

Migration of Women Workers

from South Asia to the Gulf



V.V. Giri National Labour Institute



United Nations Entity for Gender Equality
and the Empowerment of Women

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FOREWORD

In recent times, the Gulf and North America have been prominent destinations for South Asian migrants, and the increasing feminisation of international migration is reflected in these movements. The escalation in the movement of migrant women from South Asia to the Gulf calls for rigorous research and analysis, as well as policies and measures relating to this phenomenon that has wide-ranging economic and social ramifications.

This study specifically looks at the processes, outcomes and problems of the international migration of women from South Asia to the Gulf region. By mapping structural and procedural aspects from a rights based perspective, the study emphasises the agency and empowerment of women migrants both as a desired outcome and as a policy driver. The report analyses the latest available data at macro and regional levels along with information from micro-level qualitative studies to trace the emerging patterns and characteristics of the migration of women workers from South Asia to the Gulf.

Taking into account how the labour market in the Gulf mirrors the dominant sexual division of labour, the study details the vulnerabilities of low skilled women migrant workers. A major focus is the crucial role of regulatory regimes in shaping the processes and outcomes of migration and individual choices. The report examines the impact of policy measures of protection and restriction, which seems to be more far-reaching than that of those aimed at the promotion of women's migration in the South Asian region.

The study elaborates how regulatory regimes of different countries have often adopted contradictory policy measures, which reflect the pressures experienced by sending and receiving States. Sending States attempt to balance the macro benefits of increasing remittances, the micro/local experiences of subtle yet important changes in gender relations within and outside the household, and the imperative of protection of migrant workers' rights. Receiving States, on the other hand, while benefiting from abundant and inexpensive low skilled labour, must balance anti-immigrant sentiments and demands for indigenisation. With these contexts, the study details how regulatory measures by sending and receiving countries simultaneously encompass restriction, protection and promotion of migration.

Many conclusions emerge from this report; the importance and effectiveness of the collective voice for protecting migrant women is a prominent one. The study identifies migrants' associations as critical in liaising between governments and individual migrants. It recognises the important link between the pre-departure programmes conducted by government and non-government agencies, and the positive impact these have had in reducing vulnerability and empowering women migrants.

The report acknowledges that migration of women from South Asia to the Gulf will see an increasing trend in the future. It locates the aforementioned institutional efforts alongside the enormous increase in the scale of female migration, and the numerous positive responses from stakeholders to mitigate the risks and vulnerabilities of migrant women. Such measures have emerged from and contributed to an atmosphere of greater awareness and acknowledgement, at the national and international levels, of the need for migration policies to not just be gender-sensitive but also include specialised measures and programmes directed at women migrants.

With the aid of the latest data, the study predicts an increase in income and welfare for both the individual migrant and for the sending economy. It links the multiplier effects of these changes in households and at the regional level to the spillover in the social and political spheres. These increases—in income and welfare—will have enormous consequences, it predicts, as the ensuing empowerment of women will reshape gender and power relations at the micro and macro levels.

This research project was undertaken by the V.V. Giri National Labour Institute and supported by UN Women as a part of the Memorandum of Understanding between the two institutions for promoting research and training in the area of women's migration in a globalised setting. We hope that the findings of the report will stimulate an intensification of the debate on migrant women on the one hand, and provide valuable inputs for all concerned to evolve and implement proactive and rights based programmes and policies for women migrants, on the other.

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ACRONYMS AND ABBREVIATIONS

ACILS	American Center for International Labor Solidarity
ACTFORM	Action Network for Migrant Workers (Sri Lanka)
BCHR	Bahrain Center for Human Rights
BEOE	Bureau of Emigration and Overseas Employment (Pakistan)
BMET	Bureau of Manpower, Employment and Training (Bangladesh)
BOMSA	Bangladeshi Ovibasi Mohila Sramik Association
BOSEL	Bangladesh Overseas Employment and Services Limited
CBS	Central Bureau of Statistics (Nepal)
CIRS	Center for International and Regional Studies (Qatar)
DFID	Department for International Development
DW	Domestic Worker
ESCAP	Economic and Social Commission for Asia and the Pacific
FDI	Foreign Direct Investment
GCC	Gulf Cooperation Council
GDI	Gender-related Development Index
GDP	Gross Domestic Product
GEM	Gender Empowerment Measure
GFBTU	General Federation of Bahrain Trade Union
GFMD	Global Forum on Migration and Development
GRT	Global Remittance Trend
HDI	Human Development Index
IDRC	International Development Research Centre
IFAD	International Fund for Agricultural Development
ILO	International Labour Office/Organization
IMF	International Monetary Fund
IMP	International Migration Policy Programme
INSTRAW	International Research and Training Institute for the Advancement of Women
IOM	International Organization for Migration
IT	Information Technology
KAMCO	KIPCO Asset Management Company
KTUF	Kuwait Trade Union Federation
LFPR	Labour Force Participation Rate
MEWOE	Ministry of Expatriates' Welfare and Overseas Employment (Bangladesh)
MOIA	Ministry of Overseas Indian Affairs
MoU	Memorandum of Understanding
MSC	Migrant Services Center
MWPS	Migrant Workers Protection Society (Bahrain)
NEP	National Emigration Policy (Pakistan)

NIDS	Nepal Institute of Development Studies
NLFS	Nepal Labour Force Survey
NLSS	Nepal Living Standard Survey
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OPEC	Organisation of Petroleum Exporting Countries
OSCE	Organization for Security and Co-operation in Europe
PDOT	Pre-Departure Orientation Training
PEOT	Pre-Employment Orientation Training
PET	Peer Educators Training
PGE	Protector General of Emigrants (India)
PICUM	Platform for International Cooperation on Undocumented Migrants
POE	Protector of Emigrants (India)
PRA	Private Recruitment Agency
RBI	Reserve Bank of India
RMMRU	Refugee and Migratory Movement Research Unit (Bangladesh)
SAARC	South Asian Association for Regional Cooperation
SACEPS	South Asia Centre for Policy Studies
SHISHUK	Shikkha Shasthya Unnayan Karzakram (Bangladesh)
SLBFE	Sri Lanka Bureau of Foreign Employment
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNESCWA	United Nations Economic and Social Commission for Western Asia
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
UNRISD	United Nations Research Institute for Social Development
WARBE	Welfare Association of Repatriated Bangladeshi Employees

1 INTRODUCTION

1.1 THE CONTEXT

This study examines the processes, outcomes and problems associated with the migration of women workers from South Asia to the Gulf region. The Gulf region has had long-standing connections with South Asia in terms of both trading links and the movement of persons. The South Asian region has emerged as the most important source of migrant labour in general and female migrants in particular to the Gulf. The countries of this region share a common history of colonial domination and a long history of labour mobility both within and outside the region, but have different economic growth and development experiences.

The current spurt in labour migration to the Gulf needs to be situated within the long-term trend of international migration in the age of globalisation, specifically in the last three decades. International migration has become both an outcome and a driver of increasing global integration (Martin et al., 2006; United Nations [UN], 2006; United Nations Development Programme [UNDP], 2009a). Labour migration from South Asia, which had played a dominant role defining the 19th century international migration trends, has once again emerged at the forefront of the new wave of global migration in the last decades of the 20th century (Mckeown, 2004). While 19th century labour migration was mainly intra imperial and primarily to the British colonies, the destinations of the current international migration flows from the region are mainly the Gulf and North America.

A distinctive feature of the current international migration is that almost half the population movement consists of women, which is in contrast to the relatively lower proportion of female migrants in 19th century migration. In this regard, however, it should be noted that migration of women from South Asia has been lower than the international averages even though the gap has been consistently declining over time. Increasing feminisation of international migration in general and from South Asia in particular has thrown up new issues and poses new challenges relating to institutions, processes and outcomes associated with female migration. While our study will focus on the structural and procedural aspects of female migration, we aim to look at the issues from a rights based perspective that takes into account the agency and empowerment of female migrants both as a desired outcome and as a policy driver.

Large-scale migration of women workers from South Asia has well documented historical roots in the colonial period. Indentured migration to the plantation colonies in the 19th century, for instance, was governed by the strict requirement stipulated by the colonial government of a

minimum of 40 women per 100 men. Most women who migrated were single, with only a minority travelling with their families, and this had very important consequences for the character of household and community formation in the destination economies. This also affected the way migration was looked at in the sending regions, with sentiments of national honour often attached to the treatment of women migrants. The exploitation of women in the plantations triggered massive nationalist agitations against indentured migration and eventually led to its abolition in 1916. Regulation of female migration was thus crucial both at the inception and at the end of migration systems of the 19th century (Northrup, 1995; Tinker, 1974).

Contemporary female migration shares an interesting feature with historical migration, namely that a majority of the female migrants are single. The working conditions and the nature of occupation of the women labourers in contemporary Gulf migration expose them to a variety of vulnerabilities which are not dissimilar to those faced by women in the 19th century plantations. No wonder then that policy measures for protection and restriction have been emphasised to a greater extent than those for promotion of female migration in the South Asian region as a whole. This has had the unintended consequence of increasing undocumented and irregular migration of women, which has further aggravated the vulnerabilities of women migrants.

The occupation of the majority of the female migrants from South Asia is essentially low skilled in nature. A majority of women are engaged as domestic workers and low-end service providers (housemaids, babysitters, caregivers, cleaners, etc.); a relatively lower percentage is composed of semi-skilled or skilled workers (para-medicals, accountants, teachers, etc.). Several factors trigger a demand for low-end domestic and allied jobs in the Gulf countries. The first is the relatively low female labour force participation rate (LFPR) among the local workforce due to cultural and social reasons. Allied to this, the rapid prosperity and expansion of the service economy has meant that there has been consistent and increasing demand for low-end service providers. The labour market in the Gulf mirrors the dominant sexual division of labour, with relatively lower-end positions being increasingly filled by migrant women.

Domestic workers in particular are always at risk of physical, sexual and emotional abuses, including confinement, underpayment or non-payment of wages, as well as a range of other abuses, since their living and working conditions are entirely dependent on the personal relationship between the worker and the employer. To make the situation worse, workers are tied to their employers by the *kafala* (sponsorship) system prevalent in the Gulf countries, which allows very little scope to end abusive working conditions.

Despite the conditions of vulnerability faced by the migrant female workforce from South Asia, the increasing feminisation of Gulf migration has had positive impacts on several regions of South Asia. At the macro level, increasing remittances by female migrants have reframed the development narratives (e.g. in Sri Lanka and Nepal). The empowering aspects of female migration are also evident at the local or micro level in the labour sending regions where subtle but important changes are taking place in the gender balance of power both at the household and societal levels.

Assessments of international migration flows have often discounted the crucial role of regulatory regimes in shaping the processes and outcomes of migration and individual choices. Regulatory regimes of both the sending and the receiving countries respond to contradictory pressures and changing economic environments. Host countries have to balance the demand for cheap and low skilled labour with the increasing demand for indigenisation and anti-immigrant sentiments. Similarly, labour surplus sending countries have to balance the need for a vent for large-scale

unemployment and critical foreign remittances with protection against rampant exploitation of their workers. Regulatory regimes have thus adopted often contradictory policy measures, simultaneously encompassing restriction, protection and promotion of migration. The complexity of the migration processes, the contradictory pressures of the regulatory regimes, and the ambiguous position of women migrants with regard to their vulnerability at the workplace and changing gender roles at home have posed several new challenges for both State and non-State institutions. These range from the emergence of new institutional actors to new instruments and measures adopted by existing institutional actors. We have attempted to provide a detailed review of changes over the last four decades in the regulatory regimes governing migration between these two regions, especially in the context of female migration.

A fuller picture of the complexities of the migration issue can be obtained by analysing the impact of the recent global economic downturn on Gulf migration. Beginning in 2008, the downturn adversely affected economic activities in the Gulf countries and one of the immediate impacts was a decline in migration to the Gulf and an increase in return migration from the Gulf. However, interestingly female return migration was much lower than male return migration, reflecting the persistent demand for women migrants in certain sectors like care, domestic service, etc., and indicating the degree to which this type of migration may be crisis-proof. The crisis period also witnessed a worsening of working conditions of migrant workers by way of pay cuts, delay in payment, withdrawal of fringe benefits, etc. The Gulf economies have been experiencing faster recovery and growth since 2010 mainly because of an increase in oil prices. One of the key concerns that remain is whether this recovery has improved the working conditions of the migrant workers or not.

Perhaps the most important impediment to an understanding of female migration to the Gulf has been a complete lack of systematic data and information on crucial dimensions of the migration process (including reliable data on the magnitude of migrants and their wages, earnings and remittances). We have tried to fill the gaps in information by collating and combining all the latest available data at macro and regional levels with information garnered from micro level qualitative studies. We have also used the available data to project future trends in female migration from South Asia to the Gulf, taking into account the growth patterns of both these regions. This would provide valuable indicators to policy makers of the kind of jobs required and need for upgradation of skills to maximise outcomes for female migrants.

1.2 OBJECTIVES

In summary, this study intends:

- To trace the trends and patterns of international migration in general and female migration in particular from South Asia to the Gulf, in the context of feminisation of international migration
- To understand the migration cycle and the challenges faced by female migrants from the departure phase to reintegration
- To assess how far the stakeholder responses are effective and to identify the good practices that could be adopted to improve female migration outcomes
- To project future labour force requirements in the host countries for female migrant workers
- To prepare detailed migration fact sheets of five major sending countries of South Asia and six major receiving countries of the Gulf

1.3 APPROACH

Considering the global trends of the feminisation of migration and the increased uncertainties faced by women, particularly in the changed economic and political situation, the study focuses on female labour migrants from South Asia to the Gulf. The study highlights the importance of a comprehensive approach to ensure positive outcomes of female migration and the need for strategies that locate women as agents of change, respecting the rights of individual migrants. The report is essentially based on a review of secondary literature such as scholarly and academic studies, reports of various international organisations, government reports and documents on changing demographic profiles, socio-economic and political situations, including policies on migration, and reports and writings emanating from various non-governmental and human rights organisations. As part of the review process, we held extensive consultations with experts and policy makers engaged with issues relating to international labour migration.

1.4 OUTLINE OF THE REPORT

After the presentation of the context of the study and the approach and objectives in the present chapter, Chapter 2 provides an overview of migration from South Asia to the Gulf with the backdrop of trends in international migration. Chapter 3 focuses specifically on trends and patterns of female migration from South Asia to the Gulf in the light of feminisation in labour flows. Given the background, Chapter 4 examines the migration process of female migrant workers, narrating their vulnerabilities at different stages of the migration cycle: pre-departure, as a migrant and in the post-migration phase. The roles and initiatives of different stakeholders at the international, national and local levels to improve migration outcomes of women and hurdles in the process are discussed in Chapter 5. An attempt is made in Chapter 6 to assess the prospects of increasing female migration flows in the future, considering the labour market situations in the host and sending countries. Finally, the study concludes with certain policy contours that would situate international female migration in a rights based perspective, thereby closely integrating migration as a tool for development. The report also provides detailed fact sheets of the demographic, economic and migration profiles of five sending countries of South Asia (Bangladesh, India, Nepal, Pakistan and Sri Lanka) and six receiving countries of the Gulf region (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates [UAE]).

2 REGIONAL OVERVIEW OF INTERNATIONAL MIGRATION

Though population mobility has always been a part of human history, the magnitude of the flows and heterogeneity witnessed in the last two decades is phenomenal. The fluid movement of people across and within borders has intensified following the turbulence and change occurring in multiple directions under globalisation (Arya and Roy, 2006). Greater integration of the world economy characterised by the accelerated movement of commodities, capital and ideas, rising income inequality, and lack of viable employment opportunities is further intensifying the process. Till recently, the discussion on migration revolved around the push and pull factors, the voluntarist perspective, or the dichotomous nature of migration analysed in terms of centre–periphery, industry–peasant base, and the North and the South (Thapan, 2006). However, recent decades have seen a more nuanced discussion of the specificities of class, gender, region, nationality and religion in migration (Brochmann, 1993; Gulati, 1997; Oishi, 2005).

The impact of migration on countries of origin, transit and destination needs no emphasis, particularly considering the magnitude, spread, heterogeneity and streams of population movements—students, refugees and workers. This trend is likely to intensify in the near future due to several demographic, political and economic reasons, advances in technology, and environmental changes, as highlighted by the *World Migration Report 2010* (International Organization for Migration [IOM], 2010a). The report further notes that though this escalation has the potential to induce economic growth and reduce poverty, it also opens up new challenges, requiring innovative strategies to manage migration. This study is an attempt in this direction, and traces the movement of women workers from South Asia to the Gulf, exploring nuances in their migration process, structures hindering/facilitating their movement, and possible policy interventions that approach female migration with a rights based perspective. As a prelude to the discussions that follow, this chapter provides a regional overview of the South Asia–Gulf migration corridor; historical reasons for migration; and the socio-economic context that determines labour demand, pattern and composition of migration flows, and trends in remittances.

2.1 GLOBAL MIGRATION TRENDS

The total number of international migrants worldwide in 2010 is estimated to be 214 million. As a share of the global population, the stock of international migrants seems to be relatively stable, the increase in the last decade, i.e. from 2000 to 2010, being only 0.2 percentage points. Female migration, which now constitutes almost half of the international migration stock, also seems to be relatively stable, though with significant variations at the regional level.

TABLE 2.1

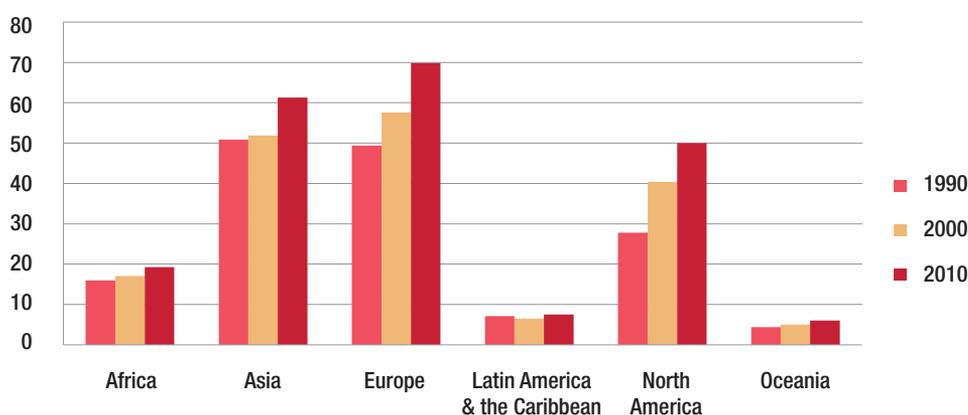
INTERNATIONAL MIGRATION STOCK

VARIABLE	1990	1995	2000	2005	2010
Estimated number of international migrants at mid-year (in millions)	155.5	166.0	178.5	195.3	213.9
International migrants as a percentage of the population	2.9	2.9	2.9	3.0	3.1
Female migrants as a percentage of all international migrants	49.1	49.3	49.4	49.2	49.0

Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

The regional spread of international migrant stock is represented in Figure 2.1. In 2010, Europe hosted almost 70 million international migrants, one-third of the global total. Asia (61 million) followed by North America (50 million) were in the second and third positions in terms of international migration stock. A slightly different picture emerges if we look at international migrants as a percentage of total population. In 2010, Oceania followed by North America had 16.9 per cent and 14.2 per cent of population as international migrants. The share of Asia was merely 1.5 per cent.

FIGURE 2.1 STOCK OF INTERNATIONAL MIGRANTS BY REGION (in millions)



Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

The *World Migration Report 2010* notes that the USA hosts the largest migrant stock and the majority of international migrants live in high income countries—57 per cent in 2010 compared to 43 per cent in 1990 (IOM, 2010a). Other prominent features noted by the report include the increase in the share of irregular migrants living and working abroad and increase in the share of temporary and circular migrants. Among the international migrants, refugees constitute an important proportion. In 2010, the share of the refugee population was 16.3 million, which was 4 per cent higher than in 2000 (15.6 million) (United Nations Department of Economic and Social Affairs [UN DESA] website). Of the total, 66 per cent of the refugees (10.9 million) were in Asia, followed by Africa (2.6 million) and Europe (1.6 million). Between 2000 and 2010, the increase in the refugee population in Asia was 23 per cent.

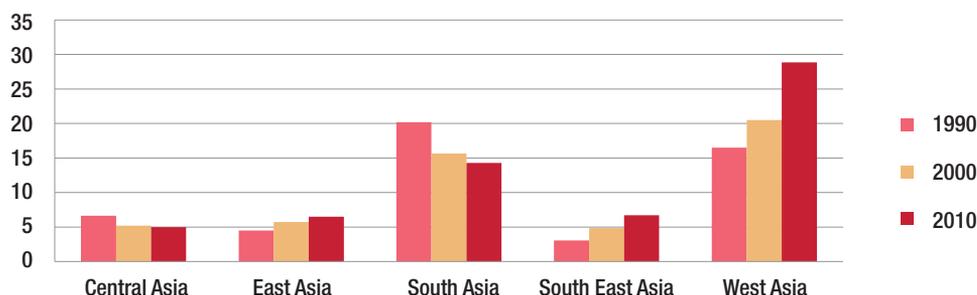
Yet another interesting feature is an increase in the stock of high skilled migrants—an increase of 60.1 per cent between 1990 and 2000—which raised the share of the high skilled in the migrant stock from 20.4 per cent to 26.1 per cent during the same period (Docquier et al., 2010). Interestingly, developing countries in Asia and Latin America send the highest number of high skilled migrants,

while Sub-Saharan Africa and Latin America send the largest volume of low skilled migrants. The demand for migrant labour is likely to increase in the developed world for various reasons, such as an ageing population, inflow of students, demand for high skilled workers, and the expanding role of the migration industry (IOM, 2010a). While the labour force in developed countries is estimated to remain at 600 million till 2050, the labour force in less developed countries is expected to increase from 2.4 billion in 2005 to 3 billion in 2020 and 3.6 billion in 2040. Yet another factor that is expected to push up migration is the stagnant employment situation in certain parts of the developing world (ibid.).

2.2 MIGRATION TRENDS IN ASIA

Analysis of international migration in the Asian region indicates that West Asia has the largest stock of migrants—around 28.85 million in 2010—followed by South Asia (14.30 million), as indicated in Figure 2.2. This would translate to 12.4 per cent and 0.8 per cent of the population in West Asia and South Asia respectively in 2010. While the share of international migrants shows an increasing trend in East Asia and South East Asia, a declining trend is indicated in Central Asia.

FIGURE 2.2 STOCK OF INTERNATIONAL MIGRANTS IN ASIA (in millions)



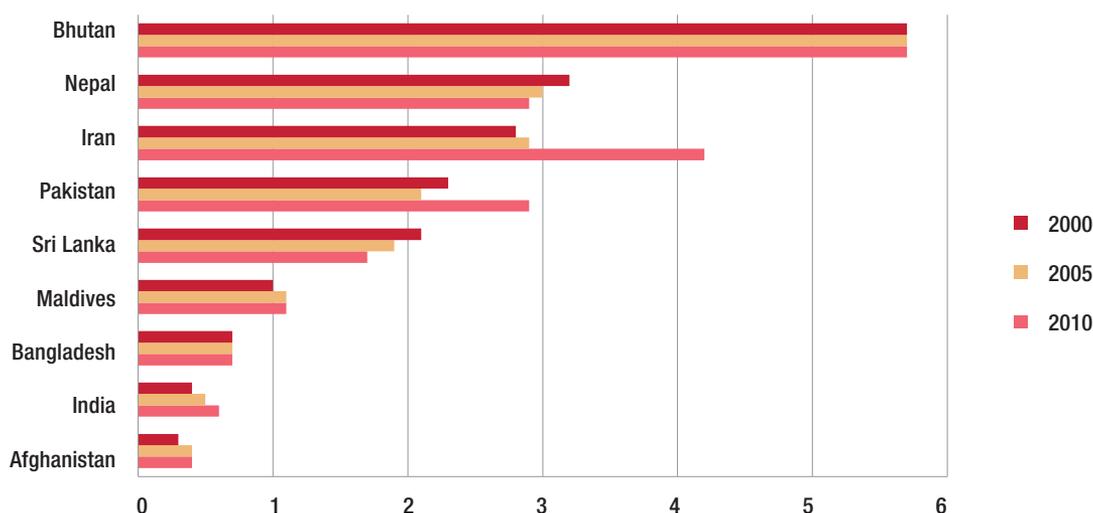
Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06- 2011.

In terms of absolute figures, the Asian countries—China, Bangladesh and India—are among the top ten emigration countries in the world (IOM, 2010a). Approximately 37 per cent of Asian migrants move to countries belonging to the Organisation for Economic Co-operation and Development (OECD), 43 per cent within the region, and the rest to countries outside the region.

A major destination of the Asian population is the US—7.9 million emigrants according to the 2000 Census Round data. There is also significant migration within Asia, with India registering 6.1 million immigrants from Asian countries, primarily Bangladesh and Nepal, followed by Pakistan (with nearly 2.8 million intra-regional migrants), Hong Kong Special Administrative Region (SAR) of China (nearly 2.5 million), Iran (almost 1.9 million) and Malaysia (almost 1.7 million) (ibid.). As indicated in Figure 2.3, within South-Central Asia, Bhutan has the largest share of migrants as a percentage of the population. However, the top emigration countries in the region are India, Bangladesh, Pakistan, Afghanistan and Sri Lanka.

Two broad streams of population movements are distinguishable within Asia—one to the oil-rich countries of West Asia and the second to the emerging economies of East and South East Asia. Several factors have contributed to such movements. At a broad level, tremendous economic growth witnessed in these regions, coupled with related changes in lifestyle and a limited additional supply of national workers, necessitated a requirement for labour over and above the supply of the

FIGURE 2.3 STOCK OF MIGRANTS IN SOUTH-CENTRAL ASIA AS SHARE OF TOTAL POPULATION (in per cent)



Source: IOM, 2010a.

local labour market (UN, 2003). The response of the poor countries of Asia in opening up their labour surplus markets to the Gulf facilitated the availability of low wage labour to meet the labour requirement. The post 1990s have witnessed a significant increase in the migration of highly skilled professionals from South Asia, especially Information Technology (IT) and health care workers (mainly para-medics), in response to growing demand in the developed countries. The case of India as a major source of origin deserves mention here. Yet another interesting development is the emergence of a few countries within Asia as both sending and receiving locations—India for instance—while certain countries continue to be either labour sending or receiving, as indicated in Table 2.2. In East and South East Asia, countries like Brunei Darussalam, Hong Kong SAR, Japan, Malaysia, the Republic of Korea, Singapore, Taiwan Province of China and Thailand attract migrant workers. The population movement to West Asia started with the economic development that followed the oil boom of the 1970s, which initially generated a huge labour demand for construction activities and later for the subsequent development. This study will specifically look into female labour migration in the South Asia–Gulf corridor.

TABLE 2.2

MIGRATION STATUS OF ASIAN COUNTRIES

LABOUR SENDING	LABOUR RECEIVING	LABOUR SENDING & RECEIVING
Bangladesh, China, Indonesia, Nepal, Philippines, Vietnam, Sri Lanka	Middle East, Japan, Taiwan (China), Brunei Darussalam, Republic of Korea, Hong Kong SAR, Singapore	India, Malaysia, Pakistan, Thailand

Source: Wickramasekara, 2002.

2.3 LABOUR MIGRATION FROM SOUTH ASIA TO THE GULF

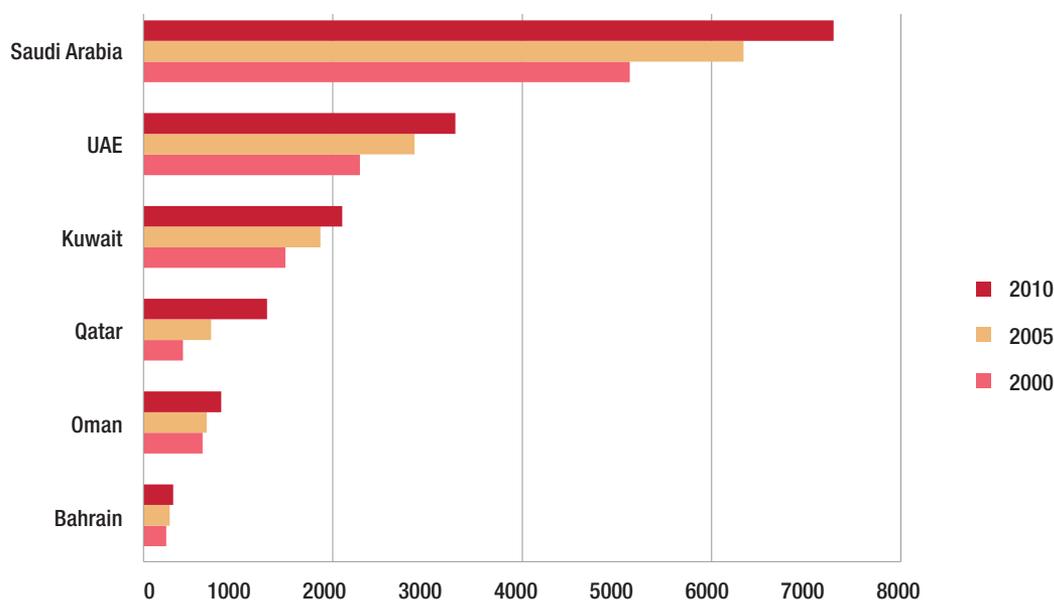
South Asian countries covered under this study, which have a shared history of colonialism and underdevelopment, have come to share a common migration experience in recent decades, though with significant discontinuities. Among the top ten countries in the world in international

emigration, India and Bangladesh stand first and second while Pakistan and Nepal are ranked fourth and fifth (IOM, 2010a). At the same time, in most South Asian countries, the State adopts a paternalistic attitude in regulating the flow of female migration, with Sri Lanka being the only country that proactively encourages female migration. This section attempts to explore labour mobility in the countries of origin (South Asia) and destination (Gulf countries), the magnitude and trends in labour outflows, remittances inflows, and the migration policies in the host countries and their implications for the countries of origin.

2.3.1 Labour Inflow to GCC Countries

The inflow of labour to Gulf Cooperation Council (GCC) countries has evolved in different phases. The post 1970s development of the oil industry was hindered by several political and legal factors (Tétreault, 2008). Prominent among them were the British control over Kuwait and the emergence of oligopoly in oil production. Even during the pre 1970 phase, the demand for labour was met by inflows, primarily from Arab countries. By the early 1970s, the total number of foreigners in the GCC countries was estimated at 800,000–1.25 million, which doubled to 2.76 million by 1975 (of which 1.4 million were workers) (Winckler, 2009). To meet the labour demand in construction, government and services, it was thought best to rely on short-term migration of foreign labour, rather than to train the natives (Dito, 2010). The post 1970s phase also witnessed a diversification of labour flows, with a larger presence of people from Asian countries. The decline in oil prices during the second half of the 1980s temporarily reduced the inflow of migrant workers (Baldwin-Edwards, 2011). Figure 2.4 depicts the relative sizes of migrant stock in different GCC countries. In terms of magnitude Bahrain and Oman have the lowest stock of migrants, while Saudi Arabia and the UAE lead among Gulf countries in migration inflows.

FIGURE 2.4 STOCK OF MIGRANTS IN GCC COUNTRIES (in thousands)



Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

However, a different picture emerges if we look at the percentage of foreigners in the population and labour force. Interestingly, Saudi Arabia, which has the largest stock of migrant population among Gulf countries, has the lowest share of foreigners in both population and labour force, while Bahrain's case seems to be the opposite. Given the demographic structure of GCC countries, it is difficult for them to give up dependence on foreign labour, though all the countries have

vigorously followed nationalisation policies (see Section 2.5). However, the trends in the shares of migrant population and labour force do indicate a positive outcome of such policies, particularly in Saudi Arabia and the UAE, as a consistent decline is noted in the share of foreign workers.

TABLE 2.3

MIGRANTS' SHARE IN THE POPULATION AND LABOUR FORCE IN GCC COUNTRIES (in per cent)

COUNTRY	POPULATION				LABOUR FORCE				
	1975	1985	1997	2008	1975	1985	1990	1999	2008*
Saudi Arabia	25	23	31	27	42.9	64.9	59.8	55.8	50.6
Kuwait	52	60	66	68	69.8	81.2	86.1	82.0	83.2
Bahrain	21	35	39	51	39.5	58.0	51.0	63.2	76.7
Oman	17	22	28	31	34.1	64.2	70.0	61.7	74.6
Qatar	59	60	67	87	80.6	89.7	91.6	87.1	94.3
UAE	70	79	76	81	84.8	89.5	89.3	90.4	85.0
GCC	-	-	-	41	50.6	69.8	67.7	64.1	66.9

Note: * 2009 data for Kuwait; 2010 data for Bahrain (employed only).

Source: Baldwin-Edwards, 2011.

Policies aimed at reducing foreign workers emerge from the prevalent labour market situation in the GCC countries. Prominent features as noted by Martin Baldwin-Edwards (2011) include: a lower LFPR and employment rate and a rising unemployment rate among nationals; employment segregation for nationals in the public sector and for non-nationals in the private sector; and an economy dominated by construction and services. As indicated in Table 2.4, natives in the Gulf countries record low LFPRs, the rate being as low as 36 per cent in Saudi Arabia. Though women record a low LFPR, the difference between native and non-native females is wide; for instance, in Saudi Arabia the rates for the two groups are 11.5 per cent and 40.8 per cent respectively. The employment rates are extremely low for nationals in Saudi Arabia and Qatar. However, in Qatar the unemployment rate for nationals is also low. It is interesting that in all the Gulf countries,

TABLE 2.4

SELECTED LABOUR MARKET INDICATORS FOR GCC COUNTRIES (in per cent)

INDICATOR	SAUDI ARABIA	UAE	KUWAIT	QATAR	OMAN	BAHRAIN
LFPR (2008)						
Nationals	36.3	45.6	51.1	49.3	-	-
Migrants	79.9	79.2	84.7	92.1	-	-
EMPLOYMENT RATE (2007-08)						
Nationals	13.3	-	-	7.5	22.3	26.4
Migrants	86.7	-	-	92.5	77.3	73.6
UNEMPLOYMENT RATE (2008)						
Nationals	10.0	13.8	3.6	3.2	-	-
Migrants	0.5	2.6	1.2	0.3	-	-
SECTOR OF EMPLOYMENT FOR NATIONALS						
Public (2008)	72	-	86	88	47	29
Private (2003)	46	1	3	3	48	30

Source: Baldwin-Edwards, 2011.

nationals are disproportionately employed in public sector jobs that are highly remunerative and offer various benefits, in comparison with non-native labour which is engaged primarily in the private sector. The preference for public sector jobs and the entry of a higher proportion of youth into the labour market are expected to increase the unemployment rates in the GCC countries, putting further pressure on immigration policies.

Table 2.5 indicates the gross domestic product (GDP) growth rates of GCC countries. Except for Oman and Qatar, GDP growth rates witnessed a steep decline following the global downturn. Even the projected figures for 2016 indicate modest growth rates for the majority of the GCC countries. This is likely to have a severe negative impact on the inflow of labour, particularly in Saudi Arabia and the UAE which accommodate a higher share of migrants.

TABLE 2.5

GDP GROWTH RATE OF GCC COUNTRIES (in per cent)

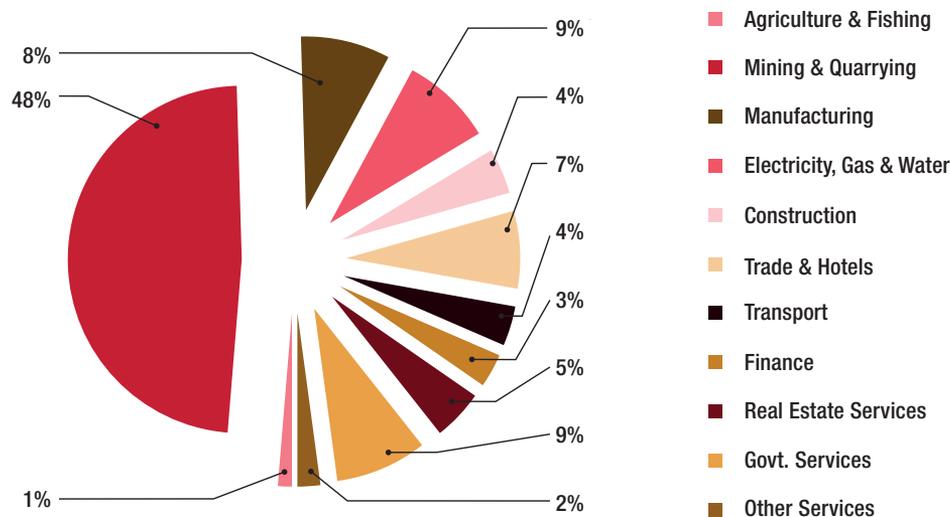
COUNTRY	2001	2005	2010	2011	2016*
Bahrain	4.6	7.9	4.1	1.5	4.2
Kuwait	0.7	10.4	3.4	5.7	4.7
Oman	5.6	4.0	4.1	4.4	3.6
Qatar	6.3	7.5	16.6	18.7	4.9
Saudi Arabia	0.5	5.6	4.1	6.5	4.2
UAE	1.8	8.6	3.2	3.3	4.2

Note: * Projected.

Source: International Monetary Fund (IMF), 2011, retrieved from the website <<http://www.imf.org/external/ns/cs.aspx?id=28/>> on 23-09-2011.

The economy of GCC countries is driven by oil and gas, with mining and quarrying generating more than half of the GDP. This is followed by the service sector, accounting for 32 per cent of the GDP in 2008 as indicated in Figure 2.5.

FIGURE 2.5

SECTORAL SHARE OF GDP IN GCC COUNTRIES (in per cent)

Source: GCC Secretariat, 2010.

However, a different picture emerges if the pattern of employment is examined for those GCC countries for which data is available. Services emerges as the major sector of employment generation, followed by construction activities. Interestingly, these are the sectors that employ the

TABLE 2.6

SECTORAL SHARE OF EMPLOYMENT OF SELECTED GCC COUNTRIES, 2009 (in per cent)

SECTOR	SAUDI ARABIA	UAE	KUWAIT	QATAR	BAHRAIN
Agriculture	3.8	3.8	1.8	1.6	1.2
Secondary	8.8	10.8	6.5	14.1	17.2
Construction	12.8	12.3	8.1	44.3	32.8
Services	74.6	73.1	83.5	40.0	48.8

Source: Baldwin-Edwards, 2011.

largest segment of foreign workers. As noted by Martin Baldwin-Edwards (2011), the share of non-native workers in certain low paying service subsectors like domestic workers or personal assistants, is as high as 99.6 per cent and 94.8 per cent in Saudi Arabia and the UAE.

2.3.2 Labour Outflow from South Asia

It is estimated that nearly 9 million migrants from South Asia are currently working and residing in the GCC countries (Mohapatra et al., 2011). High levels of unemployment and underemployment, low wages and widespread poverty prevalent in the South Asian countries are often cited as the reasons that propel large-scale migration from South Asia to the Gulf countries. However, as critically analysed by Oishi (2005), if we look at poverty as a highly determining force, it would seem that there would be a higher rate of migration from a country like Bangladesh which is comparatively poorer than many of its South Asian neighbours. A closer analysis reveals that, apart from the economic aspect, cultural and historical factors and the role played by the State determine and shape migration flows.

As noted, the outflow of workers from South Asia to the Gulf was in response to the demand following the oil boom of the 1970s. During the initial phase of migration, labour flows mostly involved male workers from India, Pakistan and Bangladesh, who were primarily low skilled workers. The demand for female migrants, as medical/health care personnel and as domestic workers, followed after the construction boom (Chammartin, 2005). Table 2.7 indicates the trends in labour flow to the Gulf countries. India emerges as the major labour sending country to all the GCC countries, followed by Pakistan and Bangladesh.

Historical and contemporary links have contributed to the position of India as a major sending and receiving country of international migrants. It is estimated that there are about 5 million overseas Indian workers all over the world, with the majority in the Gulf countries. India was the first among the South Asian countries to take advantage of the oil boom in the Gulf. In the initial period, the construction sector attracted the largest share of India's low skilled and semi-skilled workers; however, there was an increase in the share of skilled workers in the later phase. Apart from the Gulf countries, the USA and the UK have also emerged as major migration destinations for Indian workers. Within the Gulf countries, Saudi Arabia and the UAE are the major destinations.

Poverty seems to be the driving force for labour migration from Bangladesh, Nepal and Sri Lanka, and partially for Pakistan. Bangladesh is a late entrant in the Gulf labour market. As Oishi (2005) notes, an important reason was the independence of Bangladesh from Pakistan which was viewed in a bad light in the Middle East and often wrongly interpreted as 'a rejection of Muslim identity'. Further, the government did not seem to have a definite plan to promote international migration till the late 1970s. Till 1975, 90 per cent of international migration from Bangladesh was to the UK.

TABLE 2.7

LABOUR FLOW TO GULF COUNTRIES (in thousands)

NATIONALITY	BAHRAIN (2004)	KUWAIT (2003)	OMAN (2004)	QATAR (2002)	SAUDI ARABIA (2004)	UAE (2002)	TOTAL
Indians	120	320	330	100	1,300	1,200	3,370
Pakistanis	50	100	70	100	900	450	1,670
Egyptians	30	260	30	35	900	140	1,395
Yemenis	-	-	-	-	800	60	860
Bangladeshis	-	170	110	-	400	100	780
Filipinos	25	70	-	50	500	120	765
Sri Lankans	-	170	30	35	350	160	745
Jordanians/ Palestinians	20	50	-	50	260	110	490
Sudanese	-	-	-	-	250	30	280
Indonesians	-	9	-	-	250	-	259
Iranians	30	80	-	60	-	40	210
Syrians	-	100	-	-	100	-	200
Turks	-	-	-	-	80	-	80
Bidoon	-	80	-	-	-	-	80
Nepalese	-	-	-	70	-	-	70

Source: Kapiszewski, 2006.

However, a shift was visible from 1976 onwards and Bangladesh is fast emerging as one of the major labour sending countries. Given its poor performance in social and economic development, migration seems to be a key option for this labour surplus country. From 1976 to 1999, 42 per cent of international migrants from Bangladesh went to Saudi Arabia (IOM, 2003). Country-wise foreign employment figures in 2010 for Bangladesh suggests that over 72 per cent of Bangladeshi migrants are working in the Gulf countries, with the UAE accounting for 51 per cent, Oman 10 per cent, Bahrain 6 per cent, Qatar 3 per cent and Saudi Arabia 2 per cent (Bureau of Manpower, Employment and Training [BMET] website).

In Nepal, Maoist insurgency and the development impasse that followed, manifesting in high levels of poverty, inequality and low economic growth, worked as a major push factor for international migration. With an agrarian economy, almost one-third of the country's population (around 31 per cent) lives in poverty (Central Bureau of Statistics [CBS], 2005). However, labour migration

BOX 2.1

THE CASE OF AFGHANISTAN, BHUTAN AND MALDIVES

Data on international migration is extremely inadequate in the case of South Asian countries like Afghanistan, Bhutan and Maldives. According to the Royal Monetary Authority of Bhutan (2011), non-resident Bhutanese remitted around US \$4.1 million in 2009–10. This could be lower than the actual figure as the estimate does not include remittances from India and those by unofficial channels. In the case of Maldives, remittances were estimated to be around US \$3 million in 2007, which was about 0.2 per cent of FDI to the country (UNDP, 2009a). Migration from Afghanistan was mainly to Pakistan and Iran and does not strictly fall in the category of labour migration as a majority migrated to escape conflict

situations in the home country (Kuschminder and Manoj, 2009). However, post 2001, Afghanistan witnessed a return flow of migrants from both these countries. In 2006, the International Fund for Agricultural Development (IFAD) estimated remittances to Afghanistan at US \$2,485 million or 29.6 per cent of the GDP. All these three countries record high levels of poverty and, at least in the case of Maldives and Bhutan, internal migration seems to be high. Though the internal political situation is unstable only in Afghanistan, none of these countries have reached a stage of visualising international migration, let alone female migration, as an opportunity for development.

from Nepal to the Gulf is relatively new and not directly linked to the oil boom. The country has a regular flow of migration to India, with which it shares a common border. The current labour migration from Nepal to the Gulf is marked by an increasing share of women in the labour outflows (4.8 per cent), who are primarily moving to low skilled occupations (Nepal Institute of Development Studies [NIDS], 2010).

High unemployment and poverty rates in Pakistan, resulting from an unstable economic and political situation, have triggered a major labour outflow from the country. Further, geographical proximity and commonality of religion could be important reasons for the choice of Gulf countries as a major destination. Within the Gulf countries, a major proportion of Pakistani workers are in the UAE and Saudi Arabia. However, female labour migration from Pakistan is low and the government policies on female migration continue to be restrictive. The migration narrative of Sri Lanka presents both distinctions and similarities with the other South Asian countries discussed here. Sri Lanka is the only country in South Asia where the share of female migrants outnumbers that of male migrants; females accounted for 52 per cent of labour outflows in 2009 (Sri Lanka Bureau of Foreign Employment [SLBFE], 2009). Interestingly, the government has always promoted female migration, unlike other South Asian countries which have imposed many restrictive conditions on female migration. However, as in the case of countries under discussion, migration to the Gulf dominates labour movements, again involving those in the low skilled category. An unstable political and economic situation, due to a prolonged civil war in Sri Lanka that continued till 2009, was a prominent factor shaping the migration flow in the country. Though a developing economy, Sri Lanka has made significant achievements in human development and poverty reduction. However, income inequality and lack of viable opportunities sustain and intensify labour outflows from Sri Lanka.

2.4 TRENDS IN REMITTANCES

One of the most significant and immediate outcomes of migration is the counter-flow of remittances. A significant increase in the quantum of remittances sent home by migrant workers in recent years, and the accelerated pace at which it is growing, have infused interest into the understanding of such remittance flows and related dimensions. Documented remittance flows to developing countries from overseas resident and non-resident workers amounted to US \$325 billion in 2010, accounting for nearly three quarters of the total worldwide recorded remittance flows of US \$440 billion (Table 2.8). Remittance remains the second largest financial flow to developing countries after Foreign Direct Investment (FDI), more than double the size of Official Development Assistance (ODA). In fact, the remittance flows to developing countries have nearly doubled during the last five years, 2005 to 2010 (US \$167 billion to US \$325 billion). The above trends clearly highlight the increasing role of migrant workers' remittances as a source of external financing in developing countries. Another important dimension to be noted about remittance flows to developing countries relates to the stability of such flows. Whilst FDI, portfolio investment and other capital flows to developing countries rise and fall cyclically, remittances show remarkable stability over time and even increases in response to economic crises.

South Asia is one of the major remittance-recipient regions of the world, accounting for nearly one-fourth of remittance flows to developing countries. In fact, among the different regions of the world, South Asia recorded the highest growth of remittances (8.2 per cent) during 2009–10. This growth is partly because of the increase in oil prices and expansion of economic activity in the GCC countries, one of the main destination regions for South Asian migrant workers (Mohapatra et al., 2011). Among the South Asian countries, India is the largest recipient of remittances

TABLE 2.8

REMITTANCE FLOWS TO DEVELOPING COUNTRIES, 2007-10

	2007	2008	2009	2010*
REMITTANCES (in US \$ billions)				
<i>All developing countries</i>	278	325	308	325
East Asia & Pacific	71	85	86	93
Europe & Central Asia	39	46	35	36
Latin America & Caribbean	63	64	57	58
Middle East & North Africa	32	36	34	36
South Asia	54	72	75	81
Sub-Saharan Africa	19	22	21	22
LDCs** (UN classification)	17	23	24	26
Low income countries	17	22	23	24
Middle income countries	262	303	285	300
World	385	444	417	440
GROWTH RATE (in per cent)				
<i>All developing countries</i>	22.9	16.8	-5.4	5.6
East Asia & Pacific	23.7	20.3	0.8	7.4
Europe & Central Asia	38.5	16.5	-22.7	1.3
Latin America & Caribbean	7.1	2.3	-12.3	1.7
Middle East & North Africa	21.5	12.0	-6.8	6.2
South Asia	27.1	32.6	4.8	8.2
Sub-Saharan Africa	47.1	16.0	-3.8	5.5
LDCs (UN classification)	22.9	32.8	5.2	5.8
Low income countries	27.9	32.5	3.3	6.9
Middle income countries	22.6	15.8	-6.0	5.5
World	21.1	15.3	-5.9	5.4

Note: * Estimated; ** Least Developed Countries.

Source: Mohapatra et al., 2011.

(US \$55 billion) followed by Bangladesh (US \$11.1 billion) and Pakistan (US \$9.4 billion) (Table 2.9). However, as a percentage of GDP, remittances are most significant for Nepal (22.9 per cent), Bangladesh (11.8 per cent) and Sri Lanka (7.9 per cent).

One of the major limitations of the remittance data is the lack of any reliable information on the contribution of women in remittance flows. In fact, no major remittance-recipient country provides national level remittance data disaggregated by contributions of male and female migrant workers. This is surprising given that nearly half of the international migrants are women. Apart from this issue, there is almost universal recognition of the fact that officially transferred remittances, as reflected in the balance of payments accounts/national accounts, does not capture the actual level of remittances.

This is because of two factors. Some amount of savings is transferred through legal channels but is not accounted in the official statistics (such as personal baggage, duty free allowances and cash carried by returnees or the personal network of migrants). The second and the most important channel is, however, undocumented and through informal transfer systems circumventing official

TABLE 2.9

FLOW OF REMITTANCES IN SOUTH ASIA AND GCC (in US \$ millions)

COUNTRY	INFLOWS 2005	OUTFLOWS 2005	INFLOWS 2009	OUTFLOWS 2009	INFLOWS 2010*
Bangladesh	4,315	5	10,523	8	11,050
India	22,125	1,348	49,256	4,000	55,000
Nepal	1,212	66	2,986	12	3,513
Pakistan	4,280	3	8,720	8	9,407
Sri Lanka	1,991	257	3,363	435	3,612
Bahrain	-	1,223	-	1,391	-
Kuwait	-	2,648	-	9,912	-
Oman	39	2,257	38	5,313	40
Saudi Arabia	94	14,315	217	25,969	233

Note: * Estimated.

Source: World Bank, 2011.

and formal channels. The most important and extensive form of such transfers, in the context of South Asia, is referred to as the *hawala* or *hundi* system. *Hawala* refers to informal channels for transferring of funds from one location to another through service providers known as *hawaladar*, regardless of the nature of the transaction and countries involved (El-Qurochi, 2002). Under this method of remittances, the worker transfers a sum in foreign currency to an agent overseas under the agreement that the local currency equivalent at an agreed exchange rate, which is usually set above the official exchange rate, is transferred by the agent's counterpart to the migrant's family or its nominees. *Hawala* works by transferring money without actually moving it, i.e. money transfer without money movement. The system is of old standing, associated with ancient trading networks in the Middle East, South Asia and East Asia. The system has been invigorated by the massive expansion of labour migration in the 1970s and 1980s. It works on trust and is used both for remittances of legally earned incomes as also those generated or financed through illegal and criminal activities. It is the association with money laundering that has made this system infamous.

2.5 LABOUR GOVERNANCE: POLICIES OF GCC COUNTRIES

All the GCC countries follow the sponsorship system called *kafala* to manage the flow of workers by restricting them to temporary resident status and thereby protecting the native labour force (Winckler, 1998). Of late *kafala* has come under the scanner as it has led to visa trading and promoted irregular migration, as discussed in Chapter 4 (Shaham, 2009). Further, the system undermines the rights of migrant workers and forces them to remain in exploitative situations with little choice (Kapiszewski, 2006). However, as noted by Martin Baldwin-Edwards (2011), other than in a couple of countries such as Kuwait and Bahrain which have initiated steps to reform *kafala*, this practice of sponsoring migrant workers remains widely prevalent in the Gulf countries.

Yet another important means of controlling labour in the Gulf is a policy of nationalisation of the labour force, adopted following the rising share of immigrants in population and labour force, and a decline in the economic boom after the initial euphoria of the 1970s. Though initiated from 1985 in Kuwait and 1988 in Oman, the strategy was followed more aggressively post 1990s after Saudi Arabia's involvement. As Table 2.10 shows, a drastic change is evident in the way Gulf countries view labour inflow; from viewing it as satisfactory/too low in 1976, all Gulf countries except Bahrain have found the migration level to be too high and have initiated policies to lower it by 2009.

TABLE 2.10

IMMIGRATION POLICY OF GCC COUNTRIES

COUNTRY	1976		2009	
	VIEW	POLICY	VIEW	POLICY
Bahrain	Satisfactory	Maintain	Satisfactory	Maintain
Kuwait	Satisfactory	Maintain	Too High	Lower
Oman	Satisfactory	Maintain	Satisfactory	Maintain
Qatar	Satisfactory	Maintain	Too High	Lower
Saudi Arabia	Too Low	Raise	Too High	Lower
UAE	Satisfactory	Maintain	Too High	Lower

Source: United Nations, 2010.

Strategies adopted for achieving nationalisation include: restricting the entry of migrants in certain sectors; prescribing quotas on employment of non-natives; reserving the major chunk of public sector jobs for nationals; strict implementation of immigration rules; increasing the skill levels of native workers; and increasing the cost of hiring and living of foreign workers. Differential wage rates for the same work by national and non-nationals is widely prevalent in the Gulf. A detailed review of various measures adopted to control migrant workers in GCC countries has been provided by Nasra M. Shah (2008). As noted by Martin Baldwin-Edwards (2011), among the Gulf countries, Saudi Arabia seems to have the most effective policy, reflected in the steady decline in the number of non-natives in their labour force, as mentioned previously. The policies of different Gulf countries with respect to foreign labour are depicted in Box 2.2.

BOX 2.2

LABOUR MARKET STRATEGIES FOR 'NATIONALISATION'

A. POLICIES AIMING TO REDUCE THE DEMAND FOR IMMIGRANT LABOUR

1. Raising costs of hiring foreign workers (Bahrain, Kuwait, Oman)
2. Closing of employment in specific sectors of professions (all GCC)
3. Ceiling of proportion of foreign workers in company (Saudi Arabia, Kuwait, UAE)
4. Tax on non-diversity of nationalities (i.e. ≥ 30 per cent any nationality) (UAE)
5. Reducing labour-intensive projects in the public sector (Kuwait)
6. Preferential award of government contracts to private companies satisfying nationalisation quota objectives (Oman)

B. POLICIES AIMING TO REDUCE THE SUPPLY OF IMMIGRANT LABOUR

1. Health insurance paid by migrant worker (Kuwait, Saudi Arabia, UAE)
2. Degree validation fee (UAE)
3. Direct tax on migrant worker (Saudi Arabia)
4. Restrictions on visa issuance (Bahrain, Saudi Arabia)
5. Deportation of irregular migrants (all GCC)

C. POLICIES AIMING TO INCREASE THE DEMAND FOR INDIGENOUS LABOUR

1. State subsidy (up to 50 per cent) of private sector pay for native worker (Saudi Arabia)
2. Quotas for natives in public/private employment (Saudi Arabia, Kuwait, UAE, Qatar)
3. Development of economic sectors for nationals' employment (Bahrain, Saudi Arabia, Qatar, UAE)
4. Directing new labour market entrants to the private sector (all GCC)
5. Promoting study and training in technology and medicine (all GCC)

D. POLICIES AIMING TO REDUCE LOCAL/IMMIGRANT WAGE DISPARITIES

1. Reform/near-abandonment of the *kafala* system (Oman, Bahrain)
2. Taxes on hiring migrant workers (Bahrain, Kuwait, Oman)
3. Subsidies for hiring of indigenous workers (Saudi Arabia)

Source: Adapted from Baldwin-Edwards, 2011.

Gulf countries in general have a track record of restricting the rights of workers, particularly migrants. For instance, labour laws in Bahrain grant limited rights to both citizens and non-citizens to form and join trade unions. Migrant workers excluding domestic workers can join trade unions though they cannot bargain. In Bahrain, all trade unions are required to join and affiliate with the General Federation of Bahrain Trade Union (GFBTU). In 2009 new rules were framed in Bahrain to allow migrant workers to change jobs without the permission of employers, but subject to certain conditions. In Kuwait, migrant workers are subjected to severe limitations in rights. In February 2010, a new private sector labour law, replacing a 1964 law, was enacted that expanded the rights of private sector employees other than domestic servants. Barring domestic workers and maritime employees, all others including migrant workers can join trade unions. Migrant workers have to acquire a certificate of good conduct and moral standing from the government and they cannot run for seats or vote.

Workers in Oman, other than those in the armed forces, public security institutions, government employees and domestic workers, enjoy the right to form unions. The law in Oman allows for collective bargaining according to the terms and conditions of employment, including wages and hours of work. In Qatar only one trade union is allowed—the General Union of Workers of Qatar; non-citizens cannot become members of the workers' committee but can become members of the joint labour management committee. The right to strike is allowed but not for civil servants and domestic workers. In Saudi Arabia, the labour law does not allow for labour unions; there is no provision to strike work and protection of collective bargaining. In the UAE, workers are not allowed to form unions except in the case of professional bodies and labour law excludes domestic workers, agricultural workers and government workers.

TABLE 2.11

GROUPS PROHIBITED TO FORM LABOUR UNIONS IN GCC COUNTRIES

Bahrain	Military workers and domestic workers cannot join trade unions
Kuwait	Maritime employees and domestic workers cannot join trade unions
Oman	Armed forces, public security institutions, government employees and domestic workers cannot join trade unions
Qatar	Civil servants and domestic workers cannot join unions
Saudi Arabia	No trade unions
UAE	No trade unions but professional bodies, excluding agricultural workers, government employees and domestic workers, are allowed

Source: US State Department, 2010a.

The UAE has taken several measures since the mid-2000s to assist migrant workers in recouping unpaid wages. Electronic bank payment of wages was made compulsory from 2008. The government has facilitated employment transfers, enhanced the legal rights of workers vis-à-vis employers, and introduced compulsory health insurance for all workers including those in domestic service paid by sponsors from 2008. Employment contracts for domestic workers have been instituted recently, protecting their rights to pay, accommodation, health care and working hours.

Nationalisation of the workforce or the policy of gradually replacing the migrant workforce with a national workforce has a direct fall-out in the recruitment and social security of the migrant workers. The UAE, Saudi Arabia and Kuwait are moving towards a policy of health insurance being paid by migrant workers. The UAE has a degree validation fee for migrant workers while Saudi Arabia imposes a direct tax on migrant workers.

Children born to migrant workers in the Gulf countries have no special status and are covered by their parents' sponsorship. Sponsorship ceases for male children at the age of 21, and girls upon marriage. After the stipulated age, the person must be registered either as a student or as employed, in order to have a legal residence in the Gulf. Women are technically allowed to remain on their husbands' residence permits, depending on their husbands' income.

Though several strategies have been adopted by Gulf countries to reverse the lower labour force participation of native labour force, especially females, because of cultural reasons and poor quality of skilled labour force, the extent to which such policies will be successful is open to debate. Even in countries like Bahrain where the quality of the labour force is considered to be better (Kapiszewski, 2001), this seems to be an issue. However, it also needs to be mentioned that such policies of nationalisation of labour force are occurring at a stage when sending countries are actively involved in negotiating the living and working conditions for migrant workers abroad and moving from controlling migration to even facilitating the outflow of workers. Though this should ideally result in positive outcomes for both sending and receiving countries, how far this will be achieved is difficult to predict.

3 THE FEMINISATION OF MIGRATION

With women presently constituting half of the number of international migrants, the term feminisation of migration is used to capture the changing pattern of female migration flows—women migrating for work, often without family—rather than a mere increase in the number of women migrants. This change in the pattern of female migratory flows calls for gender-sensitive policies as migration creates gender differentiated experiences and outcomes (Piper, 2008). Though the link between migration and development is well acknowledged, a gendered analysis of the migration cycle is relatively recent. Migration narratives of women are complex as several factors at the sending and receiving countries intervene in and impact upon how female migrants reproduce/liberate their traditional role and how they respond to and (re)negotiate opportunities/vulnerabilities in the process.

At the global level, two features distinguish the current pattern of female labour migration. First, an overwhelming majority of international female migrants belong to either the low skilled or semi-skilled category. This is particularly true of those from South Asia and South East Asia who move within Asia, either to South East Asia or to the oil-rich countries of West Asia, as domestic workers. Second, the increased intensity of population movements has played a major role in shaping the debates over ensuring justice for and dignity of workers, both at the national and international levels. Demands are strongly expressed by national and international forums of migrants to recognise their right to migrate for work and also rights at work. This also holds true for those in the care services as they often fall outside the provisions of labour law in several countries. Though the success of such initiatives depends, to a large extent, on the stakeholders' responses at different levels and situations, such voices have led to certain positive developments with respect to migrants' rights in both the sending and receiving countries. Hence, at one level, even as female labour has become mobile, internationally they continue to be in the 'old job' at a 'new destination'. At another level, female domestic workers have been given a 'new voice' from 'no voice', which is positive. In this chapter, an attempt is made to examine the trends in the feminisation of migration in the global and Asian contexts, and to identify the factors that trigger the migration of female workers. Further, government policies in the South Asian countries have also been analysed to examine how far they facilitate or hinder female mobility.

3.1 GLOBAL TRENDS

The stock of international female migrants is estimated to be 105 million in 2010. The ratio of international female migrants to the total stock of migrants remains almost constant—around 49

per cent from 1990 to 2011 (Table 3.1). However, the data indicates regional variations in female mobility. In 2010, female migrants constituted the majority in Europe and Oceania—52.4 per cent and 51.2 per cent respectively—while in North America and Latin America & the Caribbean, the stock of female migrants equalled that of male migrants. The Asian region has the lowest share of women as a percentage of the international migrants' stock—around 45 per cent in 2010 (27.35 million). However, the share of Asia in the female international migration stock is about one-fourth, 26 per cent in 2010.

TABLE 3.1

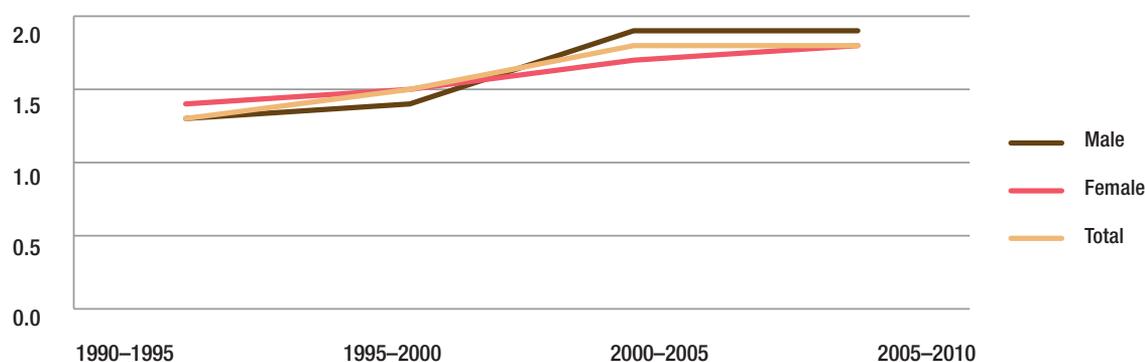
**WOMEN MIGRANTS AS PERCENTAGE OF INTERNATIONAL MIGRANTS
(in per cent)**

REGION	1990	1995	2000	2005	2010
Africa	46.2	47.1	46.7	46.7	46.8
Asia	45.4	45.3	45.7	45.0	44.6
Europe	52.7	52.4	52.8	52.5	52.3
Latin America & the Caribbean	49.7	49.9	50.0	50.1	50.1
North America	51.1	50.8	50.5	50.4	50.1
Oceania	49.1	49.7	50.2	50.7	51.2
World	49.1	49.3	49.4	49.2	49.0

Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

As indicated in Figure 3.1, the stock of international female migrants has been registering a consistent increase, in comparison to the sluggishness noted in the stock of total migrants and male migrants. Though, prima facie, this seems to be positive, one needs to look into the disaggregated data to locate factors that promote female migration in the present magnitude.

FIGURE 3.1

ANNUAL RATE OF CHANGE OF MIGRANT STOCK (in per cent)


Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

3.2 MIGRATION TRENDS OF WOMEN IN ASIA

In Asia, the regions with a high share of women in the international migration stock include East Asia, Central Asia and South East Asia. The share of women migrants in the total international migrant stock in South Asia is comparatively low—45 per cent in 2010, as indicated in Table 3.2. Within Asia, West Asia has the highest stock of international women migrants—out of 27.35 million international female migrants in Asia, 11.32 million is accounted for by West Asia, indicating a higher inflow of female migrants to the region. However, it is important to note that

TABLE 3.2

WOMEN MIGRANTS AS PERCENTAGE OF INTERNATIONAL MIGRANTS, ASIA (in per cent)

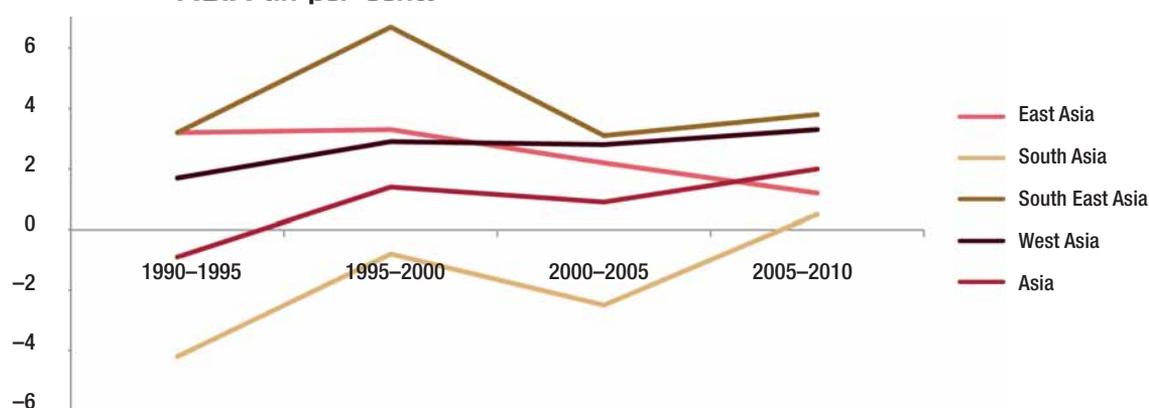
REGION	1990	1995	2000	2005	2010
Central Asia	55.2	55.2	55.4	55.3	55.2
East Asia	49.0	50.5	52.9	54.4	55.0
South Asia	44.8	44.9	44.9	44.9	44.6
South East Asia	48.0	48.4	49.1	49.1	49.6
West Asia	40.7	40.4	41.0	39.5	39.3
Asia	45.4	45.3	45.7	45.0	44.6

Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

the proportion of women migrants in the total migrant stock is much less when compared to male migrants in West Asia.

Figure 3.2 indicates the annual rate of change of the female migrant stock. The highest increase is evident in South East Asia and West Asia—3.8 per cent and 3.3 per cent respectively during 2005–2010—in comparison with 2 per cent noted for Asia during the same period. Growth in the stock of international female migrants continues to be low in South Asia during 2005–10.

FIGURE 3.2 ANNUAL RATE OF CHANGE OF THE FEMALE MIGRANT STOCK IN ASIA (in per cent)



Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

Within South Asia, Nepal has the most feminised migrant stock (68.2 per cent) as indicated in Table 3.3. It is followed by Sri Lanka and India. Though the share of women in the international migration stock is low in Pakistan and Bangladesh, a positive development is the high growth of female migrants noted in these two countries in the recent past. However, the picture changes when the percentage share of each country in the pool of international female migrants from South Asia is considered. Out of the 6.45 million international women migrants from South Asia in 2010, 2.7 million were from India, followed by 1.9 million from Pakistan; both these countries together accounted for 71 per cent of international female migrants from South Asia. As noted before, the share of international women migrants from Afghanistan, Bhutan and Maldives is negligible. Of the total international female migrants from South Asia, the share of these three countries was merely 0.8 per cent in 2010.

TABLE 3.3

PERCENTAGE OF INTERNATIONAL WOMEN MIGRANTS IN SOUTH ASIA

COUNTRY	SHARE					GROWTH			
	1990	1995	2000	2005	2010	1990–95	1995–2000	2000–05	2005–10
Bangladesh	13.9	13.9	13.9	13.9	13.9	2.7	–0.4	0.9	1.0
India	47.8	48.1	48.5	48.6	48.7	–1.1	–1.7	–1.6	–1.5
Nepal	71.6	71.1	70.1	69.1	68.2	7.6	2.5	2.4	2.6
Pakistan	45.0	45.2	45.0	44.8	44.7	–9.0	0.7	–3.5	3.5
Sri Lanka	49.8	49.8	49.8	49.8	49.8	–1.5	–1.5	–1.5	–1.5
Afghanistan	43.6	43.6	43.6	43.6	43.6	4.0	1.6	2.6	1.0
Bhutan	18.5	18.5	18.5	18.5	18.5	3.0	3.0	3.0	1.5
Maldives	45.0	45.2	45.0	44.8	44.7	1.7	1.0	0.8	0.7

Source: UN DESA, retrieved from the website <<http://esa.un.org/migration/>> on 1-06-2011.

Several patterns in international female migration have been noted at the global level (Ghosh, 2009). Most prominent among them is for the purpose of marriage. A closely related stream of migration is family migration, where the woman migrates while accompanying the household head to a nation other than their place of birth or for the purpose of family reunification, or where the woman migrates alone to join the family. All these three kinds of migration have a higher chance of falling into the category of permanent migration. Women also migrate either alone or with family due to displacement linked to natural disasters, or tense social and political situations like wars or other forms of violence, to mention a few. Of late, migration of females for education and for work is becoming increasingly prominent. All the forms of migration mentioned here fall into the categories of forced/voluntary, regular/irregular, placing the migrant women in different processes and vulnerabilities. Here we will be looking more specifically at migration for the purpose of employment.

3.3 LOCATING FEMALE LABOUR MIGRATION IN ASIA

Within Asia—a major region of origin for international female migrants—three circuits of migration have been identified (Abella, 1995). The principal stream is the migration of women workers from South and South East Asia to Gulf countries. The second stream is from developing Asian countries, such as Sri Lanka, Thailand, Indonesia and Philippines, to Brunei, Hong Kong, Singapore and Malaysia. The third stream is of those moving to Canada, the US and Europe. The first and second stream of migrants generally consist of workers in the lower end of manufacturing and services, particularly domestic workers, while the third stream of migrants consists of those in the medium and high skilled categories, such as IT professionals and health care workers.

A gender differentiated demand for labour seems to determine the migration flow of international female workers (Ghosh, 2009). While the majority of male migrants are engaged in production and construction, females are disproportionately engaged in the service sector—care and entertainment services. Though working conditions are likely to be precarious in such sectors, it is also true that employment generation is less likely to be affected by economic cycles; it is determined primarily by the labour market structure of receiving countries and their social and cultural practices. The demand for domestic workers in GCC nations is an apt example. As indicated in Table 3.4, females constitute the major segment of migrant domestic workers in the GCC region. The largest groups of migrant female domestic workers are in Saudi Arabia and Kuwait.

TABLE 3.4

MIGRANT DOMESTIC WORKERS IN GCC COUNTRIES

COUNTRY	YEAR	TOTAL	WOMEN
Bahrain	2011*	83,198	51,811
Kuwait	2010	569,536	310,402
Oman	2009	94,592	69,256
Qatar	2009	80,342	48,147
Saudi Arabia	2009	777,254	506,950

Note: * First quarter.

Source: Esim and Carole, 2011.

Several factors have influenced the demand for female caregivers in the Gulf. With improved economic situations, the hiring of domestic workers is considered a necessary comfort, particularly in societies with a feudal structure. At the same time, the hiring of local domestic workers has become difficult either due to the shortage of local labour or higher prices charged by them. Female labour migration from South Asia to the Gulf countries is essentially linked to their economic prosperity as the latter register very low female LFPRs. Thus the feminisation of international migration is linked to a global demand for domestic workers, reproducing the traditional sexual division of labour, where women are relegated to lower end jobs (Agrawal, 2006). Instances are also not uncommon of how global capital determines and reaffirms the existing gender division of labour. In the context of East and South East Asia, Keiko Yamanaka and Nicola Piper (2005) trace how Hong Kong SAR, the Republic of Korea, Singapore and Taiwan Province of China became Asia's economic 'miracle' by mobilising and controlling 'inexpensive, tractable and disposable' female labour.

The feminisation of migration has challenged the existing social and cultural norms and in certain cases created new conditions that restrict women's mobility, which could be informal or legal. However, as will be argued in the following section, restrictions with the intention to 'protect' females tend to be counterproductive, reproducing existing oppressive structures and increasing the vulnerability of female workers. At the same time, efforts made to ensure conditions of decent work to migrants, including adequate wages, social security and protection against abuses, have been limited at best. A related issue that requires attention is the devaluation of skills or non-recognition of the migrants' qualifications and previous job experience, affecting their earning capacity. This is particularly true of female labour migration, especially of health care workers, to Western countries.

3.4 THE FEMINISATION OF SOUTH ASIAN MIGRATION

The main reasons for migration in general—lack of viable opportunities in the home country, widespread poverty, desire for a better future, and a high remuneration in the destination country—hold true for female migration in South Asia, though the impact of such factors varies across countries. At the same time, as will be discussed, factors such as the harsh realities of family life, alcoholism of the male members of the family, oppressive social systems, etc. seem to play a crucial role in influencing women's decision to migrate.

In the South Asian context, the feminisation of migration is largely associated with the migration of women from Sri Lanka. As per the statistics in 2009, 51.73 per cent of the total Sri Lankan emigrants were women, of which 89 per cent migrated as housemaids (SLBFE, 2009). The

composition of female migrants provides clues about the factors that trigger migration at the micro level. In the present decade, as the figures suggest, the migration of women workers from Sri Lanka is inextricably linked with the employment of Sri Lankan housemaids in the Gulf countries. Sri Lankan women migrants are predominantly Sinhalese and Muslim; the number of Tamils is much lower. While migrants were drawn primarily from the urban areas surrounding the capital city of Colombo in the late 1970s, they now come from all over the island, including the western districts of Colombo, Kurunegala and Gampaha, in large numbers (Frantz, 2010).

Prior to the current spurt of female international migration, women workers were largely engaged in plantations and Free Trade Zones (Brochmann, 1993; Kottegoda, 2006) and so had a higher workforce participation rate. Sri Lanka's vibrant garment industry spread across the country also boosted the numbers of female migrant workers. Large numbers of women trained in these factories have found jobs in garment factories overseas. The increase in female migrant labour as housemaids and as low skilled and semi-skilled factory workers (predominantly garment factory workers) is attributed to a number of other social, economic and policy factors. For example, Ismail (1999) notes that the free market economic policies of the United National Party that came to power in 1977 had an adverse effect on the female worker-dominated handloom and textile sectors, and hiked the female unemployment rate to 45 per cent, which later on propelled female migration on a large scale from the country. The new economic policy of the government, among other things, dismantled the control system on private economy, opening up previous State monopolies to the private sector (Brochmann, 1993). An immediate effect was high inflation rates, with the price of food items increasing by nearly 200 per cent, fuel and power by nearly 400 per cent, and miscellaneous items, including medicine, by about 138 per cent between 1977 and 1984 (ibid.). Despite liberalisation, unemployment remained a major problem and the standard of living of the population further worsened with the withdrawal of the food subsidy. The increased demand for workers in the Gulf gave the Sri Lankan government an avenue to overcome the low economic growth. In this context it can be argued that the historical legacies of female employment outside the household also helped female migration from Sri Lanka on a large scale (Oishi, 2005).

Female migration from Nepal presents a different trajectory. Migration in Nepal before the 1990s often meant male migration in which women accompanied their spouses, parents or relatives. Patriarchal attitudes coupled with a lack of reliable and available networks and lack of funds to support migrant initiatives hindered the independent movement of women migrant workers (Adhikari, 2006). One significant development in the 1990s was the change in the political organisation of Nepal from that of monarchy to democracy. The failure of the agricultural economy and the resultant poverty after the 1990s and the search for non-farm jobs led many Nepalese women to India, while a few migrated to countries other than India (Bohra and Douglas, 2009).

As in the case of Sri Lanka and Nepal, widespread poverty, unemployment at home, and wage differences at the destination triggered international labour migration from India to Gulf countries. Academic literature on international labour migration in India is largely focused on male migration. This complements the near 'invisibility' of data with respect to female migrants. This seems ironic in the case of Kerala which records high levels of female labour migration to Gulf countries. However, the plight of female labour migration in the category of low skilled (domestic workers) and medium skilled (health care workers) is increasingly receiving attention (Bindhulakshmi, 2010; Percot, 2006). The study conducted by IOM (2010b) among labour migrants from Andhra Pradesh indicates that all of them decided to migrate because of the economic benefits. Studies on female labour migration to Gulf countries indicate that their choice (particularly for nurses) is also guided by a desire to migrate to a better destination, for example to the West (Percot, 2006). Though

there is also an increasing flow of migrants to Western countries, for instance in the IT field, their migration experience is yet to be adequately studied.

Female migration continues to be low in both Pakistan and Bangladesh according to the official statistics. Poor economic conditions in these countries along with political instability play a major role in pushing migration. As indicated in the analysis of Oishi (2005), for some younger single educated women or older married women with no children, some education and dead-end jobs, migration represents an adventure, a broadening of their horizons. The social status of the female migrant—illiterate, divorced or separated—also seems to influence her decision to migrate (Blanchet et al., 2008), given limited employment opportunities in Bangladesh. A few also migrate to save money for marriage related expenses (Sidiqqi, 2001). Similar is the case of Pakistan. Interestingly, unlike the case of Sri Lanka, India and Nepal, where poverty and high unemployment have triggered off fairly large-scale female migration, in Bangladesh and Pakistan where poverty and unemployment are relatively high, oppressive gender structures may be hindering female mobility.

3.5 MANAGING WOMEN'S MIGRATION: STATE RESPONSES

All countries have legislations to regulate the flow of emigrants and to control emigration. A striking aspect of the emigration policies of the South Asian countries as noted by Oishi (2005) is that the policies do not treat men and women uniformly. Despite the increasing presence of women in migration flows, especially as workers, the migration policies in both the sending and receiving countries in the South Asia–Gulf migration corridor tend to be gender-stereotypical. Migration policies in the regions are often formulated placing women at the margins, reproducing existing gender stereotypes—women as victims of all sorts of violations and incapable of deciding on cross-border migration. The State intervenes to protect and control women, thereby curtailing women's right to make their own decision and earn a decent living. As noted by Kapur (2005), constructing women as 'victims' delegitimises women's movement in search of work. Further, they are left with no option apart from depending on informal and often illegal agents, increasing the probability of women ending up in trafficked networks.

Oishi (2005) explains the relevance of the concept of 'social legitimacy' to analyse female migration processes in South Asia. She defines social legitimacy as 'a particular set of social norms that accept women's wage employment and geographical mobility and that establish an environment conducive to international female migration'. The concept not only seems to mould society's attitude towards female migration, but also influences State policies promoting, regulating and/or controlling their mobility. Kapur (2005) narrates how the categorisation of migrant women by the State into groups—such as potential victims and those outside the scope of victimisation (women travelling alone and those travelling with family)—often leads to half-baked solutions. Taking the point further, Bindhulakshmi (2010) questions (il)legality and (il)licitness in the migration of female domestic workers and the role played by the State in the process. Situating the debate in the migration of domestic workers from Kerala, India, to the UAE, the author cites instances of women relying on channels that are often very risky because of delays in the official procedures related to migration.

As noted in Table 3.5, age is used as a crucial variable to restrict international migration of female workers, particularly that of domestic workers. In Pakistan, women must be at least 35 to work abroad as domestic workers. The situation is ironical considering that the Pakistan National

TABLE 3.5

AGE RESTRICTIONS IMPOSED ON INTERNATIONAL MIGRATION OF FEMALE DOMESTIC WORKERS

COUNTRY	CONDITION
Bangladesh	Women must be at least 25 years old
India	Women must be at least 30 years old or should have completed matriculation
Nepal	Women must be at least 18 years old
Pakistan	Women must be at least 35 years old
Sri Lanka	Women must be at least 21 years old

Emigration Policy (NEP), 2009, highlights the low share of Pakistani female workers in international migration and stresses the need to substantially increase their share ‘in occupations considered safe’. As noted by Kabeer (2007), in South Asian countries the paternalistic attitude of the State towards female migration is also visible in the restrictions imposed on destinations and occupations chosen by the women workers. For instance, in 1998 Bangladesh banned women from going abroad as domestic workers, which was later revoked. India also has a track record of banning recruitment of domestic workers to certain countries, say, Kuwait, which was later removed. In Sri Lanka, a ban imposed by the government on migration of women with children aged below 5 years to work as domestic help, on the pretext of ‘minimising social disruption at home’, was also revamped.

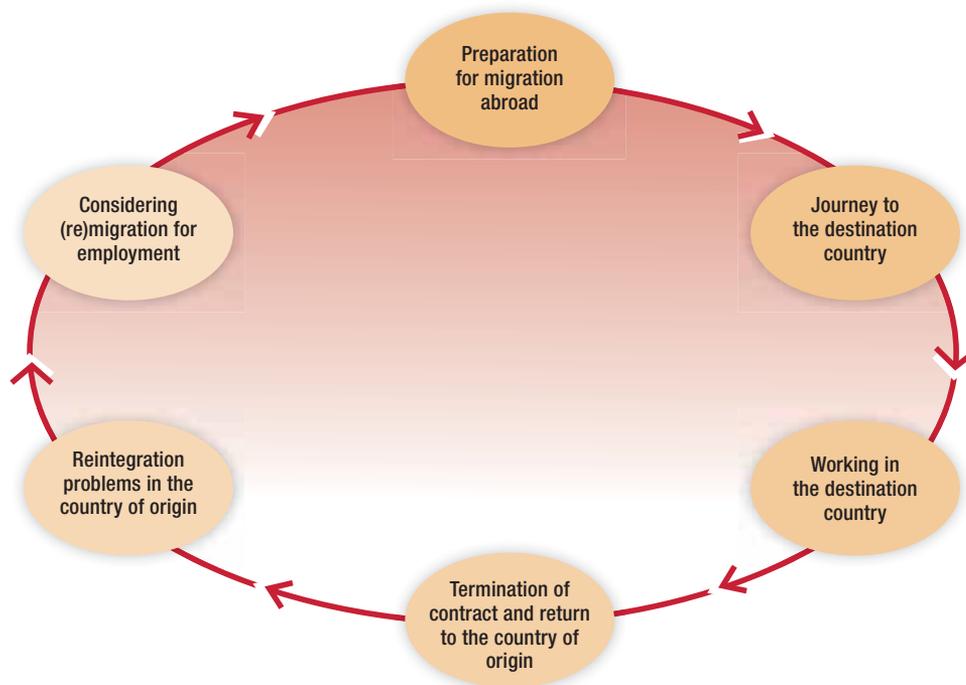
Restrictive migration policies have reduced the possibilities for regular and legal migration for females, forcing them to adopt risky processes to migrate. For instance, in Nepal, due to the alleged sexual abuse and death of a migrant woman worker named Kanu Sherpa in the Gulf, which made headlines in the Nepalese media, female migration to Gulf countries was banned in 1998 through a Cabinet decision; it was restored only in 2003. Later, this was revoked and a new law, the Foreign Employment Regulation 2064, 2008, was introduced. One provision in the law stipulates that international migration from the country is possible only through Kathmandu airport. However, it is estimated that around 30–40 Nepalese women fly to the Gulf countries daily through India. Nearly 20,000 to 25,000 Nepalese women are believed to be working in Saudi Arabia and most of them are illegal migrants (NIDS, 2010). As argued by Mora and Piper (2011) migrants’ vulnerability is affected not only by labour conditions at the destination, but also by their sense of entitlement and their notion of rights at the country of origin.

International migration is best viewed as a process that offers immense scope for social and economic mobility. However, there is a need to incorporate gender sensitivity into the migration policies in South Asian countries, recognising the right of women to migrate. Deconstructing the image of women as mere spectators of the process, the State should place the migrant at the focal point of the migration policy. Instead of restricting migration of women by making the process cumbersome, which promotes irregular migration, the State should ensure the creation of a structure, both at the sending and receiving countries, which facilitates their safe migration. Another possible strategy can be to provide skill upgradation to promote their vertical mobility.

4 MIGRATION PROCESSES

This chapter provides a detailed analysis of the migration cycle and the processes of migration in the context of female labour migration from South Asia to the Gulf. The broad migration cycle, which provides the framework for our analysis, is depicted schematically in Figure 4.1. The migration cycle essentially entails the following stages: pre-departure, departure, conditions of stay and work at the receiving country, and eventual return and reintegration in the home country.

FIGURE 4.1 **MIGRATION CYCLE**



4.1 THE PRE-DEPARTURE PHASE

The migration process begins with people acquiring information on the prospects of overseas jobs; those who yearn to migrate become intending migrants. Dissemination of information on different aspects of migration is vital at all stages of migration, beginning with the decision to migrate. Accurate, adequate and up-to-date information helps the migrant to avoid the pitfalls and undesirable practices in migration and it is not rare for at least some of the intending migrants to choose to withdraw after receiving information on labour conditions overseas. Information on the

costs and benefits of migration is important both for the migrants and their family members in preventing irregular migration and other fraudulent practices that may occur during migration. Since the beginning of the massive labour migration to the Gulf, migrants in South Asia have availed of different sources of information (both formal and informal) before migrating.

4.1.1 Sources of Information on Migration

In South Asia, informal networks that provide the required information to migrate are popular and those who had migrated earlier play a critical role in providing information to those intending to migrate and linking them up to destination countries (Kabeer, 2007; Oishi, 2005). Communication with the social networks of friends, relatives and extended family members is the usual channel through which women migrant workers across the South Asian countries understand migration and make their decision about it.

It has been reported from all over South Asia that as migration grew from ‘an isolated event to a constant occurrence’ (Gamburd, 2000), networks of information on migration developed in the region, primarily through the returnee migrants and families, friends, relatives, etc. Such informal networks contributed to the flow of labour to the Gulf and continue to be the predominant agency for the dissemination of relevant information and hence facilitation of migration (Addleton, 1992; Bohra and Douglas, 2009; Gamburd, 2000; Gardner, 1995; Oishi, 2005; Poertner et al., 2011; Rahman, 2011; Rajan and Narayana, 2010; Siddiqui, 2003; UNDP, 2008). The advantage of informal networks is that participants are active even after migrating to the receiving country and such networks foster relationships that render aid in times of difficulties, often before the consular services (Khatri, 2007). The significant role of informal networks can be gauged from the fact that some areas or pockets in the sending countries in South Asia, viz. the un-irrigated areas of the Punjab province and the North-West Frontier Province of Pakistan, the Colombo district and its suburban areas in Sri Lanka, and the Indian state of Kerala (Addleton, 1992; Rajan et al., 2011; SLBFE, 2009), continue to send more migrants than other regions in their respective countries; this points to the presence of a strong informal network in those areas that drives migration.

However, governmental and non-governmental initiatives in information dissemination are as significant as informal networks. Increasingly, formal institutions, especially government agencies, are engaged in providing the required information to intending emigrants. The SLBFE in Sri Lanka, through their grassroots level awareness building programmes, informs the prospective migrants, families of the migrants left behind, the wider population in the locality, the police and the community leaders on the prospects, problems and coping-up strategies related to migration. SLBFE also broadcasts customised radio programmes on migration.

In Bangladesh, very little information on migration, particularly female migration, was being disseminated by the governmental agencies till recently. However, in recent years, the Ministry of Expatriates’ Welfare and Overseas Employment (MEWOE) has been regularly advertising in local newspapers about unlicensed recruiters and safeguards to be followed by migrants so as not to be trapped in irregular migration (Siddiqui et al., 2008). An IOM study observes that local newspapers carry advertisements on jobs abroad (English newspapers published from Bangladesh hardly carry such advertisements) and the bulk of the news reports relate to the plight of migrant workers due to the illegal activities of middlemen (IOM, 2002). The major part of information dissemination on the prospects and problems of migration in Bangladesh is primarily done by migrants’ associations such as the Welfare Association of Repatriated Bangladeshi Employees (WARBE), Bangladeshi Ovibasi Mohila Sramik Association (BOMSA), etc. The WARBE, through its

BOX 4.1

CAPTURING THE 'GULF' IN THE POPULAR MEDIA

Distinct ways are evolved to locate the migrant's voice in the imagination of natives, providing valuable information to the intending migrants, in regions that record high migration rates. In South Asian countries that record high out-migration rates, migration is captured in a variety of ways, varying from folksongs to internet blogs. In Kerala, which has a huge outflow of migrants to international destinations, particularly the Gulf, the majority of local newspapers have regular sections devoted to news from that region. This also seems to be true of audio-visual media. As international emigration

has made an irrevocable impression on the native population, migrants are often featured in novels and movies. Though these usually portray success stories, of late changes are visible with recent works in the popular media also depicting hurdles and dilemmas faced by migrants in foreign lands. Interestingly, there are also attempts to capture the experience of migrants from a gender perspective, a recent example being a movie in Malayalam titled *Gaddama* (meaning domestic worker) that narrates the story of a low skilled woman migrant from Kerala to the Gulf.

programmes, offers general information about migration and migration processes such as issuance of passports and visas, medical tests for migrants, recruitment agents and their fraudulent practices, the cost of migration, and the living and working conditions in the destination countries.

In India, the Ministry of Overseas Indian Affairs (MOIA) issues advertisements in the popular media to inform the public on migration related matters. MOIA also operates a 24-hour helpline to address the information requirements and other related needs of prospective as well as current migrants. In Pakistan, newspaper reports and advertisements continue to be a significant source of information. From 1981 onwards, Pakistan's largest Urdu newspaper *Jang* introduced a special weekly supplement called *Baladi*, meaning fellow citizens, to publicise news and views about Pakistanis living abroad (Addleton, 1992).

4.1.2 The Decision to Migrate

The decision to migrate in South Asia is usually an individual decision or a collective decision of the individual and the family, rather than triggered by extraneous compulsions (Nair, 2011; Percot, 2006; Yapa, 1995). Sri Lankan women discuss the possibilities for migrant labour abroad with family members and returnee female migrants. They also speak to members of the extended family and other married women in the family, spouses and in-laws; the decision to migrate is arrived at after these consultations (Gamburd, 2000; Kottegoda, 2006). Nepalese female migration too is the outcome of a joint decision within the family (Adhikari, 2006). Research on nursing professionals from Kerala shows that the selection of nursing as a profession is driven by the prospects of migration, first to the metropolises of India, then towards the Gulf countries, the developed countries in the West being the final destination. In this context, the decision to migrate is already made at the time of choosing of the nursing course by the individual and her family. A nursing degree or diploma is increasingly regarded as a passport to emigrate not only for the person concerned, but also for her relatives; and for the younger generation migration is a clear and evident objective (Nair, 2011; Percot, 2006). The decision to migrate for women in Sri Lanka is also propelled by the demand for Muslim housemaids in the Gulf. Recruitment agencies come forward to recruit Muslim women without a charge, that too within a month of making the initial contact, while the men have to pay exorbitant charges to obtain an overseas job (Thangarajah, 2004).

4.1.3 Recruitment of Labour

Most South Asian migration to the Gulf is on fixed term contracts and the Gulf states receiving such labour often refer to them as 'temporary contractual labour' rather than as 'migrant workers', though International Labour Organization (ILO) and UN instruments consider them migrant

workers (Wickramasekara, 2011). Regional affiliations tend to influence contract worker recruitments in the Gulf and over the past 25 years, the Gulf countries have employed less non-GCC Arab workers from Palestine, Jordan, Egypt or Yemen and recruited more workers from Pakistan, India, Bangladesh, Sri Lanka, etc. (Gamburd, 2009). Labour recruitment to the Gulf nations is presently in terms of the *kafala* or sponsorship system. In the initial years of Gulf migration, the demand for and the supply of migrant labourers were managed by the governments of both the sending and receiving countries through offices specially established for the purpose (Shah, 2009). But, over the years the situation has changed. In many countries government initiatives are not very effective as contracts are made directly with the intending migrants (Addleton, 1992). Very importantly, it is the social networks of the early generations of migrants that now play a large role in recruiting labour to the Gulf countries.

The bulk of Asian migration is influenced by informal social networks—friends, relatives and extended family members—and these networks continue to sustain the migrant female workers after arrival at the destination country. A study on the Bangladeshi migrants in the UAE noted that a spare time activity of both male and female migrant workers was to gather for an *adda* or informal gathering, in which ideas, thoughts, information, knowledge, etc., are exchanged (Rahman, 2011). This cumulative nature of Asian female migration built on social networks has been observed in many of the scholarly works on female migration (Kabeer, 2007; Khatri, 2007; Oishi, 2005). The networks of prospective migrants and returnee migrants are so strong that they are relied upon more than governmental or other agencies even after migration (Khatri, 2007). A nationwide survey showed that 78.7 per cent of Indian emigrants used the networks of friends and relatives in migrating. While 74.2 per cent of males and 88.52 per cent of females depended on the friends–relatives network, the dependence on the foreign employer was 7.3 per cent, on private recruiting agencies 13.5 per cent, and on government agencies 0.5 per cent (Rajan and Narayana, 2010). In Pakistan, fellow tribesmen helped women to migrate (UNDP, 2008).

In Nepal, internal migration and international migration are linked, with migrants initially moving to Kathmandu for work and moving abroad later (Graner, 2001). Social networks play an important role in Nepal and, often, family ties among intergenerational migrants (Poertner et al., 2011) or neighbours with international migration experience help others to migrate (Bohra and Douglas, 2009). In Sri Lanka, beginning in the early 1990s, prospective female migrants attached great value to the mediation of a migrant whom they knew, and the trustworthiness of the employer and the future help and advice from an experienced migrant played a significant role in migration. Migrants viewed the friend or relative of a good domestic worker as a more desirable source of help than a private recruitment agency (Eelens, 1995). However, despite the reliance on informal networks, migrants seek the help of private recruitment agencies to buy flight tickets or for satisfying the processing requirements of the government departments in the home country and the destination country, which make recruitment agencies indispensable actors in the migration process.

With the increasing demand for outside labour, the recruitment field was opened to private, competitive recruitment agencies, which supply labour according to the demands of the receiving countries. From a field plagued by legal, bureaucratic and financial barriers that restricted the mobility of labour, particularly that of unskilled labourers, and a slow process and high costs under official programmes, labour recruitment was transformed into a highly lucrative and competitive business with transnational recruiting agencies operating in both origin and destination countries. Indeed, some of the labour recruiters in some countries organised themselves and lobbied with the respective governments for favourable policy changes (Kabeer, 2007).

BOX 4.2

THE KAFALA SYSTEM AND VISA TRADING

Kafala is the sponsorship system by which temporary migrant labourers are recruited in the Gulf countries. All the countries in the Middle East have variants of the *kafala* system, which originated in the 1950s from the Bidoon principles of hospitality and the obligations of treatment and protection of foreign guests. The *kafala* system by virtue of its constitution ensures that there is a constant supply of migrant labour while they remain temporary residents in the country. Under the *kafala* system *kafeels* or sponsors recruit labour either directly or through intermediaries, such as recruitment agencies, according to permits granted by the concerned ministries in the Gulf countries.

Initiated as a legal system of labour recruitment, *kafala* has degenerated into one in which the national *kafeels* become 'sleeping partners' and recruit labourers for other employers and thereby engage in activities like visa trading, which pushes the migrant workers into difficulties. The inconsistency between the short-term political and economic objectives of the *kafala* system and the structural realities of the labour market have led to longstanding structural dependence between the employer and worker. This dependence leads employees to surrender passports and other documents to the

employers, which in turn makes the life of workers, particularly the women domestic workers, extremely difficult. The dependence of the worker on the employer under *kafala* has led many rights activists to refer to it as 'modern slavery'.

Visa trading continues to be the most blatant abuse of the sponsorship system under *kafala*. Nationals of GCC countries, who obtain business licences and permission to bring in a given number of workers, sell the visas to other employers who are in need of them, instead of starting a business or using all the visas for the approved business. This forces an illegal status on the migrant workers for not honouring the terms of the visa. In the 'floating visa' system, migrant workers work illegally for various employers rather than their legal sponsor, which gives them higher incomes but imposes on the workers a position of illegal employment. Visa trading is recognised as a serious obstacle in the orderly management of labour migration in the Gulf, though the statistical database on it is very weak. Very often, the multi-million dollar visa trading activities are carried out with the tacit involvement of the recruitment agents. These clandestine operations jeopardise the life and stay of migrant workers, making them liable for imprisonment for illegal migration.

Source: Baldwin-Edwards, 2011; Khan and Harroff-Tavel, 2011; Shah, 2009.

Unlike in Western Europe's guest worker programme, minimal government-to-government role in the recruitment of labour from Asia has led to the field being left largely in the hands of such private recruitment agencies (PRAs) with their networks of brokers and intermediaries; the protection of workers rests on contracts signed between workers and their employers (Asis, 2005). The thriving PRAs and the increasing commercialisation of the migration industry has given rise to irregularities and abuses at all stages of the migration process, pushing migrants and their families into vulnerable conditions. Operating on the basis of profit, commercial recruitment agencies make explicit the cost of migration to migrants and by raising the costs of migration they also dissuade some potential migrants from seeking employment abroad (UN, 1995). A number of recruiting agents extort money from female migrants and also push them into exploitative working conditions (United Nations Population Fund [UNFPA], 2006).

The operation of unregistered recruiting agencies and their links with international organised crime and smuggling has facilitated the growth of irregular migration. The proliferation of illegal channels also leads to high costs and time consuming procedures (Kabeer, 2007). Less educated women are prone to using irregular channels of migration because of their limited access to information; this compounds their vulnerability in the migration process (UNFPA, 2006). Among South Asian countries, India and Pakistan reportedly have a high incidence of irregular migration due to their porous boundaries with Bangladesh and Afghanistan and also due to the continuing trafficking of women and children across the border from Bangladesh and Nepal into India (Wickramasekara, 2011). The most common fraudulent practices by PRAs involving irregular migration are visa trading, excessive placement fees, forging of documents, contract violations, low wages, non-payment or delay in the payment of wages, etc. (Asis, 2005; Eelens and Speckmann, 1992; Oishi, 2005; Shah, 2009; Wickramasekara, 2002). Female domestic workers and entertainers,

trafficked persons and irregular migrant workers often fall victim to such dubious practices of the PRAs (Wickramasekara, 2002). Probably the most widespread form of malpractice is the abuse of the sponsorship system that is commonly known as ‘visa trading’ and ‘floating visa’.

4.1.4 The Cost of Migration

The cost of migration normally includes recruitment fees, travel costs and charges for passports, visas and other travel and employment documents. The expenses required for migration are met from various sources. Borrowing of money from friends and relatives, pawning of lands or valuables and selling of land, personal savings or the savings of parents, loans from moneylenders and a small amount of governmental assistance are the common sources of funds reported from all over South Asia (Gamburd, 2010a; Oishi, 2005; Rahman, 2011; Rajan and Narayana, 2010; UNDP, 2008).

The high costs involved in migration force many female migrants to welcome the *kafala* or sponsorship system of recruitment as this does not require them to make upfront payments, and recruitment, processing and placement can be done without much difficulty (UNDP, 2008). Evidence shows that the cost of migration is relatively very high when emigration is facilitated by PRAs. For instance, the average cost of migration through recruiting agents in India in 2007 was ₹ 51,451 (around US \$1,145) while the cost was a mere ₹ 25,712 (approximately US \$570) when migration was through the informal networks of friends and relatives (Rajan et al., 2011). On an average a Bangladeshi female migrant spends 106,220 Bangladeshi Taka (BDT) for migration and male migrants spend BDT 141,300 for migration. The gender differentiated pattern of migration costs forces otherwise unresponsive Bangladeshi families to send women rather than men to work in the Gulf (Rahman, 2011). While women migrants from Sri Lanka and Philippines do not make upfront payments and recruitment fees are deducted from their salary, Bangladeshi women migrants pay the cost of migration in advance (Gamburd, 2000; Rahman, 2011).

4.1.5 Pre-Departure Orientation Programmes

Pre-departure orientation programmes for emigrants are recognised as one of the most effective means to address the problems encountered by migrant workers in the destination countries and to help them to adapt efficiently to unfamiliar working conditions in a new socio-cultural and religious environment. Pre-departure orientation strongly orients the prospective migrant regarding the prospects and the risks involved in working abroad. A general understanding of pre-departure orientation with a rights based perspective is that orientation should be of sufficient duration and offered free of cost at accessible places, equipping potential migrants with knowledge on labour, health and other rights and obligations, as well as about the destination country; it should not romanticise or demonise migration (OSCE, 2009). These programmes are designed to lessen the vulnerability of female migrant workers and to keep them informed and empowered in relation to labour conditions abroad (IOM, 2005). Such orientation is especially important for migrants to Gulf countries as these countries enforce cultural restrictions on worship, mobility, entertainment and social interaction with the opposite sex; hence migrants who have an understanding of these socio-cultural beliefs, practices and traditions have a better working and living environment in the Gulf. Pre-departure orientation is usually offered (1) after the decision to migrate is taken; (2) at the time of recruitment of a migrant and contract signing; and (3) before migrating and when preparations for migration are being made.

Pre-departure orientation is different from other kinds of general information campaigns on migration, both in its content and emphasis. Pre-departure orientation details the actual working

and living conditions of migrant workers abroad, including the types and kinds of work they are supposed to do, gives them a minimum knowledge of the language required at the workplace, imparts the skills to escape precarious situations at the workplace, etc. The major distinctions between Pre-Employment Orientation Training (PEOT) for the general public and Pre-Departure Orientation Training (PDOT) imparted to an intending emigrant are given below in Table 4.1.

TABLE 4.1

FEATURES OF PRE-EMPLOYMENT ORIENTATION TRAINING AND PRE-DEPARTURE ORIENTATION TRAINING

PRE-EMPLOYMENT ORIENTATION TRAINING	PRE-DEPARTURE ORIENTATION TRAINING
<ul style="list-style-type: none"> • Refers to information campaigns or 'community-based awareness raising' aimed at young people to raise awareness about migration in general. • Designed to have an impact on migrants at the pre-departure stage, during migration, and in the destination country • Seeks to create awareness about the benefits and dangers of migration 	<ul style="list-style-type: none"> • Refers to training offered to provide practical knowledge and protection skills to those who are in the middle of processing migration • Includes measures and strategies to maximise the benefits of migrations and reduce potential dangers • Sensitises migrants about the cultural milieu and legal rights and obligations in the destination country, and does not usually include skills training

Source: Siddiqui et al., 2008.

Pre-departure orientation programmes are offered by different agencies in the sending countries. The foreign employment bureaus or agencies of the governments are foremost in offering pre-departure orientation to intending migrants. Sri Lanka has very systematically carried out pre-departure orientation programmes and since April 1996, the country has made such training compulsory for those who opt to work abroad (IOM, 2005). SLBFE conducts a 15-day training programme in housekeeping and orientation programmes for unskilled female migrant workers going to Gulf countries. For non-Middle East countries, the programme is for 25 days. Family members of the prospective migrant too have to attend the final day of the training for both destinations. The training consists of 12 modules for domestic workers going to Middle Eastern countries and includes Arabic, use of household appliances, traditions and customs of the Gulf States, and counselling on medical issues. In Bangladesh, the Bureau of Manpower, Employment and Training (BMET) conducts pre-departure orientation for migrant workers whose travelling documents are processed by licensed recruitment agents. Those who travel with group visas require a certificate of attendance of PDOT to get clearance to leave the country. Migrants with individual visas or migrants directly hired by the employer need not acquire the clearance of PDOT.

NGOs working on migration issues also offer pre-departure orientation training in South Asia. However, there is no collaborative effort between governmental agencies and NGOs in pre-departure training. Some NGOs in Sri Lanka conduct PDOT for a maximum of two days and, compared to the government initiatives, they are weak (Siddiqui et al., 2008). Till 1996, before the SLBFE made PDOT compulsory, the Migrant Services Centre used to conduct PDOT, particularly to enhance the decision making capabilities of the migrants. BOMSA, a prominent migrants' association of Bangladesh, has been offering pre-departure orientation training since 2001. BOMSA conducts one-day orientation programmes in six districts of Bangladesh for migrants and their family members. A number of Bangladeshi NGOs—Shikkha Shasthya Unnayan Karzakram (SHISHUK), BOMSA, WARBE—have adopted community based awareness raising and pre-departure orientation programmes for intending migrants. SHISHUK organises Peer Educators

Training (PET) for selected migrant workers and also works through live media to raise awareness on issues concerning migration. It primarily focuses on HIV/AIDS issues in all phases of migration—pre-departure, overseas employment and reintegration. These NGOs make use of different mediums, including folk performances, to spread their messages to the target group (ibid.).

The experience of Sri Lankan domestic workers reveals that migrants who went without pre-departure orientation training faced many difficulties in working in the destination country. They had virtually no knowledge of the country to which they had migrated, no idea about the customs or manners of that society, and no specific skills or training in performing jobs in affluent homes having modern household appliances. Consequently, many of them were subjected to maltreatment, physical assault and non-payment of wages by employers (IOM, 2005). Migrants from rural areas tend to have less knowledge of such orientation programmes and receive less pre-departure training (Khatri, 2007). In Pakistan and Sri Lanka, the remoteness of the migrants' homes impedes the dissemination of timely, accurate and adequate information prior to migration (UNDP, 2008). The experiences of Bangladeshi and Nepalese domestic workers suggest that pre-departure orientation programmes would have minimised the friction between the employer and the domestic worker because with proper training, the domestic worker would have done the household jobs satisfactorily and communication with the employer would have been better (Khatri, 2007).

4.2 IN THE LABOUR RECEIVING COUNTRY

Native populations in the Gulf have always placed a low premium on manual labour. Gulf countries have a *de facto* dual economy in which well-paid and non-strenuous public sector jobs are reserved for nationals, while migrant workers perform the poorly paid, difficult, low-status private sector jobs (Addleton, 1992; Gamburd, 2010b). Migrants to the Gulf hold a highly inferior status vis-à-vis the citizens not only in wages but also in other amenities such as housing or health care. Such a situation has developed out of the policies of the receiving countries aimed at protecting the social, political and demographic stability in the region (Shadid, Spann and Speckmann, 1992). The increase in wealth of the Gulf countries following the exploitation of oil triggered the hiring of migrant domestic workers which freed native women from menial household tasks (Eelens et al., 1992). Over time, recruitment processes have become less subject to the control of the governments of sending and receiving countries, ensuring a decentralised labour supply to the Gulf (Addleton, 1992). In such a situation, even small business enterprises and households are able to recruit labour.

In the gendered migrant labour market of the Gulf, women are primarily called on to undertake domestic jobs (though men are also engaged in these to some extent) (Center for International and Regional Studies [CIRS], 2011), and this 'army of housemaids' (Gamburd, 2010a) is the face of feminisation of migration in South Asia. Initially, women from Pakistan, India and Bangladesh were recruited on a small scale as domestic servants, but the occasional banning or prohibition of migration of female workers from these countries opened up avenues for Sri Lankan women to explore the migrant domestic labour market in the Gulf; Sri Lanka continues to lead in female migration to the Gulf in the present decade (Eelens et al., 1992). Most of these migrants live and work in undesirable conditions in the Gulf.

4.2.1 Living and Working Environment in the Gulf

South Asian women migrate as contract workers to the Gulf, ordinarily with contracts made for a period ranging from two to five years. After the completion of the contract period, the migrants

either renew their contract, or migrate to some other countries in the Gulf or outside the Gulf, or return to their homeland. A field survey conducted among Indian migrant workers shows that most of the migrant Indian workers (83 per cent) came to the UAE with proper visas for work while 17 per cent migrated with tourist visas or other categories of visas obtained either through licensed recruiting agents, unlicensed recruiting agents or relatives and friends. Many of these migrants were willing to work on terms and conditions decided by the foreign employers (Zachariah et al., 2004). Female migrants from Bangladesh and Pakistan usually travel on a visitor's visa and acquire a work visa after reaching the destination country (UNDP, 2008). Travelling without work visas is routine in South Asia.

When migration to the Gulf first began, the reception the female migrants got was warm and cordial, and the conditions of work, especially for the para-medics, were very good. However, over a period, the euphoria died down; the harsh conditions of work and the denial of rights to organise or dissent and protest became apparent (Percot, 2006). Among the women workers, the category of domestic workers is the least organised due to the specific laws and regulations in the Gulf countries and they ordinarily work and live in an exploitative environment. Many domestic workers toil in intolerable conditions, live in exploited and captive situations, and are physically and psychologically abused (UNFPA, 2006).

Migrant workers, mainly male migrants in the Gulf, primarily live in three types of accommodation: apartments, shared lodging and individual housing units for single migrants, corresponding to their occupational status, nationality and ethnicity. Only highly paid migrants can afford apartments which are the most luxurious form of accommodation of the migrant. Shared lodging is the most unfavourable form of housing and houses the migrants normally in abandoned buildings in the old quarters of the cities. Such houses with eight to ten rooms accommodate around 100 people, with most of them living in unhygienic conditions. Single migrants stay in shanties in the suburbs of major cities in the Gulf. In addition, work camps are provided by companies involved in development works (Shadid, Spann and Speckmann, 1992; Spann, 1992). Gulf authorities also prefer particular project-centred work camps which are usually efficient, neat and economical (Spann, 1992).

Domestic maids working in the Gulf countries can be divided into two groups on the basis of the nature of their work and living arrangements in the receiving country. The live-in domestic workers usually stay with the employer and have limited interaction with the outside world. The majority of them are not given holidays or allowed to go out without being accompanied by a member of the employer's family (Oishi, 2005). There is no stipulated rest time allotted to the domestic workers; they are given little privacy and forced to work any time of the day and night, blurring the line between workplace and home (Gamburd, 2009). The second type of domestic worker stays in separate quarters, not in the employer's house, and enjoys more freedom to move around as well as works as per stipulated time periods. The first type of live-in domestic maid is most vulnerable to overwork and other kinds of exploitation by the employers (Bindhulakshmi, 2010; Frantz, 2010; Gulati, 1997).

The work assigned to and carried out by the domestic workers in the Gulf is tiring and taxing, and ranges from cooking, tailoring, serving of meals, sewing, cleaning of cars, cleaning of bathrooms and floors, clothes, carpets, etc. to taking care of children, the aged and disabled members of the household. The climate and environment in the Gulf countries—hot and dusty—calls for frequent cleaning of clothes and houses, including the often abundant rugs and carpets, implying that domestic work is physically demanding work. Most of the workers work for eleven to twenty hours

a day. Live-in domestic workers are in the most arduous situation since they can be called to service at any time of the day. The work of a housemaid usually begins in the early morning with the preparation of tea and breakfast, and continues till midnight with the washing up of plates and pans, with an occasional short break of 30 to 40 minutes after lunch.

The amount of work a housemaid performs in a day depends on the size of the household and the number of maids employed in the house or the number of children and elders to be looked after in the house. The average household consists of husband, wife, and elders and three to seven children. In some large households, there is more than one domestic worker and hence the work gets shared; however, in the majority of high-income households, only one housemaid is employed which means she has to attend to all the jobs. In households with a joint family system, the work is generally arduous for the domestic help. Many housemaids assume the role of surrogate mothers and caretakers within employers' homes and create a stable domestic environment for the host families (Brochmann, 1993; Gamburd, 2000; Spann, 1992; Thangarajah, 2004). A domestic worker is at various times a cleaner, a cook, a nanny and a governess of the family (Oishi, 2005).

Reports and studies on the labour and living conditions of housemaids in the Gulf countries portray a picture of despair and exploitation, and stories of physical, mental and sexual abuses of domestic workers circulate globally every year (Ahmad, 2010). This aspect is dealt with in detail in the following section.

4.2.2 Violation of the Rights of Migrant Women

In August 2010, the shockingly cruel treatment meted out to a Sri Lankan maid in Saudi Arabia came to light. Reuters and BBC reported that the employers hammered 24 nails into their housemaid, 49-year-old Ariyawathie, when she complained of the heavy workload. This kind of severe treatment forces many migrants to make an early return to the homeland. The stringent laws of criminal convictions existing in many Gulf countries often put the life of migrants at risk, even for inadvertent mistakes. In 2005, Rizana Fathima Nafeek, a 17-year-old Sri Lankan migrant, migrated to Riyadh on a forged age certificate and was working as a housemaid. In 2006 a four-month-old infant of the employers was accidentally choked while being bottle-fed by her; she was found guilty of murder and sentenced to death. Human rights groups contended that the confession she made was done under duress and the forged passport had changed her status to that of an adult though she was a minor. In October 2010, the sentence was upheld by Saudi Arabia's highest court. The reports of abuse of Sri Lankan migrant women in the media forced the government of Sri Lanka to constitute a Presidential Task Force on Migrant Women in late 1997 to investigate the conditions of Sri Lankan migrant women abroad.

Migrant workers report that physical and verbal abuse by employers is common in the daily life of a domestic worker abroad. In most cases, children of the household were said to punch, kick or bite the domestic workers and even in provocations of such kind, parents seldom reprimanded the children (UNDP, 2008). The kind of violence that domestic workers are made to suffer has the potential to affect the general, mental, sexual and reproductive health of the migrant workers (ibid.).

Apart from physical and mental violence, sexual abuse and exploitation of women working in the Gulf are major problems that female migrants continue to face. Because of the peculiar nature of domestic work, migrant women are at risk of sexual violence by the male members, including grown-up male children, in the employer's family (UNDP, 2008). In 2009, there were 4,500

complaints lodged with the SLBFE by housemaids working in Saudi Arabia. Most complaints were about sexual harassment or non-payment of wages. The widely covered death of Kani Sherpa, a Nepalese female domestic worker, in Kuwait on 9 November 1998 and the reaction it sparked off in Nepal forced the Nepal government to ban the recruitment of Nepalese women as domestic workers to the Gulf from 1998; the ban was conditionally withdrawn in 2003.

The safety of the migrant worker has always been a concern for the sending countries and migration of domestic workers often causes tension between the sending and receiving countries (Bindhulakshmi, 2010). Many South Asian countries have therefore banned the migration of domestic workers to the Gulf countries or have stipulated age barriers for women migrants.

Many of the problems encountered by female domestics occur because proper contracts are not executed between the worker, the employer and the State. The status of work contracts made with respect to domestic workers is presented in Table 4.2.

TABLE 4.2

STATUS OF WORK CONTRACTS SIGNED IN RELATION TO DOMESTIC WORKERS IN GULF COUNTRIES

COUNTRY	SIGNED CONTRACT			UNIFIED STANDARD CONTRACT			IN WHAT LANGUAGES ARE CONTRACTS AVAILABLE?
	BETWEEN		IMPLEMENTING MINISTRY	EXISTS FOR DOMESTIC WORKERS?	SIGNED BETWEEN		
	Worker & Employer	Worker, Employer & PRA			Worker & Employer	Worker, Employer & PRA	
Bahrain	Yes	No	N/A	No	N/A	N/A	N/A
Kuwait	N/A	N/A	Ministry of Interior	Standard DWs* contract for Kuwait, October 2006	No	Yes	N/A
Oman	N/A	N/A	Ministry of Manpower	Pilot Contract of Employment for Housemaids & Equivalentents	Yes	No	Arabic & English
Qatar	No	No	N/A	No	N/A	N/A	N/A
Saudi Arabia	Yes	No	N/A	No	N/A	N/A	N/A
UAE	N/A	N/A	Ministry of Interior	Standard DWs contract for UAE, April 2007	Yes	Yes	Arabic & English

Note: * Domestic Workers.

Source: Esim and Carole, 2011.

Working under the *kafala* system aggravates the situation for the migrant domestic worker. The *kafala* system entails working under the same employer for the period of migration and in most cases, the employer confiscates the passport and other documents of the migrant workers. Deaths of migrant workers under suspicious circumstances or reports of rape are merely filed as complaints and their perpetrators rarely brought to justice in many instances. Working under the sponsorship system often turns the worker into a forced servant fearing deportation at any time of her contract period.

Wages for migrant workers in the Gulf countries are paid not on the basis of individual qualifications but according to national stereotypes (Oishi, 2005). For example, Filipino domestic workers are considered a 'status symbol' in the Arab households of West Asia and therefore receive more salary than those from Indonesia or Sri Lanka. The knowledge of the English language and understanding of local laws and manners fetch Filipino workers more wages (ibid.).

TABLE 4.3

MONTHLY SALARIES OF DOMESTIC WORKERS IN THREE ARAB STATES (approximate)

ORIGIN COUNTRY	BAHRAIN	LEBANON	UAE
Philippines	\$125–150	\$200–400	-
Bangladesh	\$100	\$125	\$100
Sri Lanka	\$125–140	\$120–150	\$125–140

Source: UNDP, 2008.

The major problems that women migrants in the Gulf countries encounter are restricted freedom of association and collective bargaining. The right to association and trade union rights, which are universally shared in all parts of the world, are severely curtailed in the Gulf countries for citizens and non-citizens alike. Many rights guaranteed to the citizens are not applicable to non-citizen migrant workers. Domestic workers in the Gulf countries are completely outside the purview of the country's labour laws as noted in Chapter 2, which renders their situation very vulnerable.

4.3 RETURN, REMITTANCE AND RE-INTEGRATION OF MIGRANTS

Return migration completes the migration cycle of a migrant woman which began with the decision made by her to migrate. Migrant women are understood to be potential catalysts of change in both receiving and sending countries through their strategies to effect transition between the norms and values of their societies of origin and those of the society of destination (UN, 1995). However, as international migration is generally understood to have positive prospects with its development potential of poverty reduction, remittances of the migrants are typically defined in monetary terms as the money sent home by the migrant worker leads to development or poverty eradication or increased household income (Kunz, 2009). Significant as they are, remittances and their impact on the economies of South Asian countries have been discussed in earlier sections of the report. However, besides increased daily consumption, the various ways in which migrant workers, particularly female migrant workers, make use of remittances—with the resultant impact on their lifestyles, attitudes, status and social recognition, etc.—are an important subject of enquiry. This is especially so in the light of our understanding that migration has the potential to bring about perceptible changes in the life of women migrants by raising their self-respect and sense of dignity, as well as enhancing their freedom to work towards their goals (Gaye, 2011; Ghosh, 2009). This enquiry is equally necessitated by the reality that the social and cultural impact of labour migration is less documented and analysed than the economic consequences of migration (Brochmann, 1993).

The attempt to disaggregate 'remittances' follows an understanding that remittance is not just 'periodic financial transfers' but the product of complex processes of negotiation 'immersed in an intricate network of relations between the diaspora and the countries of origin' (Ramírez et al., 2005). Such a framework has opened up possibilities for stretching the definition of remittances into economic remittances, non-economic remittances, technical remittances and political remittances in which the concept of empowerment of migrants and their households/communities can be analysed. Remittances as money sent back home to support relatives and dependents, including those for daily consumption; remittances as investment directed at buying land, building houses or acquiring properties; remittances as money to spend on productive investments etc. form the economic component of remittances (Kunz, 2009). The components of non-economic or social remittances include the ideas, behaviours, identities and social capital that flow from

receiving to sending country communities (Levitt and Jaworksy, 2007). There are technical remittances referring to knowledge, skills and technology associated with migration, while political remittance comprises the transformation in political identities, discourses and practices associated with migration (Kunz, 2009). It is important to note that in this schema of understanding of remittances, many of them are overlapping. Remittance and its impacts also need to be contextualised within the social dynamics of gender, caste, class, ethnicity, etc. in order to uncover the underlying social tensions and social relations (Piper, 2009). The disaggregation of remittances is an entry-point for the analysis of the experiences, remittances and empowerment of South Asian returnee women migrants.

4.3.1 Dependents to Breadwinners and the Changing Gender Roles

The majority of the South Asian migrant women workers to the Gulf are married and have children, and consider migration as a family strategy to secure needed income for the family, though a fraction of the early migrants from Sri Lanka were widows, destitute or elderly women (Mook, 1992; Thangarajah, 2004). For some women, the decision to migrate is taken to escape the harsh realities of life—marital failures, drinking, gambling or extravagant behaviour of their spouses—or to escape from the authority of parents or husbands or to become independent income earners for themselves and the family (Eelens and Schampers, 1992; Gamburd, 2000; Mook, 1992). However, there are young women who migrate to have the experience of seeing the world and to live like a ‘young modern woman’ (Khatri, 2007; Percot, 2006). It is estimated that, on the average, each Sri Lankan migrant woman, who has come to represent the feminisation of migration in Asia along with the migrant woman from Philippines and Indonesia (Asis, 2005), supports a family of five members, and the women migrants as a whole support a sum of 4 million people or a little over 20 per cent of the country’s total population (Gamburd, 2010a).

The country profile of this report shows that South Asian countries have varying degrees of female labour force participation: as high as 63.3 in Nepal and as low as 21.7 in Pakistan with an average of 48 in South Asia. Though women have never been absent from the labour domain outside the household, particularly in countries like Sri Lanka (Ismail, 1999) the figure of a migrant female worker as an ‘absentee income earner’ (Kottegododa, 2006) is significant by virtue of its attempt to re-define gender relations in South Asian society. Very often, men who earned an income before their spouses’ migration, withdraw from the earlier occupations or income-earning activities once their spouses migrate abroad. The men often lead a leisurely life, becoming lazy spendthrifts; upon return the women migrants find very little of their earnings remaining as savings or investment and are therefore forced to renew their contract for migration (*ibid.*). The recurring figure of a woman breadwinner has offered challenges to the accepted gender roles in the society—that men work outside and women run the household. In her study on female migration in Sri Lanka, Gamburd (2000) found that as more and more women migrate, men feel a loss of self-respect and dignity when wives take over the breadwinner’s role. A commonly circulating image of men, consequent upon migration, is that of uneducated, slothful husbands, while the women are portrayed as promiscuous, selfish and pleasure seeking, which would have repercussions in the way masculinity and femininity are articulated in the family and in the larger society.

Though male migration and its impact on dependents left behind at home have received scholarly attention (Gardner, 1995; Gulati, 1993; Lefebvre, 1999), developments consequent upon female migration has received attention only recently. The phenomenon of the migration of married women leaving spouses and children at home has led to terms such as ‘trans-nationally split households’, ‘absentee mothers’, ‘surrogate motherhood’, ‘transnational motherhood’, etc. Spouses

of migrant women either reluctantly take up the socially assigned women's role of childcare, cooking and other household activities or arrange to have female relatives perform the household work. Returnee migrant women face problems in their family and marital relations and other emotional problems. Some Nepalese women found themselves in an estranged relationship with their husbands, with husbands either deserting them or re-marrying during their absence (Adhikari, 2006). Surrogate mothers and caretakers for their employers' children abroad, the returned housemaids face problems relating to separation, especially in the case of very young children (Adhikari, 2006; Brochmann, 1993; Thangarajah, 2004).

4.3.2 Savings and Remittance Utilisation

An average Nepalese migrant woman sends approximately 47 per cent of her total income home and saves the rest to buy valuables to bring home when she returns (Adhikari, 2006), while a Bangladeshi woman working in the Middle East sends 77 per cent of her income on an average (Kabeer, 2007). Saving the money earned abroad seems to be a big problem for migrant women from Nepal. Many women face the problem of pilferage of money in one way or the other. Borrowing of money either by friends or relatives who do not return it creates hurdles for the saving or investment plans of the migrants. A fieldwork study conducted in Nepal found this problem to be extremely severe, with as much as 51 per cent of migrant women facing this problem (Adhikari, 2006). Reliance on faithful family members—mothers, sisters or in-laws, etc.—for the safekeeping of remittances has been the usual practice of Sri Lankan women migrants earlier; in recent years many women migrants have opened individual bank accounts and remit money directly in their own accounts (Kottegoda, 2006).

The money sent home by South Asian women migrants is used for different purposes—for daily necessities of life, children's education, purchase of land, particularly agricultural land, managing marriage expenses, buying motor vehicles, etc. Construction of their own houses seems to be the topmost priority of most South Asian migrants. Some returnees also become small entrepreneurs, running petty business like grocery, tailoring or carpentry shops for themselves or their spouses. The spending of money for things other than daily necessities of life and establishing sources of income in the local system of production and exchange have cultural implications and raise the status of women in the society (Adhikari, 2006; Eelens and Schampers, 1992; Gamburd, 2000; Hettige, 1992; Kottegoda, 2006; Mook, 1992; Watkins, 2004).

4.3.3. Changes in Consumption Behaviour

Increased consumption and consumerist behaviour of the migrants, returnee migrants and their dependents has been a defining feature of 'Gulf migration' in South Asia. The accumulation of economic and symbolic resources through this behaviour helps the mobility of the migrants in their home society (Osella and Gardner, 2004; Osella and Osella, 2000; Watkins, 2004). Research shows that women migrants in South Asia do not send their entire salary home while working abroad and upon returning bring valuable consumer goods, including clothes, utensils and electronic goods, which form a central component of social networks of women at home. An average Nepalese woman migrant sends home 47 per cent of her total income as cash, as noted above, using the rest of the money to bring goods and valuables when she returns home (Adhikari, 2006). Goods brought from abroad serve as signs of prestige and their symbolic value often outweighs their monetary worth. The mobility and attire of migrant women and their households set them apart from the neighbouring non-migrant households. Consumer items such as gold chains, electronic goods, etc. operate as symbols of affluence, enhancing the social mobility of the

migrant's family (Adhikari, 2006; Gamburd, 2000; Kottegoda, 2006; Osella and Osella, 2000).

In conformity with a growing consumer culture, ostentatious marriage celebrations have been a practice of Gulf migrants, particularly male migrants in South Asia (Osella and Osella, 2000; Watkins, 2004). The system of dowry giving at the time of marriage, cutting across communities in South Asia, has found a new source in Gulf migration. For young women in Kerala, migration is also associated with the prospect of social status and affiliated wedding prospects. It is believed that the income of a migrant nurse, actual or potential, would augment the income of the in-laws' family, which would in turn help the in-laws to migrate as well (Percot, 2006). Some unmarried women put aside the money earned from abroad for their own dowry. In fact, women's employment abroad is found to be slowly replacing the 'old' dowry system in Sri Lanka and a change is discernible in which the woman is considered not only as another mouth to feed but as a prospective income earner, breadwinner and also as someone able to raise the money for dowry and other marriage expenses (Kottegoda, 2006; Thangarajah 2004).

4.3.4 Social Recognition of Migrants

The attitude of the public and the opinion-making forums largely determines the status of migrants in the society. Nepalese society and the media are promoting a paternalist attitude of protecting the women by spearheading occasional debates about the exploitation of women migrants in the Gulf; this creates a negative image of women migrants to the Gulf (O'Neill, 2001). The kind of reporting and activism in the Nepalese media and the programmes of vigilante groups in Nepal, which raises the issue of 'national honour' vis-à-vis women's exploitation abroad and creates a stigma for migrant women, has led to many migrant women desisting from sharing their experiences. The attitude of Nepalese society to migrants is well captured in the letter of a returnee female migrant reproduced below.

BOX 4.3

EXCERPT FROM LETTER OF SARU RAI, RETURNEE NEPALESE FEMALE MIGRANT FROM SAUDI ARABIA

Women working in the Gulf countries are looked down upon by the society, but those women working in Japan, Singapore, Korea, Hong Kong, UK and USA are very much respected even though it is [a] fact that they also have to stay away from the family for a long time. So it is the society that recognizes money as an important factor

for social status. ... Because of the societal practice to look down upon women working in the Gulf, their psychological and moral will power is eroding. If they are also given some social respect...it would boost their morale and [they would be] able to contribute to family and society.

Source: Published in *Drishhti Vernacular Weekly*, 3 June 2003, as quoted in Adhikari, 2006.

Migration of women does not overhaul the gender hierarchy or gendered division of labour in the family, though the remittances of female migrants play a pivotal role in shaping the economic well-being of the family and reformulating the ways in which gender roles are conceptualised at home and in the outside world (Lopez-Ekra et al., 2011). Acquisition of property by migrant women in Nepal, which has a rigidly stratified structure of land ownership, demonstrates an enhanced status for female migrant workers. Among the many matrilineal Hindus and Muslims in Sri Lanka, acquisition of property, including houses, tends to enhance the prestige and position of women in the society.

The image of an 'absentee income earner for the family' itself shows an empowered position of women in the family and society, and the transition from the status of dependent women to that of

independent income earners, having others dependent on them, gives women considerable power in the Sri Lankan family (Thangarajah, 2004). Returnee women migrants also possess sophisticated knowledge in running a house in terms of primary health care; handling household equipments; decorating the interiors of the houses; etc. (ibid.). It is often argued in the case of Sri Lankan women migrants that upon return, migrant women passively reassume the traditional roles of women such as housewives (Korale, 1983 and 1986). As observed by Gamburd (2000), returnee migrant women negotiate their relationship with their parents, their husbands and their extended families, and fight innumerable individual battles within the enmeshing power structures of their families before, during and after returning.

5 RESPONSES OF THE STAKEHOLDERS

As has been elaborated in this report, the bulk of women migrants from South Asia to the Gulf are low skilled and low-end service providers such as housemaids, babysitters, caregivers, cleaners, etc. This phenomenon has come to embody the feminisation of migration in South Asia. A majority of these women migrants work and live in precarious conditions and are vulnerable to exploitation at almost all levels of the migration process. Migration specialists have noted the incompatibility between the pace of migration and the lack of analogous improvements in the living and working conditions of the migrant workers, and identified the denial of the rights of migrant workers, commercialisation of the migration processes, and limited opportunities for legal or regular migration as the basic reasons for this incompatibility (Wickramasekara, 2004). Moreover, it has been noted that human rights protection for migrants is less developed than the international refugee protection system and no international institution has a specific legal protection mandate applying to all migrants in the world (IOM, 2010a). The first part of this chapter attempts to look into the role of global, regional and national level stakeholders, including inter-governmental agencies, non-governmental organisations (NGOs) and trade unions, in ensuring the rights of migrant workers. The second part will look at migrant rights in practice and document the good practices in the field.

5.1 THE ROLE OF THE MAJOR STAKEHOLDERS IN GULF MIGRATION

5.1.1 UN and ILO

The pre-eminent stakeholders of labour migration at the global level are the United Nations and the International Labour Organization. UN and ILO have passed a number of resolutions and have drawn up a number of Conventions for the member states to follow while safeguarding the rights of migrant workers in general and those of migrant women workers in particular. The preamble to ILO guarantees ‘protection of the interests of workers [even] when employed in countries other than their own’. The major Conventions and Protocols of ILO and UN relating to migrants and women migrants are provided in Table 5.1.

Though the two early ILO Conventions on Migration (Convention 97, Migration for Employment, 1949, and Convention 143, Migrant Workers Convention, 1975) do not differentiate between fundamental human rights and migrant worker rights, the UN Convention (International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,

TABLE 5.1

MAJOR CONVENTIONS AND PROTOCOLS OF ILO AND UN ON MIGRANT WORKERS

ILO Conventions	UN Conventions	UN Protocols
C 97 Migration for Employment Convention (Revised), 1949	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by General Assembly Resolution 45/158 of 18 December 1990	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000
C 143 Migrant Workers (Supplementary Provisions) Convention, 1975		Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000
C 181 Private Employment Agencies Convention, 1997		
C 189 Domestic Workers Convention, 2011		

1990) distinguishes between human rights of all migrant workers and additional rights enjoyed by migrant workers with a regular status. However, the overwhelming emphasis of all the Conventions is the freedom, dignity and protection of migrants in a foreign country. Consequently, the Conventions have generally addressed some key themes of migration, such as the right to migrate, social security of the migrants, right against trafficking, etc. The important themes of the Conventions are discussed below.

5.1.1.1 Right to Migrate and Right to Information on Safe Migration

The UN Convention of 1990, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, guarantees the right to people and their families to migrate subject to the legal restrictions imposed by any member states of the UN. This right, being fundamental to migration, bolstered all other ILO Conventions that preceded it. Convention 97 of ILO, 1949 (Articles 1 [a] and 9 [b]) maintains that every member state should provide details of national policies, laws and regulations relating to immigration and emigration to ILO, and should also provide information on the conditions of work and livelihood to migrants for employment in the member countries. Member states should also maintain adequate and free assistance to migrants for employment, and facilitate the departure, journey and reception of migrants for employment.

5.1.1.2 Right against Exploitation by Private Employment Agencies

On the recruiting front, recruitment agencies largely control the flow of migration. Convention 181 of ILO, 1997, states that member countries should oversee the functioning of PRAs in accordance with national laws after consulting the representative organisations of employees and workers. The working of PRAs should be regulated with a suitable licensing or certification system. Article 7(1) and (2) of the Convention states that no fees or costs should be collected from the migrants, unless exception is granted by a competent authority for a certain category of workers. Article 10 of the Convention stipulates that adequate mechanisms should be in place to investigate alleged abuses and fraudulent practices of PRAs.

5.1.1.3 Right to Social Security of the Migrants

Convention 97 of ILO maintains that at the time of departure and upon arrival, the member countries should keep the migrants and their families in good health, and adequate medical attention and hygienic conditions should be provided to them. The Convention dwells on legal provisions in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment, family responsibilities, and any other contingency covered by the social security scheme of the member country. Convention 143 is mandated to provide social security to migrant workers and their families lawfully within the territory of the member country. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families provides that migrants and their families have the right to medical care and emergency medical care, and children of migrants have the right to public pre-school education.

5.1.1.4 Right to Privacy of the Migrants

Convention 181 of ILO (Article 4) states that the privacy of the migrants should be protected while processing the information of the migrants. UN General Assembly Resolution 45/158 mandates that no migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.

5.1.1.5 Right against Trafficking, Smuggling and Illegal Migration

Two UN Protocols against trafficking, smuggling and illegal migration were adopted in 2000. Trafficking has traditionally been defined as trafficking in prostitutes/sex workers and it was only in 2000 that workers in exploitative situations, such as domestic workers, were included within its purview (Briones, 2009). These UN Protocols aim to provide migrants with humane treatment and full protection of their rights and to thwart the transnational organised crime of trafficking in women and children.

5.1.1.6. Right to Decent Work of Domestic Workers

Recognising that domestic work is 'undervalued and invisible and is mainly carried out by women and girls', Convention 189 (Article 5) maintains that effective protection should be granted to domestic workers against all forms of abuse, harassment and violence, and that the right to collective bargaining and freedom of association should be made available to domestic workers. Article 7 of the Convention stipulates that a safe and healthy environment, as well as an effective and accessible complaint mechanism should be provided to domestic workers. This is crucial for women migrants in the Gulf who are largely employed as domestic workers.

5.1.1.7 Right to Unionise and Collective Bargaining

Freedom of association and the right to organise are universally accepted fundamental rights. Convention 87 of ILO, 'Freedom of Association and Protection of the Right to Organise', 1948, states: 'Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.' Apart from Convention 87, Convention 97 (Article 6 [1b]) guarantees the right of migrants to unionise and join trade unions while Convention 181 (Article 4) states that no restrictions should be imposed on the migrants recruited by PRAs. The UN General Assembly Resolution 45/158 also grants the right of migrant workers and their families to take part in meetings and activities of trade unions and of any other associations established in accordance with law in order to protect their economic, social, cultural and other interests.

5.1.1.8 Right against Abusive Conditions

Convention 143 of ILO asks member states to suppress the illegal employment of migrants and stipulates that member countries should act against organising of such movements. On the other hand, the Convention stipulates that those migrants who have lost their employment should not be treated as illegal migrants.

The complexity and comprehensive nature of the UN Convention on migrants and their families, which has 94 articles, has discouraged many governments from ratifying it (Wickramasekara, 2004). In fact, the general perception of the non-applicability of the Conventions to their respective goals and policies on immigration, the financial cost of supervising and implementing them, and the added responsibility that accompanies ratification of the Conventions have prevented many member countries from ratifying the major ILO Conventions on migration. The ratification status of relevant international conventions related to female migration is depicted in the Appendix Table I. It is evident that the majority of sending and receiving countries in South Asia and the Gulf have not ratified the relevant Conventions. The process of ratification is a lengthy process and is usually achieved only after much persuasion and exertion of pressure on the member countries. In such a situation, the continuing precarious situation of migrants, especially that of women migrants working in vulnerable conditions, and the lack of consensus among the member states regarding amelioration of the situation, has impelled the international organisations to search for non-binding principles and programmes for the member states to improve the condition of migrant workers.

5.1.2 ILO Multilateral Framework on Labour Migration

At a time when collateral problems relating to migration, particularly exploitation of workers, have been rising, the ILO designed a Multilateral Framework on Labour Migration with non-binding principles and guidelines for a rights based approach to labour migration. The Tripartite Meeting of Experts debated and adopted the ILO Multilateral Framework on Labour Migration in 2005. This framework for action is non-binding on the member states and addresses the major issues faced by migration policy makers at the national, regional and international levels. The framework particularly addresses the need for gender-sensitive migration policies that address the special problems of female migrant workers.

5.1.3 UN Women

The United Nations Entity for Gender Equality and the Empowerment of Women, UN Women, was set up in July 2010 by merging four UN entities—UN Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the Special Adviser on Gender Issues and Advancement of Women, and the United Nations Development Fund for Women (UNIFEM). It visualises a world where men and women have equal opportunities and capacities, where women are empowered, and where the concept of gender equality is firmly embedded in efforts to advance development, peace and security. UN Women works around five core principles: (1) expanding women's voice, leadership and participation; (2) ending violence against women; (3) strengthening implementation of women's peace and security agenda; (4) enhancing women's economic empowerment; and (5) making gender equality priorities central to national, local and sectoral planning and budgeting. In addition, UN Women supports UN partners who are leading the response in areas such as HIV/AIDS, migration, the Rule of Law, environmental degradation and climate change, and maternal and child health.

UN Women is playing a pivotal role in South Asian countries in ensuring the rights of international female labour migrants. A notable effort has been their proactive role in the formulation of the Foreign Employment Regulation, 2064, 2008, in Nepal which has several provisions to ensure the rights of female workers seeking foreign employment. In the case of Bangladesh too, UN Women in partnership with governmental agencies is involved in providing skill upgradation of women seeking foreign employment.

5.1.4 Colombo Process

The ministerial level Consultations of labour sending countries in Asia initiated by IOM began at Colombo in 2003 and has subsequently come to be known as the Colombo Process. Attended by ten top migrant sending countries of Asia, viz. Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam, the Colombo Process has met four times so far. The second conference was at Manila on 22 to 24 September 2004, and the third and fourth at Bali on 20 and 21 September 2005 and Dhaka on 20 and 21 April 2011.

The first three conferences concentrated on the welfare and protection of migrant workers, institutional capacity building, interstate cooperation and optimising the benefits of labour migration. The main concerns were: (1) irregular migration and its consequences of vulnerability and abusive conditions of irregular migrants; and (2) exploitation and harassment of women migrants in low skilled and low wage sectors of work. The Consultative group recommended ensuring the human rights of all migrant workers irrespective of their legal status, developing regulatory frameworks to prevent malpractice and abuses by PRAs, developing pre-departure orientation programmes for migrants, guaranteeing the protection of female migrants especially in low skill and low wage sectors, and promoting the signing and ratification of the 1990 UN International Convention (on the rights of migrant workers and their families).

The Colombo Process met at Dhaka in 2011 on the theme of 'Migration with Dignity' and made the 'Dhaka Declaration' in the light of the fact that labour migration from Asia has increasingly feminised in the recent years. Considering that employment opportunities and the number of destinations for migrant women workers are increasing worldwide, the Declaration recommended effectively addressing the specific needs and concerns of vulnerable groups of migrant workers, especially women, domestic workers, and low skilled and low wage workers.

5.1.5 Inter-governmental Agencies

IOM, an inter-governmental organisation established in 1951, today has 132 members. Working on the principle that humane and orderly migration benefits both migrants and the society, IOM engages in research on migration policies and holds international dialogues as well as Regional Consultative Processes on migration. All the major labour sending countries of South Asia are members of IOM, while none of the receiving countries in the Gulf are members of IOM as on November 2010.

The Global Forum on Migration and Development (GFMD) is an initiative of the member states of the United Nations to address the issue of migration and development. Recent initiatives of GFMD in the context of migration and rights of women workers include the GFMD workshop held by the UAE in Dubai on 18 and 19 January 2011 to improve the context and quality of information on foreign jobs and to strengthen the pre-recruitment initiatives and the institutions facilitating migration. The GFMD workshop at Accra in Ghana on 21 and 22 September 2011,

‘International Migrant Domestic Care Workers at the Interface of Migration & Development: Action to Expand Good Practice’, looked into the problems of the global domestic work industry and the complex policy challenges facing the industry in the areas of labour legislation, human rights, gender and development.

This is a welcome move given the evidence that the first meeting of GFMD, held in Brussels in 2007, was focused on remittances flow, rather than migrants’ rights, which received passing reference in the subsequent meeting held in Manila in 2008 (Böhning, 2009). In the last decade, GFMD, in association with the World Bank, has played a dominant role in highlighting the issue of migration, though the thrust of their concern has been remittances. In fact, remittances have become a defining factor of global labour migration, sidelining all other concerns. This has a significant effect on the ways in which labour migration is perceived these days. Rahel Kunz (2009), in an influential article titled ‘Remittances are Beautiful? Gender Implications of the New Global Remittances Trend’, makes a powerful critique of the dominant paradigm of remittances vis-à-vis migration. Kunz takes on the Global Remittance Trend (GRT), the prevailing trend of policy and research overwhelmingly followed by government institutions, international financial bodies, non-governmental organisations and private sector actors in devising institutions and policies to harness the potential of remittances for poverty reduction and development. This schema of GRT is dominated by the volume of remittances and its purported aim of poverty reduction and development, with the precarious working conditions of migrants and the violation of their rights hardly getting any attention (ibid.).

The leading promoter and follower of GRT is the World Bank with its intricate web of policies and programmes and its colossal database on migration. Till 2003, the World Bank took very little interest in remittance and remittance induced development. The publication of the report *Global Development Finance* and the inclusion in it of the chapter ‘Workers’ Remittances: An Important and Stable Source of External Development Finance’ in 2003 marked the entry of the World Bank in the remittance discourse (ibid.). Describing remittances as one of the least volatile sources of foreign exchange and the second largest source of external funding, next only to FDI, for developing countries, the World Bank clearly declared its interest in remittances resulting from migration. This led to a number of empirical studies on remittances in its research programme on international migration, which turned a blind eye to the acclaimed and pioneering initiatives of institutions like ILO in raising a variety of migration related issues. Since then it has been the World Bank GRT model that has mostly dominated studies and policies on migration.

In 2003, the Department for International Development (DFID) and the World Bank, in collaboration with the International Migration Policy Programme (IMP), organised the first international conference on migrant remittances in London, titled ‘International Conference on Migrant Remittances: Development Impact, Opportunities for the Financial Sector and Future Prospects’. The conference sought collaborative strategies between interested stakeholders to strengthen the development impact of remittances. A number of summits and conferences followed the World Bank initiatives, and all of them reiterated the commitment to the theory of ‘remittances contributing to development and poverty eradication’, completely marginalising the question of migrant workers, the conditions of their work and living, and their rights in the labour sending and receiving countries. For instance, the Brussels ‘Conference on Migration and Development’ in 2006, jointly organised by the government of the Kingdom of Belgium, IOM, the European Commission and the World Bank, analysed ‘how migration and related policies can contribute to economic development in countries of origin or transit, and how development policies in turn can address root causes of migration such as poverty and lack of socio-economic prospects, and ease

the pressures on people to emigrate unwillingly'. The conference also analysed migration as a multidimensional phenomenon.

5.1.6 Bilateral Agreements on Labour Migration

Bilateral labour mobility agreements are a promising mechanism of regulated labour migration working on the mutual trust, collaboration and responsibility of both the sending and receiving countries. Bilateral treaties can also be signed between the sending countries, as done by Philippines and Indonesia, to protect the rights of their migrant citizen workers in a third country (GFMD, 2008). Compared with international treaties, bilateral treaties are less time consuming, easily negotiable, and give more responsibility to the nations involved in migration to discourage fraudulent practices in the migration process. Many South Asian labour sending countries have entered into bilateral treaties with the labour receiving Gulf countries. Bilateral agreements on labour migration also include labour agreements and Memorandums of Understanding (MoUs). India has signed a bilateral treaty with Qatar; an additional protocol to the existing treaty was signed in 2007. India has also signed MoUs with the UAE in 2006, Kuwait in 2007, Oman in 2008, and Malaysia in 2009 and is working on MoUs with Bahrain, Saudi Arabia and Yemen.

In consultation with various stakeholders of the migration process, GFMD has developed a 'Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements'. Based on the Compendium, the elements relevant to bilateral treaties signed by South Asian countries and the Gulf countries are listed in Box 5.1.

BOX 5.1

ELEMENTS RELEVANT TO BILATERAL TREATIES ON CONTRACT MIGRATION

- Sharing of information on work opportunities and meeting the demand for and supply of workers
- Enabling equal access for women in employment
- Addressing irregular migration with arrangements for legal migration opportunities as one of the options to restrain irregular movements of people
- Integrating monitoring and evaluation of the migration process by both countries
- Providing pre-departure language training integration and cultural orientation
- Cooperation among countries of origin to protect migrant workers in countries of destination
- Providing possibility for repeat migration
- Providing social security and health benefits
- Promoting immigrants in the society of the destination country
- Facilitating family re-unification in the destination country
- Providing easy access to financial systems and enhancing financial transfers
- Guaranteeing fair work and wage conditions
- Informing workers about legal migration opportunities and their rights and obligations

Source: GFMD, 2008.

5.1.7 Migration Legislation in South Asia

The South Asian countries made a break with the colonial legislation of emigration in the 1980s, corresponding with the massive flow of migrant labourers to the Gulf. In recent decades, many of the laws made in the 1980s have been either amended or replaced by new ones. Changes in the laws on migration have been propelled by the need for sending countries to cope with heightened

migration flows and to overcome the loopholes in the laws, particularly regarding the functioning of recruiting agents.

Bangladesh followed the Emigration Act of 1922 enacted by the British, till it was replaced by the Emigration Ordinance, 1982, currently the key regulatory instrument relating to migration in Bangladesh. The country is contemplating the enactment of a new law to replace the 1982 Ordinance. The draft of the new legislation, Overseas Employment Act, 2011, has in its preamble a reference to all the ILO Conventions and the UN Convention of 1990. The most important feature of the draft law is that it highlights the rights aspect of migrants and is designed to curb fraudulent activities in the labour recruitment process (Siddiqui, 2011).

In Sri Lanka, the SLBFE Act No. 21, 1985, amended by Act No. 4, 1994, is the law that applies to all categories of migrant workers. The Act primarily provided for the creation of the Sri Lanka Bureau of Foreign Employment (SLBFE); today, SLBFE provides for the licensing of employment agencies and collection of data on migrant workers.

In Nepal, the Foreign Employment Regulation, 2064 (2008) is in operation, replacing the Foreign Employment Act, 2042 (1985). It prohibits gender discrimination in sending workers for foreign employment. The Act provides for special facilities to women, Dalits, indigenous nationalities, oppressed sections of the society, victims of natural calamities, and people of remote areas who migrate for foreign employment. The Act also provides for the setting up of a Foreign Employment Department to manage matters relating to foreign employment.

In Pakistan, the legal framework which safeguards the rights of overseas workers and regulates the activities of overseas employment promoters or recruiting agents is contained in the Emigration Ordinance, 1979, and the Emigration Rules, 1979. The Bureau of Emigration and Overseas Employment (BEOE) is the central organisation for regulating the export of manpower from Pakistan. Overseas employment is regulated under Section 8 of the Emigration Ordinance. The 1979 Emigration Ordinance regulates the activities of overseas employment promoters and agencies by establishing procedures for licensing, recruitment, and protection of workers against malpractices, and for the redress of workers' grievances. The National Emigration Policy introduced by the Pakistan government in 2009 stresses the need to better manage international migration and acknowledges the significance of female migratory flows.

In India, operational matters relating to emigration and emigrants' welfare are addressed under the Emigration Act, 1983. The MOIA and the Protector General of Emigrants (PGE) functioning under it is responsible for the welfare and protection of emigrant workers. The Protector General of Emigrants has eight Protector of Emigrants (POE) working under the office and their offices are spread in different parts of the country.

5.1.8 Non Governmental Organisations Dealing with Migration

The American Center for International Labor Solidarity (ACILS) in Colombo was instrumental in setting up the Migrant Services Center (MSC) in 1994; it is engaged in advocacy, lobbying and campaigning among the migrant workers. In 2005, MSC had 26 affiliated Migrant Workers Associations scattered across Sri Lanka, with a strength of 1500 members. Action Network for Migrant Workers (ACTFORM), partially funded by ACILS, is another NGO focusing on migrant issues in Sri Lanka. ACTFORM collaborates with other NGOs working on migration issues and with the Foreign Ministry of Sri Lanka and SLBFE, and is affiliated with many international migrant

organisations. It publishes and distributes handbooks and a vernacular quarterly newsletter, organises events on migrants' human rights, prints informational posters, and runs press and electronic media campaigns (Gamburd, 2010b).

SHISHUK, BOMSA and WARBE are the prominent NGOs in Bangladesh active in the field of migration. SHISHUK regularly organises Peer Educators Training (PET) with selected migrant workers. An important goal for SHISHUK is to prevent low skilled, low educated Bangladeshi women migrants from falling victim to fraudulent recruiting agents and traffickers. As noted earlier, SHISHUK also focuses on HIV/AIDS issues in the life of migrant labour. The organisation uses local and national media to create awareness on issues of migration; live theatre and other interactive programmes of communication are the mediums through which SHISHUK delivers its message.

BOMSA, an association managed by returnee women migrants, follows a community based approach and operates at the pre-departure stage. It contributes to the making of an informed migrant and ensures safe migration. Since BOMSA works at the community level, people of the community have direct access to the organisation; the organisation is itself well informed and remains connected with local communities. BOMSA bases its programmes on key questions with which it helps potential migrants, especially women migrants, understand both the costs and benefits of migration. The organisation depends on informal groups or one-to-one discussion sessions. The government pre-departure programme is brief and often inadequate; in contrast, BOMSA believes prospective female migrants require a personalised accompaniment process, beginning before the decision to migrate and continuing after their return. BOMSA's comprehensive programmes enable the prospective migrant to assess the authenticity of the recruiting agents, help in obtaining a visa and other travel documents, and also provide information and skills required in the destination country.

WARBE also works at both the micro and the macro levels, utilising the experience and knowledge of returnee members. At the community level, it helps migrants in assessing travel documents, visas and job contracts, spreads information about recruitment agencies with a dubious record, involves the migrant's family at all stages of the process, offers counselling, etc. At the national level, WARBE works through trade union organisations to raise awareness on migration related issues among female workers in the garments industry. The organisation also takes an active role in presenting the views of migrant workers at policy forums and involves its members in the planning and implementation of all its activities. The Refugee and Migratory Movement Research Unit (RMMRU) is a research and policy level organisation in Bangladesh. RMMRU has developed a manual to be used by local government authorities to raise public awareness about issues concerning safe migration. The organisation focuses on institutionalising migration knowledge.

In Nepal, Pourakhi, an NGO formed by returnee women migrant workers, conducts radio broadcasts on the National Government Radio of Nepal on Sunday evening, focusing on safe migration and addressing the needs of intending and returnee migrant workers. Pourakhi organises sensitisation programmes and awareness campaigns on migration at regular intervals, and prepares and disseminates information, education and communication materials on safe migration issues with the support of various partner organisations.

Civil society groups and NGOs work under severe constraints in the Gulf due to close monitoring by the governmental agencies. However, there are some NGOs active in providing shelter and rehabilitating abused and runaway women workers. The Migrant Workers Protection Society

(MWPS) of Bahrain, established in 2005, provides shelter for abused female workers and gives them physical and moral assistance by working along with the respective embassies of the migrants. According to the Annual Report of MWPS, from March 2007 to February 2008, the organisation gave shelter to 114 migrant women, of whom 85 were Indians and 22 were Sri Lankans. The reasons for which the women migrant workers landed in the shelter were non-payment of salary in most cases, as well as poor living conditions or lack of sufficient food, extra working hours without pay, physical abuse and sexual exploitation (MWPS, 2008).

Trade union activities in relation to migrants' rights have a nominal presence in the Gulf and South Asia. As noted previously, trade union activities are severely curtailed for both migrant and civilian workers in the Gulf. Domestic workers are not covered under labour laws in any of the Gulf countries, which compounds the vulnerability of female domestic workers. South Asian trade unions have so far not been inclined to argue for the rights of migrant workers.

5.2 MIGRANT RIGHTS IN PRACTICE AND GOOD PRACTICES IN THE FIELD

The vulnerability of low skilled women migrants begins with the pre-departure preparations themselves. In some countries, such as Bangladesh, very little information is handed out to intending migrants before migration (Siddiqui, 2008). This adversely affects the women migrants who migrate under strenuous conditions. Prior knowledge of the processes of migration, as well as the working, living and remunerative conditions abroad, would help the intending migrant to prepare for migration and to take either a strong decision to migrate or withdraw from migration. Because of the lack of proper information on the migration process, intending migrants remain unaware of the importance of pre-departure orientation programmes; this adds to their vulnerabilities after migration.

Though pre-departure orientation forms a decisive aspect of pre-migration counselling, many migrant women have reported that their travel to the cities for making arrangements for migration, such as attending pre-departure orientation, has made them vulnerable to harassment and exploitation (UNDP, 2008). Due to lack of accessibility, many women are not able to attend such programmes. If training is available in remote areas, more intending migrants would be able to make use of it. In South Asia, countries like India conduct no formal, compulsory pre-departure orientation; this omission might accentuate the vulnerability of Indian women migrant workers abroad. The experience of Sri Lankan, Bangladeshi and Nepalese domestic workers in the Gulf reveals that migrants who went without pre-departure orientation training faced numerous difficulties in working in the destination country because of their lack of knowledge of the customs or language of that society, as well as of the operation of modern household appliances found in affluent homes (IOM, 2005; Khatri, 2007). Training given to migrants in safe sexual conduct also tends to reduce the risk of HIV/AIDS among the migrants (UNDP, 2008).

Though informal networks play a significant role in the recruitment of labour, much of the recruitments are controlled by recruitment agents working in both the sending and receiving countries. As mentioned earlier, apart from levying inflated fees, many recruitment agencies also engage in malpractices like 'visa trading', 'floating visa', forging of documents, trafficking, etc. In many cases, recruitment agents force the migrant to pay for visa charges which in fact have already been paid by the employer. The UAE has recently, in January 2011, introduced regulations on the functioning of recruitment agents, by which they have banned PRAs from 'collecting any fees or

sums of money under any designation from the recruited worker, directly or indirectly' (see Box 5.2). However, such recruitment related malpractices of PRAs in sending and receiving countries can be effectively curtailed only by the combined efforts of both the labour sending and labour receiving countries.

BOX 5.2

REGULATIONS ON THE WORKING OF PRIVATE RECRUITING AGENCIES IN THE UAE FROM JANUARY 2011

- Licence fee for brokers has been raised to a minimum of US \$82,000 and that for a licence to provide labour service to a third party has been raised to US \$2,70,000
- Agencies should operate from a registered business address and employ qualified personnel. The chief executive and any of the individual(s) authorised to represent the licensed agency must be Emirate citizens and legally accountable on behalf of the agency
- Non-compliance with the terms of the regulation shall be a ground for the annulment or temporary suspension of the agency licence
- Licence will be suspended or terminated if the agency is suspected or convicted of violating laws banning forced labour or trafficking in persons
- Agencies are specifically banned from employing minors
- Agencies are banned from collecting any fees or sums of money under any designation from the recruited worker, directly or indirectly
- Labour service agencies are equally liable for meeting the wage obligations towards workers as well as other obligations

Source: GFMD, retrieved from the website <<http://www.gfmd.org/en/pfp/131-private-employment-agencies-new-regulation-uae.html>> on 1-09-2011.

The high cost of migrating under the mechanism of recruitment agencies is another factor detrimental to the migration process. Many intending migrants have been dissuaded by the attitude of the recruitment agencies who inflate the cost of migration (UN, 1995). At least three broad governmental level responses are recommended to challenge the mounting recruitment costs imposed by private recruitment agencies: (1) stepping up enforcement to eliminate unscrupulous agents by making registration of recruiting agents compulsory and collecting licence fees from them which can be tappered if agents do not fulfil their promises; (2) encouraging more legitimate agents in the business to create healthy competition, self-regulation and peer monitoring among them; and (3) strengthening the role of public recruitment bureaus, which are more accountable, in migration (IOM, 2010a).

Recruitment of contract labour to the Gulf by itself breeds vulnerabilities for the migrants. The labour recruited under the *kafala* system imposes immense hardships on the migrant worker. As a result of international campaigning and lobbying some countries have taken initiatives to replace this 'dependency system of labour recruitment'; however, no labour receiving country in the Gulf has declared an unambiguous position on *kafala*. Some countries like Saudi Arabia have not even initiated a move to replace the *kafala* system with a more humane and rights respecting mode of labour recruitment. The continuance of the *kafala* system is a perennial challenge to the rights of migrant workers in Gulf countries. Added to the dangers of this system is the condition of domestic workers who are not considered labourers and are supervised by the Ministry of Interior or similar ministries rather than the Ministry of Labour in many of the Gulf countries. Domestic work has always been devalued in all human societies working under patriarchal ideologies. Recognising domestic work as any other work and bringing it under labour legislation and providing rights, safety and social security to the domestic workers is imperative to protect the rights of migrant workers.

The vulnerable condition of migrant workers is accentuated by differences in the wages received by domestic workers. As noted in this report, wages are paid according to nationality, ethnicity and religion for the same work performed. Non-payment of wages, late payment of wages, and payment of less than agreed-upon rates are the major problems in the remuneration of migrant workers. The situation can be changed to some extent by labour sending countries entering into bilateral treaties among themselves in fixing the wages and protecting the rights of migrant workers, and attempting collective bargaining with the receiving countries. There have been some successful attempts at such cooperation among sending countries. For instance, Nepal, Indonesia and Philippines together bargained as origin countries under the guidance of the United Nations Development Fund for Women (UNIFEM) and got the Special Working Contract for Non-Jordanian Domestic Workers approved in 2003 (see Box 5.3).

BOX 5.3

THE SPECIAL WORKING CONTRACT FOR NON-JORDANIAN DOMESTIC WORKERS, 2003

EMPLOYERS' RESPONSIBILITY

- Every employer, agent and housemaid must sign the contract and abide by its regulations
- The contract lasts for two years, and can be extended for two more years
- The employer is not allowed to take the worker's passport
- The employer cannot employ the worker to work anywhere except the employer's home

MIGRANTS' RIGHTS

- The employer and agency agree to pay for the worker: a round trip ticket, work and residency permits, and an agreed-upon salary
- The employer must not place any restrictions on the worker's correspondences.
- The employer agrees to provide the worker with meals, clothing, accommodation and medical care
- The worker is allowed one rest day weekly

Source: D'Cunha, 2005.

Physical and sexual abuse continues to be the major problem and a perennial threat to the life and dignity of women migrants in the Gulf. Suitable levels of consciousness creation among the employers on their responsibility and the rights of migrant workers, and firming up of the law enforcing and judicial mechanism in the Gulf countries that recognise the vulnerability of the victims would ameliorate conditions in the Gulf. For this gigantic exercise, mutual understanding and cooperation of all the stakeholders of migration is required.

Returned migrants also face several problems in the home country. Returnees are of many types: (1) successful returnees; (2) those who were forced to return due to reasons of war, disturbances or economic slowdown in the receiving country, and (3) those who return as victims of exploitation. In many countries women migrants to the Gulf do not enjoy an honourable status. The conditions of the women migrant workers in the Gulf, particularly the hardships and sexual exploitation, are frequently depicted in media representations in South Asia (Gamburd, 2000; O'Neill, 2001). Adhikari (2006) notes that many Nepalese migrant women to the Gulf and to India are reluctant to share their experiences abroad and as a returnee migrant because the mainstream Nepalese society perceives migrant earnings, particularly from the Gulf countries and India, in a poor light. It has also been noticed that Nepalese migrant women often change their place of residence in Nepal after returning. Gamburd (2000) also talks about the genre of 'horror stories' about the conditions of migrant workers circulated in Sri Lanka. In many such situations, the reintegration and rehabilitation of migrant workers to the mainstream society to which they belong is necessary.

Many returnee migrant women also encourage aspiring women migrants to look for avenues other than migration to generate incomes of their own. In Sri Lanka and Bangladesh, several NGOs are engaged in such activities of reintegration and rehabilitation (Gamburd, 2010b; Siddiqui, 2008). One of the best practices in the field found in Sri Lanka is noted in Box 5.4.

BOX 5.4**COMMUNITY BASED SELF-HELP GROUP OF RETURNEE WOMEN MIGRANTS, SRI LANKA**

Kegalle Migrant Workers Centre, set up in 1998 at Keagalle in Sri Lanka, is supported by the Forum on Development, an NGO. The Centre operates as two branch associations at the village level, each village association having a membership of 20 women, including returnee migrant workers as well as other women of the village.

The association tries to foster alternative income generating programmes for women and inspires them to look for income generating opportunities other than migration. Both successful and non-successful returnee migrants share their experiences of migration and the

hardships they have faced and try to dissuade women from migrating because of the hardships. The associations engage in small-scale savings, credit schemes and activities such as preparing food, packaging of spices, sewing, operating a beauty salon, raising poultry, and manufacturing furniture. These associations have motivated several migrant aspirants to look for alternatives to migration. The associations use the popular method of street theatre to address the wider audience. They also try to erase the negative image migrant women acquire, such as that of women of loose morals and untrustworthiness.

Source: Dias and Jayasundera, 2002.

6 PROJECTION OF FUTURE MIGRATION TO THE GULF

The projection of migration streams over a period as presented in this chapter follows a simple methodology of estimating migration elasticity with respect to GDP. Some literature suggests that the projection of migration across different countries follows a ‘gravity-type equation’ where gender- and education-specific migration levels are expressed as a function of various bilateral variables as well as destination country- and origin country-specific push and pull variables (Docquier, Marfouk, Özden and Parsons, 2010). In contrast, the Human Development Report of UNDP projects migration to different countries on the basis of the Human Development Index of different countries. The rationale behind our approach of using the employment elasticity function with respect to GDP to project migration is as follows:

1. The present study is focused on six Gulf countries, and most migrants to these countries move there for the purpose of employment.
2. We assume that migration stock in these countries varies on the basis of changing demand for labour in general which is a function of GDP growth at the macro level.
3. Though various individual and economy level variables affect migration choice and stream, GDP growth takes these variations into account indirectly.
4. Unavailability of consistent data on various direct indicators such as unemployment rates, educational achievements, wage differentials, etc. make the case for the use of the elasticity function stronger for migration projection.

6.1 CALCULATION OF MIGRATION ELASTICITY

The employment elasticity function has been widely discussed in literature and has been used for employment projection, at least for short time periods (Islam, 2001; Rangarajan et al., 2007). The migration elasticity can be similarly worked out with respect to GDP. The formula used for the calculation of migration elasticity is as follows:

$$\frac{\delta M/M}{\delta Y/Y} \dots\dots\dots (1)$$

where:

δM and δY are changes in migration and GDP respectively between the referred periods

M and Y are base year migration stock and income (GDP)

The migration elasticity so calculated will be utilised for estimating migration stock in any terminal year (t), say, for the year 2011 to 2016. The exact formulae to be used are as follows:

$$M_t = M_0 (1+r_e)^t \dots\dots\dots (2)$$

where:

M_t is the total migration stock in the t^{th} year

M_0 is the total migration stock in the base year

r_e is the rate of growth in migration stock

and

$$r_e = \eta r_g \dots\dots\dots (3)$$

where:

η is the migration elasticity

r_g is the growth of GDP

The migration elasticities for the six Gulf countries have been calculated on the basis of these formulae, and the results are presented in Table 6.1. In order to check the consistency we worked out three different scenarios based on three different time periods: two short-term periods 2000–05 and 2006–10; and one long-term period of 2000–10. Accordingly, three different values of migration elasticity across the six countries have been worked out.

TABLE 6.1

PER ANNUM GROWTH OF GDP (in US \$ millions) AND MIGRATION STOCK (in millions) IN 2000-05, 2006-10 AND 2000-10 AND RESULTANT MIGRATION ELASTICITY (in per cent)

	BAHRAIN	KUWAIT	OMAN	QATAR	SAUDI ARABIA	UAE
GDP						
2000–05	6.10	8.40	3.10	8.20	3.80	7.90
2006–10	5.70	2.30	6.10	19.10	2.70	4.10
2000–10	5.90	5.35	4.60	13.65	3.25	6.00
MIGRANT STOCK						
2000–05	2.61	2.40	4.60	14.80	2.90	2.90
2006–10	2.50	2.30	4.40	12.90	2.80	2.80
2000–10	2.56	2.35	4.50	13.85	2.85	2.85
ELASTICITY						
2000–05	0.43	0.29	1.48	1.80	0.76	0.37
2006–10	0.44	1.00	0.72	0.68	1.04	0.68
2000–10	0.43	0.44	0.98	1.01	0.88	0.48

Source: IMF (various years) for GDP and UN DESA for migration stock.

6.2 PROJECTED MIGRATION GROWTH AND STOCK

Though the migration elasticity shows some degree of variation across the two time periods under consideration, in at least four out of the six countries, viz. Kuwait, Oman, Qatar and the UAE, the long-term elasticity for the period 2000–10 may represent an average scenario. The large variations in migration elasticity in these four countries is mainly the result of the high degree of variations in the GDP growth in these countries across the different time periods under consideration. The growth in migration stock for future years has been worked out under all the three scenarios to provide an idea of the lowest and highest estimates of migration stock in the six countries and check the robustness of the results.

TABLE 6.2

PROJECTED ANNUAL GROWTH (in per cent) AND TOTAL MIGRANT STOCK IN GCC COUNTRIES IN DIFFERENT YEARS

Year	PROJECTED GROWTH OF MIGRANT STOCK (per cent per annum)			ESTIMATED MIGRANT STOCK		
	USING MIGRATION ELASTICITY FOR			USING MIGRATION ELASTICITY FOR		
	2000–05	2006–10	2000–10	2000–05	2006–10	2000–10
2010	-	-	-	15,126,596	15,126,596	15,126,596
2011	4.55	5.53	5.04	15,814,306	15,962,451	15,888,379
2012	1.75	1.32	1.51	16,090,453	16,173,108	16,128,546
2016	3.70	4.80	4.20	18,605,273	19,505,610	19,015,195

Based on the migration elasticity calculated in Table 6.1 and projected GDP growth of the six countries up to the year 2016 (see Appendix Table II), the growth rates of migration stock and the estimates of total number of migrants in all the six countries under consideration have been computed. Table 6.2 presents estimates of per annum growth and estimates of the number of migrants for the years 2011, 2012 and 2016 in all the six countries taken together. Estimates for six countries individually are presented in Appendix Table II.

The estimates indicate that the migrant stock in the six countries taken together is likely to vary between 15.8 million to 16 million in the year 2011 and between 18.6 million to 19.5 million in the year 2016. The estimates of growth in migrant stock is comparatively lower during the year 2012 mainly because the projected GDP growth during this year is comparatively lower for at least three of the six Gulf countries, viz. Kuwait, Oman and Saudi Arabia. However, since the GDP growth in the following period is projected to be significantly higher in all the six countries under consideration, the projected growth of migrants has shot up to a high level of 4 to 5 per cent per annum, leading to a total estimate of approximately 20 million migrant stock in these countries by the year 2016.

Based on a fixed proportion of female migrants to total migrants in these countries, we also worked out the size of female migrants for the same years. On an average, female migrants constituted slightly more than a quarter of the total number of migrants. This ratio is computed on the basis of linear trends in the ratio of females to total migrants during 2000–10 in all the six Gulf countries separately. Based on this ratio, the total number of female migrants is estimated to be 4.5 million on the lower side and 4.6 million on the higher side in the year 2011. The range is approximately 5.3 to 5.5 million in 2016 (Table 6.3), based on the three different figures of migration elasticity worked out in Table 6.1.

TABLE 6.3

PROJECTED PERCENTAGE OF FEMALE MIGRANTS AND TOTAL FEMALE MIGRANT STOCK IN GCC COUNTRIES IN DIFFERENT YEARS

Year	PER CENT OF FEMALES TO TOTAL MIGRANTS	ESTIMATED FEMALE MIGRANT STOCK USING MIGRATION ELASTICITY FOR		
		2000-05	2006-10	2000-10
2011	28.66	4,532,869	4,582,837	4,557,853
2012	28.59	4,600,974	4,638,325	4,618,788
2016	28.54	5,310,235	5,613,676	5,450,924

We have attempted to predict migration flows to the Gulf for a medium-term period using a simple elasticity model. The estimate clearly indicates the possibility of an increase in migration flows, including that of women, during the next five years. However, it may be noted that the actual trends may considerably depend on several critical variables like unemployment rates, educational achievements, wage differentials, etc. The absence of reliable data on these variables has constrained the prediction of their influence on future migration flows.

7

CONCLUDING OBSERVATIONS

In the context of increasing feminisation of international migration, it is more than likely that migration of women from South Asia to the Gulf region will see an increasing trend in future. Both demand side (growth of the service sector and care economy) and supply side (limited job opportunities and increasing LFPR among women) factors will drive the escalation in the migration of women workers. Our attempt to predict migration flows to the Gulf for a medium-term period using a simple elasticity model clearly indicates the possibility of an increase in migration flows, including that of women, during the next five years.

The process of migration is a highly convoluted one and reflects the power relations and hierarchies in terms of gender, race and other development indicators in the global economy and society. Evidence from our study indicates that, with increasing migration, for both the individual migrant and the sending economies, income and welfare are likely to increase with positive multiplier effects on the households and at regional and sub-regional levels. In the social and political spheres, these will have enormous consequences as the ensuing empowerment of women will reshape gender and power relations at the micro and macro levels.

However, it is also more than probable that in the near future, women migrants from South Asia will continue to encounter discrimination and exploitation at different phases of the migration cycle, in both the sending and receiving countries. Most of the low skilled women migrants are caught in a web of marginal existence, on account of being women and low skilled migrants working in the confines of the household where the piercing eyes of labour law do not reach.

The problems encountered by women migrants begin from the pre-migration phase. Many of these arise from the predominantly personalised recruiting network and private character of the recruiting agencies. These include exorbitant charges demanded by private recruiters and ensuing debt bondage. Falsification of documents in order to circumvent various regulatory and restrictive migration policies is a major problem that makes migrant women extremely vulnerable. The persistence of gender stereotypes and occupational segregation in the labour market in the Gulf countries aggravates the vulnerability of migrant women. Lack of adequate social protection for the women migrants and gender-insensitive immigration policies are major factors perpetuating their insecurities. However, we must also look at the specific character of work relationships, marked by personalised and dependent employment, individualised and isolated work

environments, and lack of representation and voice, in order to have a fuller measure of the range of discrimination and vulnerability faced by women migrants. This has often led to the social invisibility of the women migrants, reflected in the massive under-enumeration and exclusion in governmental and non-governmental information and statistics. This under-documentation of women migrants and lack of information about them severely inhibits the empowering aspects of women's migration.

It must be noted, however, that the enormous increase in the scale of migration of women has evoked several positive responses from various stakeholders. These have to an extent attenuated the insecurities and vulnerabilities of migrant women. At the international level, a number of organisations have engaged constructively to make female migration a central issue in public debate. At the national level, there is increasing awareness of the need for the migration policy to be gender-sensitive and also have specialised measures and programmes directed at women migrants. An interesting trend is towards cooperation between origin and destination countries through bilateral or multilateral labour agreements, to ensure that migrant workers are recruited and work under non-abusive and non-exploitative conditions. It is now recognised that pre-departure programmes organised by the government and non-government agencies and directed specifically at women migrants have a positive outcome in reducing vulnerability and empowering women migrants. In many sending and receiving countries, migrant associations have emerged as an important link between the government and the individual migrant, fulfilling the crucial requirement of voice representation for women migrants. We have documented several such instances from South Asian countries as well as institutional structures existing in certain South East Asian countries that could be adopted with appropriate modifications.

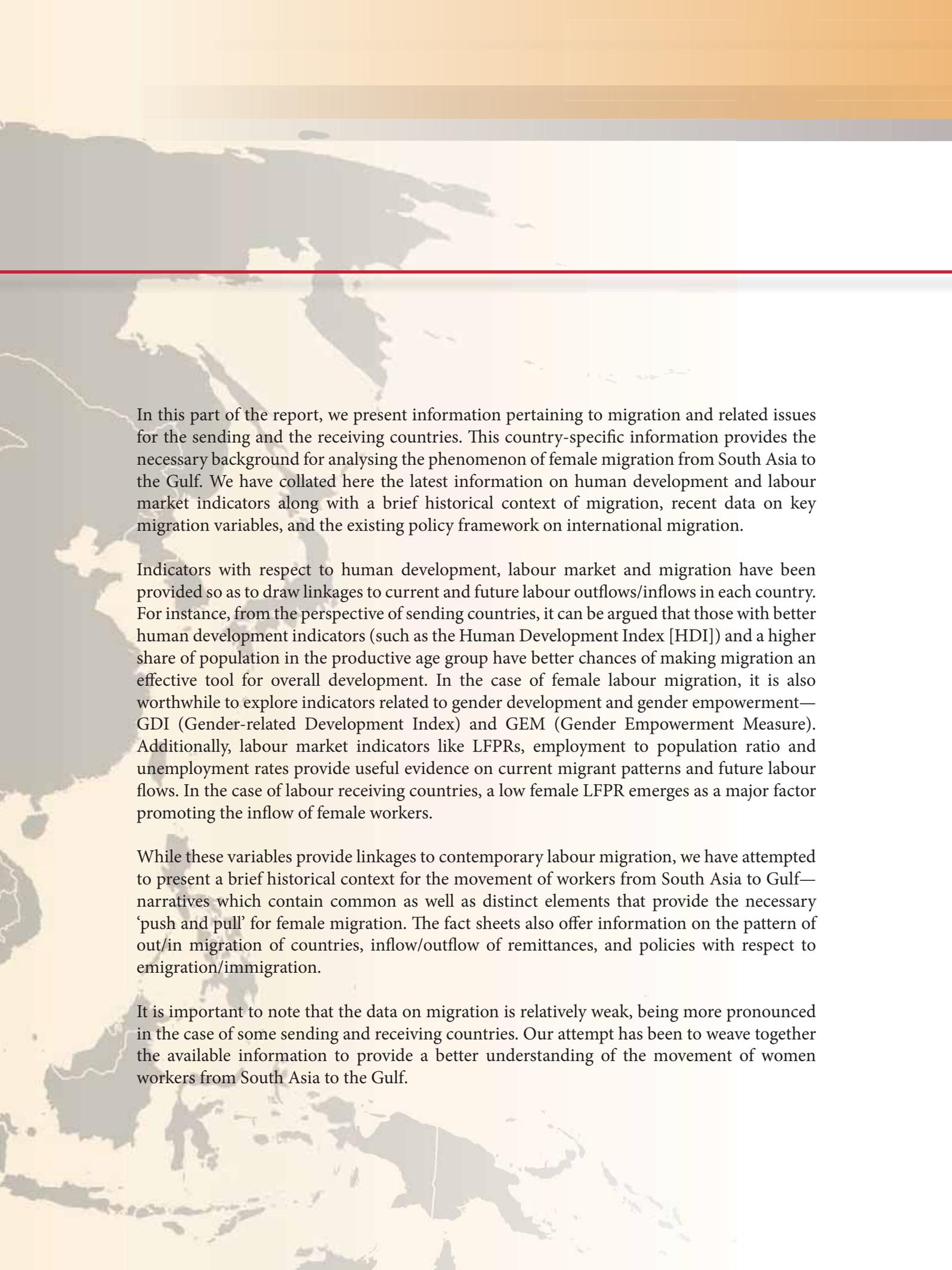
Academic literature on migration continues to be dominated by the migration–remittances–development nexus, the dominant argument provided to promote migration endeavours in many sending countries. However, this corpus of literature often fails to take into consideration the alarming and exploitative situations in which the remittances are being made. The emphasis has often been on how remittances aid development and not how the remittances can be a liberating and protecting mechanism for migrants working in precarious situations. In such literature, remittances are understood as financial or capital resources, separate from the migrant workers' sacrifices and suffering. However, a change is discernible these days, particularly in the macro appraisals of migration in the world. The *World Migration Report 2005* focused on how migrants make use of remittances and contribute to the development of their respective countries. Though it emphasised the importance of initiatives for returnee migrants, the question of how the remittances are produced was ignored. However, in the *World Migration Report 2010*, we come across some discussion on the rights of migrant workers under the title 'Protection of Migrant Workers' Rights'. It may be hoped that the initiatives in the *World Migration Report* and similar initiatives by UN Women, ILO and other human rights organisations will usher in a change of perspective on labour migration in the coming days.

This study may be regarded as an addition to the gradually emerging corpus of migration literature that primarily focuses on the 'human' rather than the economic angle of migration. It envisages the impact of the migration of women workers as much broader than its immediate economic aspect, and points to the potential of such migration to engender the social and political empowerment of women, and reshape gender power relations at the micro and macro levels. It is hoped that the report, with its stress on factors that promote and sustain the safe migration of women, will help in raising the issue of migrant rights, especially migrant women's rights, at least to the same level as the issues of migration and remittances, if not above.

COUNTRY
PROFILES

COUNTRY PROFILES





In this part of the report, we present information pertaining to migration and related issues for the sending and the receiving countries. This country-specific information provides the necessary background for analysing the phenomenon of female migration from South Asia to the Gulf. We have collated here the latest information on human development and labour market indicators along with a brief historical context of migration, recent data on key migration variables, and the existing policy framework on international migration.

Indicators with respect to human development, labour market and migration have been provided so as to draw linkages to current and future labour outflows/inflows in each country. For instance, from the perspective of sending countries, it can be argued that those with better human development indicators (such as the Human Development Index [HDI]) and a higher share of population in the productive age group have better chances of making migration an effective tool for overall development. In the case of female labour migration, it is also worthwhile to explore indicators related to gender development and gender empowerment—GDI (Gender-related Development Index) and GEM (Gender Empowerment Measure). Additionally, labour market indicators like LFPRs, employment to population ratio and unemployment rates provide useful evidence on current migrant patterns and future labour flows. In the case of labour receiving countries, a low female LFPR emerges as a major factor promoting the inflow of female workers.

While these variables provide linkages to contemporary labour migration, we have attempted to present a brief historical context for the movement of workers from South Asia to Gulf—narratives which contain common as well as distinct elements that provide the necessary ‘push and pull’ for female migration. The fact sheets also offer information on the pattern of out/in migration of countries, inflow/outflow of remittances, and policies with respect to emigration/immigration.

It is important to note that the data on migration is relatively weak, being more pronounced in the case of some sending and receiving countries. Our attempt has been to weave together the available information to provide a better understanding of the movement of women workers from South Asia to the Gulf.

SENDING COUNTRIES IN SOUTH ASIA



BANGLADESH

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	148,692
Population growth rate (in per cent per annum)	2005–10	1.12
Population aged 15–59 years (as percentage of total population)	2010	62.1
Per capita GDP (at current prices in US \$)	2009	551
HDI (rank)	2010	129 (value 0.469)
GDI (rank)	2007	123 (value 0.536)
GEM (value)	2007	0.264

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	82.5	58.7
Employment to population ratio (in per cent)	2009	79.5	56.1
Unemployment rate (in per cent)	2005	3.4	7.0

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	–4.0
Total migrant stock	2010	1,085,345
Female migrant stock	2010	150,424
Female migrants as percentage of all international migrants	2010	13.9
REMITTANCES		
Inflow total (US \$ billions)	2010e*	10.8
Outflow total (US \$ billions)	-	-
As percentage of GDP	2009	11.8

Note: * Estimated for the year 2010 for all sending countries; sources of the data presented in this table and for other countries are provided in Appendix III.

Introduction

Bangladesh is one of the less developed countries in the world, with a HDI of 0.47 in 2010 (UNDP, 2010a). According to the *Household Expenditure Survey* conducted in Bangladesh in 2005, 40 per cent of the population was living in poverty in that year (44 per cent and 28 per cent in rural and urban areas respectively) (Government of Bangladesh, 2009). The country recorded an unemployment rate of 5.1 per cent in 2009, which was low mainly due to the underemployment in the economy. Given the poor social and economic context, migration was a natural response in the labour surplus country.

Migration to the industrialised countries, especially to the West, dates back to the colonial past of Bangladesh. However, as a newly independent country in 1971, it was not easy for Bangladesh to enter the international labour market. Unlike the other South Asian countries, Bangladesh was not successful in capitalising on the labour demand in the Gulf following its oil boom. However, migration to the Gulf slowly picked up in the subsequent decades. During the 1990s, the newly industrialised countries of South East Asia and East Asian countries began to attract migrant workers from Bangladesh.

Pattern of International Migration

The data on international migration flows from Bangladesh indicates that there has been a significant growth in the annual outflows during the last three decades—beginning with a modest

TABLE 1

PERCENTAGE DISTRIBUTION OF LABOUR OUTFLOWS FROM BANGLADESH

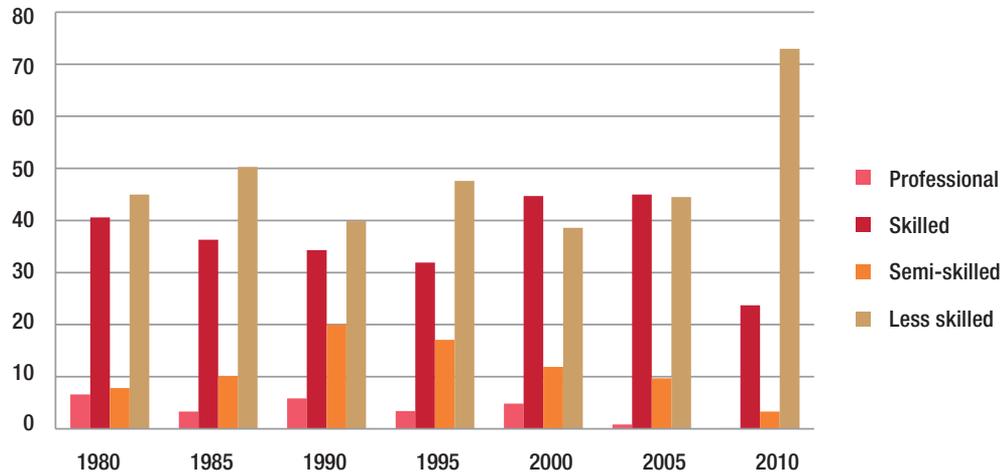
COUNTRY	1991	2000	2005	2009
Bahrain	2.4	2.1	4.2	6.0
Kuwait	19.4	0.3	18.6	-
Oman	15.7	2.4	1.9	8.8
Qatar	2.6	0.6	0.8	2.5
Saudi Arabia	51.42	64.94	31.83	3.09
UAE	5.8	15.3	24.5	54.4
Lebanon	-	-	-	2.9
Libya	0.8	0.5	0.4	4.8
Malaysia	1.1	7.7	1.2	2.6
Singapore	0.4	5.0	3.8	8.3
South Korea	-	0.4	0.1	0.3
Italy	-	-	0.4	1.1
Brunei	-	0.6	0.1	0.6
Others	0.4	0.2	12.1	4.7

Note: Population movement for the specified year.

Source: BMET, 2010.

number of 6,087 people who migrated for overseas employment in 1976, the annual outflows of migrants have increased to nearly 4.75 million in 2009. As indicated in Table 1, which shows the destination of the majority of migrants, an estimated 75 per cent travelled to the Gulf countries, especially to the UAE. Two interesting trends emerging in the migration data of Bangladesh deserve mention: change in the preferred destination from Saudi Arabia to the UAE in the Gulf; and emergence of new destinations like Libya and Singapore.

FIGURE 1 SKILL COMPOSITION OF INTERNATIONAL MIGRANTS FROM BANGLADESH (in per cent)



Source: BMET, 2010.

For the most part, labour migration from Bangladesh, whether destined for the Middle East or South East Asia, has involved workers with low skills. In 2010, the share of professionals was merely 0.1 per cent, in comparison with 73 per cent less skilled workers. Incidentally, over the years, a clear shift has occurred in the skill composition of workers towards the less skilled category.

International female labour migration from Bangladesh is low; it was around 22,224 in 2009, which was about 4.7 percent of all Bangladeshi migrant workers. However, the number of female migrants is likely to be substantially higher than official figures. Till 2005, Saudi Arabia was the leading destination for Bangladeshi female migrants. But of late there has been an increasing flow of female workers to Lebanon and Mauritius. While religion could be an important impediment for female labour migration, contrary to the Bangladeshi experience, Muslim dominated countries like Indonesia have successfully promoted female migration (Ullah, 2007).

TABLE 2

PERCENTAGE DISTRIBUTION OF WOMEN MIGRANT WORKERS FROM BANGLADESH

COUNTRY	1991	2000	2005	2009
Bahrain	6.5	4.8	4.1	0.1
Kuwait	19.0	0.9	6.9	-
Oman	1.7	-	1.0	-
Qatar	-	-	-	-
Saudi Arabia	1.3	-	46.6	1.7
UAE	19.0	83.9	27.9	27.4
Lebanon	1.1	-	-	58.8
Malaysia	42.3	-	-	0.4
Mauritius	8.1	10.4	0.2	8.2
Others	0.8	-	13.3	3.3

Note: Population movement for the specified year.

Source: BMET, 2010.

The impact of the change in the country's policy regarding female migration in recent years is visible in the data on female migration. Though female migration from Bangladesh continues to be

low, there has been a gradual uptrend from the less than 1 per cent share of females in the annual labour flow that prevailed till 2000. It is ironic that the oppressive social situation that inhibits female migration also tends to be a major factor pushing female migration. As indicated in the studies by IOM and the International Research and Training Institute for the Advancement of Women (INSTRAW) (2000) and Siddiqui (2001), factors such as women's need to escape unhappy social situations, including bad marriages, harassment and violence, made these women a socially disadvantaged group which saw migration primarily as a quest for independence and a means of realising their self-worth.

Remittances

Remittances play an important role in the economy of Bangladesh. In 2009 the total remittance flow to the country was estimated at US \$1098.75 million (Central Bank of Bangladesh, 2010). As indicated in Table 3, the major source of remittances continues to be the Gulf countries, particularly Saudi Arabia, whose share in 2010 was 31 per cent of the aggregate remittances received in Bangladesh. Other major sources of remittances to Bangladesh include the UAE and the USA. There is hardly any information on the female remittance pattern. However, evidence from a primary survey among female migrant households indicated that 56 per cent of households experienced a positive economic impact of migration, while for 26.5 per cent, the results were negative and for 15.5 per cent, mixed (Siddiqui, 2001).

TABLE 3

COUNTRY-WISE WORKERS' REMITTANCES TO BANGLADESH (in US \$ millions)

COUNTRY	2004	2007	2010
Saudi Arabia	41.1	29.0	31.2
UAE	11.1	13.5	17.2
Bahrain	1.8	1.3	1.5
Kuwait	10.7	11.4	9.3
Qatar	3.4	3.9	3.3
Oman	3.5	3.3	3.2
UK	8.8	14.8	7.5
USA	13.9	15.6	13.2
Italy	0.8	2.5	1.7
Singapore	1.0	1.3	1.8
Germany	0.4	0.2	0.2
Japan	0.6	0.2	0.1
Malaysia	1.1	0.2	5.3
Other countries	1.9	2.8	4.5

Source: Central Bank of Bangladesh, 2010.

Migration Policies

The Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) is responsible for monitoring and regulating international migration in Bangladesh. The Bureau of Manpower, Employment and Training (BMET), under MEWOE, performs a wide range of functions, including control and regulation of recruiting agents; collection and dissemination of labour market information; recruitment of workers; organising training programmes to meet labour demand; providing pre-departure orientation; ensuring the welfare of migrant workers abroad; and resolving

legal disputes. The Bangladesh Overseas Employment and Services Limited (BOSEL) functions as a consultant and recruitment agency in Bangladesh for those looking for foreign employment.

The Emigration Ordinance, 1982, is the country's key regulatory instrument in relation to migration. The Ordinance authorises the government to grant licences to individuals and companies who wish to be engaged in recruitment for overseas employment, to prohibit the emigration of persons of a particular occupation, profession, vocation or qualification, and to penalise unlawful recruitment. Further, recruiting agencies are prohibited from charging more than the prescribed amount for their services. In December 2002, the Bangladesh government framed three rules under the 1982 Ordinance to better manage international migration: Emigration Rules; Rules for Conduct and Licensing Recruiting Agencies; and Rules for Wage Earners' Welfare Fund.

The Bangladesh government had in the past either banned or restricted female labour migrants. In early 1981, a Presidential Order banned semi-skilled and unskilled women workers from overseas employment. However, professional and skilled women were allowed to migrate as principal workers. In 1988, the government revised its position by replacing the ban with a restriction on the migration of unskilled and semi-skilled women. But then in late 1997, an almost complete ban was again imposed on migration on all categories of women workers. In the same year, due to wide criticism, the ban was lifted, except for domestic workers. In 2003 the government allowed unskilled and/or semi-skilled women to migrate, provided they were at least 35 years old. In 2006, the conditions were further relaxed by reducing the minimum age from 35 to 25 years for domestic and garments workers.

In the last few years there has been a change in the government's attitude towards promoting international labour migration in general and female migration to a lesser degree. Initiatives taken include the provision of loans to the prospective labour migrants at concessional rates and upgrading the skills of migrants, under BMET. Skill upgradation of Bangladeshi migrant workers is important considering the fact that low skilled workers make up the major share of international labour migrants from the country. As the sending countries compete with each other to undercut wages (Siddiqui, 2008), low skilled and semi-skilled Bangladeshi workers receive the lowest wages in comparison with those from India and Pakistan. A National Skill Development Policy formulated in Bangladesh aims to strengthen BMET to improve the skill composition of migrant workers. Currently, BMET imparts skill training through 38 Technical Training Centers.



INDIA

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	1,224,614
Population growth rate (in per cent per annum)	2005–10	1.43
Population aged 15–59 years (as percentage of total population)	2010	61.8
Per capita GDP (at current prices in US \$)	2009	1,192
HDI (rank)	2010	119 (value 0.519)
GDI (rank)	2007	114 (value 0.594)
GEM (value)	2007	-

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	81.1	32.8
Employment to population ratio (in per cent)	2009	77.7	31.2
Unemployment rate (in per cent)	2005	4.1	5.1

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	-0.5
Total migrant stock	2010	5,436,012
Female migrant stock	2010	2,648,186
Female migrants as percentage of all international migrants	2010	48.7
REMITTANCES		
Inflow total (US \$ billions)	2010e	53.1
Outflow total (US \$ billions)	-	-
As percentage of GDP	2009	3.6

Introduction

International migration from India is intrinsically linked to its colonial history. Initiated to benefit the commercial interests of the British, the movement of Indian workers was primarily as indentured labour to plantations or mines in the British colonies, spread in Sri Lanka, Burma, Malaysia, Singapore and even Guyana, Jamaica and Fiji (Srivastava and Sasikumar, 2003). India, with its vast reservoir of highly skilled, and semi-skilled and unskilled labour force, is a major contributor to the contemporary global labour flows (Sasikumar and Hussain, 2008). Available evidences indicate that migrant labour flows from India in the recent decades have not only registered impressive growth with respect to the traditional destinations like the Gulf countries, the USA, the UK and Canada, but have also diversified and expanded to newly emerging migrant destinations in continental Europe (Germany, France, Belgium), Australasia (Australia, New Zealand), East Asia (Japan) and South East Asia (Singapore, Malaysia). Consequently, the proportion of Indian migrants in total immigration inflows in the major receiving countries has registered a considerable increase in recent years. Also, highly skilled workers have come to occupy a significant share in the labour outflows. For instance, in 2000, the migration rate for all education groups was 0.3 per cent, in comparison with 4.2 per cent for skilled workers, defined as those having at least tertiary education (Mani, 2011).

Pattern of International Migration

It is estimated that there are about 3.5 million Indian workers in the Gulf countries. In 2010 around 641,000 workers emigrated from India with emigration clearance, out of which 44 per cent migrated to Saudi Arabia, followed by 20 per cent to the UAE (Table 4).

TABLE 4

PERCENTAGE DISTRIBUTION OF LABOUR OUTFLOWS FROM INDIA, 2005-10

COUNTRY	2005	2006	2007	2008	2009	2010
Bahrain	5.7	5.8	3.7	3.8	2.9	2.4
Kuwait	7.4	7.2	6.0	4.2	7.0	6.0
Oman	7.8	10.4	11.9	10.7	12.4	16.8
Qatar	9.6	11.7	11.0	9.9	7.7	7.3
Saudi Arabia	19.0	20.5	24.4	27.2	46.6	43.6
UAE	37.0	38.9	39.0	41.7	21.6	20.7
Malaysia	13.5	5.6	3.9	2.5	1.9	3.3
Others	4.4	3.4	1.0	1.1	1.2	1.6

Source: Government of India, 2011.

Data at the disaggregate level indicates that the state of Kerala continues to be the major sending region of international labour migrants (Rajan and Zachariah, 2010). The high level of literacy and education in Kerala coupled with high levels of unemployment has been propelling labour migration to the Gulf. Other prominent sending states include Uttar Pradesh, Bihar and Andhra Pradesh. While labour migration from Kerala to the Gulf was initiated immediately after the oil boom, states like Bihar and Uttar Pradesh have recently begun to figure in the international migration landscape. Interestingly the reason for migration could be directly linked to persistent poverty and unemployment rates.

An important feature of migration that has gone unnoticed till recently, due to the paucity of data, is the invisibility of female labour migrants. According to official data, Andhra Pradesh, Kerala,

Tamil Nadu and Maharashtra figure as the major sending regions of unskilled women workers from India to the Gulf countries (Rajan and Sukendran, 2010). A large percentage of female migrants tend to be engaged as domestic workers. Further, a study conducted by IOM (2010b) has noted circular migration, in certain areas of Andhra Pradesh, among migrant women who migrated to Kuwait as domestic workers. The study also reports poor living and working conditions and exploitation by middlemen/agents. A significant share of female migrants, especially from South Indian states, are also engaged as para-medical staff, especially nurses, going by the reports that the media carry from time to time. A study in 2007 notes that around 90 per cent of Indian nurses in the Gulf are from Kerala (Percot and Rajan, 2007).

Remittances

India is the largest recipient of remittances in the world, accounting for US \$55 billion in 2010 (World Bank, 2011). A positive feature of the remittance flow is its resilience even during the global financial crisis as indicated in Table 5. Policy initiatives to facilitate remittance flows through speedier and cost effective money transfer arrangements like electronic wires/SWIFT, drafts, cheques, debit/credit cards, direct transfer to bank account, money transfer agencies and post offices have also contributed to stability in remittances (Reserve Bank of India [RBI], 2010).

TABLE 5

PRIVATE REMITTANCES TO INDIA

YEAR	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
US \$ billions	15.8	17.2	22.2	21.1	25.0	30.8	43.5	46.9	53.9*

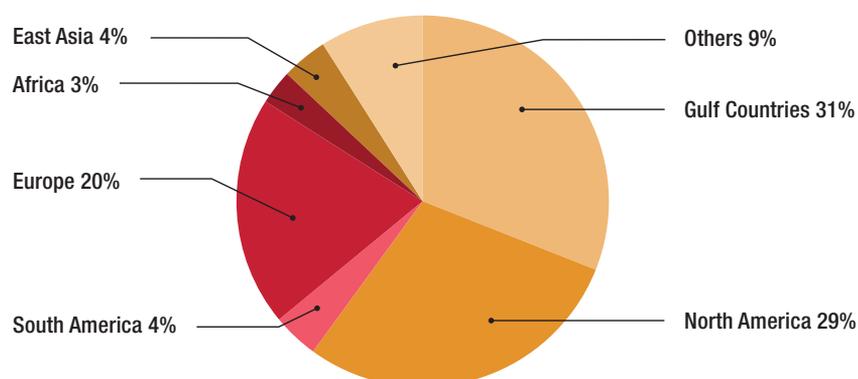
Note: * Partially revised.

Source: Government of India, 2011.

As indicated in Figure 2, Gulf countries are the largest source of private remittances to India, followed by North America. It should be noted that in comparison with Gulf countries, North America accounts for fewer migrants. However, unlike in the Gulf region, in North America the majority of Indian migrants are engaged in Information and Communication Technology, employment in which is generally remunerative. It is further significant that while Kochi and Mumbai receive 50 per cent of remittances to India from the Gulf region, inward remittances from Europe and North America are mainly channelled to Ahmedabad, Bangalore, Chandigarh, Delhi,

FIGURE 2

PRIVATE REMITTANCES TO INDIA BY REGION, 2008-09 (in per cent)



Source: RBI, 2010.

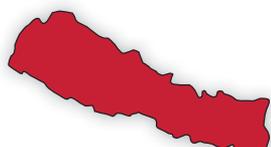
Hyderabad and Kolkata, indicating regional differences in migration patterns (RBI, 2010). The impact of remittances on the regional economies of India is also important. International migration has had a tremendous impact on the economy of Kerala in reducing the population growth rate, reducing the working age population and, very importantly, in reducing poverty. It is estimated that during the 1990s the inflow of remittances reduced the proportion of poor in the state by 3 per cent (Rajan and Kumar, 2010). Further, remittances from the Gulf constituted 31 per cent of the National State Domestic Product of Kerala in 2008 (Rajan and Zachariah, 2010).

Migration Policies

The Emigration Act, 1983, governs and regulates overseas migration from India. The Protector General of Emigrants (PGE) is the statutory authority responsible for the enforcement of the Act. The PGE currently has field offices under a Protector of Emigrants (POE) in eight states of India. It is mandatory for female migrants who have not completed matriculation and are below 30 years of age to get emigration clearance from the POE prior to migration for overseas employment. Though it was initiated with the objective to protect the rights of workers, anecdotal evidence indicates that the provision not only restricts the right of women to work but also promotes unregulated migration, where female workers end up in more vulnerable situations.

In order to ensure better protection and welfare of Indian migrants, the MOIA has made bilateral agreements with major destination countries. For instance, a MoU was signed with the UAE in December 2006, with Kuwait and Qatar in 2007, with Oman in November 2008, and with Bahrain and Malaysia in January 2009. Discussions are underway to have a MoU with other Gulf countries like Yemen and Libya. India has also recently introduced a compulsory insurance scheme, Pravasi Bharatiya Bima Yojana, 2006. Under the new scheme, Indian migrant workers are insured for a minimum cover of ₹ 0.3 million and the policy is valid for the entire period of the employment contract. The insurance is compulsory for all those who migrate for employment purposes after obtaining emigration clearance from the POE.

An important initiative undertaken by the government of India for migrants working in Gulf countries is a process for ensuring minimum wages for women. A minimum wage in the range of US \$300–350 per month has been fixed by the Indian Mission after taking into account the prevailing market wage in the relevant country. Among the new initiatives by the government of India is the issuance of Smart Cards to first-time migrants. The Smart Card contains details of passport, work-contract data, insurance details, etc. Further, there are several initiatives for providing pre-departure training.



NEPAL

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	29,959
Population growth rate (in per cent per annum)	2005–10	1.87
Population aged 15–59 years (as percentage of total population)	2010	57.5
Per capita GDP (at current prices in US \$)	2009	427
HDI (rank)	2010	138 (value 0.428)
GDI (rank)	2007	119 (value 0.545)
GEM (value)	2007	0.486

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	80.3	63.3
Employment to population ratio (in per cent)	2009	78.6	62.0
Unemployment rate (in per cent)	2001	7.4	10.7

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	–0.7
Total migrant stock	2010	945,865
Female migrant stock	2010	644,833
Female migrants as percentage of all international migrants	2010	68.2
REMITTANCES		
Inflow total (US \$ billions)	2010e	3.5
Outflow total (US \$ billions)	-	-
As percentage of GDP	2009	23.8

Introduction

The history of international labour migration from Nepal is indeed long. It started with the recruitment of soldiers in the British armed forces after the Nepal–British India war of 1814–15 and workers in the tea estates of Darjeeling and Assam during the second half of the 19th century. The number of Nepalese men in the British army soared during World Wars I and II. However, the present stream of migration to the Gulf, particularly of women, is a relatively new phenomenon that started during the mid-1990s. Unlike the case of other countries, the oil boom during the early 1970s did not initiate large-scale labour migration from Nepal to the Gulf. It was the development impasse in Nepal, with high levels of poverty and inequality, created and sustained by low economic growth, that triggered labour flow from Nepal to the Gulf. According to the Nepal Living Standard Survey (NLSS) of 2003–04, almost one-third of the country's population (around 31 per cent) lives in poverty (Central Bureau of Statistics [CBS], 2005). In rural areas, where 88 per cent of the country's population resides, poverty is as high as 35 per cent, in comparison with 10 per cent in urban areas. With a predominantly agrarian economic structure, the agricultural sector accounting for one-third of the GDP and three-fourth of the labour force, Nepal also registers high unemployment rates.

Pattern of International Migration

According to the Census of 2001, around 3.2 per cent of the population in Nepal or 6 per cent of the working population is considered 'absentee', defined as those who have been abroad for at least six months prior to the survey (CBS, 2002). India continues to be the major destination, accounting for 77 per cent of migrants, followed by Gulf countries (15 per cent) and other Asian countries (4.4 per cent); the remaining are in Europe, Japan and the US. Women migrants accounted for 10.8 per cent of the population in 2001, of which 83 per cent migrated to India for work. However, according to the Census, only 2,000 women migrated from Nepal to Gulf countries. This figure seems highly unrealistic, though during the period there were restrictions on female migration, particularly to the Gulf. The *Nepal Migration Year Book 2009* (Nepal Institute of Development Studies [NIDS], 2010) indicates that in 2009, the total number of international migrants from Nepal was 248,057, with the share of women being 4.7 per cent. As indicated in Table 6, among the international

TABLE 6

PERCENTAGE DISTRIBUTION OF MIGRANT WORKERS BY SEX AND DESTINATION, 2009

COUNTRY	MALE	FEMALE	TOTAL
Bahrain	2.2	5.2	2.3
Kuwait	1.9	25.4	3.0
Oman	1.2	5.0	1.4
Qatar	31.7	3.5	30.4
Saudi Arabia	25.0	2.5	24.0
UAE	14.5	15.2	14.5
Afghanistan	0.5	0.1	0.5
USA	0.1	0.7	0.2
Israel	0.1	10.9	0.6
Japan	0.5	0.2	0.5
Lebanon	0.1	25.1	1.3
Malaysia	20.9	0.3	19.9
Others	1.2	5.8	1.4

Note: Data does not include migration to India.

Source: NIDS, 2010.

migrants, around 77 per cent of males and 57 per cent of females migrated to Gulf countries for employment. While the majority of male migrants to Gulf countries ended up in Qatar and Saudi Arabia, for females Kuwait and UAE seemed to be the most preferred destinations. A significant share of female workers also migrated to Lebanon and Israel.

Remittances

Migration has had a significant impact on Nepal's economy. The total remittance inflow to Nepal in 2009 was US \$3,507 million, which accounted for 24 per cent of the country's GDP (World Bank, 2011). Among the countries in the Asia Pacific region, Nepal recorded the highest growth rate in remittances during 2009–10 (United Nations Economic and Social Commission for Asia and the Pacific [ESCAP], 2011). A positive trend in Nepal is the absence of a downturn in remittance flow, post the global financial crisis. Two factors may be responsible for such a trend: (1) the fact that the majority of migrants fall in the low skilled category, say, domestic services, whose employment prospects were not adversely affected; and (2) given the low wages demanded by Nepalese workers, employers may also prefer them, say, over Filipino housemaids.

Results from NLSS have found that remittances played an important role in reducing poverty in the country, by 11 per cent between 1996 and 2003 (CBS, 2005). Between 1996 and 2003, households receiving remittances from abroad increased from 10 to 17 per cent. Other positive spillovers include an increase in agricultural wages, an increase in non-farm activities, and some reduction in the dependency ratio (Khatri, 2007). Data from NLSS also indicates that 11 per cent of the remittances was sent by women. Though the majority of migrant women are engaged in personal services that are less remunerative, they have a higher propensity to save and remit a higher proportion of their earnings than the male migrants (Adhikari et al., 2006; South Asian Association for Regional Cooperation [SAARC], 2006). This could also mean that remittances will continue to have a positive impact on poverty reduction in Nepal.

TABLE 7

WORKERS' REMITTANCES TO NEPAL (In NPR)

SOURCE	MEAN AMOUNT	SHARE
Within Nepal	22,828	16.8
India	22,040	11.1
Malaysia	85,141	15.9
Saudi Arabia	90,868	12.4
Qatar	90,937	17.7
UK	2,35,065	1.8
Others	1,46,047	23.9
Do not know	29,599	0.3
Total	51,565	100

Source: NLFS, 2008.

Remittance behaviour also tends to be related to the choice of destination. According to the *Nepal Labour Force Survey (NLFS) 2008* (CBS, 2009), internal migrants within Nepal contributed nearly 40 per cent of the remittances (in terms of the number of remittances) received by Nepal, followed by India which accounted for nearly 22 per cent of the number of remittances. However, in terms of the share of remittance amount received, Qatar topped with nearly 18 per cent of remittances originating from there. With the majority of poor migrants flocking to Gulf countries, where there is a negligible possibility of permanent residence or investment, they remit a higher share of their

income, in contrast to the situation in developed countries like the UK, the USA, Canada or Australia (Kallmair et al., 2006). The latter group either invests their wages in their country of residence, or uses it to bring family members to the same destination. Ironically, it turns out that poor migrants make a higher contribution to the inflow of remittances.

The increase in the inflow of remittances noted in recent years may also be due to the increasing trend of remitting money through formal channels (NLFS, 2008). According to the estimate provided by Nepal Rastra Bank in 2005–06, 22 per cent of remittances was through banks, 44 per cent through remittance transfer companies, 29 per cent through *hundi* (32 per cent in rural areas and 25 per cent in urban areas), and 5 per cent through other sources. The share of remittances transferred through *hundi* was around 80 per cent till 1997.

Migration Policies

Nepal has a history of either banning or placing restrictions on female migrants (see Table 8) in the recent past. Though trafficking of Nepalese women could be the major factor behind such a step, experience suggests such coercive measures tend to be counterproductive. Realising the lacunae in the migration policy, the government has enacted the Foreign Employment Regulation 2064, 2008, viewing female migration from a rights based perspective. The Act includes the provision to create

TABLE 8

CHRONOLOGY OF EVENTS RELATED TO TRAVEL BAN ON WOMEN MIGRANTS IN NEPAL

EVENTS	DATE
Government decides to allow foreign employment of females in the organised sector	16 May 1997
Ban on female workers for foreign employment followed by the mysterious death of Kani Sherpa	1998
Ban lifted on the basis of security guarantee from Nepalese Mission in destination countries except for foreign employment to Gulf countries	16 November 2000
Ban lifted on the basis of full security guarantee duly certified by Nepalese Embassy or Consulate in Gulf countries	21 January 2003
Condition imposed to get re-approval from the government on female migration for continuation of foreign employment after returning home for holidays or other reasons	27 March 2003
Government's decision on migrant women workers for foreign employment with conditions imposed for getting prior approval from local government and family	8 May 2003
Government's decision on female migration for foreign employment to Malaysia with four conditions imposed	31 May 2005
Ban lifted on migrant women workers and conditions imposed	17 January 2007
Ban completely lifted	5 September 2007
Ban imposed on embarking to Gulf countries and Malaysia	5 September 2008
No official ban for Nepalese women to work in any country of the world as per the Foreign Employment Regulation 2064, 2008	May 2011

Source: NIDS, 2010, and compiled by the authors.

a new government department and a board to manage foreign employment, and to establish a welfare fund to reimburse the fees paid by the women selected for foreign employment to obtain orientation training as well as for medical treatment of the families, among others. At present, the Ministry of Labour and Transport Management is the focal ministry for overseas employment in Nepal. The government has also established the Department of Foreign Employment for effective foreign employment regulation and the Foreign Employment Promotion Board for undertaking welfare activities for overseas migrants. The Foreign Employment Regulation 2064, 2008, also provides for the appointment of labour attachés in foreign countries to address complaints of migrant workers. At present, the government of Nepal has appointed labour attachés in the UAE, Qatar, Saudi Arabia and Malaysia. Nepal has also signed bilateral labour agreements with Qatar, the UAE, Bahrain and South Korea.



PAKISTAN

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	173,593
Population growth rate (in per cent per annum)	2005–10	1.80
Population aged 15–59 years (as percentage of total population)	2010	58.2
Per capita GDP (at current prices in US \$)	2009	955
HDI (rank)	2010	125 (value 0.490)
GDI (rank)	2007	124 (value 0.532)
GEM (value)	2007	0.386

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	84.9	21.7
Employment to population ratio (in per cent)	2009	81.3	19.8
Unemployment rate (in per cent)	2008	4.0	8.7

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	–2.4
Total migrant stock	2010	4,233,592
Female migrant stock	2010	1,892,727
Female migrants as percentage of all International migrants	2010	44.7
REMITTANCES		
Inflow total (US \$ billions)	2010e	9.7
Outflow total (US \$ billions)	-	-
As percentage of GDP	2009	5.4

Introduction

With a HDI of 0.487 in 2009, Pakistan is considered a less developed country. Decades-long internal political conflicts have resulted in economic instability, with a GDP growth rate of around 3.76 per cent in 2010. Pakistan has also been recording high levels of poverty, with 22.5 per cent of the population surviving at below US \$1.25 a day in 2005, and a high unemployment rate—5.0 per cent in 2008. Female LFPR was 21.7 per cent in 2009. The independence of Pakistan in 1947 resulted in a simultaneous flow of immigration and emigration. Apart from the large-scale population movement to India, labour flow was mainly directed to the West and the Gulf countries. As the economic and political situation in the country continues to be unstable, economic migration is regarded as a lucrative option.

Pattern of International Migration

From a moderate flow of 12,300 migrant workers from Pakistan in 1973, the outflow increased to 2.8 million in 2007. As per the latest estimate available, the total stock of emigrants is estimated to be around 4.67 million, i.e. 2.5 per cent of the total population (World Bank, 2011). As indicated in Table 9, Gulf countries continue to be the major destination of migrant labour from Pakistan. Geographical proximity and commonality of religion could be important reasons for the choice. In Gulf countries, the major proportion of Pakistani workers is in Saudi Arabia and the UAE. Major push factors for large-scale migration from Pakistan continue to be high unemployment and poverty rates, while the positive impact of remittances also acts as a factor (Ahmad et al., 2008).

TABLE 9

PERCENTAGE DISTRIBUTION OF INTERNATIONAL MIGRATION FROM PAKISTAN

COUNTRY	2005	2006	2007
Saudi Arabia	24.7	24.9	29.5
UAE	51.8	54.7	48.6
Oman	5.6	6.9	11.3
Qatar	1.5	1.2	1.7
Bahrain	1.1	0.9	0.9
Kuwait	5.1	5.8	5.1
UK	1.1	1.0	0.4
USA	0.2	0.1	0.1
Others	8.8	4.6	2.4

Source: Government of Pakistan, 2009.

Other features of international migration from Pakistan are as follows: (1) the majority of international migrants are from the province of Punjab (52 per cent), followed by the North West Frontier Province (25 per cent) and Sindh (10 per cent); (2) unskilled workers dominate Pakistani migrants in the Gulf (50 per cent), followed by skilled (36 per cent). As indicated in Table 10, over the years the shares of unskilled and semi-skilled workers have been showing an increasing trend. In comparison with other South Asian countries, the share of female international migration from Pakistan is low. Rules governing international female labour migration are rather rigid in Pakistan. Women below the age of 35 years are not legally permitted to seek foreign employment as domestic workers. But it is likely that even under such restrictions a significant share of females is migrating for work through undocumented channels.

Remittances

Remittances play an important role in Pakistan's economy, and in certain years it has even exceeded FDI and official development assistance. The major sources of foreign remittances are Saudi Arabia and the UAE, followed by the UK and the US as indicated in Table 11. In 2010, remittances to Pakistan were US \$6,963.25 million (ESCAP, 2011). An increased inflow of remittances was noted post 2005, which played a major role in the country's recovery from the economic impact of the earthquake that hit Pakistan in 2005 (Suleri and Savage, 2006). As in the case of flow of migrants, data on female remittances is scarce.

TABLE 10

PERCENTAGE DISTRIBUTION BY OCCUPATIONAL GROUPS OF PAKISTANI EMIGRANTS

OCCUPATIONAL GROUP	2002	2005	2007
Professional	11.8	13.51	11.79
Skilled	50.85	40.66	35.97
Semi-skilled	2.2	1.88	2.18
Unskilled	35.15	43.95	50.06

Source: Government of Pakistan, 2009.

Migration Policies

In Pakistan, the Emigration Ordinance, 1979, constitutes the existing legal framework to safeguard the rights of overseas workers and regulate the activities of overseas employment promoters and recruiting agents. The Bureau of Emigration and Overseas Employment (BEOE), under the Ministry of Labour, Manpower and Overseas Pakistanis, is the central organisation for regulating and promoting migration to foreign countries. To support the emigrants' interests abroad, Community Welfare Attachés, which have offices in all the Gulf countries, are deputed to maintain close links with migrants to help resolve their problems and grievances. Pakistan also has the Compulsory Insurance Scheme for Emigrants in place since 1982; it is renewable every two years up to the age of 58.

TABLE 11

WORKERS' REMITTANCES TO PAKISTAN (in per cent)

COUNTRY	2002-03	2005-06	2006-07	2010	2011
Saudi Arabia	13.9	16.4	18.6	19.9	22.4
UAE	20.0	15.6	15.8	22.8	23.4
Bahrain	1.7	2.2	2.5	1.7	1.5
Kuwait	5.3	5.4	5.3	5.1	4.4
Qatar	2.1	2.6	3.1	4.2	2.9
Oman	2.2	2.8	2.9	3.2	3.0
USA	29.5	27.1	26.6	20.3	18.6
UK	6.5	9.6	7.8	10.3	11.1
EU countries	0.6	2.6	2.7	3.0	3.2
Other countries	18.1	15.8	14.7	9.5	9.5

Source: Government of Pakistan, 2009 & 2011.

In 2009, Pakistan introduced the National Emigration Policy to promote regular emigration and protect emigrants (Government of Pakistan, 2009). The policy acknowledges the need to improve the information base on aspects of migration, the absence of a formal migration system and high

costs involved in emigration, the need to upgrade skills to meet foreign demand, and effective utilisation of remittances, among others. An important feature of the policy is the acknowledgement of the importance of female migration. It is proposed that a task force be set up to identify obstacles and prospects of female migration, initiate steps for skill development, and promote safe migration of women. However, it needs to be mentioned that the policy does not offer any scope to remove the restriction of the age limit of 35 years on women migrating as domestic workers, though no such conditions exist for other categories of workers like teachers or nurses. What is lacking in the policy is the acceptance of women's right to work.



SRI LANKA

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	20,860
Population growth rate (in per cent per annum)	2005–10	1.00
Population aged 15–59 years (as percentage of total population)	2010	62.8
Per capita GDP (at current prices in US \$)	2009	2,068
HDI (rank)	2010	91 (value 0.658)
GDI (rank)	2007	83 (value 0.756)
GEM (value)	2007	0.389

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	75.1	34.2
Employment to population ratio (in per cent)	2009	71.9	31.2
Unemployment rate (in per cent)	2009	7.2	8.1

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	-2.5
Total migrant stock	2010	339,915
Female migrant stock	2010	169,157
Female migrants as percentage of all international migrants	2010	49.8
REMITTANCES		
Inflow total (US \$ billions)	2010e	4.1
Outflow total (US \$ billions)	-	-
As percentage of GDP	2009	8.0

Introduction

Sri Lanka has a long history of international labour migration. As in the case of other South Asian countries, international labour migration from Sri Lanka peaked following the oil boom of the 1970s. Though unskilled male workers initially constituted the majority of the migrants, there was a decline in their demand during the 1980s. This was followed by a phase of female migration from the country to meet the growing demand of the care economy in the Gulf and in South East Asian countries. The unstable political and economic situation, due to the almost three-decades-long civil war in Sri Lanka that continued till 2009, has also promoted labour migration. In spite of being a low-income country, Sri Lanka has attained relatively high levels with respect to several indicators of human development, with a HDI rank of 91 in 2010. Though poverty rates have come down over the years (from 26.1 percent in 1990–91 to 15.2 per cent in 2006–07), income inequality together with a lack of viable employment opportunities continue to be major challenges confronting the Sri Lankan economy. In 2009, around 5.8 per cent of the population was unemployed, the share of females being 8.2 per cent in comparison to 4.3 for males (Government of Sri Lanka, 2010).

Pattern of International Migration

From merely 14,456 people migrating from Sri Lanka in 1986, the number increased to 247,119 in 2009. An important feature of the pattern of migration from Sri Lanka is the high share of female migration. The share of migrant women increased from 23.75 per cent in 1986 to 63 per cent in 2004; in 2009 the share of women among total migrants was 48 per cent (Table 12). Interestingly, in recent years, the number of female migrants has tended to exceed that of males, which is a result

TABLE 12

INTERNATIONAL LABOUR MIGRATION FROM SRI LANKA (in per cent)

DESCRIPTION	2004	2005	2006	2007	2008	2009*
MIGRANTS BY SEX						
Male	37	41	45	47	51	52
Female	63	59	55	53	49	48
SKILL COMPOSITION OF MIGRANTS						
Professional	1.0	0.6	0.8	0.8	1.1	1.1
Middle level	3.1	3.5	3.3	1.8	3.5	2.6
Clerical & related	3.1	3.4	3.9	2.1	2.7	2.7
Skilled	21.4	20.2	22.3	23.0	23.8	24.8
Semi-skilled	-	-	-	1.6	2.1	2.4
Unskilled**	20.1	18.1	20.2	23.9	23.7	20.3
Housemaids	51.6	54.3	49.4	46.9	43.1	46.0
MAJOR DESTINATIONS						
Saudi Arabia	33.2	33.0	30.4	27.7	27.0	31.5
Kuwait	17.1	15.6	17.2	18.8	18.7	17.2
UAE	15.3	15.7	16.7	17.9	20.6	16.1
Qatar	14.0	15.5	15.6	17.8	15.7	17.7
Others	20.4	20.2	20.1	17.8	18.1	17.6

Note: * Provisional; ** Excluding housemaids.

Source: SLBFE, 2009.

of the policies followed by the State to promote female migration. The major destination of Sri Lankan migrants continues to be the Gulf countries; Saudi Arabia alone employs one-third of them. As in the case of other South Asian countries, the majority of the migrants are unskilled workers or housemaids—around 66 per cent in 2009.

If we look at the gender disaggregated figures, in 2009, out of the 127,843 women who migrated through official channels, 89 per cent were engaged as domestic workers. As indicated in Table 13, Saudi Arabia and Kuwait are the two major countries that employ domestic workers from Sri Lanka. The *Annual Statistical Report of Foreign Employment 2009* indicates that almost 71 per cent of the complaints registered by female migrant workers were from those employed in these two countries (SLBFE, 2009). Housemaids registered the highest number of complaints—almost 94 per cent—mainly to address issues of nonpayment of wages and physical and sexual harassment. In recent years a significant share of Sri Lankan women have also been migrating to Jordan and Malaysia.

TABLE 13

**FEMALE DEPARTURES AS HOUSEMAIDS BY COUNTRY
(in per cent)**

COUNTRY	2005	2006
Saudi Arabia	40.0	37.7
UAE	10.9	10.4
Bahrain	1.7	3.1
Oman	1.3	2.5
Kuwait	22.8	27.6
Qatar	3.9	5.5
Jordan	3.9	4.7
Singapore	0.6	0.5
Lebanon	12.7	4.8
Malaysia	0.2	0.4
Others	2.0	2.9

Note: * Provisional.

Source: SLBFE, 2009.

Remittances

Remittances to Sri Lanka amounted to US \$3.6 billion in 2010. The Middle East region accounted for 60 per cent of remittance earnings in 2010. According to the 2010 *Annual Report of the Central Bank of Sri Lanka*, factors that have contributed to increased inflow of remittances include: establishing collective agreements with overseas employers for higher remuneration packages; increase in the number of workers taking higher remunerative jobs; the expansion of the network of exchange houses by commercial banks; the government's ongoing initiative to promote inward remittances through formal channels; and opening of new bank branches in the northern and eastern provinces.

Migration Policies

The primary responsibility of promoting and regulating migration from Sri Lanka rests with the Sri Lanka Bureau of Foreign Employment (SLBFE) (presently under the Ministry of Foreign Employment Promotion and Welfare), an institutional mechanism formed under the Sri Lanka Bureau of Foreign Employment Act, 1985. To prevent illegal recruitment and to protect rights of

TABLE 14

WORKERS' REMITTANCES TO SRI LANKA (in per cent)

REGION	2006	2007	2008	2009	2010*
Middle East	57.1	58.0	59.8	59.9	60.1
European Union	19.0	20.0	18.0	18.1	17.6
Far East Asia	5.1	5.4	6.0	6.1	6.0
Europe, Others	6.1	5.0	4.0	4.1	4.0
North America	5.5	4.2	3.9	3.8	3.4
South East Asia	2.4	3.0	3.1	3.0	3.5
Australia & New Zealand	1.3	1.3	1.9	1.7	2.0
South Asia	1.0	1.0	1.1	1.2	1.4
South & Central America	1.0	0.8	0.8	0.8	0.9
Eastern Europe	0.5	0.4	0.4	0.4	0.3
Others	1.0	0.9	1.0	0.9	0.9

Note: * Provisional.

Source: Central Bank of Sri Lanka, 2010.

workers, the SLBFE controls recruitment agencies, conducts pre-departure programmes, and runs several welfare programmes for migrants such as insurance schemes, a scholarship fund for migrants' children, etc. In 2009, amendments were introduced to the Foreign Employment Act, 1985, to increase punishments and fines for violations of the provisions to protect migrant workers.

Several other migrant friendly steps have been initiated in Sri Lanka in the last few years, including: (1) setting up of a Parliamentary Committee to look into the complaints and grievances of migrant workers regarding recruitment, training and service agreements, primarily in the Middle East; (2) establishing the Ministry of Foreign Employment Promotion and Welfare in 2007; (3) improving the skill base of migrant workers, assuring minimum wage agreements for domestic workers, and strengthening the services provided overseas by Sri Lankan embassies; (4) enacting the National Labour Migration Policy for Sri Lanka in 2008; and (5) recognising the importance of international migration. The Ten Year Plan for Development in Sri Lanka has taken measures to enhance migrant worker welfare by introducing a pension scheme in August 2007 and making pre-departure training mandatory.

Considering the increasing harassment faced by migrants, particularly domestic female workers, in recent years, the government has changed the policy so as to discourage unskilled migration and promote skilled migration. It is targeted to reduce the share of domestic female workers in the total migration from Sri Lanka to 25 per cent, by facilitating entry of women in occupations like nursing, computer-based employment, etc. (Government of Sri Lanka, 2008). From 2009 the government has made it compulsory for those migrating for domestic work to attend an 18-day pre-departure training course.

RECEIVING COUNTRIES IN THE GULF



BAHRAIN

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	1,262
Population growth rate (in per cent per annum)	2005–10	11.09
Population aged 15–59 years (as percentage of total population)	2010	76.6
Per capita GDP (at current prices in US \$)	2009	26,021
HDI (rank)	2010	39 (value 0.801)
GDI (rank)	2007	33 (value 0.895)
GEM (value)	2007	0.605

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	85.0	32.4
Employment to population ratio (in per cent)	2009	81.5	29.0
Unemployment rate (in per cent)	2001	4.1	10.5

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	90.2
Total migrant stock	2010	315,403
Female migrant stock	2010	103,842
Female migrants as percentage of all international migrants	2010	32.9
REMITTANCES		
Inflow total (US \$ billions)	-	-
Outflow total (US \$ billions)	2009e*	1.39
As percentage of GDP	2009	6.8

Note: * Estimated for the year 2009 for some of the receiving countries.

Introduction

Bahrain is a constitutional monarchy and the first among the Gulf countries to discover oil in 1932. The economy of Bahrain continues to be driven by revenue from oil reserves, which constitute 11.1 per cent of the GDP. However, foreseeing a decline in oil revenue, several initiatives have currently been undertaken to diversify Bahrain's economy. The finance sector is the main component of the country's economic diversification strategy and consequently the largest contributor to GDP at 27.6 per cent (UNDP, 2010b). The HDI rank of Bahrain is 39, the third highest in the Arab region (UNDP, 2010a). The extensive reach of public health and education networks has played a crucial role in this outcome.

Pattern of International Migration

Bahrain has a smaller share of foreign population compared to other Gulf countries. In 2010, there were 3,154,000 immigrants in Bahrain, which amounted to 39.1 per cent of the population (World Bank, 2011). The share of women was 32.9 per cent. As indicated in Table 15, the major share of the labour force in the country is constituted by non-natives. Their share witnessed a sharp increase in 2008.

TABLE 15

NON-NATIONALS IN BAHRAIN (In per cent)

YEAR	1975	1985	1990	1997	1999	2008
Population	21.0	35.0	-	39.0	-	51.0
Labour force	39.5	58.0	51.0	-	63.2	76.7

Source: Baldwin-Edwards, 2011.

Bahrain records high unemployment rates, though the rate has declined from 14.8 per cent in 1991 to 10.1 per cent in 2003 (Kingdom of Bahrain & UN, 2003). The unemployment rate is exceptionally high for those in the age group of 15–24 years (50.9 per cent). Several factors have contributed to this. An increasing number of young people and women are entering the labour market. Due to the higher enrolment of women in education, their work participation rate witnessed an increase from 4 per cent in 1970 to 26 per cent in 2001 (*ibid.*). The strong preference by educated natives for government jobs adds to the problem. To address the unemployment problem, the government is providing incentives to promote self-employment and entrepreneurship, and training and placement centres have been established to facilitate this. Bahrain has also introduced an unemployment benefit system in June 2007, the first of its kind among the GCC states (Bertelsmann Stiftung, 2009a). Resources for the unemployment fund are generated by a tax of 2 per cent on wages, to be paid equally by the employer and the employee, and the government's contribution of 1 per cent. This is applicable for both national and non-national workers.

TABLE 16

COMPOSITION OF LABOUR FORCE IN BAHRAIN BY NATIONALITY (in per cent)

NATIONALITY	LABOUR FORCE
Arab	12.42
Asian	80.07
European	1.96
American	1.96
Others	3.59

Source: Baldwin-Edwards, 2011.

As indicated in Table 16, Asians constitute the majority of the labour force in Bahrain—around 80 per cent in 2005. Among Asians, workers from India and Pakistan constitute the major share (World Bank, 2011). As in the case of other Gulf countries there is a drive towards ‘Bahrainisation’, with clear policies set for the private sector. Since 2006, vocational training programmes and placement services have been offered to the nationals in order to increase the Bahrainisation of the work force (Bertelsmann Stiftung, 2009a).

Bahrain figures among the top five remittance sending countries in the world. In 2009, the total outflow of remittances was US \$1.4 billion, which was 6.6 per cent of the country’s GDP. Table 17 indicates workers’ remittances from Bahrain.

TABLE 17

WORKERS’ REMITTANCES: OUTFLOWS

YEAR	2003	2004	2005	2006	2007	2008	2009
US \$ millions	1082	1120	1223	1531	1483	1774	1391

Source: World Bank, 2011.

Migration Policies

To lower the unemployment rate among Bahrain nationals, the government reduced sponsorship for expatriate workers in 2009, thereby making the process of hiring foreign workers costly. However, there has also been a positive development in Bahrain regarding migration: a measure to allow migrant workers to change employers without the consent of the employer. Though these reforms are well appreciated as they improve the legal rights of migrants, it should be noted that domestic workers are not included in the provision. Further, while migrant workers are included as beneficiaries of the unemployment benefit scheme, they are largely excluded from the welfare system. However, they receive free health care (Bertelsmann Stiftung, 2009a). As noted in Table 18, the Bahrain government is all set to reduce the inflow of workers, even that of temporary workers.

TABLE 18

IMMIGRATION MANAGEMENT POLICIES IN BAHRAIN

VARIABLES	1976	1986	1996	2009
VIEW	SATISFACTORY	TOO HIGH	SATISFACTORY	SATISFACTORY
Policy	Maintain	Lower	No intervention	Maintain
Permanent settlement	-	-	No intervention	-
Temporary workers	-	-	No intervention	Lower
Highly skilled workers	-	-	-	-
Family reunification	-	-	No intervention	Maintain
Integration of non-nationals	-	-	-	-

Source: United Nations, 2010.

Though Bahrain has pledged to cancel the *kafala* system for expatriate workers, the government is yet to take concrete steps for its implementation. In 2010, Bahrain introduced the ‘Easy Exit Programme’ through which illegal migrant workers are allowed to leave the country easily by paying a fine. This was aimed at helping 43,000 illegal migrant workers in the country. As noted in the case of other Gulf countries, the working and living conditions of migrant domestic workers is precarious in Bahrain (Bahrain Center for Human Rights [BCHR] 2010), and little efforts are being made to improve their situation.



KUWAIT

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	2,737
Population growth rate (in per cent per annum)	2005–10	3.79
Population aged 15–59 years (as percentage of total population)	2010	69.2
Per capita GDP (at current prices in US \$)	2008	54,260
HDI (rank)	2010	47 (value 0.771)
GDI (rank)	2007	34 (value 0.892)
GEM (value)	2007	-

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	82.5	45.4
Employment to population ratio (in per cent)	2009	80.8	44.4
Unemployment rate (in per cent)	2005	2.0	1.8

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	22.2
Total migrant stock	2010	2,097,527
Female migrant stock	2010	629,552
Female migrants as percentage of all international migrants	2010	30.0
REMITTANCES		
Inflow total (US \$ billions)	-	-
Outflow total (US \$ billions)	2009e	9.91
As percentage of GDP	2009	-

Introduction

Kuwait, under constitutional monarchy, is an oil-rich state, possessing 8 per cent of the world's oil reserves. Despite boasting a high growth in national income, the country fares moderately in human development achievements with a HDI rank of 47 in 2010 (UNDP, 2010a). The performance of Kuwait in GDI is poor, with curtailment of women's rights in the social, economic and political spheres. It was only in 2005 that Kuwaiti women won the right to vote and to run for elections.

Pattern of International Migration

As is the case with other GCC countries, natives form a minority in Kuwait. In 2010, the stock of immigrants in Kuwait was 2.1 million, which was around 68 per cent of the country's population. The share of women among immigrants was 30 per cent (World Bank, 2011). As indicated in Table 19, non-nationals outnumbered nationals in both population and labour force. While the share of nationals in the population was 32 per cent, it was merely 17 per cent in the labour force. One reason for the sharp increase in the population of non-nationals post 1995 is the inclusion of Bidoons (local Arab residents, without any citizenship); prior to 1989, these were included among Kuwait's citizens. There was also a definite increase in immigration after the Kuwait war of 1990–91. As noted by the *Kuwait Human Development Report*, illegal visa trading has also led to a huge inflow of migrant workers to Kuwait (Shah, 2008).

TABLE 19

DISTRIBUTION OF POPULATION AND LABOUR FORCE IN KUWAIT (in per cent)

YEAR	POPULATION		LABOUR FORCE (15+)	
	KUWAITI	NON-KUWAITI	KUWAITI	NON-KUWAITI
1975*	47.5	52.5	18.2	81.8
1985*	40.1	59.9	14.3	85.7
1995	37.0	63.0	17.0	83.0
2005	33.9	66.1	18.1	81.9
2007	31.2	68.8	15.2	84.8
2009	32.0	68.0	16.6	83.4

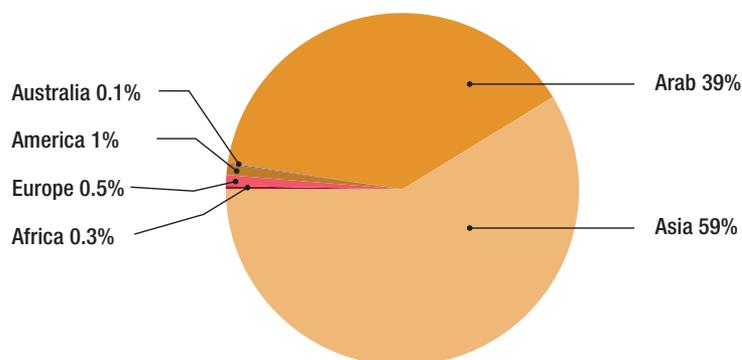
Note: * Bidoons included in Kuwait population.

Source: Shah, 2007; State of Kuwait and UNDP, 2010.

The South Asian region is the major source of migrant labour in Kuwait, followed by Arab countries as indicated in Figure 3. India, Bangladesh, Pakistan, Sri Lanka and Philippines figure as the major sending countries within Asia. Shah (2007) notes that the share of Asian workers in Kuwait increased after 1975, outnumbering those from Arab countries, Jordan and Palestine. Reasons for the phenomenon include lower wages demanded by Asians, their skill composition and the informal ties they developed, which led to circular migration.

The majority of Kuwaiti nationals are engaged in the public sector (93 per cent), while 90 per cent of non-nationals work with the private sector (State of Kuwait and UNDP, 2003), with long working hours and low salaries. The government's plans to 'Kuwaitise' private companies, by increasing their employment share of nationals, has met with limited success (Bertelsmann Stiftung, 2009b). An analysis of the occupation profile of Kuwaitis and non-nationals indicates that while the majority of nationals are engaged in professional and clerical jobs, in the case of non-nationals it is production and labour for males and services for females that predominate, as noted in Table 20. The share of migrant domestic workers in Kuwait increased from 2.1 per cent in 1980 to 12.2 per

FIGURE 3 REGIONAL COMPOSITION OF MIGRANT WORKERS IN KUWAIT, 2007 (in per cent)



Source: Shah, 2007.

cent in 2007 (Shah, 2007). In 2007, 24 per cent of the non-Kuwaiti labour force was engaged as domestic workers, of which 34 per cent were men and 64 per cent were women. A majority of the domestic women workers come from Sri Lanka, India and the Philippines, while male domestic workers, including drivers, house boys, and gardeners, come largely from India, Sri Lanka and Bangladesh (ibid.).

TABLE 20 OCCUPATIONAL PROFILE OF KUWAITIS AND NON-KUWAITIS, 2007 (in per cent)

OCCUPATIONAL GROUP	KUWAITI		NON-KUWAITI	
	MALE	FEMALE	MALE	FEMALE
Professional/Technical	18.9	37.6	6.5	8.6
Administrative & managerial	2.5	0.6	1.5	0.3
Clerical & related	56.4	48.5	9.5	5.9
Sales	1.1	0.2	5.6	2.4
Services	8.9	2.1	16.8	72.1
Agricultural etc.	0.1	0.0	1.4	0.0
Production & labour	6.7	1.1	53.9	3.1
Not specified	5.4	9.9	4.8	7.6

Source: Shah, 2007.

Education and labour force participation of native women in Kuwait has increased over the years (Shah and Al-Qudsi, 1990). In the long run, such trends are likely to squeeze the employment opportunities of both male and female non-nationals and probably increase the demand for migrant women as domestic workers.

Occupational segregation of non-natives also affects their earning capacity. The outflow of workers' remittances is depicted in Table 21. It is evident that workers' remittances registered a sharp

TABLE 21 WORKERS' REMITTANCES: OUTFLOWS

YEAR	2003	2004	2005	2006	2007	2008	2009
US \$ millions	2144	2404	2648	3183	9764	10,323	9912

Source: World Bank, 2011.

increase post 2006. It is likely that following the economic slowdown there was a tendency for workers to remit more money and savings to the countries of origin due to financial insecurities, given that GCC countries were adversely affected during the crisis.

Migration Policies

Kuwait considers its immigration rates to be high and has pursued policies to reduce immigration levels as indicated in Table 22. For analytical purposes, the migration policies followed by Kuwait have been classified into three groups: regulatory, restrictive and protective (Shah, 2007). The regulatory feature of the policy determines the duration of stay by non-nationals and restricts their recruitment primarily to skilled jobs, while restrictive measures aim to reduce the number of non-nationals in public employment and check illegal migration. They specify a minimum salary required by an immigrant to bring his/her family to Kuwait and also increase living costs, by making it mandatory on the part of the migrant and his/her family to purchase health insurance, and by raising the fee for issuance and renewal of residence permits, drivers' licences and registration fees (Shah, 2008). Protective policies are those aimed at safeguarding workers' rights, such as minimum remuneration, living and working conditions. The migration policies to control immigration are considered effective, as the share of non-nationals has not drastically increased over the last few years.

TABLE 22

IMMIGRATION MANAGEMENT POLICIES IN KUWAIT

VARIABLES VIEW	1976 SATISFACTORY	1986 TOO HIGH	1996 SATISFACTORY	2009 TOO HIGH
Policy	Maintain	Lower	Lower	Lower
Permanent settlement	-	-	Lower	Lower
Temporary workers	-	-	Lower	Lower
Highly skilled workers	-	-	-	Maintain
Family reunification	-	-	Lower	Maintain
Integration of non-nationals	-	-	No	Yes

Source: United Nations, 2010.

The *kafala* system in Kuwait stands as a major obstacle in advancing workers' welfare as the system ties the migrant workers' legal residence in Kuwait to their employer. Though the government announced a plan in 2010 to abolish the sponsorship system and supervise migrant labour recruitment through a government authority, so far no steps have been initiated towards developing such an alternative system. Another important initiative in Kuwait is the passing of a new labour law for the private sector in 2009 that provides workers with more protection in the area of wages, working hours and safety. However, the law does not include in its purview domestic workers who stay with their employers. The *Trafficking in Persons Report 2010* by the US has classified Kuwait as Tier 3—among the most problematic countries—for the fourth year in a row, indicating serious human rights' violation in the country (US Department of State, 2010b). This is a matter of concern for women, especially in the low skilled services, as they rely on the informal network for migration.

Unlike the workers in the private sector, who fall within the purview of labour law and the Ministry of Social Affairs and Labour, issues related to domestic workers fall under the jurisdiction of the Ministry of the Interior. Any disputes between the domestic worker and the sponsor are not considered labour conflicts to be dealt with in court 'but as family disputes at best, or as "law and

order” problems requiring police intervention at worst’ (Longva, 1999). Further, even under the new labour law, only a single trade union is permitted—the Kuwait Trade Union Federation (KTUF) which organises public sector workers and excludes the migrants, the majority of whom are engaged in the private sector or in domestic services.



OMAN

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	2,782
Population growth rate (in per cent per annum)	2005–10	2.71
Population aged 15–59 years (as percentage of total population)	2010	68.7
Per capita GDP (at current prices in US \$)	2009	16,207
HDI (rank)	2007	56 (value 0.846)
GDI (rank)	2007	56 (value 0.826)
GEM (value)	2007	0.453

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	76.9	25.4
Employment to population ratio (in per cent)	2009	71.8	21.4
Unemployment rate (in per cent)	1996	-	-

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	11.7
Total migrant stock	2010	826,074
Female migrant stock	2010	171,533
Female migrants as percentage of all International migrants	2010	20.8
REMITTANCES		
Inflow total (US \$ billions)	-	-
Outflow total (US \$ billions)	2009e	5.31
As percentage of GDP	2009	11.5

Introduction

Oman is a middle-income economy governed by a hereditary monarchy. Due to the depletion of its oil resources, the State has taken several measures to diversify its economy, though the contribution of oil related activities to GDP was still around 40 per cent in 2009 (Sultanate of Oman, 2011). Oman has made impressive progress in human development indicators. The country has been included among the ‘top ten HDI movers’ in the *Human Development Report 2010*, considering its performance in non-income dimensions of development (UNDP, 2010a). The report also notes the distinctiveness of the process—progress in human development achieved under monarchical rule. Though a member of GCC, Oman in 2009 declared its decision not to join the GCC monetary union that is slated for launch in 2013.

Pattern of International Migration

The country hosts 0.8 million immigrants, of which the share of women is 28.4 per cent (World Bank, 2011). As indicated in Table 23, the share of non-nationals in Oman continues to be high and has actually increased over the years.

TABLE 23

POPULATION IN OMAN BY NATIONALITY (in per cent)

YEAR	1985	1990	1995	2000	2005	2009
Nationals	77.8	81.3	73.1	74.0	73.5	63.6
Non-nationals	22.2	18.7	26.9	26.0	26.5	36.4

Source: Sultanate of Oman, 2011.

As indicated in Table 24, non-natives dominate the labour force in the country and recorded an increase of almost 12 percentage points between 1999 and 2008. Like other GCC countries, Oman has actively pursued a policy to reduce dependence on foreign labour as the country has been recording high unemployment levels—around 16 per cent according to unofficial estimates (Bertelsmann Stiftung, 2009c). The high unemployment rate in Oman is partially accounted for by the fact that the population of Oman is relatively young, with an estimated 41.2 per cent of the population falling under the age of 15 years and 53.9 per cent falling between 15 and 60 years (Das and Gokhale, 2010). For the young Omani people entering the labour market, it is difficult to find jobs as they are not technically qualified, plus expatriate labour is available at lower wages. Initiatives taken for ‘Omanisation’ include improvement in human development, fixing restrictions on the employment levels of expatriates for different sectors, a drive towards privatisation, and encouraging economic participation of women. Incidentally, the *Oman Future Vision 2020* envisages a development pattern that reduces the dependence on oil and expatriates.

TABLE 24

SHARE OF NON-NATIONALS IN OMAN'S LABOUR FORCE (in per cent)

1975	1985	1990	1999	2008
34.1	64.2	70.0	61.7	74.6

Source: Baldwin-Edwards, 2011.

As indicated in Table 25, more than 50 per cent of expatriate workers in Oman are from India. There is also a significant share of workers from Bangladesh and Pakistan. The total expatriate labour force is further classified as follows, according to skill levels: 10.4 per cent professional, 6.8

TABLE 25

**DISTRIBUTION OF EXPATRIATE WORKERS IN OMAN
(in per cent)**

COUNTRY	2000	2005	2008
India	55.3	61.0	58.6
Bangladesh	22.5	15.2	15.8
Pakistan	12.9	11.9	13.3
Sri Lanka	3.3	1.5	1.2
Philippines	1.5	1.7	2.0
Egypt	1.2	1.3	1.4
African countries	1.2	1.6	-
Other nationals	2.1	5.7	7.7

Source: Sultanate of Oman, retrieved from <<http://moneoman.gov.om/statisticsonline>> accessed on 30-3-2011.

per cent technical, 21.7 per cent vocational, 19.1 per cent skilled, and 41.8 per cent semi-skilled. It is reported that the majority of men from South Asia work in the construction sector while the women are engaged as domestic workers (Sultanate of Oman, 2010).

In comparison with the UAE and Saudi Arabia, workers' remittances from Oman register lower figures as depicted in Table 26. But after 2007 a sharp increase is noted in the outflow, probably linked with the increased share of non-natives in the population post 2005, as noted before.

TABLE 26

WORKERS' REMITTANCES: OUTFLOWS

YEAR	2003	2004	2005	2006	2007	2008	2009
US \$ millions	1672	1826	2257	2788	3670	5181	5313

Source: World Bank, 2011.

Migration Policies

As in other GCC countries, the condition of female workers continues to be precarious in Oman. The country has reported in the UN General Assembly that protection to migrant women has been enhanced after its accession to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families in 2006 (UN, 2007). Further, it is reported that in Oman, women domestic workers who experience violence, either by an employer or a household member, can terminate their contracts prematurely, unlike in other GCC countries. However, the situation on the ground seems to be different as revealed by a report of the Platform for International Cooperation on Undocumented Migrants (PICUM) (2010). As noted in the report, migrant domestic workers are threatened upon their arrival in Oman and forced to work in Middle Eastern homes, contrary to what they were promised—that they would be working with South Asian families—putting the domestic workers under immense pressure in adjusting to an unknown culture.

However, certain positive aspects also seem to emerge in Oman. For instance, as part of the bilateral free trade agreement with the US, the government of Oman amended its labour law. An important reform was a 2006 royal decree that granted the right to form trade unions to private sector workers, and made provisions for collective bargaining and staging of peaceful strikes. More importantly, from the perspective of labour sending countries, the migration policies of Oman indicate a policy

aimed at lowering the immigration of temporary low skilled workers and maintaining the current levels of immigration of high skilled workers (Table 27).

TABLE 27

IMMIGRATION MANAGEMENT POLICIES IN OMAN

<i>VARIABLES</i>	<i>1976</i>	<i>1986</i>	<i>1996</i>	<i>2009</i>
<i>VIEW</i>	<i>SATISFACTORY</i>	<i>SATISFACTORY</i>	<i>TOO HIGH</i>	<i>SATISFACTORY</i>
<i>Policy</i>	<i>Maintain</i>	<i>Maintain</i>	<i>Lower</i>	<i>Maintain</i>
Permanent settlement	-	-	-	No intervention
Temporary workers	-	-	-	Lower
Highly skilled workers	-	-	-	Maintain
Family reunification	-	-	-	Raise
Integration of non-nationals	-	-	-	No

Source: United Nations, 2010.



QATAR

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	1,759
Population growth rate (in per cent per annum)	2005–10	15.24
Population aged 15–59 years (as percentage of total population)	2010	84.7
Per capita GDP (at current prices in US \$)	2009	69,754
HDI (rank)	2010	38 (value 0.803)
GDI (rank)	2007	35 (value 0.891)
GEM (value)	2007	0.445

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	93.0	49.9
Employment to population ratio (in per cent)	2009	92.5	47.7
Unemployment rate (in per cent)	2007	0.2	2.6

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	132.9
Total migrant stock	2010	1,305,428
Female migrant stock	2010	336,716
Female migrants as percentage of all international migrants	2010	25.8

Introduction

Qatar is one of the richest countries in the Gulf region, with its economy mainly depending on oil and natural gas. Though a traditional monarchy, Qatar enjoys greater social freedom compared to its regional neighbours. The country introduced female suffrage and liberalisation of media censorship in 1995. In 2010 Qatar recorded a HDI rank of 38 (UNDP, 2010a). An important feature of the economic growth in Qatar is that the rise in per capita income has not led to a high level of income inequality. The Gini coefficient among Qatari households was 0.293 in 2006, close to that of Scandinavian countries (UNDP, 2009b). The fact that many public services in the country are free or heavily subsidised could be an important reason for this.

Pattern of International Migration

In 2010 the stock of immigrants in Qatar was 13,054,000, which was 86.5 per cent of the country's population (World Bank, 2011). The share of female immigrants was 25.8 per cent. Among GCC countries Qatar has the highest share of non-natives in the population and the labour force; the share of each has registered an increase over the years. In 2008 the share of non-nationals was 94.3 per cent. Qatar has a high LFPR among the native population (63 per cent in 2008) and a majority of them—87 per cent in 2009—are employed in the public sector (Baldwin-Edwards, 2011). Further, it should be noted that during 2006–08, there was a massive increase in the share of immigrant employment in the private sector—as much as 142 per cent.

TABLE 28

NON-NATIONALS IN QATAR (in per cent)

YEAR	1975	1985	1990	1997	1999	2008
Population	59.0	60.0	-	67.0	-	87.0
Labour force	80.6	89.7	91.6	-	87.1	94.3

Source: Baldwin-Edwards, 2011.

The regional composition of foreign migrants in Qatar indicates that Arabs and Asians constitute the major share, 40 per cent and 45 per cent respectively in 2005 (Baldwin-Edwards, 2011). Interestingly, among the Asians, Indians and Pakistanis dominate, as shown in Table 29. The construction sector accounts for the major share of employment generation—44 per cent in 2008, where the share of foreign workers was 99.8 per cent (ibid.). Further, employment in sectors like education, health and personal services is heavily dependent on foreign female workers.

TABLE 29

REGIONAL COMPOSITION OF MIGRANTS IN QATAR, 2002

COUNTRY	FIGURE (in thousands)
Indians	100
Pakistanis	100
Egyptians	35
Filipinos	50
Sri Lankans	35
Jordanians/Palestinians	50
Iranians	60
Nepalese	70

Source: Kapiszewski, 2006.

Migration Policies

Qatar, with a relatively small national working-age population, has been relatively lenient in implementing nationalisation policies and has initiated training and reinforcing of the education system to increase employment opportunities for nationals in the non-government sector. In an effort to increase employment levels among Qataris, the government announced in March 2008 that all public and private firms should take necessary measures to ensure that 20 per cent of their workforce are comprised of Qatari nationals. As indicated in Table 30, to control the high immigration levels to Qatar, policy initiatives of the government intend to lower the level of temporary foreign workers.

TABLE 30

IMMIGRATION MANAGEMENT POLICIES IN QATAR

VARIABLES VIEW	1976 SATISFACTORY	1986 SATISFACTORY	1996 SATISFACTORY	2009 TOO HIGH
Policy	Maintain	Maintain	Maintain	Lower
Permanent settlement	-	-	-	No intervention
Temporary workers	-	-	-	Lower
Highly skilled workers	-	-	-	Maintain
Family reunification	-	-	-	Maintain
Integration of non-nationals	-	-	-	Yes

Source: United Nations, 2010.

As in the case of other GCC countries, foreign workers suffer violation of rights and they continue to be inadequately protected against this. There are demands from Qataris that the State should sponsor foreign workers in place of the current system of private sponsorship. The case of female migrants is precarious. In 2007 alone, 20,000 female domestic workers fled from their employers due to delays or nonpayment of wages, long working hours and other exploitative practices (Amnesty International, 2011). Apart from the deportation centres that provide shelter to the runaway domestic workers, no specific law exists in the country to protect the rights of domestic workers.



SAUDI ARABIA

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	27,448
Population growth rate (in per cent per annum)	2005–10	2.65
Population aged 15–59 years (as percentage of total population)	2010	65.2
Per capita GDP (at current prices in US \$)	2009	14,799
HDI (rank)	2010	55 (value 0.752)
GDI (rank)	2007	60 (value 0.816)
GEM (value)	2007	0.299

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	79.8	21.2
Employment to population ratio (in per cent)	2009	75.6	18.1
Unemployment rate (in per cent)	2008	3.5	13.0

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	8.2
Total migrant stock	2010	7,288,900
Female migrant stock	2010	2,195,551
Female migrants as percentage of all international migrants	2010	30.1
REMITTANCES		
Inflow total (US \$ billions)	-	-
Outflow total (US \$ billions)	2009e	25.97
As percentage of GDP	2009	6.9

Introduction

The economy of Saudi Arabia is based on oil and the country holds 20 per cent of the world's oil reserves. A founding member of the Organisation of Petroleum Exporting Countries (OPEC), Saudi Arabia's influence on world economy and politics rose dramatically after the oil price hike of the 1970s. The country fares poorly in human development indicators and follows strict gender segregation in all spheres of public life.

Pattern of International Immigration

In 2010, there were 7.29 million immigrants in Saudi Arabia, who constituted 27.8 per cent of the population; the share of females among the immigrants was 30.1 per cent (World Bank, 2011). Saudi Arabia, the largest among the Gulf countries, has the lowest share of natives in both population and labour force. More importantly, over the years, Saudi Arabia has also been successful in reducing the share of immigrants in the labour force.

TABLE 31

NON-NATIONALS IN SAUDI ARABIA (in per cent)

YEAR	1975	1985	1990	1997	1999	2008
Population	25.0	23.0	-	31.0	-	27.0
Labour force	42.9	64.9	59.8	-	55.8	50.6

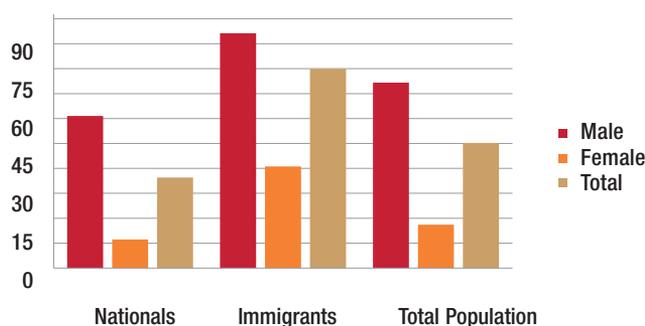
Source: Baldwin-Edwards, 2011.

With strict gender segregation existing in Saudi Arabia, a wide gap exists in the LFPR between males and females in both native and non-native groups. The gap between males and females is highest in the native population—almost 50 percentage points.

In 2005, 59.3 per cent of the foreign labour force was accounted for by Asians, followed by Arabs (31.2 per cent) (Baldwin-Edwards, 2011). Among the Asian countries, India, Pakistan, Bangladesh and Sri Lanka constituted the major share of workers. It is estimated that there were 1.5 million Asian women domestic workers, primarily from Indonesia, Sri Lanka, Philippines and Nepal in Saudi Arabia (Human Rights Watch, 2008).

FIGURE 4

LABOUR FORCE PARTICIPATION RATES IN SAUDI ARABIA (AGE 15+, in per cent)



Source: Baldwin-Edwards, 2011.

Saudi Arabia is one of the countries that have implemented vigorous policies to reduce dependence on foreign workers and increase the employment of nationals in the economy (Shah, 2008). The policy of 'Saudisation' gains importance given the magnitude of private transfers by the workers.

TABLE 32

WORKERS' REMITTANCES: OUTFLOWS

YEAR	2003	2004	2005	2006	2007	2008	2009
US \$ millions	14,783	13,555	13,716	15,299	15,746	20,946	25,187

Source: World Bank, 2011.

As indicated in Table 32, migrant workers' remittances from Saudi Arabia have witnessed a steep increase during the last decade.

Migration Policies

Human rights' conditions remain poor in Saudi Arabia and women are treated as legal minors. Saudi Arabia applies its interpretation of *sharia* (Islamic law) as the governing legal framework. Prosecutors and judges largely define criminal offences at their discretion, challenging fair trials. Authorities rarely inform suspects of the crime with which they are charged or of the supporting evidence. During interrogation, detainees are not assisted by lawyers; they face excessive pre-trial delays and difficulty in examining witnesses or presenting evidence at trial.

Though domestic workers comprise only 1.5 million out of the 8 million foreign workers in Saudi Arabia, the majority of the complaints received by the embassies from the labour sending countries relate to abuses faced by the domestic workers (Human Rights Watch, 2008). Domestic workers are excluded from Saudi labour law, amended through Royal Decree No. M/51 on 27 September 2005, denying them protections guaranteed to other workers, such as a day off once a week, limits on working hours, and access to new labour courts to be established according to court system reforms announced in October 2007.

Though the government has proposed to extend the labour law to cover domestic workers, progress has been slow so far. The country has not made any effort to reform the *kafala* system. To further complicate the picture, Saudi immigration policy requires employers to sign an 'exit visa' for migrant workers wishing to return home. Many employers refuse to sign these exit visas, forcing domestic workers to continue working against their will. Morality laws prevalent in Saudi Arabia even deny justice to domestic workers subject to rape or sexual harassment; on the contrary, they are prosecuted for immoral conduct or adultery and even subjected to violent punishments. And as indicated in Table 33, Saudi Arabia's immigration policy is all set to reduce dependence on non-nationals in both the skilled and unskilled labour force. However, given the demographic profile of the State, it is doubtful to what extent it will be successful.

TABLE 33

IMMIGRATION MANAGEMENT POLICIES IN SAUDI ARABIA

VARIABLES	1976	1986	1996	2009
VIEW	TOO LOW	SATISFACTORY	TOO HIGH	TOO HIGH
Policy	Raise	Maintain	Lower	Lower
Permanent settlement	-	-	-	No intervention
Temporary workers	-	-	-	Lower
Highly skilled workers	-	-	-	Maintain
Family reunification	-	-	-	Maintain
Integration of non-nationals	-	-	-	Yes

Source: United Nations, 2010.



UNITED ARAB EMIRATES

DEVELOPMENT INDICATORS	YEAR	
Population (in thousands)	2010	7,512
Population growth rate (in per cent per annum)	2005–10	12.26
Population aged 15–59 years (as percentage of total population)	2010	81.9
Per capita GDP (at current prices in US \$)	2009	50,070
HDI (rank)	2010	32 (value 0.815)
GDI (rank)	2007	38 (value 0.878)
GEM (value)	2007	0.691

LABOUR MARKET INDICATORS	YEAR	M	F
LFPR (in per cent)	2009	92.1	41.9
Employment to population ratio (in per cent)	2009	90.0	35.8
Unemployment rate (in per cent)	2008	2.0	12.0

MIGRATION INDICATORS	YEAR	
Net migration rate (per thousand population)	2005–10	106.3
Total migrant stock	2010	3,293,264
Female migrant stock	2010	903,777
Female migrants as percentage of all international migrants	2010	27.4

Introduction

The United Arab Emirates, which came into existence on 2 December 1971, consists of seven emirates—Abu Dhabi, Dubai, Sharjah, Ras al-Khaimah, Ajman, Umm al-Qaiwain and Fujairah. The UAE has the sixth largest oil reserves in the world and is the most developed country within West Asia. The country accumulated a large volume of foreign reserves following the oil boom of 1970s, which led to massive infrastructure investment and created a huge demand for migrant labour. Substantial differences exist between the individual emirates with respect to the level of economic development. Among the seven emirates, Abu Dhabi, the principal petroleum producer, is the largest and wealthiest. Dubai, the second largest emirate, thrives on wealth derived from the service sector, the most prominent being tourism, telecommunications, media, real estate, and financial services and construction. Together, the two emirates provide more than 80 per cent of UAE's GDP (KIPCO Asset Management Company [KAMCO], 2011). Over the years there have been conscious efforts to reduce excessive dependence on oil and the economy was successful, to a large extent, in diversifying in terms of industrial and services growth (Istaitieh et al., 2007). However, the UAE's economy was severely affected during the global financial crisis due to its heavy reliance on external financing (World Bank, 2009).

Pattern of International Immigration

In 2011, immigrants constituted 70 per cent of the total population of the UAE, while the share of female immigrants was 27.4 per cent (World Bank, 2011). Foreign migrants form a major share of the population and labour force in UAE, as indicated in Table 34. However, the long-term trend indicates a decline in the share of foreigners in the labour force in UAE.

TABLE 34

NON-NATIONALS IN THE UAE (in per cent)

YEAR	1975	1985	1990	1997	1999	2008
Population	63.0	71.3	63.8	74.9	75.7	81.0
Labour force	84.0	92.4	90.6	89.8	89.8	85.0

Source: Suter, 2005; Baldwin-Edwards, 2011.

The country-wise data of expatriate workers suggests that Asian countries account for the largest share of migrant workers. In 2005, the share of Asian workers in the UAE was 87.14 per cent (Baldwin-Edwards, 2011). The majority of Asian migrants in the UAE belong to India, Pakistan, Bangladesh, Sri Lanka, Philippines and Iran. Construction and services account for the major share of employment generation in UAE—12.3 per cent and 73.1 per cent respectively in 2009 (ibid.). Almost all unskilled construction workers and those working as household workers are expatriates. The share of natives in the private sector was merely 1 per cent in 2003 (ibid.), indicating that they are disproportionately employed in the public sector. For instance, in public administration and defence, which accounts for 12.7 per cent of employment generation in the UAE, the share of foreign workers was 45 per cent in 2009. In contrast, households with employed persons (which account for 13.1 per cent of employment) engaged 95 per cent of foreign workers during the same time. Households with employed persons essentially consist of domestic workers and personal attendants; among the domestic workers Indians make up the largest group (Sabban, 2002).

Migration Policies

There is a general feeling that owing to the large proportion of expatriate workers, the role of UAE nationals is becoming marginalised in the country. In April 2007, the UAE government formulated

'Emiratization' of the workforce as a national strategy, to reduce the share of foreign workers in the country. Some of the major policy measures implemented in recent years to curtail migration are the following: (1) strict action to send back illegal and unskilled expatriates in UAE; (2) making the recruitment of unskilled labour costly; (3) replacing foreign labour with nationals in the public sector undertakings; and (4) not renewing the labour cards of private sector employees above the age of 60 except for a few categories of professionals. As indicated in Table 35, the immigration policies of the UAE are intended to lower the share of both skilled workers and those in the category of family reunification.

TABLE 35

IMMIGRATION MANAGEMENT POLICIES IN THE UAE

VARIABLES	1976	1986	1996	2009
VIEW	SATISFACTORY	TOO HIGH	TOO HIGH	TOO HIGH
Policy	Maintain	Lower	Lower	Lower
Permanent settlement	-	-	-	Lower
Temporary workers	-	-	-	Maintain
Highly skilled workers	-	-	-	Maintain
Family reunification	-	-	-	Lower
Integration of non-nationals	-	-	-	-

Source: United Nations, 2010.

The human rights situation in the UAE continues to be turbulent, with frequent reports of torture, restrictions on freedoms of expression and association, and violations of women's rights. In the UAE, workers do not have the right to organise or bargain collectively, and face penalties for going on strike. The Labour Law, 1980, and the Draft Labour Law, 2007, do not cover domestic workers employed in private households. Though the laws call for a minimum wage, the Ministry of Labour has yet to adopt such a measure. Many female domestic workers in the UAE are subjected to unpaid wages, food deprivation, long working hours, forced confinement, and physical or sexual abuse. The standard contract for domestic workers introduced in April 2007 calls for 'adequate breaks' but does not limit working hours or provide for a weekly rest day, overtime pay or workers' compensation. The sponsorship system in the UAE is open to severe criticism as the arrangement leaves migrant workers vulnerable to exploitation by the employers. In the UAE, domestic workers come under the purview of the Ministry of the Interior, where these issues are generally treated as a concern of internal security and not as labour rights' violations.

However, there have been a number of positive developments in the country. As noted in *The Protection of the Rights of Workers in the United Arab Emirates*, the UAE Cabinet has passed a number of reforms to combat abusive labour practices, including giving all categories of workers the right to transfer employer sponsorship, declaring it illegal to withhold workers' passports, and denying new licences to foreign labour brokers and recruiters who do not adhere to the UAE laws (UAE, 2007). The UAE has also taken steps to implement mandatory employment contracts to protect the rights of domestic workers in relation to salaries, accommodation, health care and working hours. Abu Dhabi has introduced a comprehensive and compulsory insurance policy for all workers, including domestics. To reduce the unscrupulous exploitation of middlemen and private recruiting agencies in the migration process, the UAE government emphasises the need for more bilateral efforts. Agreements have been made with major labour sending countries in South and South East Asia such as Nepal, India, Pakistan, Bangladesh, Sri Lanka, China, Thailand and the Philippines.

APPENDIX

APPENDIX I

MAIN INTERNATIONAL INSTRUMENTS ON MIGRANTS SIGNED, RATIFIED AND ACCEDED TO BY SOUTH ASIAN AND GULF COUNTRIES

COUNTRIES	MIGRANT WORKERS		MIGRANT WORKERS & FAMILIES	SMUGGLING & TRAFFICKING		WOMEN
	ILO CONVENTION CONCERNING MIGRATION FOR EMPLOYMENT (REV. 1949) (NO. 97) [ENTRY INTO FORCE: 22 JANUARY 1952]	ILO CONVENTION CONCERNING MIGRATION IN ABUSIVE CONDITIONS & THE PROMOTION OF EQUALITY OF OPPORTUNITY & TREATMENT OF MIGRANT WORKERS (SUPPLEMENTARY PROVISIONS) (NO. 143) [ENTRY INTO FORCE: 9 DECEMBER 1978]		PROTOCOL TO PREVENT, SUPPRESS & PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN & CHILDREN [ENTRY INTO FORCE: 25 DECEMBER 2003]	PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, AIR & SEA [ENTRY INTO FORCE: 28 JANUARY 2004]	
SOUTH ASIAN COUNTRIES						
Bangladesh	-	-	Signed 1998	-	-	Acceded 1984
Bhutan	-	-	-	-	-	Ratified 1981
India	-	-	-	Signed 2002 Ratified 2011	Signed 2002 Ratified 2011	Signed 1980 Ratified 1993
Maldives	-	-	-	-	-	Acceded 1993
Nepal	-	-	-	-	-	Signed 1991 Ratified 1991
Pakistan	-	-	-	-	-	Acceded 1996
Sri Lanka	-	-	Acceded 1996	Signed 2000	Signed 2000	Signed 1980 Ratified 1981
GULF COUNTRIES						
Bahrain	-	-	-	Acceded 2004	Acceded 2004	Acceded 2002
Kuwait	-	-	-	Acceded 2006	Acceded 2006	Acceded 1994
Oman	-	-	-	Acceded 2005	Acceded 2005	Acceded 2006
Qatar	-	-	-	Acceded 2009	-	Acceded 2009
Saudi Arabia	-	-	-	Signed 2002 Ratified 2007	Signed 2002 Ratified 2007	Ratified 2000
UAE	-	-	-	Acceded 2009	-	Acceded 2004

Source: Compiled by the authors.

APPENDIX II

PROJECTED ANNUAL GROWTH (in per cent) AND TOTAL MIGRANT STOCK IN THE SIX GULF COUNTRIES IN DIFFERENT YEARS

COUNTRIES	YEAR	GDP GROWTH RATE (per cent)	PROJECTED GROWTH OF MIGRANT STOCK (per cent per annum)				ESTIMATED MIGRANT STOCK					
			Using migration elasticity for 2000–05		2006–10		2000–05		2006–10		2000–10	
			2000–05	2006–10	2000–10	2006–10	2000–05	2006–10	2000–05	2006–10	2000–10	
Bahrain	2010	-	-	-	-	315,403	315,403	315,403	315,403	315,403		
	2011	3.1	1.33	1.38	1.35	319,588	319,588	319,752	319,752	319,670		
	2012	5.1	2.18	2.27	2.23	329,322	329,322	329,876	329,876	329,599		
	2016	5.4	2.31	2.40	2.36	361,746	361,746	363,681	363,681	362,712		
Kuwait	2010	-	-	-	-	2,097,527	2,097,527	2,097,527	2,097,527	2,097,527		
	2011	5.3	1.50	5.32	3.41	2,128,897	2,128,897	2,209,015	2,209,015	2,168,956		
	2012	5.1	1.44	5.11	3.28	2,158,335	2,158,335	2,317,575	2,317,575	2,237,246		
	2016	5.4	1.52	5.42	3.47	2,296,757	2,296,757	2,878,285	2,878,285	2,573,862		
Oman	2010	-	-	-	-	826,074	826,074	826,074	826,074	826,074		
	2011	4.4	6.57	3.18	4.87	880,318	880,318	852,341	852,341	866,330		
	2012	4.1	6.12	2.96	4.54	930,259	930,259	875,751	875,751	902,799		
	2016	4.4	6.57	3.18	4.87	1,209,884	1,209,884	996,747	996,747	1,099,016		
Qatar	2010	-	-	-	-	1,305,428	1,305,428	1,305,428	1,305,428	1,305,428		
	2011	6.0	10.77	4.03	7.40	1,446,080	1,446,080	1,358,065	1,358,065	1,402,072		
	2012	7.1	12.75	4.77	8.76	1,659,524	1,659,524	1,432,973	1,432,973	1,544,171		
	2016	4.3	7.72	2.89	5.31	2,039,721	2,039,721	1,548,760	1,548,760	1,780,178		
Saudi Arabia	2010	-	-	-	-	7,288,900	7,288,900	7,288,900	7,288,900	7,288,900		
	2011	7.5	5.72	7.77	6.74	7,705,860	7,705,860	7,855,113	7,855,113	7,780,486		
	2012	3.0	2.29	3.11	2.70	7,626,284	7,626,284	7,748,908	7,748,908	7,687,474		
	2016	4.9	3.74	5.08	4.41	9,083,925	9,083,925	9,809,867	9,809,867	9,441,083		
UAE	2010	-	-	-	-	3,293,264	3,293,264	3,293,264	3,293,264	3,293,264		
	2011	3.3	1.22	2.27	1.75	3,333,564	3,333,564	3,368,166	3,368,166	3,350,865		
	2012	3.8	1.41	2.62	2.01	3,386,729	3,386,729	3,468,025	3,468,025	3,427,257		
	2016	4.2	1.56	2.89	2.23	3,613,240	3,613,240	3,908,270	3,908,270	3,758,343		

Source: IMF (various years) for GDP and UN DESA for migration stock.

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1. **Population:** UN DESA, *World Population Prospects*, retrieved from the website <http://esa.un.org/unpd/wpp/index.htm>.
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3. **Population aged 15–59 years:** UN DESA, *World Population Prospects*, retrieved from the website <http://esa.un.org/unpd/wpp/index.htm>.
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12. **Total migrant stock:** UN DESA, Migration Statistics, retrieved from the website <http://esa.un.org/migration>.
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Given the increasing feminisation of international migration, this report focuses on the processes, outcomes and problems associated with the migration of women workers from South Asian countries to the Gulf region. These issues have been analysed through a detailed study of five 'sending' countries, Bangladesh, India, Nepal, Pakistan and Sri Lanka, and six 'receiving' countries, Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, highlighting the critical factors for promoting and sustaining the safe migration of women.

Basing itself on the experiences of women migrants—a majority of whom are engaged in domestic work—the study details their vulnerabilities at various stages of the migration cycle. The report also explores the roles and initiatives of different stakeholders at the international, national and local levels in improving the migration outcomes of women. It concludes by highlighting the policy contours and possible directions pertaining to the future of migration of women from South Asia. An important feature of the report are the detailed fact sheets on the demographic and migration profiles of the five sending and six receiving countries.

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