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Item Type	Book
Authors	Yamanaka, Keiko;Piper, Nicola
Publisher	United Nations Research Institute For Social Development
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Download date	2026-11-08 05:47:57
Link to Item	http://hdl.handle.net/20.500.12424/178928

OCCASIONAL PAPER 11

Feminized Migration in East and Southeast Asia: Policies, Actions and Empowerment

by Keiko Yamanaka and Nicola Piper





UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT



Occasional Paper 11

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December 2005

UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT

This United Nations Research Institute for Social Development (UNRISD) Occasional Paper
was written for the preparation of the report *Gender Equality: Striving for Justice in an Unequal World*.
The work for this report is being carried out with the support of the European Union,
the Department for Research Co-operation of the Swedish International Development Agency (Sida/SAREC),
the International Development Research Centre (IDRC, Ottawa, Canada) and the government of the Netherlands.

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ISBN 92-9085-064-7

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acknowledgements

The authors wish to acknowledge the invaluable editorial assistance of Gerald D. Berreman. They give special thanks for thoughtful comments on the manuscript by Shahra Razavi, Eleonore Kofman, Ruri Ito, Brenda S.A. Yeoh, Shirlena Huang, Maruja M.B. Asis, Rhacel Salazar Parreñas and an anonymous reviewer. Nicola Piper wishes to thank the Australian Research Council for its Discovery Grant, which provided the funding to collect some of the empirical data for this paper.

acronyms

AMC	Asian Migrant Centre
APMRN	Asia Pacific Migration Research Network
CARAM-Asia	Coordination of Action Research on AIDS and Mobility - Asia
CATW	Coalition Against Trafficking in Women
CBO	community-based organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ECOSOC	UN Economic and Social Council
E/SE	East and Southeast (Asia)
EU	European Union
FDW	foreign domestic worker
GAATW	Global Alliance Against Traffic in Women
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organization
IMAGE	International Migration and Gender Study Group
INSTRAW	United Nations International Research and Training Institute for the Advancement of Women
IOM	International Organisation for Migration
JANNI	Japan NGO Network on Indonesia
MFA	Migration Forum in Asia
NGO	non-governmental organization
NIE	newly industrialized country and economy
OECD	Organisation for Economic Cooperation and Development
SAR	Special Administrative Region (Hong Kong)
TAN	transnational advocacy network
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIFEM	United Nations Development Fund for Women
UNIFIL	United Filipinos in Hong Kong
UNRISD	United Nations Research Institute for Social Development

summary
résumé
resumen

SUMMARY

Since the 1980s, labour migration has been increasingly feminized in East and Southeast (hereafter E/SE) Asia. By the beginning of the twenty-first century, more than two million women were estimated to be working in the region, accounting for one third of its migrant population. Most female migrants are in reproductive occupations such as domestic work and sex services, in private households and informal commercial sectors. Despite the great need to protect their welfare and human rights, governments of their destination countries view migrants as merely a workforce to meet labour shortages, and ignore protective measures and gender-sensitive policies. Under pressure to increase foreign revenues, labour-source countries encourage their women to migrate and remit their earnings from abroad, but in the face of global competition, governments of source countries have shown little interest in their migrant women's welfare. In the context of the E/SE Asian countries' bleak records of human rights practices, non-state actors have assumed increasing importance in advocating migrants' rights, which they have done through local and transnational networks.

Feminized, and therefore gendered, migration in E/SE Asia has its roots in the region's rapid but uneven economic development, which is characterized by the inequality and conflict that differences of gender, class and nationality produce. The transfer of foreign women within the region from the low-income economies (the Philippines, Indonesia, Viet Nam, Pakistan, Bangladesh among others) to the high-income ones (Singapore, Malaysia, Hong Kong Special Administrative Region (SAR), Taiwan Province of China, the Republic of Korea and Japan) intensifies existing gender inequality, economic injustice and ethnic discrimination. International migration is, however, a contradictory process that, while providing migrant women with opportunities for social mobility, also subjects them to abuses and exploitation. The majority of Asia's migrant women are independent contract workers seeking employment abroad in order to augment family incomes and personal savings. Empowerment results from their everyday resistance to existing power structures, and from the opportunity to accumulate individual and collective resources.

An analysis of Asia's immigration policies and women's migration patterns reveals six widely recognized and designated categories and characteristics of the women involved:

- domestic workers
- entertainers (sex workers)
- unauthorized workers
- immigrant wives
- skilled workers
- workers who share an ethnic heritage with that of the host population (such as Japanese-Brazilians in Japan and Korean-Chinese in the Republic of Korea).

These six categories of migrant women differ from one another in the conditions of their border crossing, employment and legal protection, and they therefore differ in the ways in which they resist the unequal and discriminatory practices they encounter at their destinations. Consequently, concerned citizens and non-governmental organizations choose different civil actions and counteractive measures to enhance migrant women's rights. The governments of labour-importing states in E/SE Asia vary in their political tolerance of civil-society activities. There are thus significant differences in the capacities and resources that their civil societies have for collective action.

The existing literature indicates three levels of effectiveness of civil actions and women's resistance in Asia. The first is found in Singapore and Malaysia, where strict immigration policies, rigid labour contract systems and low degrees of state tolerance for civil activism severely curtail pro-migrant actions. The second level characterizes Japan and the Republic of Korea, where tight border controls and large numbers of undocumented workers, combined with relatively high degrees of tolerance for collective action, allow many groups and organizations to challenge state authority and provide legal and cultural assistance to migrants. The third level is manifest in Hong Kong SAR, where despite a strict immigration policy and rigid labour contract system, the British colonial legacy permits migrants to openly pursue economic rights and collective action. The frequency of demonstrations by migrants, especially Filipino domestic workers in Hong Kong SAR, highlights the importance of transnational networking that links migrants in sending and receiving countries. The growing presence of a transnational advocacy movement throughout Asia facilitates the efforts of civil organizations to enhance migrants' rights and welfare.

In conclusion, feminized migration has increased inequality and injustice based on gender, class and nationality in Asia. It has also, however, opened up opportunities for migrant women to increase family incomes and for Asia's growing civil society to challenge oppressive policies and practices affecting migrants. Although many legal and institutional barriers to social justice remain in labour-importing countries, civil actions by citizens and migrants comprise significant steps toward the realization of migrant workers' rights.

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RÉSUMÉ

Depuis les années 80, les travailleurs migrants en Asie de l'est et du sud-est sont de plus en plus des femmes. Au début du XXIème siècle, on estimait que plus de deux millions de femmes, soit un tiers de la population migrante, travaillaient dans la région. La plupart des immigrées ont des emplois liés à l'économie de reproduction: elles sont employées de maison ou engagées dans l'industrie du sexe, travaillent dans des ménages privés ou le secteur commercial informel. Bien que leur bien-être et leurs droits aient un grand besoin d'être protégés, les gouvernements des pays d'accueil ne voient dans les immigrées qu'une force de travail capable de remédier à la pénurie de main-d'oeuvre et ne se soucient guère de prendre des mesures de protection ou d'appliquer des politiques nuancées selon le sexe. Pressés d'accroître leurs recettes en devises, les pays d'émigration encouragent leurs ressortissantes à émigrer et à rapatrier leurs gains de l'étranger et, face à la concurrence mondiale, leurs gouvernements s'intéressent peu au bien-être de celles qui ont émigré. Vu les pratiques des pays de l'Asie de l'est et du sud-est en matière de droits de l'homme et leur triste bilan dans ce domaine, des acteurs non étatiques ont pris de plus en plus de place dans la défense des droits des migrants, qu'ils assument par le biais de réseaux locaux et transnationaux.

La féminisation des migrations en Asie de l'est et du sud-est, avec toutes les spécificités que cela suppose, vient du développement économique rapide mais inégal de la région, qui se caractérise par des disparités et des différences entre sexes, entre classes et entre nationalités qui engendrent des conflits. Les femmes se déplacent à l'intérieur de la région, quittant les pays à faible revenu (Philippines, Thaïlande, Indonésie et Viet Nam notamment) pour les pays à revenu élevé (Singapour, Malaisie, Région administrative spéciale (RAS) de Hong Kong, Province chinoise de Taiwan, République de Corée et Japon) et ce déplacement accentue les inégalités entre les sexes, l'injustice économique et la discrimination ethnique déjà existantes. Les migrations internationales sont cependant des phénomènes contradictoires qui, tout en offrant aux migrantes des chances de mobilité sociale, les exposent en même temps à des abus et à l'exploitation. La majorité des migrantes d'Asie sont des travailleuses contractuelles indépendantes qui cherchent un emploi à l'étranger pour grossir les revenus de leur famille et leur épargne personnelle. Elles acquièrent leur autonomie en résistant jour après jour aux structures de pouvoir en place, et en accumulant tout ce qu'elles peuvent gagner à titre individuel et collectif.

Une analyse des politiques migratoires d'Asie et des caractéristiques des migrations féminines fait apparaître six catégories largement reconnues, qui définissent les femmes par des caractéristiques données:

- employées de maison
- entraîneuses (travailleuses du sexe)
- travailleuses clandestines
- épouses d'immigrés
- travailleuses qualifiées
- travailleuses qui ont un patrimoine ethnique commun avec la population du pays d'accueil (tels que les Nippo-Brésiliennes au Japon et les Sino-Coréennes en République de Corée).

Ces six catégories de femmes immigrées se distinguent les unes des autres par les conditions dans lesquelles elles ont franchi la frontière, leur emploi et la protection que leur offre la loi et donc aussi par leur mode de résistance aux pratiques inégalitaires et discriminatoires auxquelles elles sont confrontées dans le pays d'accueil. Les modes d'action et de lutte que choisissent les citoyens concernés et les organisations non gouvernementales pour faire valoir les droits des migrantes varient en conséquence. Les gouvernements des Etats de l'Asie de l'est et du sud-est qui importent de la main-d'œuvre tolèrent à des degrés divers les activités de la société civile, de sorte que les capacités et moyens d'action collective dont celle-ci dispose varient sensiblement selon les pays.

Il ressort de la littérature existante que l'on peut distinguer trois niveaux d'efficacité parmi les actions tentées par la société civile et la résistance des femmes en Asie. C'est à Singapour et en Malaisie qu'elles sont les moins efficaces: de strictes politiques d'immigration, des systèmes rigides d'attribution de contrats de travail et un Etat peu tolérant envers le militantisme civil réduisent sévèrement les actions de défense des droits des migrantes. Le second niveau correspond au Japon et à la République de Corée, où de sévères contrôles aux frontières et une multitude de travailleuses sans papiers, mais aussi une tolérance assez grande à l'égard de l'action collective, permettent à de nombreux groupes et organisations de contester l'autorité de l'Etat et d'apporter une assistance juridique et culturelle aux migrantes. Le troisième niveau est atteint dans la RAS de Hong Kong où, malgré une politique d'immigration stricte et un système rigide d'attribution des contrats de travail, l'héritage colonial britannique permet aux migrantes de faire valoir ouvertement leurs droits économiques et de mener une action collective. La fréquence des manifestations d'immigrées, en particulier d'employées de maison philippines dans la RAS de Hong Kong, montre l'importance des réseaux transnationaux qui relient les migrantes des pays d'origine et des pays d'accueil. La présence de plus en plus forte d'un mouvement de défense transnational dans toute l'Asie rend plus facile la tâche des organisations civiles qui s'emploient à défendre les droits et le bien-être des migrantes.

En conclusion, la féminisation des migrations a aggravé les inégalités et l'injustice fondées sur le sexe, la classe et la nationalité en Asie. Elle a cependant donné aux femmes migrantes la possibilité de grossir les revenus familiaux et a permis à une société civile en expansion en Asie de contester les politiques et pratiques qui ont pour effet d'opprimer les migrants. Bien qu'il reste de nombreux obstacles juridiques et institutionnels à la justice sociale dans les pays importateurs de main-d'œuvre, certaines des actions menées par les nationaux et les migrants marquent un progrès sensible vers la réalisation des droits des travailleurs migrants.

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RESUMEN

Desde la década de 1980, la migración laboral ha venido feminizándose cada vez en mayor medida en el este y sudeste asiáticos. Para principios del siglo XXI, se estimaba que había más de dos millones de mujeres trabajando en la región, lo que constituye un tercio de la población migrante. Casi todas las mujeres migrantes se desempeñan en labores reproductivas, como el trabajo doméstico y los servicios sexuales, en hogares de particulares y sectores comerciales informales. No obstante la gran necesidad de proteger su bienestar y sus derechos humanos, los gobiernos de los países de destino ven a los migrantes simplemente como una fuerza laboral que se requiere para cubrir la escasez de mano de obra local, e ignora las medidas de protección y las políticas en función del género. Por su parte, bajo la presión para incrementar los ingresos de divisas extranjeras, los países que constituyen la fuente de esta fuerza laboral alientan a sus mujeres a migrar y a remitir sus ganancias, pero ante la competencia mundial, los gobiernos de estos países han mostrado poco interés en el bienestar de las mujeres migrantes. En el contexto de los antecedentes poco alentadores en materia de derechos humanos de los países del este y sudeste asiáticos, los actores no estatales han adquirido una importancia creciente en la defensa de los derechos de los migrantes, lo que han logrado a través de redes locales y transnacionales.

Las raíces de la migración–feminizada y que por lo tanto tiene en cuenta consideraciones de género–en el este y sudeste asiáticos se encuentran en el rápido pero desigual desarrollo económico de la región, caracterizado por la desigualdad y el conflicto que producen las diferencias de género, clase social y nacionalidad. La transferencia de mujeres extranjeras de la región desde economías de bajos ingresos (Filipinas, Tailandia, Indonesia y Viet Nam, entre otros) hacia países de altos ingresos (Singapur, Malasia, la Región Administrativa Especial de Hong Kong, Taiwán Provincia de China, la República de Corea y Japón) intensifica la actual desigualdad de género, injusticia económica y discriminación étnica. Sin embargo, la migración internacional es un proceso contradictorio que, si bien brinda a las mujeres migrantes oportunidades para la movilidad social, también las somete a abusos y explotación. La mayoría de las mujeres migrantes son trabajadoras independientes empleadas por contrato que buscan trabajo en el exterior a fin de aumentar los ingresos familiares y sus ahorros personales. El empoderamiento resulta de su resistencia diaria a las estructuras de poder existentes, así como de la oportunidad de acumular recursos personales y colectivos.

El análisis de las políticas de inmigración de Asia y de los patrones de migración de las mujeres revela que existen seis categorías de mujeres migrantes con sus respectivas características:
- trabajadoras domésticas
- animadoras (trabajadoras sexuales)
- trabajadoras no autorizadas
- esposas inmigrantes
- trabajadoras capacitadas
- trabajadoras que comparten un patrimonio étnico con la población que las recibe (como los brasileños de origen japonés en el Japón y los chinos de ascendencia coreana en la República de Corea).

Estas seis categorías de mujeres migrantes se diferencian entre sí en razón de las condiciones de traslado al otro país, de empleo y de protección legal, por lo que difieren en cuanto a las formas en que enfrentan las prácticas desiguales y discriminatorias que encuentran en sus lugares de destino. En consecuencia, los ciudadanos conscientes y las organizaciones no gubernamentales recurren a diferentes acciones civiles y contramedidas para mejorar los derechos de las mujeres migrantes. Los gobiernos de los estados importadores de mano de obra del este y sudeste asiáticos tienen niveles distintos de tolerancia política frente a las actividades de la sociedad civil, por lo que existen diferencias importantes en cuanto a las capacidades y los recursos con que cuentan sus sociedades civiles para la acción colectiva.

La bibliografía sobre este tema identifica tres niveles de efectividad de las acciones civiles y de la resistencia de la mujer en Asia. El primer nivel agrupa a Singapur y Malasia, donde la aplicación de estrictas políticas de inmigración, rígidos sistemas de contratación laboral y bajos grados de tolerancia del activismo cívico por parte del Estado limitan seriamente las acciones a favor de las trabajadoras migrantes. El segundo nivel reúne al Japón y la República de Corea, donde los estrictos controles fronterizos y las grandes cantidades de trabajadores, combinados con un relativamente alto grado de tolerancia de la acción colectiva, permiten a muchos grupos y organizaciones desafiar la autoridad del Estado y brindar asistencia legal y cultural a los trabajadores migrantes. En el tercer nivel se encuentra la Región Administrativa Especial de Hong Kong, donde, a pesar de una estricta política de inmigración y un rígido sistema de contratación laboral, el legado colonial británico permite a los trabajadores migrantes defender abiertamente sus derechos económicos y emprender acciones colectivas. La frecuencia de las manifestaciones de trabajadoras migrantes, en particular de las trabajadoras domésticas filipinas en Hong Kong, destaca la importancia de establecer redes transnacionales que permitan estrechar los vínculos entre los trabajadores migrantes en los países fuentes de la mano de obra y las naciones receptoras. La creciente presencia de un movimiento transnacional de protección en toda la región de Asia facilita los esfuerzos de las organizaciones civiles por mejorar los derechos y el bienestar de las trabajadoras migrantes.

En conclusión, la feminización de la migración ha incrementado la desigualdad y la injusticia basadas en el género, la clase social y la nacionalidad en Asia. Pero al mismo tiempo, ha abierto nuevas oportunidades para que las mujeres migrantes puedan aumentar los ingresos familiares y la creciente sociedad civil de Asia pueda desafiar las políticas y prácticas opresivas que afectan a las trabajadoras migrantes. A pesar de que persisten muchos obstáculos legales e institucionales a la justicia social en los países que importan mano de obra, las acciones civiles de ciudadanos y trabajadores migrantes constituyen un paso importante hacia el reconocimiento de los derechos de las trabajadoras migrantes.

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I.

introduction

Since the 1980s, Asia's labour migration has been increasingly feminized. The traditional unequal gender ideology and hierarchy in the region mediates between state migration policy and global labour demands, thus producing employment opportunities and constraints that are segregated by sex. Feminized, and therefore gendered, migration experience calls for gender-specific responses to widespread abusive practices and the largely unprotected status of female migrants. These women generally work in the informal service economies of their destination countries, whose governments are primarily concerned with national survival in global competition and pay little, if any, attention to international labour standards and human rights. As a result, non-governmental actors have come to play an increasing role in protecting and advocating migrant women's rights at local, national and transnational levels.

This paper discusses the causes, processes and consequences of feminized migration in the context of E/SE Asia's expanding global capitalism, increasing feminization of the economic means for family survival, and rising civil activism both in local communities and transnationally. As much of the cross-border flow occurs within the region, our analysis of labour migration takes an intra-regional approach that links source and destination countries in their exchange of labour, the formation of their migration policies, and responses to them by migrants and non-governmental forces in the region. In this investigation, however, we focus primarily on the policies of destination countries and responses by grassroots forces there, as they decisively determine migrants' welfare and labour.

Our discussion falls into four major parts. The first provides a brief account of how rapid and uneven industrialization has generated a regional division of labour, which has in turn led to intra-regional labour migration by large numbers of women. The second examines statistics of female migration from the 1970s to the present: their number, the sending and receiving countries, and employment. The third section discusses migration policies, legal status and the occupational characteristics of migrant women in the various countries of destination. The fourth part analyses the ways in which migrants and community-based organizations have responded to the restrictive policies of labour-importing governments.

II.

gender, migration and activism in asia

II.A.

gender, migration and economic development

Large-scale labour migration has long played a key role in the rapid economic development of E/SE Asian countries and economies.[1] By the early 1990s, labour migration had grown to the point that nearly all countries in the region were involved as either the origin or destination of migrants, and many as both (United Nations 2003:2). Male migrants were mainly engaged in productive jobs in construction and manufacturing industries, while female migrants were largely concentrated in jobs in the household and commercial service sectors (ASEAN Economic Bulletin 1995). In order to augment foreign-exchange revenues many source countries, such as the Philippines, Indonesia and Sri Lanka, promoted female migration. As a result, E/SE Asia has increasingly witnessed feminization of its migration. By the dawn of the millennium, it was estimated that more than two million Asian women were working abroad in the region, making up a third of the estimated six million migrant workers there (see the section below on "Stock of migrant women").

Changes that are now evident include not only the increased volume of female migrants but also the diversified patterns of their migration, with differing source countries, destinations, legal structures, entitlements, working conditions, skill levels and civil actions. The largest proportion of these women, most of whom are unskilled (including those who are documented and those who are not), continue to work in the narrow range of reproductive labour characteristically assigned to female migrants,[2] for example as live-in maids, care givers, entertainers, sex workers and other service employees (*Asian and Pacific Migration Journal* 2003). A smaller but substantial proportion of women work as assembly line operators and agricultural and fish-farm hands.[3] Fewer but growing numbers of women migrate to other Asian countries as brides of male citizens (Piper and Roces 2003). Recently, a small group of skilled and professional women have migrated in response to expanding employment opportunities in business, health, education and services (Raghuram 2000; Willis and Yeoh 2000). In this paper, however, the central focus is placed on unskilled migrant women workers, as they comprise the vast majority in Asia's labour migration flows.

Such diverse and complex patterns of migration by large numbers of women in E/SE Asia have their roots in the region's rapid and uneven economic development since the 1950s. From the onset, the process of achieving Asia's "economic miracle" has been heavily sex- and gender-segregated in line with prevailing gender expectations (Chow 2002b; Cheng and Hsuing1998). Beginning in the mid-1950s, making use of abundant labour supplies and ample foreign capital and technology, Japan and the four newly industrialized countries and economies (NIEs) of the region – Hong Kong SAR, the Republic of Korea, Singapore and Taiwan Province of China – succeeded in industrializing. Authoritarian governments and their industrial allies incorporated the traditional patriarchal hierarchy into their scheme for mobilizing and controlling massive numbers of females as inexpensive, tractable and disposable labour. Both import substitution and export-led industrialization, both of which

1 Skeldon 1992; Stahl and Appleyard 1992; Lim and Abella 1994.

2 "Reproductive" work refers to those activities related to: (1) human reproduction and (2) maintaining and sustaining human beings throughout their life cycle (Truong 1996:32).

3 Lee 2002; Lee 1997, 2003; Yamanaka 2003b; Battistella and Asis 2003.

characterized the economic development of these countries, thus relied heavily upon exploitative practices towards female labour on global assembly lines and in subcontracting cottage industries.[4]

Historically in E/SE Asia, international migration has provided a means of economic survival for households that are short of income, and for states that are short of foreign exchange revenues.[5] According to Abella (1998), pressure to emigrate tends to increase in countries where fledgling industrialization has yet to absorb the growing labour forces and is at the same time destructive to traditional subsistence agriculture. In the early 1970s, with enormous capital accumulation from the increased price of oil, the Middle Eastern countries launched large national development projects that required huge numbers of foreign contract labourers. In response, for the next two decades several hundreds of thousands of workers departed for the Gulf region from South, Southeast and East Asian countries (Gunatilleke 1991). Among them were small but growing numbers of women from the Philippines, Sri Lanka and Indonesia, most of whom worked as live-in domestics in private households (Shah et al. 1991; INSTRAW 2000). By the mid-1980s, the major construction projects were completed and demands for contract labour decreased in the Middle East. In search of alternative jobs, Asian migrants began to look to more easterly countries where the economies were prospering and therefore required more labour in low-skill and low-wage occupations.[6]

Since the 1980s, Asia's deepening economic restructuring has caused a shift in technology and industry, and consequently labour has become more flexible and fragmented in Japan and the four NIEs. This was a result of governmental implementation of neoliberal, free-market policies: deregulation of business and trade, privatization of public enterprises and reorganization of labour. Technological advances gave rise to a rapid expansion of tertiary industries, especially of services, information, finance and tourism. Meanwhile, sustained economic prosperity has enabled the majority of the populations of these countries to enjoy the fruits of their hard labour in the form of high income, lavish consumerism and expanding public services (Pinches 1999). Young and educated workers have acquired new lifestyles and a corresponding distaste for manual labour, resulting in chronic labour shortages in occupations that they now shun. Low fertility and growing employment opportunities in the tertiary industries have drawn well-educated women to managerial and professional occupations. With little support from society in caring for children and the elderly, and with untouched traditional gender roles in their households, working women have faced a severe conflict between their careers and reproductive responsibilities.

A solution, in the short-run at least, to the shortage of labour experienced by industries and households in the core (Singapore, Malaysia, Hong Kong SAR, Taiwan Province of China, the Republic of Korea and Japan) was provided by the importation of large numbers of construction, manufacturing and domestic workers from neighbours on the periphery (the Philippines, Indonesia, Viet Nam, Pakistan, Bangladesh among others).[7] The governments of E/SE Asian labour-importing countries have adopted immigration policies that vary considerably

4 Salaff 1981; Kung 1983; Heyzer 1986; Ong 1987; Wolf 1992; Brinton 1993; Roberts 1994; Kim 1997; Gallin 1990; Mills 1999; Chow 2002a; Chu 2002.

5 International out-migration from Asia began during the mid-nineteenth century when the British encouraged Indians, Chinese, Japanese, Javanese and Pacific Islanders to move among Southeast Asian countries – Singapore, Malaysia and Burma (now Myanmar) – and Australia. From the 1850s to the mid-1920s, Chinese, Japanese, Koreans and Filipinos migrated to North America – Hawaii, the mainland United States and Canada. From the late 1800s to the 1930s, Chinese and Japanese also migrated to South America – Brazil, Peru and Bolivia.

6 The 1991 Gulf War also redirected flows from the Middle East to Asia.

7 As will be discussed in the section on "Domestic workers", the countries within E/SE Asia differ in their governmental solutions to the dilemma posed to working women by their employment and homemaking roles.

depending on their history, demography and politics (see the section below on "Migration policy and migrants' rights"). For the governments of the Philippines, Indonesia, Thailand and many others, rising demands for contract labour in the Middle East and later in E/SE Asia provided a timely and indispensable solution to their sluggish economies and low foreign-exchange reserves. Employment abroad had the effect of defusing social unrest that otherwise might well have deepened in response to high unemployment rates. As early as 1974, the Philippine government recognized the importance of labour migration to the state's economy, and established the Philippine Overseas Employment Administration to promote its nationals' contract labour emigration (Lindio-McGovern 2003). The governments of Sri Lanka and Indonesia followed suit (Pudjiastuti 2003; Saroor 2003).

In recent decades, E/SE Asia has witnessed an increasing incidence of trafficking in women, "mail-order brides" and growing sex tourism.[8] In their debates, researchers have established a link between migration and sex tourism as a gendered phenomenon. Throughout the post-Second World War era, the presence of American military bases and frequent eruption of regional wars in E/SE Asia gave rise to a prosperous sex industry (Enloe 1989). With the advent of the age of global tourism since the 1970s, the sex industry has expanded rapidly as an integral part of the tourist industry. Under heavy pressures to repay their foreign debts, the governments of Thailand, the Philippines and Indonesia have promoted tourism as a national policy (Pasuk et al.1998; Bell 1988). Consequently, with abundant labour supplied by local and migrant women, sex tourism boomed in these countries' metropolises and resorts, drawing large numbers of male tourists from Japan, Australia, Europe and North America.[9] When this became subject to widespread public criticism and transnational feminist campaigning, sex tourism decreased in volume but clandestine global trafficking surged. Throughout the region, extensive networks of traffickers and smugglers transport women (and children) from Thailand and the Philippines to Japan and the Republic of Korea, and from Burma, Laos and Cambodia to Thailand and Malaysia.[10]

II.B.

gendered migration, empowerment and activism

Increasingly feminized and gendered migration in Asia has given rise to an intensification of gender discrimination that amounts to a new kind of inequality and injustice. This exacerbates traditional gender discrimination based on social class, region, nationality and ethnicity. The highly segmented labour market at the destination channels women into occupations in which they are subject not only to physical and psychological abuse but also to labour exploitation and even human rights violations (Shah and Menon 1997; Hugo 2000). The transfer of foreign women from the periphery to work in reproductive sectors as housekeepers and nannies in the core frees middle-class women there from their household tasks, enabling them to enter the skilled labour force. The presence of sex workers from the poorer countries enables men in the wealthier countries to exploit them for sexual pleasure. In source countries, female migration causes a long-term separation between women and their

8 Barry 1995; Enloe 1989; Hall 1992; Matsui 1999; Truong 1996; Constable 2003; Maher 2003.

9 Enloe 1989; Bulbeck 1998; Matsui 1999.

10 Singhanetra-Renard 1996; Matsui 1999; Asia Watch 1993; Seol 2004. For a detailed discussion of the differences and a critical approach to the trafficking discourse, see Piper (2005).

families, often resulting in stress and emotional drain for all members. This can lead to disruptions in conjugal and generational relations, and maladjustment among children deprived of parental attention.[11]

In each case, an intersection of gender, class and nationality (ethnicity) contributes to the perpetuation of male power and patriarchal control of women, and allows the traditional sexual division of labour to remain unchallenged (Mills 2003). In this process of reproducing inequality and injustice, gender as a concept and practice is renegotiated, reorganized and reconstructed to maintain female subordination. This raises a theoretical and empirical question as to how and to what extent public policy and grassroots action can address the main causes of the "processes of engendering, degendering, and regendering" (Chow and Lyter 2002:43) that evolve in everyday practices and institutional arrangements. As discussed above, feminized and gendered migration in E/SE Asia has deep roots in the region's rapid economic transformation from the mid-1950s to the present. During this period, large numbers of young female workers were subjected to labour exploitation based on unequal gender ideologies and hierarchies. However, under the tight control of development-oriented states and their industrial allies that have suppressed organized labour activities, workers have found it extremely difficult to challenge exploitative management. Consequently, silenced young women have used a variety of forms of resistance – described as "weapons of the weak" (Scott 1986) or "cultural struggles" (Ong 1991, 1996) – against managements in their daily factory labour (Mills 2003).

In contrast to these negative and divisive consequences, existing research reports that migration can also produce positive and empowering experiences for women. This is because it can be both a cause and a consequence of their empowerment. According to Hugo (2000:299), empowerment is more likely to occur when the migration draws women from rural to urban areas, separates them from their family groups, engages them in employment outside the home in formal sector occupations, and takes place within a legal framework for an extended period. Migration can thus facilitate changes in women's identity, values and actions if it improves their access to resources and power from which they have been systematically excluded in their native countries. Contrary to stereotypic views of migrant women as dependants of male migrants, in E/SE Asia they are overwhelmingly autonomous and independent workers on contract who seek earning opportunities abroad to augment family incomes and save money for their own futures (Chow 2002a). For these women, empowerment is therefore a process in which they, as a group, consolidate their resources in order to challenge the existing power structure that prevents them from attaining their migration goals.

In contexts of recent dramatic political changes toward democratization in Asia, the empowerment of migrant women can also be viewed as a political process.[12] With the advent of more open societies, the region has witnessed increasing civic activities that have significantly energized grassroots forces (Callahan 1998), and women are active and powerful players in this movement. In turn, the public engagement of Asian women has renewed academic interest in their roles as committed and effective activists in the region's ongoing political and social transformation. Recent analyses have focused on women's agencies and activism, paying attention to their multiple identities and the strategies they deploy to improve their own and their families' standard of living (Yeoh

11 Female migration has prompted a "care chain" in the periphery region as departing women hire domestics to take care of their households while they work abroad (Parreñas 2001; Ehrenreich and Hochschild 2002). This occurs in a sending country where the economy is stagnant and class divisions are steep. This is because in countries such as the Philippines, wage differences are large enough for a migrant woman working in a First World country to hire a maid at a low cost in the home country to take care of her household and children while she is away.

12 Following the "People Power" revolution in the Philippines (1986), more open political systems were established in the Republic of Korea (1987), Taiwan Province of China (1987), Nepal (1990), Thailand (1992) and Indonesia (1997).

et al. 2002:2). Here, women are viewed as constructive, though as yet unrecognized players with agency who are capable of achieving autonomy and equality by securing access to valued resources, participating in decision-making, and challenging the power structures in the region's changing political landscape.

In summary, the above discussion provides theoretical backgrounds for empirical research into migration and how it is associated with women's empowerment in E/SE Asia. Until recently, scholars have been inclined to regard Asian migrant women as passive victims of patriarchy and global capitalism. The latest research from both source and destination countries suggests, on the contrary, that far more fluid and dynamic processes are emerging among migrant women as they develop greater individual autonomy, engage in everyday resistance, and take collective actions (Yeoh et al. 2002; *Asian and Pacific Migration Journal* 2003). Although the activities of these women remain largely isolated and fragmentary – and therefore ineffective in achieving significant progress in their rights – the momentum for collective actions through local and global networks is gradually but steadily growing. Analysis of the intensification of gendered inequality as a result of migration thus requires a paradigm shift in theory, research, policy and action.

One way to address such a qualitative shift is to link macro global and institutional changes to micro local and individual changes by analysing gendered migration as experienced by migrant women in their everyday practices, local networking and transnational activism (Parreñas 2001). Gender is a process as well as a structure that both constrains and liberates women in private and public arenas. Accordingly, global migration is a process with contradictory effects that can be both detrimental and beneficial to women. On the one hand, it increases the vulnerability women suffer because of their sex and gender. On the other hand, it transforms women into active agents by generating individual and collective agency geared to the improvement of their families' chances of economic survival and their achievement of personal empowerment (Chow 2002a:21; Sassen 2003). The goals of civil activism can therefore vary, depending on the cultural and political context within which they have to be achieved. The analysis of such complex processes requires a gendered lens and empirical analyses that are sensitive to women's contradictory experiences, identity changes and collective actions (Mills 2003).

III.

statistics of feminized migration: 1970s to early twenty-first century

Since the 1970s, international migration has clearly become a global phenomenon, although there is still a lack of reliable information about it in many countries and areas of the world, including Asia (United Nations 2003:1). Until the 1980s, migration and settlement had been widespread and informal, occurring primarily in areas where people could cross borders on foot or by boat to settle among others of similar language and culture. It was only in the 1980s, after rapid industrialization required large, inexpensive, flexible labour forces, that migration emerged as a policy concern of many Asian labour-host economies, and governments began to legislate, formalize policies and collect statistics about migration. Moreover, the presence of large numbers of irregular migrants throughout Asia has made it difficult to estimate accurately the volume, direction and characteristics of migrants and migration. Sex as a sociodemographic category comprises a crucial element for understanding the nature, process and consequence of international migration, yet it is frequently ignored in sources of migration data (United Nations 2003).

III.A.

outflow of women from asia

Using the most reliable statistics available, table 1 shows outflows of female migrant workers, mostly live-in domestics, from the four major labour-exporting countries in Asia from 1979 to 1996: Sri Lanka, Indonesia, the Philippines and Thailand (United Nations 2003:44–47). These data suggest that feminization of migration began as early as the late 1970s and early 1980s, when 12,000 to 30,000 women migrants (about 50 percent of the total annual flow of both sexes) per year went from Sri Lanka as domestic workers, mostly to the Middle East. Feminization of migration has accelerated worldwide since the 1980s as more women have joined the global labour force. By the mid-1990s, 86,000 Indonesian women and 42,000 Thai women had left their countries, accounting for 66 percent and just under 20 percent, respectively, of each country's total outflow. In 1994, 154,000 Filipino women, 59 percent of the Philippines' total migrants, left their country. In 1995, 126,000 Sri Lankan women, 73 percent of Sri Lanka's total migrants, did so.

These Asian women were employed not only in the Middle East and E/SE Asia, but also in Europe, North America and Oceania. In 2001, for example, 650,000 Sri Lankan women, 70 percent of the country's overseas population, worked as domestics in eight Middle Eastern, five Asian and three European countries (Saroor 2003:209–210). By the early years of the twenty-first century, the Philippines – the world's second largest labour-exporting country after Mexico – had sent approximately five to seven million workers, the majority of them women, to more than 160 countries (Lindio-McGovern 2003:514).

TABLE 1
NUMBER OF UNSKILLED FEMALE MIGRANT WORKERS BY SENDING COUNTRY AND PROPORTION OF FEMALES IN TOTAL OUTFLOWS, 1979–1996*

	Sri Lanka		Indonesia		Philippines		Thailand	
	Total number	*percentage of females*	*Total number*	*percentage of females*	*Total number*	*percentage of females*	*Total number*	*percentage of females*
1979	12,251	47.3	–**	–	–	–	–	–
1980	14,529	50.8	–	–	3,862	18.0	–	–
1981	30,135	52.5	–	–	–	–	–	–
1982	5,400	24.0	–	–	–	–	–	–
1983	7,819	43.2	12,018	48.4	–	–	–	–
1984	5,762	36.7	20,425	48.0	–	–	–	–
1985	11,792	95.1	39,960	49.4	–	–	–	–
1986	5,150	31.4	39,078	47.7	–	–	7,194	6.4
1987	5,474	34.0	44,291	49.0	180,441	47.2	9,752	9.2
1988	10,119	54.9	49,586	48.6	–	–	15,062	12.7
1989	16,044	58.4	–	–	–	–	–	–
1990	27,248	63.9	–	–	–	–	–	–
1991	43,612	67.0	–	–	–	–	–	–
1992	29,159	65.3	–	–	–	–	–	–
1993	31,600	64.8	85,696	66.0	138,242*	54.0	41,830	19.4
1994	43,796	72.8	–	–	153,504*	59.2	–	–
1995	125,988	73.3	–	–	124,822*	58.3	31,586	15.6
1996	119,456	73.5	–	–	111,487*	54.2	28,642	13.3

Source: United Nations Economic and Social Affairs 2003:45–46.

* Numbers of newly hired only. ** Numbers of migrants by sex are frequently unavailable.

III.B.

stock of migrant women in e/se asia

Turning to the stock of female migrants in Asia's major labour-importing countries, table 2 lists by country the number of migrant women in various occupations, and the proportion they make up of the total migrant population.[13] Table 2 indicates that by 2002 there were at least 1.4 million foreign women working in the seven major labour-importing economies of the region (Singapore, Malaysia, Thailand, Hong Kong SAR, Taiwan Province of China, the Republic of Korea and Japan). In 2002, Singapore hosted the two largest categories of unskilled migrant contract workers: some 180,000 male construction workers and approximately 140,000 female domestic workers (Huang and Yeoh 2003:82), mostly from the Philippines, Indonesia and Sri Lanka. The women were registered as domestic workers, accounting for 44 percent of the country's "pool of low cost, compliant [foreign] labour" (Perry et al. 1997:136, cited by Huang and Yeoh 2003:82).

In 2001, Malaysia employed 162,000 women from Indonesia and the Philippines as domestic workers, comprising 21 percent of the documented migrant workforce (Chin 2003). Most of the unauthorized workers in Malaysia come from neighbouring Indonesia, the Philippines and Thailand. Their easy access makes it difficult to estimate

TABLE 2
OCCUPATION, IMMIGRATION STATUS, COUNTRY OF ORIGIN, AND NUMBER OF UNSKILLED FEMALE MIGRANT WORKERS BY RECEIVING COUNTRY/ECONOMY AND PERCENTAGE OF TOTAL NUMBER IN THE EARLY 2000s

Receiving country/economy	Major occupation	Immigration status	Country of origin	Number of women	Women as percentage of total migrant workers
Singapore	Domestic worker	Contract worker	Philippines, Indonesia, Sri Lanka	140,000	43.8
Malaysia	Domestic worker	Contract worker	Indonesia, Philippines, Thailand	162,000	20.5
	Unknown	Unauthorized migrant		–	–
Thailand	Domestic worker	Registered migrant	Myanmar, Laos, Cambodia	244,000	43.0
	Unknown	Unauthorized migrant		–	–
Hong Kong SAR	Domestic worker	Contract worker	Philippines, Indonesia, Thailand, Sri Lanka, Nepal, India	184,000	95.0
Taiwan Province of China	Domestic worker and care giver	Contract worker	Indonesia, Philippines, Viet Nam, Thailand	170,000	56.0
Republic of Korea	Factory worker	Industrial trainee,	China, Philippines, Mongolia,	35,000	35.1
		Unauthorized migrant	Viet Nam, Thailand, Indonesia		–
	Service worker	Unauthorized migrant	China	43,000	–
	Entertainer	Entertainer	Philippines, Russia, Uzbekistan, Kazakhstan	5,000	–
	Unknown	Unauthorized migrant	Philippines, Thailand, Mongolia	19,000	–
	Immigrant wife	Spouse of citizen	China, Philippines, Thailand, Viet Nam	57,000*	–
Japan	Factory worker	Long-term Resident	Brazil, Peru	120,000	45.1
	Entertainer	Entertainer	Philippines, Russia, Republic of Korea	40,000	84.1
	Unknown	Unauthorized migrant	Republic of Korea, Philippines, Thailand, China	106,000	47.3
	Immigrant wife	Spouse of citizen	China, Philippines, Republic of Korea, Thailand	89,000**	–
Total				**1,414,000**	

Source: Huang and Yeoh (2003); Chin (2003); Tantiwiramanond (2002); Hong Kong Census and Statistics Department (2002); Lan (2003a); Lee (2003) and Yamanaka (2003a).

* Total for 2000 and 2001

**Total for 1989 to 1999

the number of migrants accurately (Battistella and Asis 2003:5–6). Thailand receives large numbers of migrant workers from neighbouring Myanmar, Laos and Cambodia, most of whom are unauthorized. The Thai government reports that 568,000 irregular migrants registered themselves to obtain work permits between 1996 and 2001. Of these "registered irregular migrants", 244,000 (43 percent) were female (Tantiwiramanond 2002:29; also see Battistella and Asis 2003:5–6).[14]

13 Information in table 2 was provided by participants in the conference on "Gender, Migration and Governance in Asia", held on 5–6 December 2002 at the Australian National University, Canberra. For a summary of the conference, see Yamanaka and Piper (2003). For original sources of information, see Huang and Yeoh (2003); Chin (2003); Tantiwiramanond (2002); Hong Kong Census and Statistics Department (2002); Lan (2003a); Lee (2003); and Yamanaka (2003c).

14 According to Khruemanee (2002:1), in 2001 the Thai government for the first time allowed irregular migrant domestic workers to register for work permits. Thailand is also host to a considerable number of migrant workers who have not registered. In 1997, the Asian Research Centre for Migration of Chulalongkong University estimated that only 45 percent of the migrant population was registered (Khruemanee 2002:2).

In 2001, Hong Kong SAR hosted more than 184,000 domestic workers. They accounted for the overwhelming majority (95 percent) of the unskilled migrant labour force (Hong Kong Census and Statistics Department 2002:111). Around 70 percent were from the Philippines, followed by those from Indonesia, Thailand and other countries (see also Ogaya 2003:11). In Taiwan Province of China by the end of 2002, the number of registered migrant workers exceeded 305,000, of whom over 170,000 (56 percent) were females employed for domestic work (Lan 2003a). Most of these women were from Indonesia, the Philippines, Viet Nam and Thailand. Throughout the 1990s, the Republic of Korea witnessed a rapid growth of its migrant worker population, of whom women numbered 110,000 (35 percent) by 2000 (Lee 2003). These women, most of whom were unauthorized, came from a range of countries that included China, the Philippines, Mongolia, Viet Nam, Thailand, Indonesia, the Russian Federation, Uzbekistan and Kazakhstan. They were employed as assembly line operators, entertainers and other service workers. Recently, an increasing number of women from China, the Philippines and other Asian countries have been admitted as migrant wives of Korean men: 24,000 in 2001 and 32,900 in 2002 (Lee 2003:142).

In Japan in 2001, 132,000 (84 percent) of the 157,000 Filipino migrants were women, most of whom worked as entertainers, had overstayed their short-term visas or married local citizens (Japanese Ministry of Justice 2003). According to immigration records, a total of 89,000 women from China, the Philippines, the Republic of Korea and other Asian countries became resident in the country as wives of Japanese men between 1989 and 1999 (Sadamatsu 2002:44). By 2000, there were more than 250,000 Japanese-Brazilians in Japan, of whom 120,000 (45 percent) were females, who in most cases were working in factories (Yamanaka 2003b, c). There were also an estimated 224,000 undocumented workers from several countries, of whom 106,000 (47 percent) were women. Many of these undocumented women were assumed to be employed as entertainers, other service workers and factory labourers (Japanese Ministry of Justice 2003).

In sum, taking account of the large but unknown numbers of unauthorized female migrant workers, especially in Malaysia and Thailand, the total number of migrant women working in E/SE Asia may have reached two million by the early years of this century (Yamanaka and Piper 2003:6). In addition, there were large numbers of women from Sri Lanka, the Philippines and Indonesia working in the Middle East. Clearly, the feminization of migratory flows in and from Asia has progressed rapidly since the mid-1990s when Lim and Oishi (1996) estimated a total of approximately 1.5 million Asian women working abroad. According to Battistella (2002:406), by 2000 the stock of authorized migrants in the seven major labour-importing regions in E/SE Asia was approximately 3.7 million, while unauthorized migrants in the same regions were estimated at 2.4 million. These statistics suggest that an estimated two million women account for an unprecedented one-third of the 6.1 million migrant workers in the region.

III.C.

changes in gendered migration

These statistics and recent studies have identified at least three important changes in women's migration that are directly relevant to this discussion: (1) increased national and ethnic diversity; (2) prolonged duration of employment and residence; and (3) growing non-governmental activities aimed at the protection of migrant women's rights.

The first and most evident of these changes is the increasing diversity of nationalities of migrant women. As demands for migrant women's labour increased in the region, opportunities opened up for women from economies that had not previously been sources of migrant labour. These new faces included: Vietnamese and Thais in Taiwan Province of China; Cambodians in Malaysia; and Mongolians, Russians, Uzbekistanis and Kazakhstanis in the Republic of Korea. The seeking of new sources of migrant labour is related not only to demand in terms of numbers, but also to demand for a different kind of worker: the less expensive, more docile and/or less "rights" conscious. Successful campaigns for mechanisms to protect workers, and enforcement of such mechanisms (see the section below on "Struggles and Strategies"), have brought about unintended consequences in the nationality composition of the immigrant workforces in some countries. A good example is that of Filipino domestics in Hong Kong SAR, who have been partially replaced by less organized – and thus less vocal and assertive – nationality groups such as Indonesians and Sri Lankans (Ogaya 2003). Similarly, the proportion of Filipino women in Taiwan Province of China's foreign domestic worker population plummeted from 83 percent in 1998 to 18 percent in 2002 as they were replaced by less expensive Indonesians and Vietnamese (Lan 2003a). These changes in the proportions of women's nationalities among migrants suggest their vulnerability to unpredictable changes in labour market forces and governmental policy. As a result, a new stratification is emerging whereby migrant women are ranked in the scale of demand and wages according to their nationality, ethnicity, class and political resources.

Second, changes are apparent in the increased duration of employment and residence among migrant women in receiving regions. For example, since 2002 Taiwan Province of China has allowed migrant workers "with good records" to re-enter the country to work for up to six years (Lan 2003a:105). In Hong Kong SAR, the number of Filipinas staying between five years and 15 years is increasing as more of them choose to remain there to work rather than return to the Philippines (Sim and Wee 2005). There has also been a considerable rise in the number and diversity of types of migrant women whose legal visa status grants them the right to reside and work indefinitely in the country to which they have migrated. This is evident in the rising numbers of women who arrive as brides of citizens in regions such as Japan (Nakamatsu 2003), the Republic of Korea (Lee 2003) and Taiwan Province of China (Tsay 2005). In these societies, a shortage of local women willing to marry men deemed to be undesirable, and a trend among younger generations to delay marriage until later in life than was previously the norm, have spawned commercial and community services to promote international marriage (Piper and Roces 2003; Wang and Chang 2002).[15] In addition, there has also been a sharp increase in the number of foreign women whose migration has resulted in long-term residence through marriage with citizens, or birth of children as a result of their relationships with citizens (see the section below on "Immigrant wives").

15 For example, in 1996, the average age at marriage among Japanese women was 27.5 years (29.9 for men) (Asahi Shimbun 2000:62). In contemporary Japan (and in the Republic of Korea and Taiwan Province of China), young women shun marriage with farmers who co-reside with their parents in remote agricultural communities, and urban men of lower socioeconomic status or with other undesirable characteristics (Nakamatsu 2003).

Moreover, in Japan and the Republic of Korea, policy makers have recognized the ancestral ties of former nationals who have emigrated overseas, and their descendants, as a basis for legitimizing their legal entry and possible long-term or even permanent stay (see the section below on "Japanese-Brazilians and Korean-Chinese"). By the end of the 1990s, Japan had witnessed a rapid increase in the number of Japanese-Brazilians and their dependants. This was a result of the governmental policy that granted them long-term, renewable visas on the basis of their ancestral "blood ties" or marital links with Japanese (Yamanaka 2003c). In the Republic of Korea, an influx of Korean-Chinese migrants since the late 1980s demonstrates their strong desire to reside, work and re-settle in their now affluent "motherland" (Lee 2003; Seol and Skrentny 2004).[16] These examples point clearly to the fact that, despite official policies and rhetoric limiting migrant labour to short-term employment, migrants – especially women – tend to find ways to remain in the country longer than either they or the government expected. This phenomenon is particularly conspicuous in the two East Asian countries with relatively homogeneous populations, Japan and the Republic of Korea (Lie 2001). All of the above has implications for the reunification of migrants' families, and for their acquisition of permanent residence and citizenship, all of which are at this stage virtually impossible.

The third important change in women's migration to be considered here is the growth in non-governmental activities aimed at protection of migrant women's rights. As a result of the changes described above, many pro-migrant civil groups have expanded the scale and scope of their activities, as well as their expertise and strategies, in response to the newly developing situations of female migrants (Sim 2002). Migrants themselves have frequently organized support structures, including informal networks and associations based on shared ethnicity, nationality, language and religion. Increasingly, studies report examples of such support activities among citizens, migrants and coalitions of the two groups.[17] In the absence of governmental protection for migrants, cross-border migration in Asia has triggered vigorous and volatile civil actions by non-governmental organizations (NGOs) and community-based organizations (CBOs) in both sending and receiving countries. Analysis of the existing examples suggests that non-governmental actors' responses vary, depending upon political and social factors. These include the type of immigration policy that the host country adopts, the degree of political freedom that exists in that society, the visa categories available to migrants and the types of occupations in which they are engaged, as well as the ideological approaches that NGOs take and the resources that are available to them.

16 Unlike Japanese-Brazilians, whose entry, residence and employment in Japan are legal, those of Korean-Chinese descent in the Republic of Korea were defined as illegal under that country's immigration law until this was altered in 2004 (see the section below on "Japanese-Brazilians and Korean-Chinese").

17 See for example Law 2002; Roberts 2000; Piper 2003; Yamanaka 2003c.

IV.

migration policy and migrants' rights

IV.A.

migration and nation building

Comparing the immigration experiences of Asia and Europe, Battistella (2000:411) concludes that the European immigration system has been less resistant to settlement of migrants than the Asian one. In March 1995, the Schengen Agreement guaranteed freedom of mobility for citizens of seven European Union (EU) member states (Cornelius et al. 1994). Even before then, in many European countries, citizenship was no longer a factor in determining the eligibility of long-term residents for most public services, economic activities or political participation at local levels. Instead, on the basis of the individual rights of persons, the rights of immigrants have been increasingly determined by residence (Soysal 1994). The formation of "fortress Europe", however, has created a barrier for residents of non-EU countries – guest workers and their descendants, refugees, political asylum seekers and unauthorized residents – denying them freedom of mobility, long-term settlement or access to public services across national boundaries (Cesarani and Fulbrook 1996; Piper 1997).[18]

Outside of Europe and a few other western countries, the concept of universal "personhood" (Soysal 1994) of migrant workers has attracted little attention from labour-receiving governments (Castles and Davidson 2000). In Asia, Africa and Latin America, many governments are still engaged in post-colonial nation-state building, and tend to construct and maintain sharp boundaries between citizens and non-citizens (Soysal 1994:156). In E/SE Asia, colonialism, civil war, poverty and inequality have long delayed democracy and economic development. Consequently, leaders of many countries direct much of their efforts to cementing the foundation of "one nation, one territory, and one people" (Maindment et al. 1998). After independence in Malaysia and Indonesia, for example, one of the problems that impeded governmental efforts toward nation building was that international migration had historically resulted in volatile ethno-religious conflicts that even today sharply divide their populations. The multi-ethnic composition of these countries requires national leaders to maintain a fragile balance among many ethnic groups.

As a result, E/SE Asian governments tend to regard migration as a "mass invasion", treating it as a highly sensitive issue that mandates curtailment of migrants' rights and strict control over national borders. In an effort to assist rapid industrialization, many governments also ban labour unions and strikes by workers. Some governments, such as Singapore and Malaysia, emphasize collective "Asian values", while rejecting human rights as individualistic "Western ideas" that promote self-interest at the expense of the collectivity (Bauer and Bell 1999). In Asia, unlike in Europe and elsewhere, there is no regional body that sets universal human rights standards and supervises and monitors international instruments.[19]

18 Kofman (2004) discusses obstacles and conditions imposed on residents from Third World countries who wish to establish permanent settlement and acquire European citizenship.

19 There are, however, national human rights bodies in various countries in the region that have formed a regional umbrella organization called the Asia Pacific Forum of National Human Rights Institutions. For more information, see http://www.asiapacificforum.net/about, accessed on 28 September 2005.

IV.B.

migration policy and migrants' rights

Since the mid-1970s, the number of Asian governments adopting measures to control migratory flows has gradually increased (United Nations 2001). Current policies at the receiving end of migration typically categorize migrant workers into three broad groups: (1) registered professionals or highly skilled workers; (2) unskilled workers who are on contract, and are therefore authorized; and (3) unskilled workers who have neither contract nor entry permission, and are therefore unauthorized. In forming policies on unskilled migration, governments are especially determined to control their foreign labour forces, while at the same time providing local employers with a pool of flexible labour to help them cope with market fluctuations. Although the migration policies of Asian labour-importing countries differ from one another, they can be broadly characterized according to their goals as: (1) those that aim to limit the number of migrants; (2) those that aim to limit the duration of migrants' residence and employment; and (3) those that aim to prevent migrants' integration into the local society.

International migration in Asia contrasts with that of Europe and such traditional countries of immigration as the United States, Canada and Australia in that in most cases, Asian countries officially prevent unskilled migrants from settling and reuniting with their families in the host country.[20] Consequently, acquisition of permanent residence status, let alone citizenship, is out of reach for most migrants to Asian countries. Legal migration is limited to workers who have individually arranged their employment contracts in advance while still in their country of origin. This requirement necessitates the assistance of designated public or private recruitment agencies, a practice that exposes the migrants to rampant illegal human and financial exploitation. It also causes high levels of collusion among members of business and government circles (Piper and Iredale 2004). Comparisons of immigration policies and their implementation among Asian host countries reveal that, despite many similarities, aims and policies for dealing with unskilled foreign workers have varied widely. This is because the policy decisions of each government reflect the country's historical experiences, political ideologies, economic development and population composition (ASEAN *Economic Bulletin* 1995). Broadly speaking, there have been two types of migration policy in E/SE Asia.

The first is found in Singapore, Malaysia, Taiwan Province of China and Hong Kong SAR, where migrants enter to work under contract at well-defined jobs for a specified number of years.[21] This may be called a "front door" policy (Yamanaka 1999). Under such a policy, governmental regulations designed to manage immigration flows require employers to pay a levy upon hiring each employee and post a security bond to ensure that the worker leaves upon completion of the contract. Governments also determine quotas for numbers of workers per industry and for each country of origin (Wong 1997). Moreover, they adopt strict exclusionary policies, by which unskilled migrants are prohibited not only from obtaining social welfare services or establishing permanent residence, but also from integrating with the local population through marriage (Wong 1997). When these policies and rules are violated, not only are workers subject to criminal penalty but, at least in theory, employers and recruiters are subject to penalty as well. However, the rigidity of rules for immigration and employment has the effect of increasing irregular immigration and residence, because both migrants and employers try to avoid the bureaucratic quagmires and legal regulations entailed in hiring legal immigrants. As will be discussed in detail below, contract work is heavily gender segregated and has strong negative implications for migrant women's welfare, rights, working conditions and relations with family members left behind in their home countries.

20 However, according to Parreñas (comments to Keiko Yamanaka, 2 March 2004), many European countries also prohibit migrant domestic workers from reuniting with their families at their destinations.

21 Thailand has not yet fully developed its migration policies and is therefore excluded from this analysis.

The second type of immigration policy has been operative in Japan and the Republic of Korea since the 1990s. In contrast to the "front door" economies, these two do not admit unskilled migrants to work on contract, but encourage skilled foreigners to work in selected occupations. However, despite the rhetoric and official policy of banning unskilled foreigners, both countries have been home for many years to 200,000 to 300,000 undocumented, unskilled migrants (Tsuda and Cornelius 2004; Seol and Skrentny 2004). Through multiple "back" or "side" doors available to entrants, migrants arrive legally as residents, students, industrial trainees, entertainers, tourists, business travellers and the like. Many of them remain to work illegally after their visas expire.[22] Unknown numbers of workers also arrive illegally, smuggled by boat or other means. In Japan and the Republic of Korea, immigration policies regulate only the entry and exit of foreigners, and there are few legal provisions on the rights of legal migrant residents and workers. As a result, many foreign workers are ineligible for public services that are taken for granted by citizens. While national laws on labour standards, health insurance and social security do not necessarily exclude non-citizens from receiving the services for which these laws provide, in practice most such benefits are unavailable to migrant residents. Consequently, migrant workers frequently suffer unpaid wages, labour-related injuries, and harassment and violence from their employers.[23]

22 Japan and the Republic of Korea attract thousands of workers from other Asian countries each year. For example, in 2002 distant Nepal sent 2,700 of its nationals to the Republic of Korea as industrial trainees (Lee 2003:132). Between 1986 and 2000, some 3,900 Nepalis, perhaps 20 percent of them women, entered Japan and overstayed their tourist and other short-term visas to work in vehicle-parts factories, construction sites and restaurants (Yamanaka 2000).

23 Small-scale employers, lacking capital and credit, frequently postpone paying salaries for months, ignore safety codes, and sometimes go out of business without paying their employees.

IV.C.

six major categories of migrant women workers

The two types of migration policy described above have resulted in six major categories of migrant women workers in E/SE Asia, distinguished by the distinct types of labour and the characteristics of the women involved. The first five of the six collectively comprise the unskilled majority: (1) domestic workers; (2) entertainers; (3) unauthorized workers; (4) immigrant wives; (5) Japanese-Brazilians and Korean-Chinese. There are also small but increasing numbers of: (6) skilled migrant women in Asia's newly prospering global cities. Admission to E/SE Asian countries, as well as employment, residence and welfare there, differ for each of these six categories of migrant women, and differ in their impacts on their livelihood, socioeconomic status, social mobility and personal freedom at destination.

DOMESTIC WORKERS

In Asia and elsewhere, domestic work has been the major occupation for migrant women on contract. In Singapore, Malaysia, Hong Kong SAR and Taiwan Province of China, foreign domestic workers (hereafter FDWs) and caregivers are usually given two-year (often renewable) contracts that tie them to one specific employer. If problems arise, the women are not allowed to change employers, but have to return home and reapply from there. This means that they must either again pay recruitment fees or remain in the host country clandestinely as undocumented workers. Hong Kong SAR is an exception to this rule. There, FDWs are subject to a "grace period" of two weeks during which they have the opportunity to find a new employer before facing deportation.

Working and residing in private homes, live-in maids incur the risk of suffering violation of contract terms and abuse by employers and family members, with few avenues available for recourse.[24] Hiring legal migrant workers is expensive, because to stay within the law employers must pay not only their salaries but also costly taxes, security bonds and other fees required by law. Employers are therefore tempted to illegally undercut wages, to require longer working hours than agreed upon, and to demand that more tasks be performed than initially agreed. Moreover, governmental policies stipulate that employers are responsible for the personal activities of FDWs. This shapes the ways in which employers, especially female employers, monitor and control the daily behaviour and movements of their live-in employees.[25] If a migrant woman is unwilling to comply with her employer's demands, emotional, physical and even sexual assaults may be used to force her compliance (Constable 1997).

The rigid policies and enforcement mechanisms used in these countries have significant but often overlooked gender implications. In all Asian countries that receive FDWs, the domestic work of migrant women is viewed as an extension of unpaid "service" naturally assigned to women according to traditional gender roles. National

24 Cox 1997; Shah and Menon 1997; Yeoh et al. 1999; Huang and Yeoh 2003.

25 Constable 1997; Yeoh et al. 1999; Wong 1997; Lan 2003a.

employment acts or labour standard laws do not recognize their work as a legitimate form of labour, and thus effectively exclude domestic work from legal protection.[26] Moreover, the receiving state often regards migrant women's childbearing capability as a threat to ethnic purity and population control. FDWs are thus prevented from developing relationships with, or marrying, citizens or permanent residents of the host society. In an extreme form of control of female bodies, some states require migrant women to take periodic pregnancy tests and to leave the country immediately if they become pregnant (Wong 1997:161).[27]

Short-term contract work leads women to migrate and re-migrate repeatedly over a period of many years. In the absence of family reunification policies in Asia, migrant families often become transnationally "split households" (Glenn 1983), with either one parent working abroad or both working in different countries. This has often caused psychological problems among children left behind with relatives (Parreñas 2005). Their mothers, while working abroad, experience a phenomenon referred to as "transnational motherhood" (Hondagneu-Sotelo and Avila 1997; Hochschild 2002). The reversed gender roles, in which a wife becomes the family's breadwinner while her husband attends the children and household, have frequently resulted in marital conflict. Such role reversal has often challenged the masculinity of men, especially those who are permanently unemployed in a stagnant economy.[28]

ENTERTAINERS

As has been mentioned above, Japan and the Republic of Korea officially prohibit contract work by unskilled foreigners. In these countries, a legal avenue by which foreign women can enter and work, usually for up to six months, is by obtaining an "entertainer" or "artist" visa.[29] Although these women, mostly from the Philippines, enter Japan as "skilled workers", the majority work as hostesses and dancers in bars and cabarets where their employers are frequently associated with criminal gangs.[30] Upon expiry of their short-term visas, these entertainers must return home and, if they wish to return, reapply for the same visa one year later. As short-term migrant workers, they are ineligible for public services, including access to inexpensive health care and social

26 Chin 2003; Huang and Yeoh 2003; Lan 2003a. Using Singapore as an example, Huang and Yeoh (2003) discuss extensively how gender makes a difference in governmental policy and public attitudes towards migrant men and women. The majority of women labour as domestic workers in isolated private homes, as a result of which they are subject to labour contract violation and harassment by their employers. In contrast, men working in construction under the state's supervision are provided dormitories for their residence and leisure programmes for their off-day activities. The government is reported to be concerned about the "productivity" and "welfare" of male construction workers while neglecting the same concerns for FDWs.

27 Throughout Asia, despite governmental efforts to control migrant women's behaviours and bodies, there have been increasing incidents in which they have developed informal and sometimes formal domestic relationships with local men. In Hong Kong SAR, FDWs in such relationships can now remain in the territory (Senior officials of the Hong Kong government, comments to Nicola Piper, February 2003). In Singapore, a citizen and an FDW may go abroad to marry, after which the Singaporean husband returns and secures a spousal visa for his wife, whereupon she comes back and joins him. In Bintan Island of Indonesia near Singapore, small but increasing numbers of Indonesian wives/partners establish a home from which their Singaporean husbands/partners commute to work in Singapore (Johan Lindquist, comments to Nicola Piper, 23 February 2004). In Malaysia, where there has been a rising incidence of South Asian men becoming intimately involved with Malaysian women, the government has imposed a ban specifically on male Bangladeshi workers (Tenaganita, comments to Nicola Piper, 23 February 2004). These relationships are constructed as a "social problem" by the government (Dannecker 2003).

28 Gamburd 2001; Parreñas 2001; Mills 2003; Pe-Pua 2003.

29 In the Philippines, the government classifies women departing on the entertainer visa as professional "overseas performing artists".

30 A recent study by the International Organisation for Migration (2003:65) describes the classifications of entertainers as professional or skilled as an "anachronism".

welfare programmes. They are defined as performers rather than workers, and are therefore not covered by the protective provisions of labour standards law. Some of them, especially those who are trafficked or undocumented, are likely to be forced into prostitution in a form akin to sexual slavery.[31] They face the worst forms of human rights violations, and are at a high risk of contracting sexually transmitted diseases, including HIV/AIDS.

The absence of contract work in Japan and the Republic of Korea means that officially there are no foreign maids employed in these countries. The migration policies of the two countries, both of which import sexual workers (as "entertainers") but not domestic workers, raises a question about the effects of public policy on women's employment (Yamanaka 2003b; Lee 2004). In Singapore, Malaysia, Hong Kong SAR and Taiwan Province of China, working women have been able to resolve the conflict between paid work and unpaid household tasks by hiring live-in foreign maids. In sharp contrast, Japanese and Korean working women continue to bear the burden of the "second shift" of work at home following a day's work on their outside jobs (Hochschild and Machung 1997). This contrast merits a comparative study that focuses on changing national ideologies, gender roles, and governmental policies regarding immigration and the care of children and the elderly in the context of rapidly ageing populations.[32]

UNAUTHORIZED WORKERS

In Japan and the Republic of Korea, female (and male) migrants can enter the country with a variety of short-term visas (in addition to those for "entertainers") that allow them to stay for up to three months. After their arrival, a significant proportion of holders of these visas (issued for tourists, business travellers, trainees and students) overstay their visas to work. In Japan throughout the 1990s, the number of visa overstayers remained between 200,000 and 300,000, of whom more than 40 percent were females, many of them working in the sex industry (see table 2). Without permission to stay and work in the country, these women, some of whom have been trafficked, are not entitled to any protective measures. As a result, they often suffer significant abuse and exploitation, as discussed above.

In the Republic of Korea during the 1990s, the number of undocumented workers and visa overstayers, both men and women, increased rapidly, to the extent that 289,000 (86 percent) of 335,000 foreign workers were unauthorized in 2002 (see table 2). Women numbered 102,000, of whom 88 percent were unauthorized, mostly engaging in manufacturing and service occupations (Lee 2003:137). This is largely attributable to the company or industrial "trainee" system in which trainees receive visas for internships of up to three years.[33] In practice,

31 Piquero-Ballescas 1992; Truong 1996; IOM 1997; Caouette and Saito 1999; Seol 2004.

32 Such a comparative study would have to take into account differences in the history of nation-state building, colonial legacy, political ideology, economic development, demography, geography, religion and ethnic composition among many other contextual factors. Some of these were addressed by participants in the International Conference on Transnational Domestic Workers Workshop held in the National University of Singapore on 23–25 February 2004.

33 Japan began this practice in the late 1980s, basing it on an existing visa category for company trainees that was originally aimed at technology transfer but came to be tacitly misused to supply unskilled foreigners to the workforce, a practice that was officially endorsed in the 1990s (Oishi 1995). The Republic of Korea implemented a similar programme of industrial trainees in 1992. Most "trainees" come from China, Indonesia, the Philippines, Thailand and other Asian countries. Women account for about 10 percent of the trainee entrants in each country (JANNI 2001; Lee 2003).

they simply serve as a reservoir of inexpensive and flexible workers, earning far less than market wages and receiving little, if any, substantive training during their stay.[34] Because they are defined as "trainees" rather than workers, they are excluded from the protective provisions of labour standards law and frequently suffer harassment, abuse, violence, and delayed or unpaid wages. Consequently, many trainees "escape" from the company to which they are contracted, and through personal networks find illegal employment in other companies.

There are also large numbers of undocumented workers in Southeast Asia, especially in Malaysia and Thailand. Because of uneven economic development in neighbouring countries with a shared history, language and religion, borders have been porous among Malaysia, Indonesia and the Philippines, and among Thailand, Burma, Laos, Viet Nam and Cambodia. Although reliable information is unavailable, the total number of unauthorized workers in these areas is estimated at roughly 1.5–2 million (Battistella and Asis 2003:5). Recent studies of undocumented migration in Southeast Asia report significant numbers of migrant women from the Philippines, Indonesia, Burma and Laos working under strenuous conditions with little legal protection in a wide range of occupations, as domestics, vendors, plantation workers, factory workers, construction labourers and fish-farm hands, among other roles (see Battistella and Asis 2003). The border areas between Thailand, Burma and neighbouring countries host large numbers of women (often of ethnic minority origins) who engage in sexual labour often akin to slavery (see for example, Asia Watch and Women's Rights Project 1993; Bales 2002).

IMMIGRANT WIVES

Inconsistent implementation of the rigid immigration controls that East Asian countries have promulgated has made possible an influx of women from other countries. The unexpected result has been a rapid increase in formal and informal unions between these foreign women and local men, and in the families that have resulted.[35] A chronic shortage of brides in these countries has also prompted international matchmaking services to provide male citizens with opportunities to marry women from less developed countries, mostly from China, the Philippines, Thailand and Viet Nam (Wang and Chang 2002). The "global hypergamy phenomenon" has recently spawned research on the causal link between labour migration and international marriage (Association for Asian Studies 2001). In the context of rigid immigration and visa policies in Asia, marriage to a local citizen constitutes an important strategy for migrant women (and men) to achieve legal and economic security in the host country (Piper and Roces 2003).[36]

In the Republic of Korea until 1998, immigration and nationality laws treated the two genders unequally in their access to permanent residence and work permits. When a female citizen married a migrant man, she and her family lost out in this regard; when a male citizen married a foreign bride, he and his family benefited (Lee 2003). With the amendment of the Nationality Law in 1998 and establishment of the visa rules of 2002, this gender inequality has been removed.[37] In Japan, when an international marriage is registered, the foreign spouse is given

34 Kim 2003; Lee 2003; Seol and Han 2004.

35 Piper 1999; Lee 2003; Suzuki 2002, 2003.

36 International marriage between Japanese women and Asian immigrant men is also on the rise. In a recent study, Sakurai (2003) discusses the growing Muslim community in Japan, in which an increasing number of Japanese women participate as wives of migrant workers from Bangladesh, Pakistan and Iran. For studies of marriage between Japanese women and Muslim South Asian men, see Terada (2001), Takeshita (2001) and Fukuda (2004).

37 Hae-woo Yang, personal communication with Keiko Yamanaka, 26 June 2005.

a temporary spousal visa before a permanent visa is issued.[38] In the event of early divorce, foreign spouses are allowed to remain in the country only if the marriage has produced a child.[39] Lacking institutional support and with an unequal division of power, marriages between Japanese men and Asian women are reported to face serious problems. These include the wife's cultural maladjustment, the husband's physical and emotional abuse of the wife, in-laws' intervention in the couple's privacy, and children's identity crises (Sadamatsu 2002; compare Satake 2004).

JAPANESE-BRAZILIANS AND KOREAN-CHINESE

In 1990, in response to a growing demand for unskilled workers and to an increase in the number of unauthorized workers, Japan implemented a new immigration policy for second and third generations of foreign nationals of Japanese ancestry (*Nikkeijin*). They were offered long-term residence visas for a stay of up to three years, with unlimited access to the labour market. Pulled by an explosive demand for labour in Japan's manufacturing industries, and pushed by economic and political instability in Latin America, more than 200,000 *Nikkeijin* from Brazil (and others, though substantially fewer, from Peru) arrived in Japan within the next five years (Yamanaka 2003c). From the beginning of this migration boom, the Brazilian *Nikkeijin* population in Japan included a high proportion of women, reaching 45 percent in 2001. The proportion of children went up from 5 percent in 1990 to 15 percent in 2001 (Yamanaka 2003c). A majority of *Nikkeijin* women and men work as assembly-line operators in the automobile parts and electrical appliance industries. Their Japanese ancestry and legal status notwithstanding, without Japanese citizenship most Japanese-Brazilian workers neither receive the benefits of public services (including social welfare programmes, national healthcare insurance and old age pension plans), nor are they covered by regulations for the well-being of workers (Miyajima and Higuchi 1996).[40]

In the Republic of Korea, there is a similar category of migrants, Korean-Chinese, mostly from northeastern provinces of China, who are considered more welcome than other non-Korean Asians. Unlike Japanese-Brazilians in Japan, however, Korean-Chinese in the Republic of Korea were not granted visa privileges until these were awarded by the 2004 amendment to the 1998 Act of Immigration and Legal Status of Overseas Koreans (Lee 2003:135). Many Korean-Chinese women are unauthorized workers who are employed as domestics in private households because they share culture and language with their employers.

38 Nobue Suzuki, e-mail communication with Keiko Yamanaka, 4 March 2005.

39 Eunice Akemi Ishikawa, personal communication with Keiko Yamanaka, 7 June 2005.

40 By law Japanese-Brazilians are eligible for many public services (Atsushi Kondo, comments to Keiko Yamanaka, 18 March 2004). In practice, however, most of them are unable to use these services because of administrative, institutional and cultural barriers that exclude them. As the duration of stay is extended, many Japanese-Brazilian families face problems in educating children who are growing up in Japan (Yamanaka 2003c).

SKILLED WORKERS

Since global migration began to expand in the 1970s, many Asian women have migrated overseas as skilled workers.[41] Significant numbers of Filipino and Korean nurses have worked in the United States, Europe and the Middle East to alleviate severe labour shortages in those countries (Ong and Azores 1994).[42] With the rise of Asia's global capitalism since the 1980s, small but increasing numbers of Asian women with a broad range of immigration statuses (as spouses, students or long-term residents) and professional experience (in business, finance, education, health and the like), have migrated to Asia's major global cities (Hong Kong SAR, Kuala Lumpur, Shanghai, Singapore and Tokyo, to name a few). Examples include Singaporean women in China (Willis and Yeoh 2000), Japanese women in Hong Kong SAR (Sakai 2000, 2004) and Singapore (Thang et al. 2002), and many other nationalities in many locations (Yeoh and Khoo 1998; Lee and Piper 2003). Because this movement to skilled jobs in the cities is a relatively recent phenomenon and affects relatively few, it has yet to attract much scholarly attention. The inattention also, however, reflects the existing division of labour by gender that separates individuals' lives between the "public" and "private" spheres.[43] The former is overwhelmingly the social/economic territory of male dominance beyond the home, while the latter is the territory of female dominance in the home. These deeply entrenched arrangements render women, regardless of their skills and experience, vulnerable to the belief that they are inherently responsible for home-making roles throughout their lives, while discouraging them from employment in the public sphere.

Recent studies suggest that cross-border migration for skilled women is becoming more frequent and more diversified in the attendant patterns of these women's motivation and experience, legal status and entitlements, and the coping strategies with which they confront the barriers they face in foreign countries.[44] These studies commonly reveal that Asia's regional migration of skilled workers is highly gender-segregated, and is also characterized by institutional barriers based on nationality, ethnicity, language, religion and class. The literature indicates that despite governmental encouragement for skilled foreigners to relocate, immigration and labour policies are inextricably intertwined with traditional gender ideologies that view and treat most women as "dependents" of expatriate men who cross borders for career and business purposes. Such policies, in turn, significantly reduce women's chances of obtaining residence and working visas, and thus employment as professionals. As a result, they confront far greater obstacles than their male counterparts in pursuit of careers abroad. Men are able to seek promotion through foreign employment, while their skilled wives often experience unemployment or underemployment at their destinations. Eventually, they are likely to give up their career aspirations and concentrate on housekeeping, child rearing and community service (Yeoh and Khoo 1998).[45]

41 The Philippines began sending nurses to the United States as early as the 1960s. According to Espiritu (2003:145), between 1966 and 1985 nearly 25,000 Filipino nurses left for the United States, followed by another 10,000 between 1989 and 1991.

42 In the Philippines, a host of vocational institutions have been established to train nurses and other health-related workers (Ong and Azores 1994). Nursing is still an occupation dominated by women, but it has also attracted males as it enables them to migrate to the United States and elsewhere, where they can earn higher wages than are available in the Philippines. There have been "second-course" programmes in the Philippines in which skilled Filipino workers in other occupations are retrained to become nurses. Anecdotal evidence suggests that some Filipino male doctors have retrained as nurses on such programmes in order to be posted overseas when the demand and the wages are relatively high (Straits Times 2005).

43 See Caulfield (1981) for a brief and incisive discussion of the relationship between gender and mode of production. She defines the "public sphere" as the one of "production for exchange", which in capitalist societies and economies means the marketplace, as contrasted with the "private sphere", which is the one of "production for use" and, in such societies and economies, means the family and the household.

44 Yeoh and Khoo 1998; Raghuram 2000; Sakai 2000, 2004; Willis and Yeoh 2000; Thang, MacLachlan and Goda 2002; Lee and Piper 2003; Yeoh and Willis 2004; Ono and Piper 2004.

45 For unmarried women, especially Japanese ones, foreign employment may provide career opportunities unavailable in their home countries. They nonetheless confront obstacles to upward social mobility related to their gender, nationality, culture and location of recruitment (that is, whether they are employed locally or are sent abroad by their companies) (Sakai 2000, 2004).

V.

struggles and strategies for migrant women's rights

V.A.

civil society support and migrants' actions

The above discussion of six categories of migrant women suggests that there is a great need in E/SE Asia for special legal and civic attention to the promotion of their welfare and rights (Ball and Piper 2002). Despite such a need, Asian states continue to treat migration as a problem of law enforcement and crime. They regard unskilled migrants as a mere "commodity", or part of an "economic scheme", that provides a pool of temporary labour. Reflecting their lack of concern for migrants, government officials in host countries rarely speak out for the welfare and rights of migrant workers. Industrial trade (or company) unions view migrants as a threat to the job security, wage levels and working conditions of the local labour force and therefore exclude migrants from membership. The mass media disseminate misleading information and portrayals of foreigners (Chin 2003). As a result, the local population pays very little attention to the living and working conditions of migrants. Such a bleak political and social climate for migrant workers effectively precludes the use of public policies and institutions as channels for their social incorporation, which is the strategy commonly employed with reference to "guest workers" by the state in Europe.[46]

In Asia, by contrast, it is civil society – NGOs and CBOs – that has initiated the first steps toward migrant incorporation, precisely because the state and the public ignore migrants' welfare and rights. In the absence of protective measures for migrants, these grassroots groups have filled gaps left by governmental neglect in meeting the needs of migrants, especially of women, and channelled services and support to them (Bell and Piper 2005).[47] Most of these civil groups are, at least in their earlier stages, linked to national religious or charitable networks. Typically, they have provided crisis and relief (or "ambulance") services in response to increasing numbers of labour abuses and industrial injuries experienced by migrants (Piper 2004). These relief service providers, however, tend to avoid political confrontation with the state in their efforts to assist migrants. Catholic churches, for example, with their extensive networks worldwide, have provided spiritual and community support to migrants, especially from Catholic countries (Asis 2002). Yet, despite their potential political influence, many of these religious groups prefer support roles to those of political activism (Yeoh et al. 1999). In more recent developments, however, some of the service providers have evolved into politically active groups as they have accumulated experience. They have come to realize essential needs to address the root causes of problems inflicted upon migrants, including lack of humane policies and, on the part of the state, lack of the political will to implement them.

46 Migrants to Western European democracies are incorporated into various institutions and structures, welfare schemes, educational systems and trade unions. They share in governmental budgets and are entitled to many citizenship rights (Soysal 1994:27).

47 Throughout the 1980s, there was a rapidly growing wave of civil society movements in E/SE Asia (Piper and Uhlin 2002). Concerned citizens have been alerted to common problems of the environment, human rights, health (particularly HIV/AIDS), violence, refugees, poverty and labour migration, among others. In the early 1980s, there was a mere sprinkling of NGO groups in Asia that supported migrants' issues. In contrast, a recent study of migrant education programmes in the Philippines, Indonesia, India, Hong Kong SAR, the Republic of Korea and Japan has identified 248 pro-migrant groups (Asian Migration Centre 2001). If all countries in the E/SE Asian regions are included, it is estimated that their number exceeds 300 (Piper 2003).

Facing inequality and injustice due to their gender, nationality and class, migrants themselves have begun organizing for their shared goals. Recent studies show that despite overwhelming disadvantages in relation to their employers and host governments, a few committed migrant women and men in Hong Kong SAR, Japan, the Republic of Korea and elsewhere have taken the initiative to establish networks and associations for recreation, mutual help and collective action (Yeoh et al. 2002; *Asian and Pacific Migration Journal* 2003). These migrant networks and organizations are usually based on shared national and ethnic ties, religious beliefs and social interests, and are often linked with CBOs and NGOs in their countries of origin (Guarnizo and Smith 1998; Portes 1999). In pursuing their goals, however, migrants find it difficult to address their problems effectively on their own, primarily because of difficulties in understanding the local language and collecting information about legal rights and protection. To reduce these cultural and institutional barriers, migrant organizations try to find local counterparts sympathetic to their plight with whom to collaborate. These organizations often include former migrants and naturalized citizens who are knowledgeable about migrants' situation.

Together, these activists of diverse nationalities, ethnicities and classes work to fulfil immediate needs of migrants such as documentation, medical care and labour rights. They also collaborate to provide legal guidance, language education and empowerment programmes, while advocating equal rights for non-citizen residents and workers. This kind of civilian mobilization has recently drawn academic interest as a form of "governance from below", wherein ordinary citizens participate in "the exercise of power in a variety of institutional contexts, the object of which is to direct, control, and regulate activities in the interests of people as citizens, voters, and workers" (Robinson 1996:347; see also Falk 1999). When this kind of democratic governance is enacted transnationally, scholars find that it comprises a form of political "transnationalism from below", whereby coalitions of men and women of various nationalities, ethnicities and classes exercise power for common goals transcending national boundaries.[48]

V.B.

political tolerance, civil activism and women's struggle

The volatile and increasingly counter-hegemonic forces being shaped by migrant–citizen coalitions pose a challenge to Asian host governments, whose primary interest lies in orderly border control and the deployment of temporary foreign labour for national goals. Global migration has had the effect of changing patterns of politicization in a manner that has conferred legitimate and increasing authority on international human rights codes and labour standard achievements.[49] The degree to which workers' rights are acknowledged, however, depends heavily on specific national contexts and the willingness of individual states to ratify and implement universal rights and standards (Piper and Iredale 2004). Levels of democratization of institutions and governments in sending and receiving countries are important sub-issues in relation to the primary issue of protection of migrant workers. Within nation-states, the degree of domestic implementation and enforcement of workers' rights usually hinges upon the level of political freedom permitted in civil society (Ray and Korteweg 1999; Everett 2001). In pursuit of rapid economic development and global competitiveness, many E/SE Asian governments dismiss the concept

48 Lister 1997; Guarnizo and Smith 1998; Portes 1999.

49 Sassen 1998; Gurowitz 1999, 2000; Piper 2003.

of universal human rights and demonstrate little tolerance for civil advocacy of rights for migrant workers (Piper and Iredale 2004).

A close examination of recent studies suggests that there are three broad types of Asian labour-receiving regions, categorized by their contrasting tolerance for civil activism on behalf of migrants: (1) Singapore and Malaysia; (2) Japan and the Republic of Korea; and (3) Hong Kong SAR. Each category is characterized by a distinct range of rights that have evoked distinct forms and intensities of civil activism. Singapore and Malaysia are characterized by strict immigration policies, rigid labour contract systems, low degrees of state tolerance for civil activism, and a general lack of entitlements for unskilled migrants. Japan and the Republic of Korea are characterized by tight immigration controls, absence of contract labour systems, large numbers of *de facto* migrant workers with few entitlements, and relatively high degrees of tolerance for civil activism. Hong Kong SAR is characterized by a strict immigration policy, a rigid labour contract system, more rights for migrants than are found in the other regions, and a high degree of tolerance for civil activism.

V.C.

singapore and malaysia: little civil activism

In Singapore and Malaysia, where multi-ethnicity remains a sensitive political issue, governments have been extremely cautious and restrictive in their approaches to migration management. Both countries contain large numbers of migrant workers, who form a labour force that has been crucial in establishing the national competitive edge in the global economy. Migrants enter and work on contract but are strictly supervised and controlled by the states' rules and regulations, while large and unknown numbers also work illegally in remote areas. To prevent migrants from protesting, the states prohibit them from organizing. Moreover, the two governments have allowed civil groups very limited social and political space for activism (Crouch 1993; Rodan 1993).

Since the 1990s, however, a few concerned citizens have challenged their governments to improve working and living conditions for unskilled migrants. On behalf of these workers they demand better working conditions, fair dealing over unpaid wages and elimination of other labour abuses,[50] and humane treatment in detention centres. As a result, the two governments have come to accept, under strict governmental supervision, NGOs' services aimed at providing migrants with basic services and support such as health care and shelter. Neither government, however, has shown significant tolerance of NGOs' advocacy for migrants' rights, because such advocacy challenges the inequality and injustice embedded in the states' legal, institutional and social structures.[51] Consequently, in both these countries, activism on behalf of migrants is limited to a small number of religious and women's organizations that operate in a rather fragmented and low-key fashion to provide migrants with

50 See footnote 23.

51 The growing civic activities to provide for migrants' basic needs provoke sharp reactions from the state. In autumn 2003, Irene Fernandez, Director of Tenaganita, an NGO in Kuala Lumpur dedicated to migrants' rights and health (originally a women's organization), was found guilty by the Malaysian Supreme Court of having reported false information about the mistreatment of migrant workers in detention centres (Tenaganita 2003). This incident suggests the political sensitivity that labour migration issues provoke in Malaysia and demonstrates the government's intolerance for critics of its policies.

mainly non-political social support and limited welfare services.[52] They have thus far achieved very little by way of alliances among themselves in their efforts.

Working in isolation in private homes, without protective laws or support from citizens, female domestic workers have found it very difficult to cope with abusive employers and the rampant violation of employment contracts. Under these limiting circumstances, migrant women in Singapore and Malaysia exercise their personal agency in invisible fashions in their daily working lives, just as their predecessors did in the factories during the period of industrialization (Ong 1991, 1996). Instead of organizing themselves to act for change in their working conditions and immigration status, migrant women congregate in public spaces with their friends on their days off to exchange information and support. Filipinas use English as a weapon against their non-English speaking employers to counteract inequality. Recent studies are replete with such instances of migrant women's everyday resistance to the domination of employers and the state.[53]

V.D.

japan and the republic of korea: burgeoning civil activism

The political systems of Japan and the Republic of Korea allow, at least in theory, full freedom of speech and nonviolent political activism on the part of civic groups. Since the late 1980s, there have been many migrant support organizations run by concerned local citizens to provide global migrants with guidance and assistance in such matters as documentation, legal rights and benefits, health care, housing, education and the like. Both countries have militant, strongly anti-establishment groups committed to rights advocacy, as well as some less politically engaged, service-providing groups. The Republic of Korea is even more progressive than Japan, with a strong human rights orientation among NGOs, many of which are affiliated to religious and human rights organizations. They have recently achieved some legal protection for migrants, such as labour rights equal to those of citizen workers and the introduction of a work permit system (Lim 1999, 2003; Lee 2003).[54] In both countries, numerous small NGOs and community labour

52 Another example of oppressive state control of civil activism is the case of a group of Singaporean women citizens who formed an organization called "The Working Committee 2 for Singapore". Its goal was to "promote respect for domestic workers through education, and secure better treatment of domestic workers through legislation and other means" (Yeoh and Huang 2004:35). Members of the organization, however, found themselves confronted with an uphill task because of the state's discomfort with the advocacy position taken by the group. They also found it hard to address the huge gulf between the Singaporean employer and the foreign maid that occurs as a result of the conflictive interests of the two parties.

53 For Singapore, see Huang and Yeoh (1998), Yeoh and Huang (1998); for Hong Kong SAR, Constable (1997); for Malaysia, Chin (1998, 2003); and for Taiwan Province of China, Lan (2003a, 2003b). The last provides an interesting example of civil society activities for migrants' rights. Like Singapore and Malaysia, Taiwan Province of China exercises strict control over the short-term labour contract system, rigidly enforces migrant management rules, and carefully supervises pro-migrant rights activities. Over the past decade, despite governmental restrictions, the number of NGOs, many of which are church related, has steadily increased. These NGOs provide migrants with basic services and advocate migrants' rights. Migrants have also organized an advocacy network to campaign for policy change. The increase in civil activity and growing state tolerance for pro-migrant actions was clearly shown on 28 December 2003, when a coalition of civil groups successfully organized a large-scale march demanding protection of the human rights of migrant workers (Lan 2004). At the time of writing, literature on civil actions in Taiwan Province of China is unavailable to English readers (Pei-Chia Lan, e-mail communication with Keiko Yamanaka, 13 September 2004).

54 In the Republic of Korea since August 2004, companies have been allowed to legally employ unskilled foreign workers. These are able to exercise three basic labour rights: the right to join unions, the right to collective bargaining and the right to strike (Kim 2003:263). These topics were addressed by participants in the Korea and Global Migration Conference held in the Los Angeles' Koreantown by the California State University and the University of Southern California, 11 December 2004.

unions have been brought together under the umbrella of national networks to help coordinate campaigning, exchange information and facilitate transnational networking.[55]

Since a large influx of migrant workers into Japan in the late 1980s, there have been many media reports and scholarly studies of their migration experiences and employment conditions. Among these, sexual exploitation of female entertainers and trafficking in women have attracted the greatest public attention (Ito 1992). As a result, after much public criticism, the Ministry of Justice revised its decree on the qualifications of entertainers and tightened the rules for their admission in 1996 (Japanese Ministry of Justice 1998:93). In more recent years, under increasing foreign pressure, the government has moved to strengthen its regulations and enforcement in order to reduce human trafficking. Nonetheless, the widespread abuses and exploitation of undocumented women in the sex and entertainment industries continue to challenge activists who, in turn, look for alternative ways to protect these women's welfare and human rights.

As was discussed above, throughout the 1990s, the number of marriages between migrants and citizens increased rapidly in Japan and the Republic of Korea. In addition, with privileges based on shared ancestry, Japanese-Brazilians and Chinese-Koreans have settled for extended periods, often with their families. The growing populations of legal, *de facto* immigrants in these nation-states (where social homogeneity has long been embraced), have required civil groups to develop goals and strategies aimed at incorporating long-term residents into public services and local institutions. In pursuing social incorporation, activists have often cooperated with local governments, business establishments and cultural associations (Yamanaka 2003c). This is because national governments continue to implement exclusionary practices regarding border control and foreign residents' rights.

In Japan in particular, many immigrant wives face complex problems in settling down and raising children in the unfamiliar and hostile environment. Some of them have established networks and support groups, often with the assistance of citizens and local governments. The women work to combat the lack of social and legal support, to provide education and empowerment programmes, and to assist their children in the public school system (IMAGE 2004).[56] Similarly, most of the more than 250,000 Japanese-Brazilians are denied access to many public services despite their Japanese ancestry and legal status; grassroots and religious groups therefore assist them to obtain inexpensive health and medical care, language lessons, public housing and social welfare services (Yamanaka 2003c, 2005). Community labour unions and professional associations also campaign for the rights and welfare of those foreign residents without citizenship (Gurowitz 1999; Roberts 2000).[57]

55 Organizing by migrants themselves is usually difficult because of their unstable legal status (as undocumented or short-term visa holders), geographical dispersion, and lack of time and community resources. There are, nonetheless, increasing reports of non-work-related community activities among undocumented workers in Japan (e.g., Roberts 2000; Sakurai 2003; Yamanaka 2003d) and in the Republic of Korea (Lee 2003; Lim 2003; Kim 2003).

56 The largest number of the wives are Filipino, a fact that draws much scholarly attention to the ways these women form support networks and organizations, the solidarity of their conjugal and family relations, and their active involvement in small-scale entrepreneurship (Suzuki 2002, 2003; Nakamatsu 2003; IMAGE 2004; Morokvasic 2002). An example of cooperation between immigrants and citizens is found in a few Filipino-Japanese groups working in collaboration to support Filipino mothers and their children (especially in cases of absence of, or non-recognition by, the Japanese fathers) in both Japan and the Philippines (Matsui 1999).

57 In recent years, long-term residents have broken the silence, often with community support, to challenge racial discrimination based on foreign nationality (Yamanaka 2003a). They have also protested legal injustice based on their undocumented status and fought for rights of their children who were growing up in Japan without legal status (Komai et al. 2000; Kondo 2002:428). In both cases, in the absence of adequate domestic legal measures, international laws ratified by the Japanese government have proven to be effective in challenging inequality and discrimination (see footnote 72).

In the Republic of Korea, with the memory of the democratic movement of the 1980s and 1990s fresh in their minds, Christian churches, human rights organizations, labour unions and professional associations have been active in supporting migrant workers.[58] More than two thirds of the migrants are unauthorized, often working under hazardous conditions with few safety precautions, and are subject to frequent harassment, violence and industrial accidents.[59] NGOs and CBOs, therefore, primarily promote labour standards and better working conditions while providing basic welfare and cultural services. As the number of migrant women has increased, a few NGOs have begun addressing gender-specific issues such as trafficking in women and sexual exploitation of entertainers (Lee 2003; Seol 2004). Some of them, in cooperation with self-help organizations of inter-ethnic families, press for the rights of families of international marriages and for the legal equality of foreign spouses. In addition, some scholars have paid attention to gendered migration by conducting research on entertainers and sex workers located near American military bases (Cheng 2003).

V.E.

hong kong sar: successful mobilization

An exception to the combination of strict state policy and struggling civil activism is Hong Kong, the former British colony, and, since 1997, a Special Administrative Region of the People's Republic of China. Like Singapore, Malaysia and Taiwan Province of China, Hong Kong SAR admits migrant workers on a strict contract system. Unlike its counterparts in Singapore and Malaysia, the Hong Kong SAR government has been tolerant of civil activism aimed at helping migrant workers, and tolerant even of contentious advocacy for their labour rights.[60] The administrative and legal system inherited from the British colonial period established labour laws that were inclusive of migrant workers and provided institutional channels for redressing their rights. Migrants can bring their labour dispute claims to court, where decisions are given by a judge. As a result of its relative political openness, since the 1980s Hong Kong SAR has been a site of vibrant and well-organized migrant worker activism, particularly by Filipino women, staging very visible demonstrations on a regular basis (Constable 1997; Law 2003).

In 2001, 95 percent of Hong Kong SAR's 200,000 unskilled migrant workers were women, most of them probably employed as live-in domestic workers (Hong Kong Census Bureau 2002:111). Of these, 70 percent were from the Philippines (see table 2). Since the boom in Filipino women's overseas employment in the 1980s, Hong Kong SAR has been their preferred destination. This is partly explained by its geographical proximity to their homeland, and by its monthly minimum wage of HK$3,860 (US$497), which was set in 1998 (Gibson et al. 2001:368). The large numbers of these women, their relatively high average educational achievement, and their

58 Throughout the post-war era, the Republic of Korea has undergone turbulent politics and radical economic and social changes. During the period of dictatorship from the 1950s to the 1980s, labour unions, students and intellectuals fought relentlessly against human rights violations and oppression of workers by the government and military. Democracy was finally achieved in the late 1980s, opening many avenues for political and civil activism.

59 In response to these conditions, in 1995, a group of Nepalese trainees staged a sit-in at a major church, a common site for non-violent protest in Seoul. In their statement, they appealed to the public with a strong human rights message: "We may be from a poor country and that's why we are working here in Seoul like slaves. But we have our basic human rights as well" (Lim 1999:346). This incident suggests the relative freedom of expression allowed in the Republic of Korea to migrants and to active Korean civic, labour and religious organizations striving for migrants' rights. Migrants themselves have organized self-help organizations, of which there are currently about 20 (Lee 2003:145).

60 Constable 1997; Ogaya 2003; Law 2003.

tradition of political engagement in the Philippines (see the next section) make this small Chinese island territory a conspicuous site for effective mobilization by migrant workers to assert their concerns.[61]

An example of their activism is the 1989 formation of the Asian Migrant Centre (AMC) by Filipino women to address collective problems confronting them in Hong Kong SAR. In the absence of citizenship rights, pro-migrant campaigns have concentrated largely on provision of a range of services, including crisis counselling, casework and paralegal assistance. AMC was no exception, but in 1995 it gave up these activities in order to focus on organizing grassroots migrant groups regardless of nationality, thus becoming the first NGO that comprised trans-ethnic members (Gibson et al. 2001:378; Law 2003). In addition to lobbying for better working conditions (in terms of wages, days off, personal freedom and similar aspects), AMC encourages migrant women to develop entrepreneurial skills as a way to create sustainable economic alternatives to repeated migration. It also promotes group funds with which members will be able to launch small businesses upon their return to the Philippines (Gibson et al. 2001; Ochi 2004).

In Hong Kong SAR, Filipino women have established a variety of other NGOs, all of which are to varying degrees affiliated with transnational networks. By 1984, in an effort to broaden their scope, they had established United Filipinos Against Forced Remittance (Constable 1997). Later, this organization became instrumental in the formation of the NGO coalition United Filipinos in Hong Kong (UNIFIL). This comprises about 25 NGOs that monitor the working and living conditions of Filipino domestic workers in Hong Kong SAR and demand effective protective measures from the Philippine Embassy there (Law 2002). It has also spearheaded vigorous campaigns addressing Hong Kong SAR immigration policies, fees imposed by the Philippine government, and changes to Hong Kong SAR's minimum wage for domestic workers (Law 2002:212). Under its organizational umbrella, UNIFIL has successfully helped Indonesians, Sri Lankans and Indians to organize their own independent domestic worker unions.

In its first campaign, the Indonesian Domestic Worker Union targeted the Indonesian Embassy, which had imposed mandatory documentation fees and other requirements disadvantageous to its migrant nationals (Sim 2002). In Indonesia, women-specific NGOs have been inspired to activism in response to reports of severe abuse of migrant women in the Middle East and elsewhere (Pudjiastuti 2003). In 2003, a consortium of migrant worker NGOs, headed by a returnee woman who had been a domestic worker, filed a petition to the court in order to pressure the Indonesian government to implement the Migrant Worker Bill, which was modelled after the Philippines' Republican Act 8042 (see section below on "Activism at home and abroad").[62]

Close examination of the lively activism that pervades Hong Kong SAR's migrant worker communities reveals a weakness. The main actors in organizing and advocating have been limited almost entirely to migrants themselves. Although some Hong Kong SAR trade unions support migrants and their activities, the majority remain indifferent. More importantly, most local citizens and institutions have been hostile to pro-migrant activism and indifferent to the welfare and working conditions of migrant workers (Wee 2003). This may be explained in part by the fact that the migrants' successful campaigns, such as opposition to the government's proposal to lower the minimum wage, are seen as an economic threat to working families who seek to minimize the costs of hiring a live-in maid.

61 In Hong Kong SAR, a significant number of Filipino domestic workers are employed by Western expatriates, who tend to give their maids more personal freedom than is given those employed by Chinese citizens (Cheung and Mok 1998). Many "domestic-worker-turned-activist" Filipino women had been employed by Europeans or North Americans who allowed them to spend part of their time in political organizing. Some of these Filipino women subsequently became full-time activists.

62 Interview with Nicola Piper, Jakarta, April 2003.

VI.

activism at home and abroad: lessons from the philippines

"The key to successful campaigning abroad is a strong movement 'at home'."[63] As this statement by one Filipino activist succinctly suggests, the vibrant activism staged by Filipino domestic workers in Hong Kong SAR and elsewhere is an outcome of many factors embedded in their country of origin and their destinations, and in the growing transnational networks that connect them. Effective mobilization and political organizing by Filipinas resulted in the Hong Kong SAR government's introduction of a minimum wage and contractual conditions that are more favourable for Filipinas than those for domestic workers of other nationalities.

At home in the Philippines, NGOs campaigned successfully for the 1995 ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).[64] This was followed by the passing of the Migrant Workers and Overseas Filipino Act (RA 8042). This law enhancing migrants' rights could not have been brought about without Filipinos' extensive transnational networks that connect supportive efforts worldwide on behalf of more than five million Filipino overseas workers (Parrañas 2001). This demonstrates that migrants' local political struggles are intimately connected to transnational struggles in such global cities as Hong Kong, Rome and Vancouver.[65] It also proves that Asian women, as well as men, can engage in effective and visible political resistance, in contrast to the stereotype of women's activism as an ineffectual and invisible cultural struggle (Ong 1991, 1996).

The Philippines has a long tradition of grassroots civil activism and citizens' political engagement. Filipinos have long fought for human rights, specifically the rights of the poor and of indigenous people, and for protection of the environment (Silliman and Noble 1998). The country has an equally long history of feminist movements. These together have constituted a strong social and political force in the Philippines' civil society. A culmination of such grassroots democracy was the "People Power" revolution that drew support from all sectors of Filipino society to overthrow the Marcos dictatorship in 1986.

Migrant worker activism in the Philippines grew out of this grassroots democracy movement. From the onset of the government's efforts to promote the export of labour in 1974, Filipino NGOs have been heavily involved in public policy debates and campaigns. The Catholic Church has also played an instrumental role at home and abroad by providing migrants with spiritual guidance and physical space for social interaction (Asis 2002). Unlike NGOs in other Asian countries (such as Indonesia), since the 1986 revolution, Filipino NGOs have been able to work in a comparatively open political system and even gain access to elite allies within the governmental political machine. Although such close relationships with the government have created many frictions

63 Interview with Nicola Piper, Manila, November 2003.

64 With its ratification by El Salvador, Guatemala and Mali, the ICRMW took effect in July 2003, 13 years after its adoption by the UN General Assembly in December 1990 (Piper and Iredale 2003:1).

65 Canada has implemented a policy by which migrant women can legally enter and work as "live-in caregivers" for two years (McKay 2003; see also Boyd and Pikkov 2005). Filipino women, a major national group in this occupation, have organized support groups for the purpose of improving their social and legal conditions in major Canadian cities.

and conflicts in government–NGO relations, they indicate the centrality of labour migration issues in Philippine politics and the ability of NGOs to influence governmental policy-making there (Villalba 1997).

By the mid-1990s, the Philippines had emerged as the second largest source of the world's global labour force. In response to the strong grassroots push for protection of worker rights both at home and abroad, the Philippine government has become, among all labour-sending countries, the most active protector of its migrant nationals. It did so by legislating the most comprehensive laws, at least on paper, aimed at enhancing their rights. Its first great legislative achievement was ratification of the ICRMW in 1995. This happened largely in response to the controversial case of Flor Contemplacion – a Filipina domestic worker executed in Singapore in that year for killing another Filipina domestic worker and the child of the latter's employer (Hildson et al. 2000; Law 2002:210). This widely publicized incident generated a spontaneous public outcry and massive demonstrations by Filipino NGOs and citizens at home and abroad. The sharp response to the incident reflected the hardships and harassment experienced by many, if not most, Filipino migrants. In order to appease the public outcry, President Ramos ratified the ICRMW and passed a domestic law, the Overseas Migration Act (RA 8042), to implement the ICRMW. The Philippines thereby became the first of all the signatories to the Convention to pass such a law, which the ICRMW required.

In addition, the most recent such legal accomplishments include the 2003 enactment of the Absentee Voting Rights' Bill (RA 9189) and the Anti-Trafficking in Persons Act (RA 9208). The latter was achievable because committed NGOs and organized groups of migrants and women worked diligently, lobbying for the Act and educating the public on the issue of trafficking in women. It is important to acknowledge that ratification of the ICRMW and the subsequent passage of migration-related bills did not occur in a social vacuum. It was in fact preceded by a number of small "success stories" achieved by migrant women worker NGOs, mainly those operating from Hong Kong SAR.

The passing of these protective laws in the Philippines does not mean that the problems they address have been resolved. Much work remains for activists to accomplish and there are organizational problems to be overcome. Many pro-migrant NGOs are small establishments that suffer severely from shortages of funds, staff and expertise. NGO workers are often from middle to upper-middle class backgrounds, and migrants of lower class origins find it difficult to relate to them. Any law is typically a political compromise, and from the viewpoint of NGOs is often a "watered-down" end product. The most crucial issue after the passage of migration laws is that of implementation. According to the Commission for Human Rights of the Philippines, no budget has ever been provided to ensure the proper implementation of RA 8042, the law to implement the ICRMW.[66]

An important question is the effectiveness of the ICRMW. So far 43 nation-states, all of which are labour-source countries, have ratified this international law, while no labour-receiving country has done so (see the section below on "International law"). The Philippine government raised objections to the Hong Kong SAR government in 2003 when domestic workers there were faced with a wage cut and, in an effort to improve the staffing of its embassies, has stationed labour attaches in crucial labour-receiving destinations. However, under severe budgetary constraints, embassies find it extremely difficult to assist the large number of their migrant nationals who are in trouble or in need. These facts suggest that Filipino civil society needs to continue its pro-migrant activism both at home and abroad, rather than rest on its accomplishments.

66 Interview with Nicola Piper, Manila, November 2003.

VII.

transnational advocacy networks

The vibrancy and proliferation of NGOs and their networks in Asia in the past two decades indicate the growing role that NGOs now play in response to national, regional and global issues (Piper and Uhlin 2002, 2004). Given the transnational nature of migration and the widespread problems of trafficking in Asia, it is not surprising to witness the recent rise of transnational advocacy networks (TANs) in the region. Although many civil organizations have engaged in transnational activities, TANs are distinguishable from conventional NGO activities in their "ability [as] non-traditional international actors to mobilize information strategically to help create new issues and categories and to persuade, pressure, and gain leverage over much more powerful organizations and governments" (Keck and Sikkink 1998:2). Transnational advocacy is a way of organizing the strategic use of information to democratize unequal power relations in the transnational context (Piper and Uhlin 2002:179). By transcending national borders, TANs are able to address inequalities in human and labour rights embedded in globalizing labour markets.

Of special relevance to migrant women in Asia are the TANs that address gender-specific issues and that focus on trafficking in women and children for the purpose of prostitution. One example is the Coalition Against Trafficking in Women (CATW, in Manila) whose members:

> reject the notion that prostitution can ever happen by meaningful consent, given a context in which so many inequalities are at play. . . . They therefore do not distinguish between forced and free prostitution, nor between trafficked and non-trafficked prostitutes.
> (Cited in Maher 2003:6)

In its efforts to eliminate sexual exploitation, CATW collaborates with United Nations (UN) agencies and holds consultative status under the UN Economic and Social Council (ECOSOC). By contrast, the other principal TAN, the Global Alliance Against Traffic in Women (GAATW, in Bangkok) takes a position that defines "trafficking in women" as:

> all acts involved in the recruitment and/or transportation of a woman within and across national borders for work or services by means of violence or threat of violence, abuse of authority or dominant position, debt-bondage, deception or other forces of coercion.
> (Cited in Maher 2003:7)

GAATW emphasizes women's involvement in grassroots activities for empowerment, and sponsors a series of training workshops for activists in Southeast Asia. The contrasting views on trafficking and prostitution held by the two Asian TANs allow Asian activists, if they choose, both to condemn all violence against women and to endorse a woman's right to income generation through sex work (Maher 2003:7).[67]

67 Another major TAN in E/SE Asia is the Migration Forum in Asia (MFA) in Hong Kong SAR. Established in 1994, the MFA organizes conferences, facilitates services between member organizations, and coordinates regional campaigns for migrants' rights. Another active TAN, the Coordination of Action Research on AIDS and Mobility-Asia (CARAM-Asia), is based in Kuala Lumpur. It is concerned with migrants' health issues, especially HIV/AIDS. It grew out of several international conferences in the early 1990s that were organized by the Malaysian NGO, Tenaganita. With funding obtained from the Vrije Universiteit in the Netherlands, CARAM-Asia has been able to use action research in order to strengthen its advocacy for improved working and living conditions of migrant workers in Southeast Asia (see Verhis and Fernandez 2001; Tenaganita, Pesticide Action Network and the Pacific 2002).

In pursuit of goals in the transnational context, the ability of TANs to engage the UN and other multilateral organizations is vital. Such international action allows the TANs that are dedicated to women's rights to link with those that are concerned with migrant women's rights (Ho et al. 1996; Pietila and Vickers 1996). Together, women's TANs are currently campaigning to have the UN Commission on Crime Prevention and Criminal Justice adopt the Human Rights Standards for the Treatment of Trafficked Persons. They also lobby for these standards to be adopted in national and regional instruments on trafficking. In addition to establishing productive contact with UN agencies, TAN activists have stressed the importance of multilateral agreements over bilateral ones. This is because many of the existing international conventions have resulted from multilateral agreements. Once a UN convention, such as the ICRMW, is in place at the international level, TANs and international NGOs can play a major role in monitoring migration-related agencies, organizing public hearings, and encouraging political and public debate to achieve enforcement of the conventions (Cholewinski 1997; Taran 2003).

VIII.

international laws

In the context of Asia's barren human and labour rights discourse, non-state actors have become increasingly important in enforcing international legal mechanisms designed to protect the rights of workers, migrants and foreign residents (Wickramasekara 2002). In the absence of adequate domestic laws to protect migrants, Asian activists have employed arguments and moral standards embodied in international conventions in their efforts to enhance the rights of migrants and women (Gurowitz 1999, 2000). However, under pressure from global competition that is exacerbated by ethnic tension, very few Asian labour-receiving countries are willing to adopt international conventions on the rights of migrant workers (Taran 2003; Piper and Iredale 2004). As of September 2004, only six Asian labour-source countries have ratified it: Kyrgyzstan, the Philippines, Sri Lanka, Tajikistan, Timor-Leste (East Timor) and Turkey, with Bangladesh, Cambodia and Indonesia having signed but not ratified.[68] The fact that the ICRMW nonetheless came into effect on 1 July 2003 has greatly encouraged Asian national and transnational NGOs, which are now incorporating its normative frameworks of the rights of migrants and their families into their platforms and agendas in local languages, and disseminating them through their information channels.[69] Many feminist groups and women's organizations in Southeast Asia (from where large numbers of women migrate as FDWs) have also been energized in the promotion of migrants' rights, especially for women, as part of their political struggles for women's rights and gender equality (Piper 2004).[70]

68 For participating countries of ICRMW , see http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty25.asp, accessed on 15 September 2005.

69 The ICRMW is built on concepts and language drawn from two earlier International Labour Organization (ILO) conventions relevant to rights of migrant workers: No. 97, the ILO Migration for Employment Convention of 1949, and No. 143, the ILO Migrant Workers (Supplementary Provisions) Convention of 1975 (Taran 2003).

70 In the recent Annual International Labour Congress held in Geneva (June 2004), Asian national and transnational NGO networks for migrants and women demonstrated their strong interests in international standards and lobbied for the rights of migrants and women stipulated in the ICRMW and other international conventions.

Another example of the international conventions useful to Asian NGOs is the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children that entered into force on 1 December 2003. Despite its critical importance to the combat against clandestine global trafficking, the convention has been ratified by only two Asian countries: the Philippines and Laos. Thailand, Sri Lanka, the Republic of Korea, Indonesia and Japan have signed but not yet ratified it. Since 2001 in the Asia-Pacific, however, there have been some positive movements towards regional initiatives to address the problems of trafficking through international cooperation. Their effects and outcomes remain to be seen.[71]

In other examples, more general human rights conventions have proved to be useful. A recent UN report (UNIFEM 2004) outlines the significance of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in addressing problems specific to female migrants, especially those working in the informal economy and private households. At the individual country level, some human rights conventions have been effective. In Japan, for example, its 1981 ratification of the International Convention on the Status of Refugees and its Protocol has proved to be most effective in eliminating existing discrimination embedded in domestic laws and administrative practices against non-citizen, long-term residents such as Koreans and Chinese (Gurowitz 1999:431).[72] Similarly, Japan's 1985 ratification of CEDAW prompted the government to amend the Nationality Law that honours the principle of *jus sanguinis* (law of blood) as the basis for determination of a child's nationality. As a result, the long-standing principle of inheritance of the father's nationality was abandoned in favour of inheritance of the nationality of either parent (Kondo 2002:418).[73]

71 In 2001, 38 states of the Asia-Pacific, from Turkey to the Pacific Islands, gathered in Bali, Indonesia, to discuss prevention of transnational crime. The conference, called the Bali Process, was aimed at information sharing, institution building and regional cooperation. Similar regional attempts were made elsewhere (for example, the Budapest Process and the Puebla Process).

72 In addition, the UN Convention on Eliminating All Forms of Racial Discrimination, ratified by the Japanese government in 1995, was cited successfully in the well-known 1998 Ana Bortz racial discrimination case (Yamanaka 2003a; see also French 1999). Similarly, in 1999 the UN Convention on the Rights of the Child, ratified in 1998, was used effectively in a case involving undocumented children (Komai et al. 2000).

73 This change especially affects the citizenship and ethnic and national identities of 650,000 Korean permanent residents and their children, because a substantial majority of their marriages are to Japanese citizens.

IX.

conclusion

Throughout Asia's post-Second World War history, women have contributed greatly to economic development. During the period of rapid industrialization, local women factory workers subsidized the states' development with their low-skill, low-wage labour (Chow 2002a). During the recent period of massive global migration, women migrant workers are now subsidizing states with their remittances earned abroad, thus enabling these economies to survive the structural adjustment policies imposed by their creditors (Sassen 1998). In both situations, women have provided inexpensive and tractable labour, and in the process have been subordinated in the labour market while remaining invisible in their role in economic development. However, feminized – and therefore gendered – migration in Asia since the 1980s has influenced the dynamics of human rights discourse and gender politics. The lack of rights for migrants and the absence of gender-specific policies from labour-importing governments have raised questions of moral imperatives and labour standards with regard to the ways in which migrant women are exploited and marginalized in global capitalism.

The wide range of civil responses that are documented here to the kinds of inequality and injustice experienced and resisted by migrant women clearly heralds the development of new and effective grassroots movements for migrants' rights in Asia. At the individual level, research indicates positive relations between migration and empowerment. International migration is a social process characterized by both systemic contradictions and personal empowerment (Hugo 2000; Chow 2002a:22). Against the renewed self-confidence of migrant women, the rigid policies of many Asian governments reduce them to mere temporary "manpower", while ignoring their basic needs, labour rights and fundamental human rights. Uneven power relations between migrants on the one hand, and governments (of both origin and destination countries), employers and recruiters on the other, trigger sharp responses from women and their supporters. In a dynamic way, women's hardship evokes acute awareness of their identity as subordinate subjects at the intersection of gender, class and nationality. This, in turn, motivates them to resist and take action in order to improve their individual and collective positions (Sassen 1998; Naples and Desai 2002). The analysis of Asian women's empowerment must therefore be understood in the context of the extraordinarily complex and contradictory processes of migration as experienced by women. More research is required in order to understand those processes of labour migration that generate new meanings for women's work, mobility and identity, and suggest better ways for policy makers and civil society to respond to their needs.

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Printed in Switzerland
GE.06-00109-January 2006-1,500
UNRISD/OPGP11/06/1

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This publication has been produced with the assistance of the European Union, the Department for Research Co-operation of the Swedish International Development Agency (Sida/SAREC), the International Development Research Centre (IDRC, Ottawa, Canada) and the government of the Netherlands. The content of this publication is the sole responsibility of its author(s) and can in no way be taken to reflect the views of these donors or UNRISD.