Understanding Multiple Discrimination against Labour Migrants in Asia

An Intersectional Analysis

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June 2013

- The analysis of labour migration with the intersectionality methodology opens up the view to the multiplicity of discriminatory mechanisms and complex identities of female labour migrants in Asia. Acknowledging the intersectionality of the migrants' multiple identities, which might include characteristics such as non-citizens, female, low-income, bonded and undocumented enables policymakers to devise comprehensive responses to challenges faced by female migrants.

- Multiple identities of migrant women pertain to complex structures that are highly unequal for women. Patriarchal regimes, neoliberal globalisation and social hierarchy often shape economic, political and socio-cultural institutions in ways that are disadvantageous to marginalised women. Women are typically subject to labour markets stratified by gender, geography, educational level and class, and are denied equal access to jobs, skill development, housing, land, and other basic services and resources.

- There are internationally agreed standards for the different roles migrant women occupy: as women, workers and migrants. The biggest challenge concerns how to address the structural inequalities that lie at the intersection of class and gender in order to address certain push factors of migration in Asia, as well as the gendered channelling into certain jobs and roles (in other words, foreign wives) of women post-migration.

- So far, governments have not adequately addressed the vulnerability of migrant women resulting from the intersection of migrant status, gender and the situation of being a precarious worker. More interventions at both local and national level are necessary to address intersectional oppression.

Contents

1. Introduction

Although the term »intersectionality« was born in the USA under the strong influence of black feminism, the concept has now found resonance worldwide, leading some to call it a »buzzword« (McCall 2005). Whereas the »triple oppression« of race, gender and class is considered to constitute the primary axes of discrimination in the United States, where this concept was born, a lively discussion has been generated in a number of different socio-cultural contexts about its applicability to other possible axes of discrimination – and also on the issue of whether we should name and define the categories at all.[1]

Intersectionality constitutes an analytical framework derived from feminists' arguments that oppression is situated at the intersection of various forms of subordination, including gender, class, ethnicity or race, and migrant status.[2] The conceptualisation of intersectionality as an approach that looks at dynamics and relationships within various dimensions of discrimination has become widely accepted internationally by academics and within the policy world, including the UN human rights mechanisms.

Efforts to contextualise analytical categories of discrimination are particularly strong in Europe where European feminists contest, for example, the use of »race« and suggest other axes, such as sexuality and religion.[3] Factors such as age, disability, socio-economic class, membership of particular racial, ethnic or religious groups, or what Lutz identified as »14 lines of difference« (Lutz 2002, 13) can all form distinct structures of discrimination. For this reason, intersectionality scholars urge rigorous contextual analysis with a view to policy initiatives to determine what levels of social division, oppression and inequality are in play.

Nevertheless, discussions on finding modalities of intersectionality outside the US-European context, such as in Asia, and on the concept's suitability for studying the phenomenon of oppression in Asia are still given only cursory attention in the literature. Thus it remains important for scholars and policymakers to commit themselves to investigating the many facets of identity and its effects on inequality, addressing questions such as where structures of oppression, inequality and discrimination intersect.

With these entry points in mind, the aims of this paper are: to present a debriefing overview of labour migration in Asia in areas that can benefit from the intersectionality methodology and to demonstrate the complexity of women's identities in their origin as well as destination countries. This reveals the complicated nature of discrimination against migrant women and the ways in which further complication occurs by the act of migration from one intersectionality to the other. The paper starts with a brief review of the main characteristics of labour migration in Asia and the corresponding benefits of an intersectional approach. This is followed by a discussion of the multiple dimensions of inequality in relation to both origin and destination countries of labour migration. The section then discusses intersectionality from social movement and policy perspectives. The paper finishes with a brief conclusion.

2. Benefits of an Intersectional Analysis of Labour Migration in Asia

The value of using the intersectional approach for aid and human rights work has been recognised by many (Yuval-Davis 2006), and numerous women's groups in Asia have taken up the concept for advocacy purposes.[4] There are clear advantages to using the intersectional approach: first, because intersectionality can be considered highly relevant to the »Asian model« of labour migration. Asis (2006) summarises the main features of labour migration in Asia as: (i) premised upon temporary migration; (ii) substantial movements occurring within the region (›intra-regional migration‹); (iii) predominance of low-skilled / low-wage migration; (iv) significance of female migration and unauthorised migration; and (v) the widespread involvement of recruitment agencies and brokers (»migration industry«). Each of these features is relevant to dimensions of migrants' multiple identities as non-citizens: female, low-income, bonded and undocumented.

In quantitative terms, 43 per cent of migrants from Asia go to destination countries in the same region; East Asian countries host nearly 6.5 million migrants, with

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1. For details of the discussions on the meaning of intersectionality mentioned here, see Davis (2008), Anderson (2005), Lutz, Vivar and Supik (2011), McCall (2005), Knapp (2011), and Yuval-Davis (2006).

2. For details on background of the emergence of the intersectionality approach, see Dua (2007), McDowell (2008), Nash (2008) and Bond (2003).

3. For discussions on the ›applicability‹ of intersectionality to analyse European context, see Lutz, Vivar and Supik (2011) and Ferree (2011).

4. See, for example, APWLD (2011).

the numbers growing each year (IOM 2010). East Asia hosts the highest percentage of migrant women in Asia, who comprise 55 per cent of the total migrant workforce. Hong Kong is among the main destinations in Asia, with about 2.7 million (ibid.), and 90 per cent of all migrant workers in Hong Kong are migrant domestic workers (Omelaniuk 2005). In Southeast Asia, Malaysia and Singapore are the main destination countries, with about 2 million migrants. In Singapore, 40.7 per cent of the population were migrants in 2010 (IOM 2010). With the number of migrant women registered on a domestic worker's work permit constituting 201,000 at the end of 2010, the number amounts to one in every five households in the country, according to the Singapore Ministry of Manpower.

Intersectionality further recognises the complexity of women's identity (McCall 2005) and offers a comprehensive explanation of structures that often force women from certain groups (for example, ethnic, national or religious minority groups) to find work in a limited range of sectors. Intersectionality does this without essentialising dimensions of a woman's identity on the basis of her role within the family (a daughter, wife or mother), class, gender/sexuality, nationality, ethnicity/race, religion, disability, age, geography and so on. The prominence of women migrant workers in specific sectors, such as domestic work, (informal) service work, ›entertainment‹ and sex work, has been explicitly and implicitly associated with characteristics of women of colour, poor women, women of certain religions or of specific races. An intersectional approach, however, urges the consideration of the multiplicity of identities in a concurrent manner.

Finally, intersectionality leads to a better understanding of the ways in which different identities interact, cluster and are related to each other, and also the ways in which these relationships cause inequality, subordination, injustice and discrimination, which affect the lives of migrant women. The approach helps to draw links and analyse comparative dynamics that pertain to the lives of women migrant workers in both origin and destination countries. Understanding the process of women's identity formation in origin countries is intrinsically relevant to understanding how this affects women migrant workers' situations in the destination countries. Studies have shown that it is not only the conditions in destination countries that influence the vulnerabilities of migrant domestic workers; the lack of consciousness and

knowledge about rights and entitlements developed in the countries of origin also affect the way in which migrant women view their status.[5] The interplay between country of origin and destination is particularly important in Asia because of the prevalence of temporary migration and the high incidence of return migration. Nevertheless, the migration experience can also lead to an awakened consciousness of rights, especially in locations where active migrant rights activism exists and spreads from one group of migrants to another (Piper 2010). Asia is a good example because migrant rights activism is comparatively widespread, including activism of migrant domestic workers.

3. Multiple Dimensions of Inequality in Countries of Origin

Multiple identities of migrant women pertain to a complex global structure that is highly unequal for women. Patriarchal regimes, neoliberal globalisation and social hierarchy often shape economic, political and socio-cultural institutions in ways that are disadvantageous to marginalised women. Women are typically subject to labour markets stratified by gender, geography, educational level and class, and are denied equal access to jobs, skill development, housing, land, and other basic services and resources (Piper 2008).

3.1 Rural Women

There is increasing evidence that women are directly recruited from rural areas, countering the previously held assumption of a two-stage migration process: that is, moving to urban areas comes first, followed by migration internationally. Rural women have recently come into the spotlight of international organisations, as shown in the establishment of the Inter-Agency Task Force on Rural Women by the Inter-Agency Network on Women and Gender Equality in 2011.[6] Social move-

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5. See Mora and Piper (2011), and Piper and Satterthwaite (2007).

6. This Inter-Agency Task Force is coordinated by the Food and Agriculture Organisation (FAO), the International Fund for Agricultural Development (IFAD) and the World Food Program (WFP) and included the ITC-International Labour Organization (ITC-ILO), the Secretariat of the Permanent Forum on Indigenous Issues (SPFII), the UN Conference on Trade and Development (UNCTAD), the UN Development Programme (UNDP), the UN Environment Programme (UNEP), the UN Educational, Scientific and Cultural Organization (UNESCO), the UN Population Fund (UNFPA), the UN Industrial Development Organization (UNIDO) and the UN Women and World Health Organization (WHO).

ments, such as La Via Campensina, have also begun to pay attention to the relationship between poverty and globalisation, including peasant women and migration.[7]

A recent report by the IOM (2012) on rural women and migration spells out the risks associated with rural women who seek to migrate, such as the lack of access to infrastructure and resources and exclusion from waged employment and access to various social services. In addition, their remote location isolates them from access to public documents, transport and information, especially because the majority of the world's illiterate adults are rural women (IOM 2012). As a result, their experiences of migration are different from experiences of men or urban women. Family dynamics may operate differently for rural women than for those living in urban areas, and women's roles in decision-making processes may be compromised due to gender roles in families (Jolly and Reeves 2005).

The urgency of the crisis due to poverty and family pressure to relieve economic hardship in the context of un- or underemployment, as well as demand for workers in the highly feminised global care economy may play a more determining role in a family's decision for women to migrate. This process thus can hamper women's decision-making power (Jolly and Reeves 2005; Omelaniuk 2005; IOM 2012). The Inter-Agency Task Force on Rural Women (2012) states that »rural women fare worse than rural men and urban women and men for every Millennium Development Goals (MDGs) indicator for which data are available« (ibid. 1). Extreme poverty, challenges in obtaining primary education, lack of gender equality and problems concerning children and maternal health all contribute to the structural constraints that rural women have to face on a daily basis. These conditions are a boon for the operations of illicit recruiters and traffickers.

Nevertheless, rural women are not a homogeneous group; their experiences vary greatly according to their income level, availability of social, family networks and local and family gender dynamics. Rural women are not only heterogeneous in terms of education and income levels but also in terms of ethnicity, indigenousness, re-

ligion and culture. Data on underprivileged groups of migrants are typically scarce. For example, the World Bank (2006) reports that the data on migration in the Greater Mekong Sub-region (GMS) are limited because the currently existing surveys do not ask suitable questions to capture information on migration and also because migrant households are very poorly represented in the sampling frame of existing household surveys. The poor representation is caused by language barriers, unwillingness of employers/landlords to allow migrants to speak to outsiders, the fear of migrants themselves and their residence in remote areas. The limited availability of data adds to underrepresentation of South-South migration in the academic and policy literature (Hujo and Piper 2007), and makes research on women and intersectionality ever more challenging but, at the same time, relevant.

3.2 Trafficking and Forced Migration

Given the complexity of inequality-validating structures, it is often difficult to differentiate between labour migration, trafficking, smuggling and asylum-seeking for women who migrate as a result of intersecting dimensions of severe subordination. It has been argued that forced migration of economic migrants has increased considerably since the end of the Cold War to become an integral part of the North-South relationship and currently shapes the processes of global social transformation. There is now greater recognition of the blurred line between »forced« and »voluntary«, as well as »motivation« and »coercion« in the decision-making process concerning migration overseas. A variety of social factors can influence a woman's decision to migrate: socio-cultural gender norms, gender relations and the hierarchy within the family, in addition to structures that determine urban/rural poverty, economic inequality and unequal access to infrastructure and resources. Gender relations in family and society may affect decisions about who migrates and for how long and to which country. For example, Filipino families are more likely to send daughters to migrate because they are perceived to be more reliable senders of remittances (Jolly and Reeves 2005; Castles 2003).

Although the sex trade is the fate of a substantial proportion of trafficked victims, women are also sold as wives or for labour exploitation, particularly as garment

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7. *La Via Campesina*, an international network of peasant organisations, had a substantial presence in the 2012 World Social Forum on Migration 2012 in Manila, where the representative commented, »We can say that peasants and migrants are actually one« (La Via Campesina 2012).

factory workers or domestic workers. The ILO (2002) links trafficking of children with child labour, arguing that the trafficking of children should be understood as the worst form of child labour. For example, there are corridors for rural Vietnamese children to be trafficked into the sex trade in urban centres such as Hanoi or Ho Chi Min City as well as Cambodia's brothels. Children are also sold from Northern Vietnam into China as wives or for cheap labour (ibid). A 2005 study of 213 Vietnamese migrant women in China reveals that 30 per cent of them were sold as brides and among them, many entered the arrangement due to poverty (where 91 per cent identified their household income as insufficient for survival and 69 per cent were unemployed) and 80 per cent of them to provide for elderly parents (UNFPA 2006). According to an ILO report (2002), 12,000 of the approximately 150,000 South Asians that are trafficked each year are children. Therefore, trafficking is an »extension of the very serious child labour problem« (ibid. 15). Poverty and ignorance of families play a determining role, where deception, debt bondage and economic inequality are reasons for children to be sold into the sex trade, garment factories, street begging, construction projects, tea plantation, brick kilns and so on.

Such complexity contributes to debates about what constitutes trafficking, especially on the issue of whether all migrant sex workers are cases of trafficking or how to quantify trafficking (Jolly and Reeves 2005; Piper 2005). Trafficked victims, smuggled persons, forced migrants and some economic migrants are not exclusive categories that can be studied in isolation. Instead, they have considerable overlaps in terms of identity and their positions in broader economic, political and sociocultural structure.

Consider the story of Noi (as explained by Elaine Pearson 2000, 37–8) who is from a poor family in Shan state in Myanmar. Under the military regime, forced labour is a common human rights abuse unless a »fee« is paid to the authorities, an option that is not available for poor families such as Noi's. Young women, like many of Noi's friends, often become victims of sexual abuse by the soldiers. Noi decided that she would leave home to find money to save her parents from forced labour and herself from sexual abuse. She decided to become a prostitute in Thailand to make money but met an agent who was in fact a trafficker. As this example shows, although Noi was aware that she would work as a prostitute, she did not know the full extent of her working conditions (rest days, wages, freedom of movement and so on), which happens frequently among women who »consent« to work as sex workers. Although Noi's case constitutes human trafficking, it should not be treated as such in isolation from other contributing factors, as Noi's multiple identities all contributed to the peril that she experiences in Thailand. Her identity as Burmese (subject to the military regime), from the Shan ethnic minority, as well as being poor and a woman all contributed to the vulnerabilities that Noi and other women like her experience, such as the danger of rape, forced labour, trafficking and other forms of violence against women.

3.3 Paternalism and Migration

At times, government authorities impose a ban on women's movement for »protective« reasons, in countries such as Bangladesh, Iran, Nepal and Pakistan. In these countries, the official figures show that outgoing migrants are predominantly male. For example, in Bangladesh, less than 1 per cent of those emigrating between 1991 and 2003 were women, although Bangladesh is one of the top ten countries sending migrants worldwide.[8] The difficulty posed by bureaucratic hurdles and limits on women's right of movement subsequently increases the likelihood that women will resort to irregular forms of migration. The Asian Development Bank claims that the Gulf states and Southeast Asia are home to substantial numbers of undocumented Bangladeshi women workers. Paternalist approaches to the protection of domestic workers often neglect the cost of reducing them to helpless victims as a result. Nepali women, for example, have expressed their grievances at being looked down upon by Nepali society when they return from the Gulf countries, whereas women returning from Japan, Singapore, Korea, Hong Kong and the West do not have the same experience and are respected.[9] This may be due to the societal perception that views Nepali migrant women in the Gulf countries as domestic workers who often fall prey to violence from their employers, whereas this is not the case for migrant women working elsewhere in Asia or the West.

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8. Figures from UNFPA (2006) and IOM (2010).

9. Omelaniuk (2005); UNFPA (2006); Thimothy and Sasikumar (2012); Adhikari (2006).

4. Multiple Dimensions of Identity and Discrimination in Destination Countries

4.1 Women Migrant Workers Performing »Feminine« Work

In destination countries, migrant workers are often brought in to fill gaps in sectors that are not desired by local workers, also referred to as *3D jobs* (dirty, dangerous and demanding). Many migrant women work in sectors that are considered »feminine«, such as domestic and care work, the service sector, certain manufacturing work (for example, garments), hospitality work, »entertainment« and sex work (Piper 2005; UNFPA 2006). This pattern of gendered migration has occurred against the backdrop of the elevation of women's status in developed or middle income countries, which has created a gap with regard to the »traditional« roles that women used to fill, particularly in care for children, the sick and the elderly.

Women comprise an overwhelming majority of domestic workers in the world (83 per cent), which is 7.5 per cent of the female workforce worldwide: 52 per cent of migrant workers from Sri Lanka were women in 2006 (which constitutes a major decrease from what was at one point 90 per cent) and most of them work as domestic workers. It is estimated that 89–90 per cent of documented and undocumented migrant workers from Indonesia are women. In the Philippines, the majority of migrant domestic workers are female (for instance, 97 per cent of domestic workers deployed in 2009 were female) and domestic workers constitute a substantial group of overseas Filipino workers (for instance, in 2010, domestic workers were 36.1 per cent of land-based overseas Filipino workers), according to the Philippine Overseas Employment Administration (Piper and Lee 2012).

The increase in the number of women entering the workforce in parts of East and Southeast Asia is accompanied by a trend to delay/avoid marriage and/or childbearing. Rural women's migration to urban areas and the gender imbalance (usually caused by a preference for male babies) have together created difficulties for some men – particularly in rural areas – to find wives: »traditional« wifehood that complies with the agricultural lifestyle and traditional family structure is no longer acceptable to well educated and urbanised women. With the improved communication and mobility that globalisation provides, some societies have looked to women from less affluent countries to migrate for the purpose of marriage. Examples include Taiwan and South Korea, which were previously regarded as ethnically »homogeneous«, but where the phenomenon of marriage migration is now common, partly because the government promotes such marriages (Belanger, Lee and Wang 2010). In Taiwan and South Korea, the phenomenon of marriage migration has skyrocketed, reaching its peak in the early 2000s. In 2003, the total number of marriages between Taiwanese men and foreign women was 50,000 (compared to a few thousand in the early 1990s) and that between South Korean nationals and foreign spouses was 30,000, which accounted for 10 per cent of total marriages that year in South Korea (Belanger, Duong, et al. 2010). In India, villagers approach brokers to procure brides from Bangladesh or Nepal, who after migration and marriage often face discrimination on the basis of their wealth, ethnic status, as well as domestic violence by husbands and their in-laws who feel they »own« the brides because they paid for brokerage services (UNFPA 2006).

In 2004, Japan admitted nearly 65,000 women on entertainment visas (of whom 78 per cent were from the Philippines) (Omelaniuk 2005) and the distinction between entertainment, hospitality and sex work is often dubious. In 2004, it was reported that more than 1,000 Russian women were engaged in sex work in South Korea (where sex work is illegal) and most of them had entered the country on entertainment or tourist visas (Lee 2004 as cited in UNFPA 2006, 26).

4.2 Discrimination

Migrant women who leave behind multiple subordinating structures in their countries of origin often find themselves in gender-stratified labour markets in the destination countries (Piper 2008). Labour laws exclude certain sectors in the economy where women workers dominate, such as domestic work, entertainment and the sex industry. Sex work is illegal in many countries, which makes it difficult for migrant sex workers to reach the authorities or seek appropriate help in times of need. In practice, this means that women migrant workers depend on their employers for legal status, wages, information and communication, food, housing and other elements for survival. Employer de-

Table 1: Minimum wage and domestic workers (Source: ILO (Oelz 2011, p.3))

Covered by National Minimum Wage
Bolivia, Brazil, Bulgaria, Burkina Faso, Chile, Columbia, Czech Republic, Ecuador, Estonia, France, Ireland, Kazakhstan, Latvia, Moldova, Netherlands, Paraguay, Portugal, Russian Federation, Romania, Spain, Trinidad and Tobago, Turkey, United Kingdom, United States*, Venezuela
Coverage by Sector / Occupational Rates
Argentina, Austria, Barbados, Botswana, Costa Rica, Jordan, Kenya, Mali, Nicaragua, Niger, Philippines, Segal, South Africa, Switzerland, United Republic of Tanzania, Uruguay, Zambia, Zimbabwe

* Excludes occasional babysitters and companions for the sick and elderly from the minimum wage

pendence is often worsened by government policies and immigration laws which limit workers' freedom to choose employers and often restrict workers from changing workplaces. Such dependence leads to vulnerabilities, particularly to abuse from their employers (UNFPA 2006).

Domestic work is seldom covered by national labour standards or occupational standards. The overview above lists countries in which domestic work is covered by the national minimum wage or sectoral/occupational rates and no Asian country is currently on the list. Furthermore, there is the problem of calculating the value of domestic work, that domestic work cannot be »undervalued« according to the current method of calculating production and effectiveness. This in turn points to the problem of assessing labour standards by the minimum wage coverage of domestic work, because the wages for domestic workers are usually calculated on a monthly, not an hourly basis, often without adequate provisions on working hours. Without such provisions, migrant domestic workers are often subject to long working hours. This is also related to the broader context in political economy, which undervalues women's paid/unpaid work that escapes the industrial class framework, including agricultural, self-employed, domestic, home-bound and care work. Moreover, the value of domestic work is often determined arbitrarily or at the expense of the objectification of workers, rather than the degree of their skills and experience. For example, in Arab countries, Filipino domestic workers are considered a »status symbol«, an important reason why they receive a higher salary than Indonesian or Sri Lankan workers.[10]

10. For more discussion of the topics covered, see Budlender (2011a, 2011b), Piper and Lee (2012), Piper (2011) and Thimothy and Sasikumar (2012).

Unemployment is generally high for migrant women (UNFPA 2006). Since migrant women face high unemployment rates, job markets limited to the informal sector and discrimination, many have to accept whatever work is available. A UNFPA (2006) report states that this can contribute to the host society developing a perception of migrant women as »unskilled«. This leads to a vicious cycle of discrimination, prejudice, poor employment prospects and poverty. Summarising different studies, the United Nations Population Fund (2006) finds that »[t]he health of any migrant is affected by gender, sociocultural and ethnic background, type of occupation and legal status, as well as the degree to which he or she can cover costs and access services, transportation and health insurance« (p. 35). Language skills, wages and social insurance associated with one's employment and the level of integration into the host society are all contributing factors. The issue of health is also relevant to the lives of migrant women back in their countries of origin, where poor health services, sanitation and limited knowledge of health are often a fact of life. Migrant women's health vulnerabilities may be further compromised by the stress of adjusting to a new society, possible physical/sexual abuse and increased risk of certain conditions, such as HIV/AIDS.

4.3 »Becoming« Intersectional in the Country of Destination

Women migrant workers can obtain an additional »identity« that exacerbates marginalisation in destination countries. Women migrant workers can become disabled as a result of industrial injury and face hardship when seeking appropriate medical, monetary and social remedies, depending on their status. If they are undocumented, residing in a remote area and/or not familiar with the language and society, their ability to seek remedy may be significantly hampered. Disability can also influence

Figure 1: Assessment of illegal job relative to legal job working conditions, housing conditions and regular pay
(Source: Belanger et al. 2010)
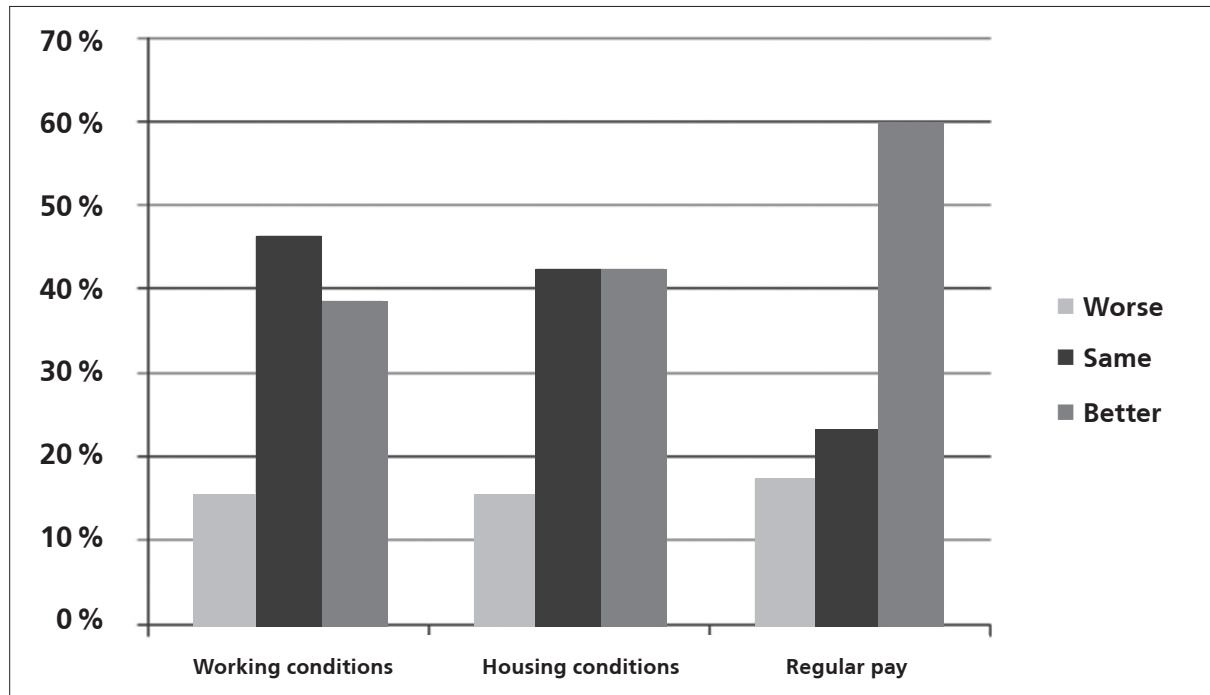
their future income generation, possibility of debt bondage and the prospect of return to the country of origin. The modality of intersectionality is contextualised in a particular society and different dimensions of identities are relevant depending on the context of the laws/policies, cultural perceptions and other social conditions of destination countries. For example, pregnancy can become relevant when there is a law that restricts migrant women from being pregnant, which makes the identity as a pregnant woman relevant in a way that is unique to being a migrant woman in such a destination country. In Singapore, for instance, the work permit for domestic workers is cancelled in the event of pregnancy, which can compromise the reproductive health of migrant domestic workers by encouraging unsafe/illegal abortion practices. Also, migrant women's right to a family life is significantly hampered as they are not allowed to bring their family.

Illegal status is another important dimension of identity that migrants can acquire in destination countries. Strict enforcement and restrictive migration governance without adequate consultation with migrants often cause the emergence and operation of black market and illegal practices (Battistella and Asis 2011). UN High Commissioner for Human Rights Navanethem Pillay once

stated that »the majority of irregular migrants will have entered the country of destination legally and only subsequently will have fallen into an irregular situation«.[11] It is important to note that the inadequacy of policymaking prompts migrants to slip into a state of irregularity. In this context, Castles et al. (2012) point out the contradiction between state and market demands that neoliberal globalisation has created: while the state implements immigration laws that discourage labour migration, market forces create a need for migrant workers.

Being irregular exposes migrant workers to a number of vulnerabilities but it is wrong to assume that irregular migrants will necessarily have fewer rights. For example, a survey by Belanger et al. (2010) found that among Vietnamese migrants who returned from Taiwan, South Korea, Malaysia and Japan, most undocumented migrants (58 per cent) assessed their illegal job as having provided them with better conditions than the legal job they held before (Figure 1).[12]

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11. Address by Ms. Navi Pillay, High Commissioner for Human Rights to the Graduate Institute of International and Development Studies, Geneva, 14 December 2011, accessed at http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11723&LangID=E on 14 January 2013.

12. One-third of respondents were women.

The ambiguous relationship between migrants' irregular status and rights entitlement points to the need to consider migrants' multiple identities and intersectionality. For example, when looking at the results of the study by Belanger et al. (2010) above, it would be erroneous to conclude that one's legal status leads to an improvement of working conditions, housing conditions and regular pay. Rather, it is the particular context in which a worker becomes involved in an illegal job, and that illegality is linked to a complex web of multiple identities. Restrictive laws and policies in destination countries often limit specific freedoms essential for the wellbeing of migrant workers. In the case study of Filipina domestic workers in Singapore, Battistella and Asis (2011) observe that working conditions generally improve when workers stay longer in terms of wages and rest days. Considering that temporal stays (circular migration model) and dependence on sponsors are important features of an Asian migration model especially for migrant domestic workers (Asis 2006), the state prerogative often seeks to explicitly limit longer-term (or permanent) stay or the freedom of movement (and the right to choose employers). By disrupting such a prerogative, workers may become irregular, although being a long-term resident and having a right to move between employers may entitle them to a new set of rights explicitly limited by legal mechanisms. This is to say that by virtue of becoming undocumented, workers can also become »permanent« residents, which opens up a range of different rights and benefits, even if such permanent residency is not legally possible. Therefore, migrants' integration in a host society, social engagement in migrant communities, knowledge of the infrastructure and mechanisms as well as familiarity with social customs all have to be considered when analysing the relationship between irregular status and rights entitlement.

5. Solidarity Groups from an Intersectional Perspective

International women's movements have responded to the discourse that recognises the intersectional nature of women's identity. As a result, the topic of intersectionality is increasingly discussed at the global level, or more specifically the ways in which different dimensions of identity (for example, gender and race) intersect and the effect it has. Furthermore, a report by the UN Special Rapporteur on Violence against Women suggests collaboration between UN Treaty bodies (such as the

Committee on the Rights of Persons with Disabilities, the Committee on Migrant Workers and the Committee on Elimination of Discrimination against Women) to take the gender dimensions of their work into account (Ertürk 2009). Below are some exemplary topics that can create a wider solidarity network.

5.1 Solidarity against Violence against Women

A report by the UN Special Rapporteur on Violence against Women suggests that »the intersectional approach has been used as (…) a conceptual paradigm that allows us to see the universality in violence against women without losing sight of the particularities in women's experiences. In the same vein, the continuum approach makes visible the linkages between violence in different contexts, such as in peace and in war« (Ertürk 2009: 49). In 2011, civil society organisations held a consultation session with the UN Special Rapporteur on Violence against Women on the topic of intersectionality and violence against women in Malaysia. The event drew women from different sexual, cultural, ethnic, indigenous, religious, disabled, migrant, refugee, caste, HIV+ communities from 20 countries in the Asia Pacific region, who gathered to discuss the intersecting oppression that subordinates women and leads to violence against women, especially in areas of religious fundamentalism, militarisation (war and armed conflict) and neoliberal globalisation. In addition, a number of organisations from Asia engaged in the process of the Third World Conference against Racism in Durban, where the topic of intersectionality in relation to gender and racism was discussed. As the intersectional approach recognises multiple dimensions of discrimination, the ways in which gender and race are related and the interconnected impact on the occurrence of violence against women, racial discrimination can be another area of solidarity.

5.2 Solidarity against Poverty

There is a wide understanding among women's alliances on the unequal ways in which globalisation has affected men and women. The circumstances in which gender and poverty coincide have received substantial attention especially, among domestic workers, home workers and rural women and the international network they are creating within the broader international women's alli-

ance. The intersectional approach is at times criticised for fragmenting groups and dividing their solidarity by creating an endless set of intra-group identities. One civil society organisation's report argued against this allegation, saying that an intersectional analysis allows groups to see how their oppression is connected, and provides a tool for analysing patterns and similarities of oppression (APWLD 2011). Considering the relationship between poverty (and development) and migration, anti-poverty initiatives are also an area in which an intersectional approach can lead to solidarity.

6. Policy Dimensions

International migration is a highly selective process shaped by government policies, as well as organisational and personal networks. Its dynamics involve the crossing of political borders and, therefore, national state jurisdictions. In this sense, migration policy involves multi-level or multi-scalar governing structures involving a variety of organisational actors, ranging from international organisations to local governments. But it is national and local governments that maintain a crucial role in addressing the various forms of vulnerabilities at different stages of the migration process.

Generally speaking, and as evident from Asia also, governments have not adequately addressed the vulnerability of migrant women resulting from the intersection of migrant status, gender and the situation of being precarious workers. Interventions at both local and national level appear to be insufficient as they do not address intersectional oppression. When female migrants do draw attention from the policymakers, they are viewed predominantly through a patriarchal lens as victims of violence by individual male perpetrators and not as agents capable of making decisions to seek jobs in foreign lands in order to provide for the needs of their families. Neither are they treated sufficiently as holders of rights, especially labour and economic rights. Governing institutions at all levels tend to neglect labour exploitation and abuses often experienced by migrant women, while being prepared at a minimum to address the issue of violence against women.

In principle, migrant women are protected through general norms of non-discrimination and equality; substantive rights such as labour rights and the right to be free from debt bondage; and identity-based rights aimed at specific groups, such as women's rights (Piper and Satterthwaite 2007). In other words, there are internationally agreed standards for different roles migrant women occupy: as women, workers, and migrants.[13] The biggest challenge is how to address structural inequalities that lie at the intersection of class and gender in order to address certain push factors of migration as well as the gendered channelling into certain jobs and roles (in other words, foreign wives) of women post-migration. Therefore, normative postulates need to be matched by on-the-ground work via public policy. An intersectional approach will have real bearing on women only if it goes beyond recognition in identity terms to also include representation and redistribution (Fraser 2005). However, it is often difficult to detect concrete axes of women migrants' identities, as they are fluid and contextual. In addition, policymakers need to be cautious to refrain from treating a combination of different axes as they create oppression additively (Yuval-Davis 2006). Observing social movements and listening to the demands from the ground can provide valuable insights into understanding the ways in which different axes of oppression interrelate to form intersectionality.

7. Conclusion

Intersectionality is essentially a methodology that allows us to tease out the complexities of women's identity in order to lead to a holistic understanding and recognition of the multiple dimensions of her identity and the resulting aspects of discrimination, oppression and inequality. What flows from there is the argument to consider intersectional status positions in policy analysis. However, it is the very nature of intersectionality that poses a serious challenge to turning it into a »simple« take-home message, such as those often demanded in a policy world.[14] Instead, what intersectionality motivates scholars and policymakers to do is to rigorously look at the context in which injustices surrounding migrant women occur and what levels of division exist in each specific con-

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13. The list of applicable human rights norms include: the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention of the Rights of All Migrant Workers and their Families. In addition, there are a number of ILO Conventions relevant to migrant workers.

14. As also observed by Yuval-Davis (2006).

text. What would it mean to implement findings from an intersectional approach in public policy or in the law remains an unresolved issue. How can laws and policies accommodate the kind of diversity an intersectional approach has uncovered? Is the argument for considering intersectionality in public policy one for giving a voice to diverse groups of people? These are conceptual questions that still need to be addressed.

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