powers of state institutions, it actually tends to steer governments and law enforcement away from addressing the very ‘exploitation’ that is central to its definition (Van Liempt, 2006; O'Connell-Davidson, 2010); as well as neglecting ‘precarity’ and ‘vulnerability’²² that more accurately reflect the lived experiences of women migrant workers. Ironically, when exploitation is used as a factor to differentiate trafficking versus smuggling, typically in immigration law, the importance of exploitation is sidelined, as prosecutors and governments struggle with categorization challenges. This has been

²² See Goldring and Landolt, 2013 and McLaughlin and Hennebry, 2013 for discussions of precarity and vulnerability among migrant workers.

THE PROPOSED VISA TRANSPARENCY ANTI-TRAFFICKING ACT

In the US every year, foreign workers are provided with legal work visas which still allow a space for the manipulation, exploitation and abuse of foreign workers, to the extent of human trafficking. Hundreds of thousands of workers come from abroad to fill jobs temporarily in a number of occupations. Workers are allowed to live and work for a limited amount of time under a non-immigrant visa that is linked to a single employer. If the worker gets fired, s/he becomes a target of deportation instantly.

A trend revolving around this work visa programme is that abusive employers bring foreign workers to the US with the expectation of legitimate jobs; and once here the workers are coerced into unbearable conditions, including sex trade and domestic servitude. Guest workers are often charged exorbitant fees by recruiters in order to secure jobs. This debt disciplines workers to keep quiet about abuse and exploitation in order to maintain employment (Economic Policy Institute, 2016).

At present, US federal data on these temporary work visas is not uniformly reported and not available to the public. This limitation impedes efforts by law enforcement to crack down on this form of human trafficking and to fight sex trafficking (Frankel, Blumenthal, Schweikert, Deutch, Himes Unveil Bipartisan Bill to Prevent Human Trafficking, 2016). Many media reports have made the problem visible, but policymakers cannot design rational policy solutions without availability of key monitoring information.

A recently introduced Bill in the US, the H.R.5006 - Visa Transparency Anti-Trafficking Act of 2016, will provide the necessary monitoring tools for the disclosure of the temporary foreign worker visa system in place. The current system lacks the information to understand how the work visa programme is being used. The Bill, if made law, would:

- Create a uniform system that all agencies in charge of issuing visas and policing human trafficking could use, including the Federal Bureau of Investigation,

the Department of Health and Human Services and Immigration and Customs Enforcement.

- Make information on visa sponsors and the people recruiting foreign workers available to the public, lawmakers, and NGOs combatting sex trafficking.
- Mandate that a public report include critical information for advocacy groups to identify problems such as employment discrimination and human trafficking (Radelat, 2016).

If passed, the legislation would allow NGOs who discover and report human trafficking to know where their victims came from and who recruited them. The Bill is a small but important step towards mitigating trafficking as an unintended effect of the government programme; this legislation would make it harder for employers and recruiters to escape the spotlight from the scrutinizing public and advocate NGOs.

There is still a concern that the law enforcement agencies will use the information available from the guest worker programme to the detriment of victims of trafficking. There is the risk that, with guest worker information available among agencies, law enforcement agencies will treat this behavior as a crime against the state, rather than as a crime against the individual (Goodey, 2008; Bertone, 2004). In this sense, the focus is on the protection of borders against the crime of trafficking, as opposed to on the victims of trafficking who have needs and rights as individuals facing frequent human rights violations (Goodey, 2008).

In contrast, a human rights approach would focus not on criminality but on the gender, economic and societal factors that generate the conditions for foreign workers experiencing vulnerabilities and exploitation. Under this lens, the use of law enforcement agencies would probably not be very effective given their mandates. To be properly implemented, the Visa Transparency Anti-Trafficking Act can work best with joint action from many agencies, not just law enforcement or immigration agencies.

one important factor (aside from the challenges of law enforcement discussed above) in the low numbers of charges and convictions under anti-trafficking law specifically, with many prosecutors opting for more viable charges such as extortion, fraud, sexual assault, etc.²³ For instance, since the trafficking law came into effect in Canada in 2005, there have only been 35 human trafficking convictions between 2005 and 2014 (CBC News, March 2014).

In addition, a persistent problem contributing to the low level of charges and convictions of trafficking is that it is typically expected that the individual who has been trafficked must co-operate with authorities if charges are to be laid through anti-trafficking legal frameworks. In some cases this is not a legal requirement, but may in reality be required in practice or even in policy (Interview with Immigration Lawyer in Canada, June 2015). For migrant workers on temporary work permits, this co-operation is tied to their precarious migration status, particularly in low-skilled jobs where work permits may be tied to named employers and for limited time periods. By co-operating, these workers risk their safety, but also their employment, and if they lose their employment, they lose access to social protections such as health care insurance, and they will inevitably lose the right to stay in the country in which they have been working.

²³ For example, in Canada, the following charges under the Criminal Code have been more frequently and successfully employed to target trafficking offences: Several other Criminal Code offences have also been used to address human trafficking cases, including: Kidnapping, ss. 279 (1), (1.1) of the Criminal Code; Forcible confinement, s. 279(2) of the Criminal Code; Extortion, s. 346(1) of the Criminal Code; Intimidation, s. 423 of the Criminal Code; Assault, ss. 265 of the Criminal Code-s. 268 of the Criminal Code; Causing death or bodily harm by criminal negligence, ss. 220 of the Criminal Code and s. 221 of the Criminal Code; Homicide, ss. 222 of the Criminal Code-s. 228 of the Criminal Code; Sexual assault, ss. 271 of the Criminal Code-s. 273 of the Criminal Code; Uttering threats, s. 264.1(1) of the Criminal Code; Conspiracy, s. 465 of the Criminal Code; Prostitution-related offences: Keeping a common bawdy-house, s. 210 of the Criminal Code; Transporting a person to a bawdy-house, s. 211 of the Criminal Code; Child abduction (non-parental), ss. 280 of the Criminal Code and s. 281 of the Criminal Code; Child pornography, s. 163.1 of the Criminal Code; Organized crime provisions, ss. 467.1 of the Criminal Code-s. 467.13 of the Criminal Code.

Some governments and law enforcement agencies have moved toward an alternative model of grave exploitation in which exploitation is central, and in which there is explicit focus on acts of severe exploitation rather than attempting to conform with parameters and definitional issues pertaining to trafficking. Grave exploitation can be understood as egregious and undeniable criminal violations of the rights of individuals that are punishable according to national legislative frameworks. Such violations include those that are clearly prosecutable under criminal law, rather than labour or immigration law, for example. In many cases, 'grave exploitation' is more feasibly investigated and prosecuted than trafficking for a number of reasons. As indicated previously, trafficking is a complex phenomenon that typically crosses borders and involves multiple actors, with some engaged in criminal activity and some not. Further, law enforcement have significant expertise and experience with respect to criminal law, particularly in local contexts where training and capacities pertaining to trafficking and immigration law may be limited. This is further compounded by inconsistent and insufficient gender sensitivity training, and a tendency to view trafficking through the lens of prostitution or organized crime, particularly at local levels. Conversely, the concept of 'grave exploitation' allows governments to address the immediate needs of individuals who have been facing gross human rights abuses without getting caught in the definitional quagmire that has proven to render toothless efforts to combat trafficking.

Temporary Resident Permits

In a growing number of immigration receiving countries, governments are employing temporary residence permits or visas (TRP) in situations involving trafficking or grave exploitation. These permits are utilized when cases are under investigation, in legal processes, and/or where social protection is needed for migrants on a temporary basis. While this mechanism has existed across many governments for some time, it is more recently being utilized for migrant workers whose documentation has expired, or who do not possess legal

documentation (and are therefore irregular migrants) and have experienced trafficking or grave exploitation.

In the European Union (EU), Italy was one of the first countries to adopt a temporary residence permit for victims of 'severe' or 'grave' exploitation (as well as trafficking), contained in Article 18 of the Immigration Law, Law 286 of 1998 (Pearson, 2002; Interview with Italian lawyer, November 2014). In Italy, when there are cases of violence or grave exploitation, a Police Commissioner may grant a TRP for social protection reasons to a migrant who is considered to be "free from the influence and control of a criminal organisation." Issuance of a permit is subject to demonstration that the victim's personal safety is concretely and currently endangered. Interestingly, permits need not be sought by victims directly, and may be applied for by social services of a local authority or by a recognised association to which the victim has turned to receive assistance. This is the start of the social procedure, which involves the cooperation of an organised association and is entirely separate from judicial procedures. A further prerequisite for the issue of a permit is enrolment "in an assistance and social integration programme". This, in turn, must conform to certain specifications. The law has been effective in protecting many (mostly women) from further exploitation, assisting in removing persons from extremely vulnerable circumstances, and allowing a safe way for victims to come forward and seek protection. Under law, the victim granted the permit is not required to participate in any legal action against the perpetrator, but is required to undertake counselling, to write a brief statement, and is enrolled with Italy's employment bureau (Pearson, 2002: 141). Renewal of the permit after six months is also not tied to any legal conditions. Implementation of counselling and rehabilitation programmes is undertaken by NGOs that are usually responsible for the application for the TRP as well. Comparatively, in Canada, while on paper the decision to issue a TRP is similarly not legally tied to a victim co-operating with authorities or testifying against a trafficker, in practice this has been the case for most who have obtained a TRP (Interview, Immigration Lawyer in Canada, June 2015). This is in part because the issuance of TRPs, which is governed by law under Canada's

Immigration and Refugee Protection Act (IRPA) is subject to Ministerial Instruction. For example, in the case of determining the issuance of long-term TRPs, Ministerial Instructions explicitly direct officers to consider whether "it would be unsafe or very difficult for a victim of human trafficking to re-establish a life in the country of origin, or if the victim of human trafficking is willing to assist authorities in Canada, an officer can issue a long-term TRP." The European Council followed Canada's lead in 2004 with Council Directive 2004/81/EC of 29 April 2004, which sought to "define the conditions for granting residence permits of limited duration, linked to the length of the relevant national proceedings, to third-country nationals who cooperate in the fight against trafficking in human beings or against action to facilitate illegal immigration" (EuC, 2004). The European Council does, however, state up front that "the purpose of the residence permit is to encourage these non-EU nationals to cooperate with the competent authorities..." (European Council, 2004), perhaps compromising its utility from a human rights perspective. Further, without opportunities to transition to permanent residency or continual renewal of TRPs, they remain mechanisms employed for the temporary provision of protections and rights, while simultaneously enabling greater state control and eventual return of migrants to their countries of origin. In Canada, for example, TRPs expire after 180 days (and come with an open work permit), but when investigations close without charges, the renewal of the TRP is in jeopardy, though the vulnerability to abuse or exploitation will likely continue. Once TRPs have expired, even in cases of convictions, most migrants have few options other than requesting a stay of removal or making a Humanitarian and Compassionate grounds asylum claim, for which there is no guaranteed outcome. Ultimately in most cases, TRPs are indeed temporary provisions, which do not inherently lead to permanent residency. In many cases, migrants who have experienced trafficking or other forms of exploitation have few options to stay permanently, and are subject to removal orders and deportation, and in some cases assisted repatriation or return.

Tailored Support for Women Migrant Workers Who Have Been Trafficked

Individuals who are trafficked tend to face serious, long lasting and hard to detect psychological and physical effects. They can range from acute back or stomach pain to headaches, memory problems, vision trouble and ear pain (Oram et al., 2012: 5). These effects can begin during trafficking or after and can be pre-existing, triggered by stressors or trauma, or develop as a result of events that occur while trafficked (Oram et al., 2012: 7). There is limited data available regarding the long-term health of women who have been trafficked, but studies on the topic have identified similar issues as studies focused on domestic violence and abuse (Oram et al., 2012: 4, 6).

Women migrants who have experienced trafficking or grave exploitation are far from a heterogeneous group, cases are so different that generalizations may be harmful, but two common characteristics include that they are extremely vulnerable and geographically dispersed (Brennan, 2005: 39, 37). Not only do trafficked individuals originate from various regions in many countries, they end up in countless locations in numerous destination countries (Brennan, 2005: 38). As noted by Oram et al., (2012), there is a lack of information on trafficked individuals, especially women. However, the authors noted their findings are similar in many ways to studies focused on women who experience domestic abuse. While not appropriate to simply follow the same steps as support programmes for domestic abuse, it is prudent to analyze these studies for lessons learned or techniques that could be adopted to help support those who have been trafficked. A prevalent thread in many studies and programmes is the critical task of including the voices of those affected by trafficking, which is critical in sustaining anti-trafficking movements, understanding trafficking activities and helping women process their experiences (Brennan, 2005: 37, 45).

A report of interviews with women at shelters after experiencing domestic abuse indicates the importance of shelters for a variety of reasons, including: the

validation of experiences; providing information; and as a source of ongoing support (Davis and Srinivasan, 1995: 53, 55). In the same report, the importance of support from family, community and other social groups (i.e. religious leaders) was also emphasized as highly important to women dealing with abuse (Davis and Srinivasan, 1995: 59-60). Studies indicate that positive interaction with support entities, family, community and other groups is critical in dealing with trauma. However, studies also noted real challenges to providing support that can jeopardize entire programmes, unintentional or otherwise. Women escaping domestic abuse have reported feeling judged by shelter workers; that arrival at the shelter signalled them as unsuitable parents (Davis and Srinivasan, 1995: 63). Simply by offering parenting classes, a programme at a shelter can create a perception of judgement that hinders real progress for healing.

Without understanding how target populations have remained hidden and understudied, successful support and reintegration for individuals is unlikely. Studies focused on women and trafficking have to compensate for several methodological challenges and shortfalls. The broad definition of trafficking contains ambiguities that hinder the identification of women in trafficking versus other forms of exploitation (Oram et al., 2012: 7). Often, individuals do not identify as being trafficked (instead they report being beaten or other abuses), and are reluctant to alert authorities for fear of repercussions, or outright distrust of the police or judicial entities (Brennan, 2005: 41; Goodey, 2008: 425; Interview with La Strada, November 2014). Unfortunately, this mistrust of authorities is warranted; widespread complicity in trafficking activities by authorities or reluctance to investigate claims of abuse are two examples of common reasons for mistrust (Goodey, 2008: 425; Davis and Srinivasan, 1995: 53; Brennan, 2005: 43). The above issues also contribute to the lack of voice trafficked women have in policy and debate. In Moldova, the government, with support from development partners, donors and civil society, established a National Referral System. Between 2006 (the introduction of this system) and 2010, the number of potential victims of trafficking increased

by five-fold indicating not an increase in trafficking, but an increase in reporting, which is also indicative of the number of victims that were previously without support (Vaculovschi, 2015: 12). Academic study of trafficking is important for informing policy debates, however, researchers must be clear with trafficking victims about the limitations of their position. Sharing information for the purpose of research may not offer victims of trafficking any tangible benefits despite an apparent authority and power imbalance implicit in academic research situations (Brennan, 2005: 45). Researchers and academics should therefore be extremely cautious and forthright in their

intentions since even well-intentioned interventions can lead to disastrous consequences or inform misguided policies for designated populations.

Perceptions regarding WMWs, including the media and policy discourse surrounding trafficking, are typically characterized by sensationalism, stereotypes and distortions that negatively impact effective strategies to mitigate trafficking (Brennan, 2005: 38). In order to challenge such perceptions, and improve protection and support for women migrants, it is imperative that their voices be heard in international and national public debates and policy forums.

Tala

The process of returning home proved to be more arduous than Tala had originally expected. She first went to the Bahay Kalinga shelter in the capital of Saudi Arabia to seek refuge from her exploitative and abusive employers (Locsin, 2014). For some time, Tala was stranded in Saudi Arabia due to the present sponsorship system, which required her employers to provide her with an exit visa to leave (Napolitano, 2015). She noted that this process took some time, as her employers did not want to go through the hassle of hiring someone new, and demanded that she come back to work.

Finally, when she did return to the Philippines, she she was once again faced with the realities that

she had migrated to escape. Now, these realities were even more difficult to manage, given that her economic status and psychological well-being had been negatively affected due to the debt she incurred to migrate, and the psychological burden of her traumatic experience overseas (Plank, 2015). Tala's migrant experience made her feel like an increased burden on her family, and it isolated her from her community. While she says that she wants to find a good job in the Philippines to support her family and repay her debt, she added that, despite her horrid experience, she feels she has no choice but to migrate again. She concluded by stating that the prospect of being away from her child for an extended period is the largest dissuasion for her.

Izel

Luckily, Izel and her husband were able to receive a humanitarian visa from the Mexican Government. However, since the legal process of obtaining the visa and the birth of Izel's child required her and her husband to stay in one place, they were unable to make their way North to reach the US (Morales, n.d). Izel noted that while she feels very blessed to have a new baby girl, taking care of her child, the mounting expenses and the hostility around employing migrants have resulted in few part-time jobs for her and her husband. They were

able to borrow some money from other migrants and now they are further in debt than when they started their journey.

With her humanitarian visa running out in a few months, she feels that she is also running out of options. She expresses guilt over being a "failed migrant" and does not want to return home to raise her child in Honduras. However, she also does not feel that she can undertake the journey to the US with a newborn baby. "We are stuck. We don't know what to do," she states.

Veronyka

Veronyka was one of the lucky individuals to escape her captors and was eventually sent back to Moldova. Upon return to Moldova, she found little help save some support from NGOs, but being located in larger cities she found traveling to them difficult. The authorities applauded her courage in escaping, but said they could do little otherwise. The traffickers were in another country and she never knew their full names. Her family has trouble understanding what happened to her, and she feels shunned by the community.

She lives in fear that the people who trafficked her will return for her; they threatened to do so. She has heard stories that such things have happened, but she can only hope that her story will be different. She says she doesn't feel safe in Moldova. Perhaps staying in Italy would have increased her chances of getting a job and maybe she could have received

some needed counselling that she feels too ashamed to get in her home. However, she remarks that the immigration services that she dealt with were much more interested in getting rid of "illegal" migrants than protecting her rights.

She states that the emotional toll of her experience is something that she carries around with her daily. She notes that the nature of her experiences makes her feel isolated in her community and makes it hard for her to get a well-paying job. In recent years, the Moldovan Government has strengthened its laws surrounding trafficking and has implemented harsher punishments for traffickers. Although these frameworks didn't prevent Veronyka from getting trafficked, she hopes that her traffickers receive criminal punishment if they ever enter Moldova. She adds, maybe this can keep other girls safe.

Return

Factors Affecting Return

As mentioned previously, the presence of certain economic and social realities, global trends, and individual factors can shape a woman's decision to migrate. These same factors interact with a migrant in her decision to return to her country of origin. Some migrants may decide to return when they have collected enough money; others may take advantage of favourable economic conditions; others still may be impacted by the presence of a financial crisis at home or in destination countries. For instance, fluctuations in the exchange rate were shown to impact the decision of migrants to return home (Yang, 2006).

Although for many the decision to migrate can be seen as voluntary, the degree to which a migrant can make the choice independently can become more blurred; options can be limited to such an extent that the only 'choice' a migrant has is to return home. The **lived experiences** of migrant women can colour their perception and influence their decision-making. Some women may be able to link with members of

their community, experience reasonable work hours and standards or may have employers who treat them with respect. For instance, some employers may show their appreciation towards migrant workers by giving them gifts, helping them financially or by aiding them in attaining legal status in destination countries (Parreñas, 2001: 187-88). The displacement of many individuals after the 2008 financial crisis demonstrates that some economic fluctuations can impact the job security of migrants (Go, 2012). While no individual is immune to fluctuations resulting from global crises, migrants may face an added level of precarity in these situations, as the lack of rights-based frameworks, social security protections, and citizenship status in destination countries can heavily impact these individuals' outcomes.

As demonstrated throughout this report, while some migrants have positive experiences with their employment, others face situations that may be exploitative, dangerous, or sometimes even violent. Some migrants find work in terrible conditions, may be paid low wages and can be exposed to physical, sexual and psychological abuse by their employers (Rodriguez,

2005). The presence of these conditions exhibits the absence of proper rights frameworks (and enforcement mechanisms) to protect individuals from harm and exploitation during the migration process, and can impact their decision to return home, albeit to differing degrees.

A large portion of the migrant experience is affected by the availability of **stable employment**, the variety in the job market and working conditions. As mentioned throughout this report, some jobs undertaken by migrant workers are marked with high levels of precarity, due to structural, legal, social and gendered reasons. As a result, migrants occupying these positions may experience greater incentives to return to their country of origin. In the United States, for example, the length of stay for migrant workers from Mexico depends on the industry in which they are employed. Migrants who work in the agricultural sector stay in the country for less time than their counterparts employed in the 'urban sector' (Lindstrom, 1996: 357). The reason for this is attributed to the presence of diverse jobs with a steady stream of employment in urban sectors, when compared to the fluctuating agricultural sector (Lindstrom, 1996).

Other unforeseen or extraneous circumstances can also influence women to make the decision to return home, such as: pregnancy, death or emergency in family, health complications, etc. While in some of these cases, like the death of a loved one, the migrant may choose to leave voluntarily, in other instances like pregnancy, migrants' contracts may get terminated and they may become unemployed, lose their legal status in destination countries, and thus be forced to go back to their country of origin (Constable, 2015: 143). Although some migrants can make legal claims to extend their stay in destination countries, or receive some social support, usually the help they obtain is nominal and brief (Constable, 2015). While migrant workers may face increased vulnerability in these situations, employers can usually circumvent these measures and take advantage of migrants' lack of awareness around their rights to terminate employment contracts (Constable, 2015; McLaughlin and Hennebry, 2013).

Furthermore, for temporary migrants, their **legal status** can also be a determinant of their duration of stay in the host country. While it would intuitively seem that being an undocumented migrant, or falling out of status, would result in return migration or more frequent trips home, evidence suggests that instead mobility becomes truncated, as migrants become stuck in a place where they have lost (or never had) documentation. For Mexican migrants in the United States, individuals with undocumented status stayed in the destination country for longer periods of time because of the costs and risks associated with re-entry (Lindstrom, 1996). Similarly, many undocumented Filipina mothers faced prolonged family separation due to their legal status, as their precarious state prevented them from being able to regain entry to their country of destination (Fresnoza-Flot, 2009).

Methods of Return

Return is conventionally understood as the end of a migration-cycle, and is associated with a return to normalcy or 'home' (Sørensen, 2016: 67; Lindquist, 2013: 123). However, return as both a process and a discursive tool is contested, with ambiguous meanings and implications for migrants that vary across spectrums of race, gender, class, skill-level and citizenship. According to social anthropologist Xiang Biao, there are three general categories of returnees, according to how they are treated by state policy and framed in media, which include: the 'victims,' the 'desirable,' and the 'ambiguous.' The category of victims generally includes refugees or 'failed' asylum seekers who are repatriated through assisted voluntary return schemes or deportation. The 'desirable' include elite professionals that are highly skilled, who are actively recruited and enjoy a wide range of rights and privileges. 'Ambiguous' returnees may be those whose labour is in economic demand but are socially excluded (Biao, 2013: 11). For lower skilled migrants who are returning after periods of temporary labour migration, whether or not through managed programmes or bilateral agreements, the framing of return is even less clear. This is particularly the case for seasonal or circular migrants who

may experience a form of 'return' somewhat regularly over many years.

The return of migrants to their country of origin or ancestry can result from a top-down state led economic development or nation building project. Much has been written about the Philippines, where the president would welcome returnee labour migrants at Ninoy-Aquino International Airport each year at Christmas, while they were expected to depart again to continue the flow of remittances (Rodriguez, 2010).

While undocumented migrants may choose to remain in host countries longer to avoid difficulties around re-entry, they also face uncertainty and the omnipresent threat of **deportation** arising from their legal status (De Genova, 2002). Indeed, the status of these migrants forces them to live with the reality that they may one day be sent back to their country of origin by state authorities. This can further push migrants toward invisibility, as they increasingly take jobs in the grey areas of the labour market to avoid prosecution or deportation. As undocumented individuals consistently face the precarities brought on by their (lack of) legal status, contemporary conceptualizations around security can also formulate the state's posture towards these migrants and can shape their reality. The perception that undocumented migrants take away jobs of citizens (Spitzer and Piper, 2014), or pose a threat to security (Go, 2012) may influence governments to take action against undocumented migrants.

In the case of deportation, the migrant's return home may be classified as involuntary. Forced returns occur as a result of particular state policies, but within a multiplicity of actors such as state agencies, recruitment agents, private security firms, transport companies, and employers at the transnational, national, and local level. As legal systems remain state-centric, return through deportation deprives migrants of accessing redress for injustices experienced in the host country, as they have been forcibly moved across an international border (Biao, 2013: 84).

Other migrants make the decision to return home in the presence of many factors such as: the lack of employment opportunities, the presence of political turmoil in the country of origin, economic conditions, and lived experiences during migration (Go, 2012; Pinger, 2010). As such, the reasons for return migration of WMWs vary broadly and depend on the individual context of the migrant. Though some of these reasons are categorized as voluntary or involuntary in migration literature, in many cases the decision to return home is influenced by a plethora of factors that do not fit so neatly into this binary. However, throughout migrants' decision-making process to return home, the lack of rights afforded to these individuals can shape their experience, colour their social reality, and heavily influence their trajectory.

Return, Reintegration and Support

As demonstrated by the stories of Tala, Izel and Veronyka, whatever the factors leading migrants to return back to their origin countries, many face a set of key challenges upon return. The availability of reintegration and support programmes, the duration of migrants' stay in the host country, and conditions that have encouraged the return process, can all influence the return experience. While much of the literature on return migration focuses on these aspects, a more neglected component of return migration is the perceived preparedness of a migrant to return home. Further, there are strong structural and discursive overlaps pertaining to return and reintegration, where notions of successful return are tied to economic success, or to rescuing or protecting migrants. These intersections become intensified in the context of return, as not only governments, but also NGOs and media, commonly view return as an 'end point' in the migration trajectory. Migration scholar and anthropologist Johan Lindquist interviewed IOM Indonesia staff, who acknowledged that they were unable to assist victims of exploitation unless they had 'somewhere to go,' or a place to be returned (Lindquist, 2013: 28-129). Furthermore, Lindquist details instances in which returnees from Malaysia to Indonesia deemed victims of trafficking were given reintegration assistance by the IOM to start a business. Those

who managed to maintain and grow their enterprise were labelled 'successful victims', whereas others used IOM's funding to pay labour brokers to return to work in Malaysia. Thus, return and reintegration must be understood as part of the broader labour circulation process rather than a true end point seen to conclude mobility (Lindquist, 2013: 137).

Many of the WMWs stories highlighted in this report feature migration with the intention of returning home at some point. However, some may be more prepared to return than others at a given time. **Preparedness** in this context may refer to the accumulation of required capital, skills and knowledge, along with connections established by the migrant. It may also refer to an individual, who has weighed out the options and decided to return home after a critical analysis of the alternatives (Cassarino, 2008). A migrant who has fulfilled the goals of her migration experience may have an easier time with reintegration than a migrant who has had her experience cut short due to external factors. This is because most prepared migrants have not experienced adverse situations like deportation and may be less likely to depend on external family support or government programmes due to their accumulation of resources. Thus, a 'successful' return is often marked using economic terms and becomes possible through the accumulation of capital (Lindquist, 2013: 124).

Migrants in higher-skilled and masculinized labour categories may have a more seamless transition process when returning to their country of origin. These would exemplify 'desirable' returnees. Emerging economies such as India have actively promoted the return of highly educated professionals through schemes such as the Persons of Indian Origin, and the Overseas Citizenship of India, which grants visa-free entry and residence to those with foreign citizenship or who are born abroad (Upadhyaya, 2013: 147). Actively recruited returnee migrants in higher-educated, professional, or elite fields are often male, and benefit from formalized labour and mobility rights (Petrozziello, 2013: 176). This can be seen in the return migration of IT professionals from Silicon Valley to Bangalore. Their return

and investment in their country of origin is actively courted, protected, and they are praised for contributing to the economic and social development of the nation state (Upadhyaya, 2013: 147-148).

In the context of circular or low-skilled temporary migration, reintegration may be simpler for a prepared migrant who has left the country of origin under voluntary terms. When migrants have completed a work term, or have achieved the goals of their migration, they may be influenced to return home (Go, 2012). Usually, the fulfillment of these objectives delineates some form of benefit accrued by the worker, generally in the form of capital accumulation. This gives the migrant the ability to use knowledge or skills gained abroad, obtain a well-paying job, invest in new initiatives or establish a new business. However, in many cases, lower-skilled migrants have had few opportunities to obtain new skills, and their return risks creating significant economic stress on families as it likely represents a period of unemployment and lack of social protection (Hennebry, 2014). Further, families undergo significant upheaval as temporary migrant workers return from periods abroad, and have to redefine roles and relationships anew which may heighten instances of domestic conflict, violence, or abuse.

A migrant who has not been able to achieve her migration or employment goals, or has not had the time to contemplate her options, may face greater difficulty in reintegration due to the involuntary nature of her return (Cassarino, 2008). The case of trafficked individuals returning home is demonstrative of this point. Many women who have been able to return to their country of origin experience physical and psychological issues and face further stigma from being trafficked (Brunovskis and Surtees, 2013). Reintegration for these individuals requires a differentiated set of services and unique support that is absent in many countries.

Similar to trafficked women, so-called 'failed migrants' also may go back due to unfulfilled expectations, while undocumented migrants face deportation (Constable, 2015). During these vulnerable situations, these migrants may incur debt. Financial problems coupled with the stigma of being trafficked or a

'failed' migrant may cause women to feel detached from their families and communities as their expectations around their return go unfulfilled (Brunovskis and Surtees, 2013). While migrants may seek re-entry to the domestic labour market upon return, the perceived lack of skills acquisition, the stigma attached to their untimely return, and the financial/physical/psychological problems the migrants may experience can pose barriers to reintegration. For instance, interviews and focus groups have highlighted what many refer to as the Badanti Syndrome, a set of psychological illnesses that result from the provisions of 24-hour care work (Italian Focus Group, November 2014; Interview with Journalist, November 2014). In Moldova, for example, only small centres treat this sickness and often there is no information about these centres. With limited funding, many centres close after five or six months leaving the women to continue to navigate the illness themselves. This can increase the debt incurred by migrants, and cause them to experience social isolation. Therefore, it is not unfathomable that some returned migrant women may consider migration as the answer to their problems, and indeed migrate again (Constable, 2015).

Gender-Sensitive Reintegration and Support

Regardless of the status of WMWs, prepared, unprepared, voluntarily returning or not, support for them has to recognize their differentiated needs. There are a number of key challenges to successful delivery of support for WMWs. Reintegration activities are highly complex and diverse, affected by various factors, such as gender, geography, and available resources. Some of these factors are linked to support providers; others are derived from the experiences of WMWs. Support providers have to account for all factors when engaging with WMWs to offer proper resources that promote WMWs agency to direct their lives post return. For a variety of reasons, there is a lack of support in many return contexts. Social stigma, lack of government capacity or attention, and the silence or low visibility of women who require support are just a handful of reasons why services are lacking in many countries.

In some countries, civil society organizations and NGOs may step up to undertake the task of reintegrating migrants in place of the state. For instance, in Moldova, the NGO La Strada offers trafficked individuals rehabilitation and social reintegration services (Interview with La Strada, November 2014). The provision of reintegration support is vital for returning migrants, as its absence can threaten their sense of place in their home communities, limiting their options to exercise their agency in choices that impact work, money and their family. In Moldova, the lack of proper reintegration of trafficked individuals is cited as a factor that can contribute to women being re-trafficked (Interview with La Strada, November 2014).

In the Philippines, there are many government and quasi-government organizations oriented towards returning migrants, and women specifically in many cases (Interview with CFO, July 2015):

- The Commission on Filipinos Overseas (CFO) provides some training sessions for Filipino women marrying foreign nationals to detect and prevent potential trafficking schemes.
- The Office of the Undersecretary for Migrant Worker Affairs (OUMWA), among other activities, repatriates migrant workers from crisis situations (i.e. hostage, jail, etc.) in foreign countries.
- The Department of Labor and Employment (DOLE) provides livelihood training and other support to women who have been trafficked and domestic workers who have returned under distressed circumstances (Encinas-Franco, 2015: 50).
- The Overseas Workers Welfare Association (OWWA) provides those who have been trafficked and exploited migrant workers with psycho-social and economic reintegration services with an individualized support approach.
- The National Reintegration Center for OFWs (NRCO) provides counselling, skills training, financial literacy and money management, entrepreneurship training, assistance for job searching, assistance for

micro-enterprise development, and reintegration programmes for distressed return migrants.

- The Philippine Health Insurance Corporation (PhilHealth) addresses the health issues of overseas Filipinos. PhilHealth introduced the Overseas Workers Program that provides health protection to overseas Filipinos as well as their families in the Philippines.
- The Pag-IBIG Fund is a national saving programme that provides and/or finances affordable shelter for Filipino workers. Members are given a chance to set aside money for their future housing investments. With the programme, members may avail of a housing loan.
- The Social Security System (SSS) administers a pension fund for workers in the private sector that provides social security in the event of: sickness, retirement, maternity, disability, death, funeral, and employee's compensation.

A successful framework of support and reintegration services for WMWs must integrate multiple sites and actors across local communities and governments. At the **national** policy level, governments should strive to improve legislative and normative frameworks that ensure social and employment protection (UN Women, 2013: 5). At the **institutional** level, strategies to support and develop the capacities of participating entities are critical; as the actors who implement policies that promote and protect women's rights to employment and social protection, institutions require appropriate support. At the **local** level, there are several components: first, it is necessary to improve access to quality information and services in the areas of employment, social protection, agriculture, land, and small business development. Second, the employability of women has to be promoted and enhanced. Third, recognition of the distinct needs in service requirements between women in rural and suburban areas is critical. For programmes to properly assist women in exercising their economic and social rights, acute needs must be identified at

the local level. Also critical is the provision of physical and/or psychological health care and social services.

Overarching the multi-layered approach detailed above are necessary principles to ensure that activities remain geared towards women and adaptable enough to changing circumstances and resources (UN Women, 2013: 16-17). First, adopting a gender-sensitive framework is important in the training of personnel and the delivery of services. Gender sensitivity is not a natural approach for many and may present a new way to approach activities for some groups; a comprehensive and clear gender-sensitive framework can help shift the understanding of individuals and groups. Second, a coordinated approach to service delivery will help to ensure that the right information according to need is provided. Third, an overall focus on the individual seeking support, not on the delivery of services to them, should be adopted to ensure that supporting agencies remain able to identify unique needs and provide the proper resources. Finally, service providers should view their work on a continuum that is progressing towards long-term, self-sustaining solutions that help women achieve self-reliance.

Another neglected component of migrant reintegration is the extension of the support services to migrant's dependents. This is especially important in a context where state protections are absent for vulnerable dependents left behind, like children and the elderly. For instance, in Moldova, migration not only impacts the individual undertaking the journey, but also many children who are left behind. Some children suffer emotionally due to prolonged separation, while others face increased vulnerability due to being placed in government-operated boarding houses or being left in the care of individuals not able to provide for them (Foy, 2015). As remittances sent by migrants comprise an integral component of the economy in many sending states, and because measuring the emotional impact of family separation on dependents is difficult, many state policies do not adequately address this issue. However, the lived experiences of migrants' dependents can be a large

factor impacting the reintegration of individuals. Furthermore, the thoughts and views of migrant's dependents can also be an important factor impacting the reintegration experience. When migrants return to their country of origin, their experiences can be downplayed or marginalized by their dependents, especially if they have not been able to live up to expectations and have, 'failed' as migrants in the eyes of their community (Constable, 2015). Therefore, integrating migrants' dependents to reintegration strategies can foster empathy between parties, help reconcile any misunderstandings, and lead to the development of better outcomes that address the long-term needs of migrants and their dependents.

Adopting the above strategies and components will present significant challenges that are differentiated from the practical challenges of providing support and reintegration assistance to WMWs (UN Women, 2013: 18-19). First, there may be difficulty in encouraging individuals to adopt appropriate mindsets to engage with populations. Second, resistance, misunderstanding or misinterpretation may be encountered when convincing service providers to implement new approaches to service provisions (i.e. setting up separate offices for privacy). Third, creating sustained collaboration among service providers entails implementing a communications strategy that operates horizontally and vertically through a range of actors. Fourth, ensuring an adequate geographical coverage and access for populations in rural and urban settings

will require significant enhancements and augmentations to existing programmes.

As previously discussed, women who have experienced trafficking or grave exploitation require forms of reintegration support that may differ from other migrant women. In many instances, the support needed tends to be all encompassing and multifaceted. Although trafficked women have been discussed throughout the report, it is important to recognize that their lived experiences differ greatly from many migrant women.

Empowerment Through Migration?

While it is true that many women may face heightened precarity, vulnerability and violence throughout the migration process, they also have many opportunities for empowerment and to advocate for their rights throughout their journey. Women may feel empowered throughout the migration process in various ways: migration itself may give them some degree of autonomy and can change pre-existing dynamics; the working conditions of women can afford them more independence than before; the experience of being the primary breadwinner in the family can provide them new responsibilities; or the experience of being left behind by their spouses and assuming previously male-dominated duties can provide them with increased decision-making power. In general, labour migration has been noted as an empowering exercise since it challenges long-standing patriarchal norms (Hofmann, 2014: 25).



PART III:

Through the Margins
to the Centre: Fostering
Empowerment of
Women Migrant Workers

During their decision to migrate, some women may leverage their informal networks to gain knowledge about the migration process, or they may interact with other state and non-state actors, which can empower them through providing training and information. The choice to interact with informal migration brokers, though often fraught with precarity, is nonetheless a strategy women choose to employ in order to arrive at their destination. In Central America, women migrants, many of whom are travelling northward to work in the care sector, interact with brokers and facilitators at every stage of their journeys. Government agents may also supply services or turn a blind eye toward transgressions with the proper 'greasing', or payment (Sandoval, 2013). In many situations, women choose to interact with various actors to facilitate the migration process, and in doing so, they demonstrate considerable agency. The existence of agency in these early stages should be taken into account by governments and policy makers when designing initiatives and processes, which might empower migrant women.

While certain processes can empower women prior to departure, globalization and the rising spread of cultural norms globally can contribute to the empowerment and a greater recognition of women's agency throughout the migration process. For decades, women's share of the global labour market has been steadily expanding and they are increasingly migrating autonomously from their families in host countries (Oishi, 2005; Piper, 2008). This can be empowering as it can grant them increased autonomy and independence (Ghosh, 2009). Scholars and researchers have drawn attention to how working in different sectors can empower women in various ways. For instance, in agriculture, some studies have identified the agency held by women in the migration and working process (FAO, 2011; Hofmann, 2014; Dolan, 2005; Reimao et al., 2015). While McLaughlin (2009) and others argue that the structural vulnerabilities embedded in some temporary worker programmes like the SAWP are true, women migrants can demonstrate their agency by being a part of this traditionally male-dominated sector.

The economic gains of migration are also potentially empowering for women working in a variety of sectors. Gaining employment in host countries can help sustain families back home through remittances. Women, whose jobs may allow them to become a principal income-earner in the family, often also gain a greater authority in family decisions. Furthermore, the female dependents of migrant women can also be empowered through their new roles as managers of funds and family members. While in some cases, the shifts in the economic status of women can work to create occasions for them to reconfigure the gendered hierarchies present in the household, in other instances they can create new problems in the family system (Espiritu, 2003). At times, women's empowerment can threaten the position of men, increase overall stress and result in a gender conflict (Espiritu, 2003; Moghadam, 1999). Overall, migration provides opportunities for empowerment, but such opportunities are by no means inherent. Indeed, as discussed at the outset of this report, gendered policy and labour market realities structure such opportunities. As such, the efforts and support of community activists and organizers, diaspora organizations and civil society groups are vital to women migrant workers realizing empowerment and claiming rights.

The Role of Civil Society

During their work abroad, some WMWs can also be empowered through their engagement with civil society organizations, unions or other migrant networks. Many civil society groups promote the unionization of all migrant workers, a strategy that is often effective but not without risk; for example, agricultural workers in some Canadian provinces are barred from collective bargaining, while in provinces where unionization is legal, they have faced repercussions such as 'blacklisting' for participating in union activities. Other times, NGOs and civil society groups can empower women in various professions by championing their rights, altering the dialogue around certain issues and lobbying for changes in policy. Many NGOs may also provide support for other groups and organizations, like the International Women's Rights Action Watch (IWRRAW), which prepares shadow reports for human rights bodies, highlighting issues and policy gaps not flagged by states themselves,

and to raise awareness around the lived experiences of migrants. In other instances, advocates and researchers have focused on expanding existing treaties, conventions and bodies to national legislative changes and frameworks to better protect migrant women.

A CEDAW-based analysis of Mexican legislation reveals that a number of legal frameworks and procedures must change to better protect WMWs. For instance, to properly comply with paragraph 23 (a) of CEDAW Recommendation No. 26, Mexico's Migration Act includes temporary permits (positive actions) that can provide equality between migrant men and women in access to immigration documents (IMUMI, 2015: 23). Migrants can also be active participants and engage with other national and international groups to protect their rights. Groups like Migrante International, a global network of 95 member organizations in 22 member countries, works to organize Filipino migrants globally to demand the protection of their rights from the Filipino Government.

In some sectors, these advocacy initiatives have been successful in changing policies and shifting the discourse around certain realities faced by migrants. In the case of Migrante International, their lobbying and advocacy efforts put pressure on the Filipino Government to implement a certification system for migrants, offer them rights training and provide them with consular services abroad. Similarly, the British NGO Kalyaan's rights based activism and collaboration with Anti-Slavery International led to the formation of a regularization programme for abused domestic workers by the Home Office (Briones, 2013: 62). While some organizations aim to change problematic state policies, others focus on migrant women in specific sectors, like sex work, to help them attain the rights, dignity and protections they need to work and live in their host countries. One such organization is the aforementioned Bangkok-based network of NGOs, Global Alliance Against Traffic in Women (GAATW), which recognized the agency of many migrant women in the sex trade industry and instead of problematizing sex work, it drew attention to the shocking working conditions faced by many of these women (Piper, 2003: 734). In addition, international civil society groups and NGOs

have a major part to play in lobbying governments to protect the rights of WMWs. For example, C189 was passed largely due to the high degree of pressure from civil society organizations and NGOs (Rosewarne, 2013).

However, it is vital to recognize that transnational NGOs and migrant associations function within existing hierarchies and structures, which may have repercussions for the social participation of women (Ramírez et al., 2005: 42). Further, solidarity is not inherent among members of a given ethno-cultural group or gender; and in some cases there may be a lack of trust among members of the same community in countries of destination. Factors that contribute to this lack of trust or impede collective action include: fear of loss of current or future employment, particularly where there are insufficient legal frameworks to protect the rights of migrant workers to unionize; fear of deportation particularly among those with undocumented migration status; working in the informal sector or in occupations that are considered illegal in the destination country; participation in smuggling or informal networks and exchanges, which are common in recruitment; and the reality that many women who are trafficked have been victimized by individuals from their own country of origin.

The Role of Sending Countries

The Philippines, as a major source country for WMWs, provides an interesting example of the role that sending countries can take in reducing the vulnerability and risk to migrant workers. As a response to many public and migrant advocates' outcries over migrant rights abuses, the Philippine Government passed the Migrant Workers and Overseas Filipinos Act of 1995, which has since been amended twice. In this Act, the state recognizes the increased vulnerability of lower skilled migrants in destination countries, which has led to greater government involvement in the deployment of skilled Filipino workers and provides low-skilled migrants with mandatory skills training prior to their deployment (Rodriguez, 2005). The Act also responds to public and advocacy groups' concerns by providing migrant women with information

“Despite a strong strategy of engagement with Moldovan diasporas abroad, most emigrants are overlooked; only 8 per cent of Moldovans outside the country engage with diaspora groups.”

(Interview with Moldovan Government, November 2014).

and education on the labour and employment conditions of various destination countries (Rodriguez, 2005). At the same time, the government body overseeing the implementation of the Philippine Overseas Employment Administration (POEA) is tasked with the regulation of recruitment practices to ensure that women are not exploited during this process (Asis, 2006). The education and information programmes are generally thought to be of value for migrants and can be seen as empowering them throughout the migration process (Asis, 2006). However, the government has faced criticisms for its role in further entrenching a gendered system of labour migration (See Encinas-Franco, 2015). Further, the role of sending state governments is limited largely to pre-departure and consular support; and the protection of the rights of migrants cannot be achieved unilaterally.

Some sending countries actively work to protect the rights of their citizens abroad, which may foster greater empowerment for women migrants. BLAs are one strategy that some countries of origin deploy as a mechanism to strengthen the protection of migrant workers' rights. In practice, BLAs are not often used in this way but there are prominent examples, such as one between the Philippines and the Kingdom of Saudi Arabia. Moldova has few bilateral agreements and even fewer BLAs. Currently, no ministries in the government are opposed to Moldovans working abroad, but many do not offer information or assistance to migrants, either to those wanting to emigrate or to those already doing so. In some cases, sending countries can work with diaspora organizations to provide support to their citizens abroad. For example, the Government of Moldova provides registered diaspora groups with educational opportunities and resources with a focus on development and investment in Moldova. However, this support is limited to educational, cultural and development focussed activities, and political or collective action is not typically supported by such funding. In the context of Moldovans in Italy, the presence of diaspora organizations has had limited impact on women's empowerment, and no specific funding is directed at supporting WMWs or civil society working with women migrants abroad.

CONCLUSION

For many women migrant workers, their daily interactions in and out of the workplace are defined by layers of insecurity and precarity, which are made invisible through informal workplace relationships, shifting legal statuses and resultant asymmetrical power relationships. Invisibility is a key component of the lop-sided power relationships that WMWs experience in their interactions with labour brokers and intermediaries. This is particularly the case for women working in unregulated sectors such as in sex and entertainment industries or in semi-regulated private home-based work. Increasingly, WMWs are used as secondary and devalued forms of labour, extended to public workplace settings that reflect preconceived notions of 'women's work' (McDowell, 1999: 123-148).

Despite the innumerable challenges, women migrants experience significant autonomy working abroad by becoming primary economic providers to their families back home, potentially shifting gender norms, challenging conceptions of responsibilities and identity. Indeed, women migrant workers empower themselves through their work, their migration journeys, their engagement with families back home, and by linking migrants and their advocates across and

within borders advocating for their labour and human rights. Beyond connecting formally with advocacy and support groups, women migrants create spaces of resistance through connective autonomy, or by forming helpful relationships with other women migrants, becoming less isolated and creating durable connections with destination countries (George, 2005: 39-57). In such contexts empowerment through knowledge sharing can reduce the invisibility of women migrants' experiences and help create sites of agency, mutual support and respect.

In addition to such efforts, by urging governments to align policies and practices with their commitments under CEDAW and other international frameworks, gender-sensitive migration governance can be achieved. Adopted in 1979 by the UN General Assembly, CEDAW has been a foundational international normative framework guiding government legislation and action. Nevertheless it has remained relatively apart from other governance arenas, such as migration. In order to mainstream gender into migration governance, it is time to move gender concerns from the margins to the centre, fostering gender-sensitive policies and practices throughout all stages of migration.

TABLE 1:

Distribution of Global Migration Stock by Region of Destination

Region of Destination	International Migrant Stock (Millions)											
	1990		1995		2000		2005		2010		2015	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
World	77.75	74.82	81.74	79.06	87.88	84.82	97.87	93.40	114.61	107.10	126.12	117.58
Developed Regions	40.26	42.12	45.09	47.21	50.54	52.84	57.22	59.96	64.08	68.48	67.62	72.86
Developing Regions	37.48	32.70	36.64	31.85	37.35	31.98	40.65	33.44	50.53	38.62	58.50	44.72
Sub-Saharan Africa	7.75	6.95	8.04	7.29	7.21	6.51	7.44	6.51	8.19	7.31	10.10	8.89
Africa	8.28	7.41	8.62	7.74	7.86	6.94	8.23	6.96	9.04	7.80	11.12	9.53
Eastern Africa	3.07	2.89	2.59	2.44	2.48	2.36	2.53	2.22	2.37	2.29	3.11	3.02
Middle Africa	0.74	0.72	1.35	1.30	0.90	0.85	0.98	0.94	1.09	1.05	1.16	1.15
Northern Africa	1.23	1.17	1.11	0.98	1.05	0.84	1.06	0.72	1.15	0.78	1.28	0.88
Southern Africa	0.84	0.55	0.71	0.48	0.72	0.50	0.84	0.60	1.28	0.93	2.04	1.39
Western Africa	2.39	2.08	2.87	2.54	2.70	2.39	2.82	2.48	3.16	2.76	3.54	3.08
Asia	26.01	22.13	25.20	21.35	26.85	22.49	29.59	23.79	38.21	27.71	43.55	31.53
Central Asia	2.97	3.66	2.64	3.25	2.32	2.87	2.41	2.83	2.49	2.77	2.60	2.80
Eastern Asia	2.01	1.95	2.27	2.39	2.55	2.84	2.93	3.30	3.32	3.74	3.58	4.02
South-Eastern Asia	1.51	1.37	1.92	1.78	2.50	2.42	3.34	3.18	4.50	4.16	5.12	4.75
Southern Asia	10.60	8.84	8.38	6.96	8.41	6.86	7.54	6.18	7.95	6.37	7.70	6.40
Western Asia	8.92	6.32	10.00	6.96	11.06	7.50	13.36	8.29	19.95	10.65	24.56	13.56
Europe	23.95	25.27	25.64	27.21	27.24	29.04	30.92	33.17	34.68	37.70	36.27	39.87
Eastern Europe	10.20	11.79	10.02	11.32	9.70	10.73	9.36	10.38	9.03	10.08	9.31	10.38
Northern Europe	3.18	3.47	3.40	3.79	3.71	4.19	4.56	5.02	5.70	6.16	6.38	6.95
Southern Europe	2.06	2.28	2.86	3.13	3.61	3.91	5.83	6.14	7.85	8.31	7.37	8.37
Western Europe	8.51	7.73	9.35	8.97	10.21	10.21	11.16	11.61	12.09	13.15	13.21	14.17

Region of Destination	International Migrant Stock (Millions)											
Latin America and the Caribbean	3.60	3.57	3.35	3.34	3.28	3.29	3.59	3.64	4.09	4.15	4.58	4.65
Caribbean	0.55	0.51	0.60	0.56	0.65	0.61	0.68	0.65	0.69	0.66	0.70	0.67
Central America	0.90	0.93	0.64	0.66	0.55	0.55	0.69	0.69	0.87	0.88	1.02	1.02
South America	2.14	2.14	2.11	2.13	2.08	2.13	2.22	2.30	2.53	2.62	2.86	2.97
North America	13.50	14.11	16.40	16.94	19.98	20.37	22.54	22.82	25.06	26.16	26.59	27.90
Oceania	2.42	2.32	2.54	2.49	2.68	2.68	2.99	3.03	3.54	3.59	4.00	4.10
Australia and New Zealand	2.27	2.20	2.38	2.36	2.52	2.55	2.83	2.89	3.38	3.45	3.84	3.96
Melanesia	0.05	0.04	0.05	0.04	0.05	0.04	0.06	0.05	0.06	0.05	0.06	0.05
Micronesia	0.06	0.05	0.06	0.06	0.06	0.07	0.06	0.06	0.06	0.06	0.06	0.06
Polynesia	0.03	0.03	0.04	0.03	0.04	0.03	0.04	0.03	0.04	0.03	0.04	0.03

Source: UN DESA, 2015

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