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EMERGING WOMEN'S ISSUES IN THE PACIFIC – MIGRANT WOMEN WORKERS

Fiji's Women Migrant Workers: the case of nurses and teachers in
the Republic of Marshall Islands.

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1.0 Terms of Reference (T.O.R)

This paper has been produced in preparations for the 9th Pacific Women's Conference and commissioned by the Secretariat of the Pacific Community and UNIFEM based on the T.O.R as designed as described below:

1.2 Background

International commitment to women and the mobilization of awareness on issues that concern women's equality was first made at the First World Conference in Mexico in 1975. The Second and Third World Conferences in 1980 and 1985 helped to further this commitment. However, it was the Fourth World Conference in Beijing in 1995 that the world community accepted the need for a stronger gender perspective in all areas of development planning and programs.

To-date, eight Pacific regional conferences have been held to bring together decision makers within governments, development partners, academics and non-governmental organisations and to create a forum for constructive dialogue on the role and place of gender in the development processes of the Pacific Island countries and territories, identify the challenges and make recommendations for the future. It is a 'reality check' given all the 'commitments' at regional and country levels. The up-coming 9th Conference to be held in August 16-20, 2004, is also part of the preparation and contribution of the Pacific to the Beijing +10 in 2005.

The conference is held within the context of a number of existing and current international agendas. Of direct relevance is the coming into force of CEDAW in 1981, the Beijing Platform for Action 1995, the Millennium Development Goals 2000, and its very own Pacific Platform for Action in 1994. Given its limited resources, the Pacific Region is in perpetual state of 'catching up' with continuous effort to analyse, correlate and link these goals. Combined with this, are the new and emerging issues that these countries are trying to grapple with. The proposed study will specifically look at one of

the emerging issues for the region with regards to special situations of women including those women migrant workers and how related issues should be addressed within the human rights policy, law and practice.

1.3 Objective

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and Marshall Islands with regards to human rights frameworks (policies, laws) and practices.

1.4 Method of Research

- a) Conduct an extensive literature review on the issues using available literature from various reliable information sources – i.e. USP Library, Fiji Human Rights Commission, Fiji Immigration and Labour Ministries, Fiji Women’s Rights Movement, various UN offices (UNDP, UNDP GOLD Project, UNDP RRRT Project, ILO, UNIFEM), Forum Secretariat, and other public, private and/or regional institutions;
- b) Conduct personal interviews with key officials at the national and regional level who may have relevant information in regards to this research topic.

1.5 Output

A paper that will provide the analysis of the situation in the region with emphasis on two countries (Fiji and Marshall Islands), and key recommendations for strategies, mechanisms to be considered for future improvements to the situation, especially for the protection of women’s rights at the national and regional levels.

In our era capital moves at lightning speed, emptying sites of labour and devastating sources of livelihood. Yet the human beings whose lives have been disrupted and who seek better economic conditions are forced to travel dangerously and encounter many obstacles, from state officials to other workers who feel threatened by their arrival. This is likely to be one of the most explosive

*issues of the future; the grim secret of globalisation.
Women, who constitute a majority of the world's poor,
are a crucial element in this harsh drama.*

Sheila Rowbotham¹, 2001.

Executive Summary

The migration of women workers in the Pacific has been considered an emergent issue that needs to be actively addressed. This is an issue that touches on the role and place of gender in the developmental processes of the Pacific Island Countries and territories. Even though internal mobility and international migration have been acknowledged as old as history itself, international labour migration for the Pacific is said to have started only 30 years ago. Therefore, what might be an old exercise at policies and programs for metropolitan countries and other regions is just becoming an emergent issue for the region. While the issue is addressed as an emergent issue for Pacific women, the feminisation of migration in the Asian region is an established reality. This difference in developments in the field of migration exposes the yawning gaps and wide differences in regional and national population developments, and the diverse approaches adopted by the two regions and their various governments, including the different scopes of policies and programs affecting women migrant workers.

This work is designed to create awareness of the issues facing women migrant workers from the Pacific by focusing on the examples and experiences of migrant women workers from Fiji who have travelled to the Republic of Marshall Islands seeking work as nurses and teachers. This paper also suggests strategies and mechanisms that can improve the situation for women migrant workers in Fiji and generally in the Pacific. A brief summary of the findings and discussions arising from literary works and discussions on this topic is presented below: -

1) Human Rights of Migrant Women Workers

The human rights of migrant women are included within four broad sets of rights and these are Civil rights, Social rights, Political rights and Industrial rights: -

- a) *Civil rights* – generally concern the rights needed to protect and guarantee individual freedom for e.g. the liberty of a person, freedom of speech, thought and faith, the right to own property, to conclude valid contracts, as well as rights to justice;
- b) *Political rights* – include rights referring to the right to participate in the administration of political power and the decision-making process. Voting in local and national elections are included in this;

¹ Forward in Sharpe (2001), (ed.), Women, Gender and Labour Migration – historical and global perspectives, Routledge, London. Pp. xvi.

- c) *Social rights* – these rights involve rights to achieving a minimum standard of living and a share in the economic welfare and social security benefits. The rights that guarantee benefits from general educational and health provisions and to living a life of a ‘civilized human being’ according to the standards prevailing in the society under scrutiny; and,
- d) *Industrial rights* – is suggested as a possible fourth set of rights for migrant workers because their main reason for migration is to find and keep themselves in some form of employment. This set of rights include the right to belong to a trade union, to participate in elections for office bearers of a trade union, to participate in elections to companies’ councils, as well as the right to go on strike.

2) CEDAW and Migrant Women Workers

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) also addresses the rights of the woman worker Articles 1 - 3, 5 - 7, 9 – 16 are closely related to women migrant workers. Some of these articles and their related issues and considerations are discussed as follows: -

Article 3 (Basic Human Rights) – deals with all signatories of CEDAW awarding women their full basic human rights and freedoms on an equal basis with men. This clause would include migrant women workers as emigrants and immigrants, as long as the 2 countries involved in the movement are signatories to CEDAW;

Issue – These basic rights and freedoms may not be enjoyed by the woman migrant worker if she is travelling and/or working as an undocumented (illegal) migrant. The migrant woman’s rights to life, shelter, health, education, justice, and security amongst others, can be compromised in her quest to be employed.

For Consideration – That government (especially Immigration, Labour, Min. of Women) establishes laws and policies to encourage documentation processes for undocumented women migrants. Women migrant workers can only be protected from all forms of discrimination if they are documented and awarded formal employment contracts.

Article 6 (Prostitution and trafficking) – governments must use every avenue to cease all forms of trafficking in women and exploitation in prostitution. Further, governments must address the main causes of prostitution and take action to “reintegrate prostitutes into society”.

Issue – trafficking of women (and children) while acknowledged as a highly criminal activity which grossly denies and violates a migrant woman’s rights and freedoms, will continue as long as there are desperate, ignorant women who are willing to travel to other places or countries for work, for the survival of their families and/or themselves.

For Consideration – That there be massive public awareness and advocacy programs and campaigns informing people (especially women) of the existence of such illegal schemes and the need for women to seek advice and second opinions on any employment contracts they may sign themselves into. Prior to any contract signing, a migrant woman worker should seek the advice and counsel of a human rights advocate/group, a women's organisation, representative/s of the appropriate government ministry or department, and others.

Article 9 (Nationality) – This article covers the right of a woman to acquire, change or keep her nationality, whether married or not and to have equal rights involving the nationality of her children regardless of the nationality of her husband.

Issue – Citizenship and nationality laws are closely related to nationality rights and other fundamental rights and the enjoyment of these rights are rooted in the authenticity of citizenship and nationality, and it must be remembered that States formulate their own citizenship policies based on national interests and that the same may be in conflict with other country's citizenship policies (UN, 1998: 41).

Nationality issues will affect migrant women workers where children are born to them in foreign countries, and/or in cases where they have acquired different-nationality partners/husbands. These issues can be further complicated where the migrant woman worker is travelling and/or working as an illegal/or undocumented worker dealing with planned or unwanted offsprings - especially in cases of forced and/or of sex work.

For Consideration – NGOs, governments and other relevant regional/international institutions must design and implement labour migration policies that are two-pronged in approach and effect. While the policies will encourage intending women migrant workers to follow and use recognised legal, appropriate systems and processes in order to migrate and work (for their own safety and security), the same policies will encourage undocumented women workers to come forward and be documented, irrespective of their geographic location – e.g. a policy that attaches a condition to a foreign contract stipulating that every woman migrant worker must be insured and included in a standard insurance scheme for the total duration of her employment.

Article 11 (Work) – governments must see that women have equal access to work, job training, job security, salaries and benefits, and that women should be protected against dismissal during pregnancy. The same article deems the essential support for parental duties of both male and female parents through social services offered by government and other relevant institutions.

Issue – This article may protect the woman worker at home, but is arbitrary for migrant women workers in foreign countries. The levels of access to all the rights

related to work in foreign countries is directly related to the approach adopted by the same countries to its immigrants via its immigration policies and laws. If it chooses to value the contribution of its migrant workers, it will adopt legal and practical programs and policies to aid in the gradual assimilation of its migrant workers. Most of the rights related to work for women as proclaimed by CEDAW can be ignored, abused or violated where women migrant workers are travelling and/or working illegally (undocumented). Human rights conditions protecting migrant women workers can also be ignored and/or violated where there is a lack of Human Rights advocacy and offices that monitor human rights issues and their observance.

For Consideration – That active advocacy through awareness campaigns, media advertisements, conferences, seminars, workshops, informal meetings and at gatherings for social functions (village and religious meetings) can be utilized to create awareness of migrant labour rights. Awareness will also empower working women intending to migrate to make informed decisions on career opportunities abroad, safety and security issues, migrant rights, contractual agreements and other relevant rights and issues regarding women migrant workers.

Article 15 (Full legal status) guarantees equal rights for the woman migrant worker to conclude contractual agreements and to administer property. Further, this article stipulates that migrant women workers will be accorded the same rights given to men with regards to laws relating to the movements of a person and the freedom to choose their residence and domicile.

Issue – This article supports the migrant woman worker who wishes to own/buy property in the host country provided the country has ratified CEDAW. It also protects the rights of a migrant woman to enter into contractual employment and re-affirms the rights of the woman migrant worker who chooses to reside and be a citizen of a country other than her country of origin. These rights will not be enjoyed by undocumented women migrant workers; especially migrant women workers who have been forced into prostitution, and/or had fallen victims to illegal human trafficking.

For Consideration – that policies and programs of actions be designed and implemented by governments, regional institutions and the private sector and other non-state actors targeting the most vulnerable groups of women and children who will be the targets for traffickers. These rights can be taught in informal ways via media advertisements, workshops, seminars, conferences, primary and secondary schools, at religious meetings, women's group meetings, village gatherings and other places. The policies and programs can be translated into local dialects for easy understanding.

3) Conclusions from Field Study

The following are some conclusions that were arrived at from this study: -

- a) Fiji's migrant women workers are eligible for all four sets of rights – civil, social, political and industrial – awarded to migrant workers in the Marshall Islands; but these rights were enjoyed by the women because they were documented, legal aliens;
- b) A good number of women in this field study were not aware or fully informed of their rights as migrant women workers. About 20 – 30% of women responded '*Don't Know*' or chose not to answer the probes to each of the migrant rights issues. The saving grace for the Fiji women in the Marshall Islands was that they were travelling and working as documented legal workers;
- c) There is an obvious lack of labour migration information in areas such as migrants' rights, employment contracts for migrants, and avenues for addressing migrant women worker's grievances and abuse of their human rights in both Fiji and the Marshall Islands. There is a definite need for avenues (either from the public or private sector) where intending migrants are advised/informed of their contractual agreements and their rights as migrant women workers. These avenues can also facilitate brief teaching sessions on the cultural/political/health/educational/etc environment of the destination country.
- d) The women were quite hesitant to compromise other employment opportunities or their current employment contracts to raise awareness or claim abuse/violation of their worker's rights involving breaches in their contract regarding work conditions, salaries, living conditions and other matters, because the salary levels in the Marshall Islands are much better than Fiji can offer. There have been cases of breach of contract where conditions promised to the nurses – e.g. family re-union on Marshall Islands and individual accommodations per nurse, amongst other things – have not been fulfilled on the part of the Health Ministry for the Island government. Some nurses have been forced to return to Fiji (and therefore to break their contracts with the Health Ministry of RMI) because certain conditions had not been met. In these instances, the nurses have been forced to pay their own return airfares as well as to pay certain amounts of money as compensation to the government for not working the full term of their contracts.
- e) Migrant workers need to sign their contracts here in Fiji (and so be treated as expatriates in their host country) so that they will be covered under Fiji's Employment Act.
 - 1) The absence of trade unions in the Marshall Islands has effectively closed a legitimate, recognised avenue through which the Fiji teachers and nurses can air their grievances. Therefore, should the Fiji women migrant workers seek the help of Fiji's trade unions to address issues of abuses and violations of their rights in the Marshall Islands, this will be a futile exercise on two counts: -
 - a) There are no recognised sister trade unions in Marshall Islands that can help the nurses and teachers address their grievances; and
 - b) As yet, there are no agreements (bilateral or multilateral) between Fiji and its Pacific Island neighbours that specifically requires host island governments to protect the rights and to provide the security

- needs of our women migrant workers who arrive at their shores to impart work knowledge, skills, innovations, and others; and,
- f) The absence of a Human Rights Commission or office in the Marshall Islands further reduces the opportunities for re-dress of abuses/breaches and violations of the migrant worker's rights for the Fiji women in Marshall Islands. The presence of such an office keeping a 'watching brief' could lead to a speedy re-dress of grievances of migrant women workers.

4. Issues, Benefits and Problems Affecting Migrant Women Workers

A. Issues

- i. There is a general lack of information, research, study, policies and programs of action with regards to Fiji's women migrant workers from appropriate regional and international agencies, the national government and corresponding line ministries, as well as from non-governmental organisations and civil societies;
- ii. There is a general lack of awareness, communication and/or information sharing regarding issues of employment contractual agreements amongst/between all the stakeholders - i.e. employers, employees, appropriate government ministries and other relevant institutions; There is also a lack of awareness of the four main areas of human rights that affect migrant women workers (and all migrants);
- iii. The Human rights issues affecting migrant women workers are recognised as important but these have not been touched;
- iv. Very few Fiji women migrant workers are aware of their contractual and human rights. They are misled to believe that foreign employment contract and conditions are the same as local ones and can experience problems once they arrive at their destination.
- v. Within the processes of Fiji's women migrant labour, the stakeholders identified include, the migrant, the migrant's immediate family and extended community, the government (apart from the ministries under which some migrants may have worked; includes the Ministries of Foreign Affairs, Trade and Commerce, Immigration, and Labour), trade unions, the employers (in this case mainly from the private sector), regional institutions, non-governmental organisations, and, civil societies;
- vi. There is a need to scrutinise all of Fiji's bilateral and multilateral agreements to establish whether labour migration and the protection of labour migrants (regardless of sex) from all forms of abuses, exploitation and violations, is mentioned/included as specific clauses within these agreements;
- vii. Migrant labour (regardless of sex) are not generally included/considered in the bilateral trade agreements that Fiji has signed with other Pacific Island Countries – and this may also be the same for Australia, New Zealand and other metropolitan countries;
- viii. The Fiji government (especially the affected ministries) generally adopts a negative approach to the topic of labour migration. The migrant is seen as a traitor who has used government (or even private) resources to train herself and then chooses to take this training out of the country for her own good. It has implemented policies that only punish returnee migrants and discourage their

return. At the same time, other policy omissions discourage would-be migrants from departing for other countries – a good example is that of returnee Fiji's nurses starting again at the lower salary rungs upon their re-employment in Fiji, despite their many years of working experience accrued here and abroad and the probable additional skills they had acquired while they were away;

- ix. That affiliation of Fiji women workers to trade unions is a positive step towards protection of their labour and human rights, as well as for job security should they plan to migrate in the future and the networks developed between sister trade unions within the region can serve to protect migrant women workers with regards to their employment and other related conditions;
- x. That there is a need for the Fiji government (Ministry of Finance, Labour & Industrial Relations, Foreign Affairs, Trade and Commerce) and relevant banking (RBF, ANZ, Westpac, Colonial, etc) and financial institutions to simplify procedures for sending and receiving remittances in Fiji;
- xi. Fiji government (Immigration, Labour, Foreign Affairs, Health, Women) and other interested stakeholders (Human Rights Organisation, Women's and Men's Organisations, Business houses) need to design and implement education programs targeted at would-be migrants especially for work standards and expectations of overseas employers, on contractual issues and employment packages, on migrant rights, on health issues – especially HIV-Aids protection and education, safety and security issues;
- xii. The Ministry of Women in conjunction with other Women's Rights organisations, and other interested women's groups can become active participants in the plight of Fiji's migrant women workers by providing counseling services, legal aid/advise, temporary shelters, pay regular visits to working places of migrant women to show solidarity, run informal educational workshops, fund and run awareness programs, establish cohesive and effective networks at the national and regional level that caters for the needs of women migrants, and even provide judicial custody for women migrants in Fiji;
- xiii. The Fiji government and other financial institutions can implement insurance schemes for women migrants. While it provides protection for the woman migrant, it also functions as an incentive for other undocumented women migrants in Fiji to become documented workers.
- xiv. There needs to be a coordinated effort to control and monitor the activities of Private Recruitment Agencies by the Fiji government through its relevant Ministries (Labour, Immigration, Health, Education, Women) and departments and other stakeholder institutions (Trade Unions, Business houses, Human Rights Organisation, Women's and Men's Organisations, Youth groups) to prevent the possible exploitation and abuses of women migrant workers in Fiji;
- xv. The Fiji government needs to re-evaluate and/or re-consider some of its economic policies and investment packages, especially in cases where immigrant labour is involved. The high infusion of immigrant labour into the local garment industry against high local unemployment rates, defies logic. The tax-free zones and other incentives offered by government to boost trade and investment in Fiji can carry higher economic and social costs to the country than the benefits these incentives can earn for the country.

B. Benefits

- i) Acquired skills and technical know-how – migrant women workers can be exposed to opportunities for furthering their career and improve their level of technical skills and knowledge from the specific areas or countries they have moved to. In this way, the migrant has gained more skills which can be valuable for development back in the sending countries;
- ii) General improved living standards – this is a generally acknowledged outcome for communities experiencing migration due to remittances received and the exposure of the migrants to higher living standards in their travel but there has been no conclusive study of the same phenomenon in Fiji that directly relate levels of remittances to the improved living standards of the remaining local families and communities;
- iii) Opportunities for alternate employment options – labour migration also provides alternative avenues of employment for locals and reduces the numbers of locally unemployed people as the remaining locals replace those who have departed to work in other countries.

C. Problems

- i) It is difficult to capture accurate statistical readings of migrant women leaving or entering a country given the changing nature of a woman's migrant status and the inadequate recording/accounting systems used by government;
- ii) There has been very little research into the area of migrant women workers from Fiji (and the Pacific) as well as social data regarding the human rights of these women to use as platform for meaningful lobbying, policies and programs of action;
- iii) There is suspected presence of illegal or undocumented women migrant workers in Fiji and this state of affairs renders them vulnerable and exposed to all possible forms of exploitation and violences, and culture shocks. Therefore their needs – health, educational, social security, safety and general security – and especially their need for legal redress for abuses, exploitation and violations will have not been met as they would only compromise their illegal status;
- iv) Even though there has been a lack of research and awareness of the issues, causing and consequences of trafficking of women and children in Fiji and the Pacific region, there is the probability that it is already taking place in Fiji;
- v) There is a lack/absence of coherent deliberate efforts by all stakeholders to address the issue of women migrant workers in Fiji. There is the awareness that PICs are sharing/poaching skilled labour off their neighbours but there is a general reluctance to address the issues;
- vi) There is the suspected presence of illegal or undocumented women migrant workers in Fiji and this state of affairs renders them vulnerable and exposed to all possible forms of exploitation and violations, and culture shocks. Therefore their needs – health, educational, social security, safety and general security – and especially their need for legal redress for abuses, exploitation and

violations will have not been met. To bring their grievances to the notice of the appropriate authorities would compromise their illegal status;

5. Suggested Solutions

- i) Undocumented/Illegal Women Migrants – That both sending and receiving country (in this case, Fiji) implement policies and programs that will discourage the hiring and employment of undocumented (illegal) workers in their country. These policies and programs can also serve as incentives to undocumented workers. *The concepts of human trafficking and smuggling of women and children are very new and need to be actively addressed.*
- ii) Change in Government Approach – that the Fiji government and the relevant ministries change their views of labour migration from a negative, reactive approach to one that is pro-active and views that *mobility is development!* Migration is a major source of remittance and a possible alternative source of additional skill – brain gain – once they return into the country. Remittances can only improve living standards within the families and communities of migrants. The Fiji government must design realistic and appropriate policies and programs that are incentives and serve to encourage the return of Fiji's labour migrants along with the additional skills they may have acquired in their absence. This can also apply to the assets the returnee migrants may have accumulated during their time away and to investment plans that returnee locals might want to implement once back in Fiji;
- iii) That relevant government ministries and departments, and other private institutions e.g. banks, employers, insurance companies, health providers, etc, with other non-governmental institutions such as human rights organisations, women's groups and other interest groups can get together to discuss, design and implement policies and programs that protect and ensure the safety and security (in all aspects) of Fiji's migrant workers. Such policies and programs may include awareness and education campaigns, advocacy workshops, and counseling services to intending migrants. The same stakeholders could provide vital information such as addresses, telephone, fax, and e-mail contacts in specific cases of emergency and for other migrant needs by printing these as fliers and distributing them at every point of entry into the country.

6. Recommendations for Pacific Island Governments

- i) That Pacific Island Governments (PIGs) consider labour migration issues within the frameworks of their bilateral and/or multilateral agreements with other Pacific Island Countries and/or metropolitan countries. This needs to be done to safeguard and address gender equality, safety and security, health and educational and other socio-economic needs of the women migrants. These agreements can focus on working conditions, packages, health and safety issues and how grievances of migrants can be addressed
- ii) More effective and closer regional and international co-operation amongst destination, sending and transit countries in terms of judicial, law enforcement or police co-operation, is needed to make the prevention and the suppression of trafficking in women more effective;

- iii) There needs to be national and regional efforts to establish data banks and data bases to collect and store statistical records of labour mobility within the region;
- iv) Bilateral Trade Agreements – these agreements can facilitate many things to the advantage of migrant women worker communities and their sending countries. For example, the agreements can call for common banking systems where each migrant is encouraged to use the local banking system to repatriate funds to their own country and at the same time prevent money laundering. Special interest rates can be introduced to work as an incentive for the migrant to remit funds back home;
- v) These agreements can also help protect the woman migrant and her rights while she is away in another country. While this may seem cumbersome to foreign affairs offices, identifying particular ministries, departments, private sector interests and other relevant non-governmental organizations within the agreements will obligate the said institutions to treat their migrant workers with a more responsibility thereby encouraging more social and economic development all around;
- vi) The concepts, processes, issues and the phenomena known as Human Trafficking and smuggling (recruitment, transfer, transportation, harbouring, receipt of persons, using blatant force and violence or subtle inducements that capitalize on vulnerability to achieve consent – UNIFEM) is almost unknown and unrecognized in the Pacific. Massive and intensive awareness, education, and advocacy programs should be introduced and implemented by all stakeholders to inform the general public of this phenomenon so that the probability of this illegal migration activity taking root in our midst is drastically reduced.

7. Other Considerations for Pacific Island Countries

- a) More research needs to be conducted on the plight of immigrant women workers into Fiji and other PICs. There are anecdotal evidences of large numbers of undocumented Ni-Vanuatu and Solomon Island women workers moving into New Caledonia and abuses and violations of migrant employment rights of Fiji citizens working in the hotel industry of the Cook Islands. There is the case of Asian women entering Fiji to work in the Garment industry. Areas that need special focus include the scrutiny of all contractual agreements, working and living conditions of these migrant women workers, how they are processed by the host immigration, labour and other relevant government ministries, as well as other social and security issues affecting them;
- b) The establishment of Human Rights offices in each of our PICs to promote and protect the rights of all migrant women workers. This can be an additional advocacy activity apart from other human rights issues that need to be aggressively addressed for public awareness.
- c) PICs can acknowledge and recognize the positive contributions of women migrant workers to the socio-economic development of a country and its people via improvement of living standards, skill acquisition, and remittances. To this end, PIGs need to change their negative approach on women migrant workers and design and implement policies and programs that encourage the protection and security of women migrant workers through: -
 - Establishment of training centers to prepare and train Pacific women migrant workers for the various types of skilled and/or semi-skilled and

unskilled employment niches identified by the governments form the international labour market;

- These training centers can instruct women on the standards and expectations of overseas employers, the cultural and physical environments of their new work place, human rights and contractual agreements relating to their employment, immigration laws as well as to provide vital information such as contact addresses of embassies, the local police, hospital and other vital services;
- d) There can be regional efforts to address migration issues, especially the migration of women workers amongst PICs and even to metropolitan countries through conferences seminars and workshops. A similar conference of this nature was held in Fiji in July 2003 where representatives from about 26 Pacific Island States and stakeholders involved in and concerned with the migration of Skilled Health Personnel met to discuss and share information and experiences regarding migration issues and problems;
- e) There can be regional efforts to form networks between countries for trade unions and/or similar occupational associations where common migration issues regarding women workers – e.g. hiring, work conditions, contracts and packages, safety standards and social security, benefits, citizenship, rights, return of migrants and other issues can be actively discussed and resolved. Deliberations can include forging pacts or agreements at the regional level or between similar occupational organisations, focusing on providing safety and security – in all aspects – for the region’s women migrant workers;
- f) There can be regional efforts implemented to address the phenomenon of Human Trafficking and Smuggling where the state – judiciary, executive, bureaucracy, parliaments – and all non-state actors (all religions, civil societies, non-governmental organisations, business houses, private sector) are speedily informed of this illegal migration activity that largely places women and children as its victims. There must be regional and national - level coordinated efforts to strengthen and tighten monitoring capabilities, immigration and labour law and boarder controls to reduce opportunities of human trafficking and smuggling in our midst.

1.6 Introduction

This paper generally looks at the migration of women workers from the Pacific region and the related human rights issues that affect them. The discussion is centered on fieldwork research, interviews, literary reviews combined with the experiences of Fiji's migrant women to the Marshall Islands and attempts to draw parallels for the rest of the Pacific region. Migration is a human dynamic process that can be considered and approached from many different perspectives. The two basic types of migrants are the *emigrant/émigré* (the individual who departs from his/her country for whatever reason) and the immigrant (the individual who enters another country (and not his own), for whatever purpose.

1.7 Project Focus

This project report has approached the topic of Fiji's women migrant workers and their related human rights issues, by using two areas of focus: -

- a) The study considers the *emigrant* woman worker who departs Fiji in search of employment and the related human rights issues that affect them; and then,
- b) It looks at the Fiji *immigrant* woman worker who arrives at another destination and studies the work conditions and the human rights issues that affect this woman. This is where the employment and human rights issues of women nurses and teachers from Fiji who have travelled to the Marshall Islands will be used as case-studies and the basis of discussion. Please note that this case study only highlights findings where *the migrant worker travels from one Pacific Island Country (PIC) to another*. Other cases of women migrant workers travelling from a PIC to a metropolitan country will consider case studies of Tuvalu-New Zealand, and Kiribati-New Zealand women's migration schemes as basis of those discussions.

2.0 Findings

2.1 Literature Review

2.2.1 Conceptualising Migration

Types of Migrants

There are generally five categories of international migrants. According to Russell and Teitelbaum (1995: 2-4), there are: -

- a) Settler Migrants –These migrants travel across borders either legally or illegally with the purpose of permanently remaining at the new locale;
- b) Worker Migration or Temporary Contract Labour - This category of migrants generally involves 'low-skilled, low-paid workers', and maybe 'circulatory' in nature. The main idea is hiring of such migrants from 'low-wage countries' to temporarily fill positions in the local job market. The workers arrive and work for a limited time period (usually without their family), with the intention of going back home at the end of their stint, earning high wages and learning new skills;

- c) Skilled Labour Migration – This category of migrants refers to skilled workers and technical personnel (or professionals) who move outside of their country to staff overseas posts. These movements include intracompany transfers by multinational companies and governmental agencies, and the movement of those involved in international trade and commerce;
- d) Student Migrants – These migrants are generally allowed into a country to study for a limited period and are not allowed to work in the duration of their studies. Too often, these migrants become permanent migrants by “violating their limited-term admission or by legal adjustment of their status to a more permanent category”; and
- e) Refugees and Asylees - These migrants are defined as people who are outside of their own country due to a “well-founded fear of persecution for reasons of race, religion, nationality (...etc.) and is unable or unwilling to avail himself of the protection of that country. A refugee, according to a definition provided by the Organisation for African Unity (Ibid:4), refers to “every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing the public order...is compelled to leave...to seek refuge in another place”.

2.2 Labour Migration

Types of Labour Migrants

There are various categories of labour migrants and they can be generally classified according to levels of skill – unskilled, semi-skilled and professionals – apart from other qualifications.

2.2.1 Classification of Professional Migrants

2.2.2 There are at least eight official categories (or variations of these) of professionals considered in labour mobility. Apart from others, these are: i) Professional, technical and related occupations; ii) Administrative and managerial occupations; iii) Clerical, supervisors and related occupations; iv) Sales Workers; v) Service Workers; vi) Agricultural and related; vii) Production Workers, transport equipment operators and laborers; and finally, viii) Others not classified by occupation. The same categories have been used by Fiji’s Bureau of Statistics to record movements of skilled people within and outside Fiji.

2.3 International Labour Migration in the South Pacific

2.3.1 International labour migration from the Pacific is a recent development by world standards. The Pacific Island Countries (PICs) have been seriously involved in international labour migration only for the last 30 years (Appleyard & Stahl, 1995: 47 - 8). The economies of the PICs then, were highly traditional agriculturally-oriented, socio-economic systems. There were very few educated professional people therefore a very limited capacity to plan – let alone administer - the mammoth task of development with the socio-economic transformation this

required. In the international arena, 30 years ago, there was little consensus amongst development economists as to the best course to follow. Nor was there any consensus on the role that the state should play in the process. “That the island countries did not get the development recipe right is not unexpected; they have a lot of company” - Ibid. Therefore, whatever professional skill was acquired by a Pacific Islander, this/these were put to use for nation building and general development of the island state prior to his/her departure for developed countries. Whether these skills were successfully transferred to those staying behind to resume duties is highly doubtful as the coinage of the words ‘brain drain’ indicates a lack of this skilled knowledge in the local stocks of labour.

2.5 Trends of International Labour Migration from Fiji

2.5.1 Apart from the inevitable rural-urban internal migration that has continued to take place to the present in Fiji, there are two general waves of international migration of skilled professionals from Fiji that can be established. Firstly, there was the early migration towards the metropolitan countries of the United States and Canada from the 1960s through to the early 1980s, and then a contemporary migration to mostly Australia and New Zealand immediately before and after the coups of 1987 and 2000. There is a possible third stream of migration of skilled professionals from Fiji towards Pacific Island Countries (PICs) that has emerged in the 1990s – Rokoduru (2002).

2.6 Migration of Women Workers – General

2.6.1 A UN report (1997:45) discusses how women have fared compared to men in relation to international migration and below is a summary of its findings: -

- a) The large majority of migrant women are voluntary migrants;
- b) Despite the influence of the family and marital status, migrant women are key actors in the migration process and often play a key role in migration decisions; and,
- c) Migration provides women with an opportunity to engage in waged employment, therefore increases their ability - via remittances - to improve the welfare of the family remaining in the country of origin.

2.7 Gender and Labour Migration

2.7.1 The same report (1997: 48) notes that the 1990s have witnessed a feminisation of Asian labour migration, with women moving more and more in their own right as autonomous economic migrants, rather than as dependents of male migrants. It suggests that the drive behind Asian female labour migration is the growing demand in a few female-dominated activities such as domestic service, entertainment, and to a lesser extent, nursing and teaching. Hugo (1998)² has highlighted the same trend

² Hugo in Brownlee and Mitchell, (1998), (eds.), *Migration Research in the Asia-Pacific: Theoretical and Empirical Issues*, *Asia Pacific Migration Research Network*, Working Papers No. 3, Centre for Multicultural Studies, University of Wollongong, Australia. Pp. 41 – 62.

2.8 Migration of Women Workers – Pacific

2.8.1 Tuvalu Women and the New Zealand Labour Scheme: an illustration of Pacific women workers migrating to a metropolitan country for employment

The most current research on this subject was presented as a Master of Arts thesis at the University of the South Pacific in 2003. This work was earlier referred to as the study that relates the plight of women migrant workers from the Pacific traveling to a metropolitan country to find employment. It must be noted that this scheme was an organised socio-economic venture between the governments of New Zealand and Tuvalu. The case of Fiji migrant women workers in the Republic of Marshall Islands (RMI) differs from this scheme as the arrangements for work and migration were between the individual woman migrant, the different ministries in RMI (representing government), and/or the hiring agents sent by the same ministries to Fiji.

This labour migration scheme was arranged between the then governments of New Zealand and Tuvalu in 1984 and established by 1986. It was designed for two main reasons – for economic ones – remittances and income-earning; and for social ones - to prevent women from engaging in ‘street service’ – prostitution (Manoa, 2003: 7). The scheme constituted a renewable 3-year contract for Tuvalu women to work in farms in Auckland, New Zealand (Ibid.).

Some of the findings from this research with regards to Pacific migrant women workers and the related human rights issues have been highlighted below: -

- a) The scheme was specifically designed for women migrant workers from Tuvalu (which later included men from 1991), who were selected through rigorous formal and traditional selection processes;
- b) There were formal contracts between and amongst the two governments and the employers and employees on travel arrangements, duration of contract, health and welfare, termination of service and repatriation;
- c) The Policy document governing this scheme lacked procedures for addressing grievances and complaints by the migrants, whilst working in New Zealand;
- d) The scheme had its successes including provision of jobs and incomes for the women, increased cash and kind remittances to Tuvalu and a general improvement of social, and economic standards for the individuals, communities and the country; and,
- e) Aside from culture shock and its related negative social repercussions, the main failure highlighted by the same research mentions a lack of proper government support by way of an established Mission that was empowered to negotiate issues and grievances regarding employment and immigration problems on behalf of the Tuvalu women - (Manoa, 2003: 80 – 97).

Some Considerations

- 1) The above study is an attempt by an island government to address national economic and social issues at the national and local levels. The Tuvalu government in this

instance recognizes the importance of labour migration and what this concept can contribute towards gender and economic development. This is to be commended.

- 2) The study highlighted the lack of an effective Tuvalu Mission or Embassy in Auckland to negotiate employment issues and meets the needs of the women migrant workers. This lack placed the women in a vulnerable position and they were then exposed to possible contractual abuses and human rights violations from their employers. This was also the case of the Fiji women workers, especially the registered nurses in the Marshall Islands. There were effectively no recognised avenues or channels of communication through which the women could air their grievances and at the same time to seek re-dress for the same. This resulted in frustrations over uniform issues, employment contracts, unacceptable accommodation arrangements and other regrets which eventually affected their productivity in the work environment;
- 3) This study exposes gaps in awareness and knowledge of issues regarding women migrant workers that all stakeholders involved need to be aware of such as foreign contracts, remittances, migrants' human rights, citizenship issues and other issues. This study is another confirmation that the Tuvalu government (as well as other Pacific Island Governments – PIGs) need to urgently address the diverse issues surrounding women migrant workers.

2.9 Migration and Human Rights

2.9.1 The Three Sets of Migrant Fundamental Rights

The three sets of rights awarded to migrants who will become citizens should they be successfully assimilated into a host country are *civil, political and social rights* (Marshall, 1964 in UN, 1998: 48).

- a) *Civil rights* – generally concern the rights needed to protect and guarantee individual freedom for e.g. the liberty of a person, freedom of speech, thought and faith, the right to own property, to conclude valid contracts, as well as rights to justice (Ibid);
- b) *Political rights* – include rights referring to the right to participate in the administration of political power and the decision-making process. Voting in local and national elections are included in this (Ibid); and
- c) *Social rights* – these rights involve rights to achieving a minimum standard of living and a share in the economic welfare and social security benefits. The rights that guarantee benefits from general educational and health provisions and to living a life of a 'civilized human being' according to the standards prevailing in the society under scrutiny (ibid); and
- d) *Industrial rights* – is suggested as a possible fourth set of rights for migrant workers because their main reason for migration is to find and keep themselves in some form of employment. This set of rights include the right to belong to a trade union, to participate in elections for office bearers of a trade union, to participate in elections to companies' councils, as well as the right to go on strike (Layton-Henry, 1990:12 in ibid).

2.10 CEDAW on Migration

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) also addresses the rights of the woman worker (RRRT, 2001). Articles 1 - 3, 5 - 7, 9 - 16 are closely related to women migrant workers (Ibid. 8 - 10). Some of these articles, and their related issues and considerations are discussed as follows: -

Article 3 (Basic Human Rights) – demands all signatories of CEDAW to award women their full basic human rights and freedoms on an equal basis with men (RRRT, 2001:8). This clause would include migrant women workers as emigrants and immigrants, as long as the 2 countries involved in the movement are signatories to CEDAW.

Issue – These basic rights and freedoms may not be enjoyed by the woman migrant worker if she is traveling and/or working as an undocumented (illegal) migrant. The migrant woman's rights to life, shelter, health, education, justice, and security amongst others, can be compromised in her quest to be employed. In cases of undocumented women workers, these rights may be forcibly removed and denied; for to come forward and be awarded the same rights will expose their illegal status and thereby deny them employment and a livelihood.

For Consideration – That government establishes laws and policies to encourage documentation processes for undocumented women migrants. Women migrant workers can only be protected from all forms of discrimination if they are documented and awarded formal employment contracts. Granting asylum and awarding periodic national citizenship pardon can be avenues for these. The two exercises may be used as incentives to document illegal women migrant workers for any Pacific country.

Article 6 (Prostitution and trafficking) – demands that governments must use every avenue to cease all forms of trafficking in women and exploitation in prostitution. Further, governments must address the main causes of prostitution and take action to “reintegrate prostitutes into society” - Ibid.

Issue – trafficking of women (and children) while acknowledged as a highly criminal activity which grossly denies and violates a migrant woman's rights and freedoms, will continue as long as there are desperate, ignorant women who are willing to travel to other places or countries for work, for the survival of their families and/or themselves.

For Consideration – That there be massive public awareness programs and campaigns informing people (especially women) of the existence of such illegal schemes and the need for women to seek advice and second opinions on any employment contracts they may sign themselves into. Prior to any contract signing, a migrant woman worker should seek the advice and counsel of a human rights advocate/group, a women's organisation, representative/s of the appropriate

government ministry or department, and others. The likelihood (and success) of getting unwittingly caught in the web of deceit woven by would-be traffickers, will be proportionately reduced with wider consultations between the migrants and other interested parties.

Article 9 (Nationality) – This article covers the right of a woman to acquire, change or keep her nationality, whether married or not and to have equal rights involving the nationality of her children regardless of the nationality of her husband (Ibid.9)

Issue – Citizenship and nationality laws are closely related to nationality rights and other fundamental rights and the enjoyment of these rights are rooted in the authenticity of citizenship and nationality, and it must be remembered that States formulate their own citizenship policies based on national interests and that the same may be in conflict with other country's citizenship policies (UN, 1998: 41).

Nationality issues will affect migrant women workers where children are born to them in foreign countries, and/or in cases where they have acquired different-nationality partners/husbands. These issues can be further complicated where the migrant woman worker is traveling and/or working as an illegal/or undocumented worker dealing with planned or unwanted offsprings - especially in cases of forced and/or of sex work.

For Consideration – that NGOs, governments and other relevant regional/international institutions must design and implement labour migration policies that are two-pronged in approach and effect. While the policies will encourage intending women migrant workers to follow and use recognised legal, appropriate systems and processes in order to migrate and work for their own safety and security, the same policies will encourage undocumented women workers to come forward and be documented, irrespective of their geographic location.

Article 11 (Work) – This article demands governments to see that women have equal access to work, job training, job security, salaries and benefits, and that women should be protected against dismissal during pregnancy. Further, the same article deems the essential support for parental duties of both male and female parents through social services offered by government and other relevant institutions (Ibid).

Issue – This article may protect the woman worker at home, but is arbitrary for migrant women workers in foreign countries. The levels of access to all the rights related to work in foreign countries is directly related to the approach adopted by the same countries to its immigrants. If it chooses to value the contribution of its migrant workers, it will adopt legal and practical programs and policies to aid in the gradual assimilation of its migrant workers. Where assimilation and integration is encouraged by a host state, and the woman migrant is a skilled and

documented worker, Article 11 will be observed and human rights in relation to work for migrant women workers may be generally guaranteed. Most of the rights related to work for women as proclaimed by CEDAW can be ignored, abused or violated where women migrant workers are traveling and/or working illegally (undocumented). Human rights conditions protecting migrant women workers can also be ignored and/or violated where there is a lack of Human Rights advocacy and offices that monitor human rights issues and their observance.

For Consideration – That active advocacy of the existence and the awareness of migrant labour rights are made to the widest sections of the public to curb instances of abuse of these rights. Awareness will also empower working women intending to migrate to make informed decisions on career opportunities abroad, safety and security issues, migrant rights, contractual agreements and other relevant rights and issues regarding women migrant workers.

Article 15 (Full legal status) especially protect the equal rights of the woman migrant worker to conclude contractual agreements and to administer property. Further, this article stipulates that migrant women workers will be accorded the same rights given to men with regards to laws relating to the movements of a person and the freedom to choose their residence and domicile (ibid.10).

Issue – This article supports the migrant woman worker who wishes to own/buy property in the host country provided the country has ratified CEDAW. It also protects the rights of a migrant woman to enter into contractual employment and that these rights are equal to those awarded to male migrant workers. Thirdly, this article re-affirms the rights of the woman migrant worker who chooses to reside and be a citizen of a country other than her country of origin. Fourthly, these rights must be equal to those awarded to her male counterparts. These rights will not be enjoyed by undocumented women migrant workers; especially those migrant women workers who have been forced into prostitution, and/or had fallen victims to illegal human trafficking. Finally, women from countries that have not ratified CEDAW and migrant women workers who are not aware of the existence of such rights can be denied the same out of ignorance.

For Consideration – that policies and programs of actions be designed and implemented by governments, the private sector and other non-state actors targeting the most vulnerable groups of women and children who will be the targets for traffickers. These rights can be taught in informal ways via media advertisements, workshops, seminars, conferences, primary and secondary schools, at religious meetings, women's group meetings, village gatherings and translated into local dialects for easy understanding.

2.11 Migrant Women Workers and Human Rights in the Pacific

2.11.1 The Fiji Context

Fiji labour migrants are left to fend for themselves prior to their departure and arrival and establishment in the destination countries of their choice. According to Chand and Naidu (1998: 16 – 17), Fiji immigrants upon arrival into the host countries, are on their own with regards to individual rights. While the Fiji government does not provide legal services for its emigrants, it lacks ‘specific provisions to protect its citizens who are in overseas countries...(and) Fiji immigrants are left to the jurisdiction of the host country government’. Fiji women migrant workers are also included in this predicament.

According to the current Minister for Labour, Hon. Kenneth Zinck, “Fiji nurses and soldier working overseas are exempt from Fiji’s Employment Act because they sign their contracts overseas”(Radio Fiji News, June 2004). This means that migrant workers will only be protected by Fiji’s Employment Act and can be looked after by his ministry on the condition that the migrant has signed her contract in Fiji prior to her departure. A senior Labour official confirmed the Minister’s statement and declared that it was only possible for the Labour Ministry to negotiate and plead the case for a Fiji labour migrant on salary/wages, work conditions, medical and social security, return after contract period and other contractual issues provided, the migrant has made her imminent departure to work in another country known to the ministry³ - refer to Appendix 4 - and left behind copies of relevant papers with the ministry. The same argument was acknowledged by representatives of Fiji’s Trade Unions (refer Appendix 5). The questions of Fiji’s migrant women workers traveling as professionals and documented workers or otherwise and, their awareness of the roles of the Ministry of Labour and their respective trade unions to protect them as labour migrants should be considered.

Considering the various categories of skilled labour migrants from Fiji, Chandra (2003:10) concludes that statistics showing continued emigration by gender for the years 1990-2002, revealed that professional women represented 40% of all professionals who had migrated from Fiji. As well, 61% of all clerical and related workers and 20% of administrative, managerial and related occupations, who had migrated, were women (Ibid).

Table 1: Fiji - Emigration of Skilled People by Profession by Gender 2002 – 2003

Job Categories	2002			2003		
	<i>Tot. Male</i>	<i>Tot. Female</i>	<i>Total</i>	<i>Tot. Male</i>	<i>Tot. Female</i>	<i>Total</i>
<i>Professional, Technical & Related Workers</i>	457	345	802	446	349	795
<i>Administrative and Managerial Workers</i>	281	87	368	289	95	384
<i>Clerical, Supervisors & Related Workers</i>	196	325	521	216	302	518
<i>Sales Workers</i>	80	47	127	74	60	134
<i>Service Workers</i>	81	47	128	81	38	119
<i>Agriculture, Animal Husbandry, Forestry</i>						

³ Divisional Labour Officer – Central/Eastern – Interview 21/6/04

<i>Workers & Fishermen</i>	88	2	90	81	4	85
<i>Production Workers, Transport Equipment</i>						
<i>Operator & Labourers</i>	404	85	489	484	86	570
<i>Workers not Classifiable</i>	1110	1845	2955	1133	2033	3166
<i>Total</i>	2697	2783	5480	2804	2967	5771

Source: Fiji Bureau of Statistics: Unpublished data, 2004.

Table 1 above indicates that the numbers for Fiji's migrant women workers have steadily increased for 2002 to 2003, even though the figures have generally declined for Service Workers and Clerical Workers. The statistics also re-iterate that women migrant workers have continued to depart our shores for other destinations. This makes the efforts by UNIFEM to highlight the plight of migrant women workers and the related human rights issues a more urgent and deserving undertaking.

2.11.2 Field study - The Fiji Women Migrant Workers: The case of the nurses and teachers in the Republic of Marshall Island

Introduction

The case of Fiji's migrant women workers discussed below is from a field study conducted in 2002 on Fiji's nurses and teachers who had migrated to the Republic of Marshall Islands (RMI) in search for employment. The initial results had focused on nurses (Rokoduru, 2002), whereas this report (based from the same research) has been expended to include the case of teachers and adopts a human rights approach in relation to migrant workers from Fiji who are living and working in another PIC.

By 2002, there were more than one hundred Fijians living and working in the Marshall Islands. They worked in various public and private institutes as doctors, nurses and other paramedical categories, kindergarten, primary, secondary and tertiary teachers, lawyers, sales people, builders, mechanics, plumbers, electricians and hotel workers. The majority of the Fiji women in this study had resided on Majuro (the capital) while the majority of nurses (11) and a teacher resided on Ebeye, an island which was part of the Kwajalein Atoll (site of US Missile testing). The initial survey included 33 Fiji women who had migrated to RMI for employment purposes. Of these, 16 were nurses and 11 were teachers. Results from the study conducted on the nurses and teachers with regards to their foreign employment and the related human rights issues are discussed below.

Reasons for Migration

Generally, all the women had migrated to the Marshall Islands for employment purposes, while one had indicated accompanying her family only to find work in the Marshall Islands upon her arrival.

Choice of Destination

At least 90% of the women chose Marshall Islands as a destination country because their work contracts were better than what was offered in Fiji in terms of better pay (in US currency). This option was indicated as the most important criteria that influenced the choice of destination. Other considerations for the choice of Marshall Islands included

geography - it was closer to home (10%), and had a similar cultural environment as Fiji's (38%).

General Profile of the Migrants

The first Fiji woman in this survey arrived in the Marshalls in 1992 to work as a teacher. The other women arrived either individually or as a group between 1995 and 2002. Migration to the Marshalls still continues today. The women had responded to advertisements placed in the local dailies or to hiring agents from the Marshall Islands.

a) Nurses

The age range of the nurses was from 28 - 45 years of age, the average being 34 years. The nurses had between 17 to 35 years of work to go before reaching Fiji's revised retirement age of 60. The terms of their contract demanded that they work for an initial two-year period after which, the contract may be annually renewed. All the nurses are qualified, registered nurses from Fiji.

Table 2: Breakdown of Nurses by Nationalities for Ebeve Health Center, 2002

Country of Origin	Total No. of Nurses
Marshall Islands	15
Philippines	6
Fiji	11
FSM	6
TOTAL	38

Source: Fieldwork, Ebeve Health Clinic, 2002.

b) Teachers

The age range of the women teachers is from 22 to 65 years. Most of the women are married with children and their work experience in Fiji prior to their departure ranged from 3 years to 36 years with the majority having acquired at least 7 years of teaching experience in Fiji prior to their departure. All the teachers are certified, qualified teachers from Fiji.

2.11.3 Fiji Women Migrant Workers and Human Rights Issues

The following issues were studied for the Fiji women migrant, with regards to the human rights issues in relation to women migrant workers in the Marshall Islands:

- a) Work Contracts and Civil Rights;
- b) Legal and Citizenship Issues as Civil Rights;
- c) Social Rights of the Migrant Women Workers;
- d) Political Rights of the Migrant Woman Workers; and,
- e) The Industrial Rights of Migrant Women Workers.

A. Work Contracts and Civil Rights

All the 27 respondents had work contracts and work permits. Therefore, according to the RMI Immigration system, the women were registered as *Legal Aliens*. While the nurses had two-year contracts that were renewable annually after the end of the first contract period, the teachers were given three-year contracts that were renewable annually at the end of their first contracted term. The majority of the women signed their contracts and was granted work permits upon arrival in the Marshall. All the women did not pay a bond deposit to cover for return passage should they commit any immigration-related offense, for e.g. over-staying their contracted term, working without permits and contracts and/or other.

B. Legal and Citizenship Issues as Civil Rights

At least 40% of the 27 women were not aware of their rights as legal foreign workers. While 26% of the women stated that they enjoyed the same rights as the citizens of the RMI, 41% indicated that they did not enjoy these. About 33% of the women indicated that they did not know whether they were awarded the same citizenship rights as others and locals. Some of the reasons the women stated that differentiated them from the local citizens are listed below: -

- a) They were seen and treated as ‘aliens’;
- b) They were denied rights to voice their grievances to their Heads of Departments or Supervisors regarding work conditions;
- f) While the local citizens were allowed to travel visa-free to the US mainland or to the other US Territories (e.g. Guam, Saipan, Hawaii), the Fiji women migrant workers needed visas to travel to these places (and after 5 years consecutively served in the Marshalls);
- g) They were taxed more than the locals;
- h) They could not enjoy Social Security facilities unless were citizens;
- i) They paid a minimum of US\$35-00 for medical check-ups if they were not covered by Medicare and there were particular restrictions on health plans that excluded aliens from enjoying the same.

A further 37% while indicating that they enjoyed citizenship rights did not explain how these rights benefited them.

a) Compensation - Injuries and Illnesses Experienced in the Cause of Employment

81% of the women indicated that they were compensated for any injuries or illnesses they may or experienced in the cause of their employment

b) Protection and Compensation for Health and Safety Issues during the Course of Employment

Of the total women, 85% indicated that they were included for protection and compensation should they experience health and safety-related problems while working in the Marshall Islands. At least 3 nurses pointed out that there were no protective masks and/or garments issues to them against Tuberculosis (TB), despite this disease being rated as one of the most infectious disease on Ebeye, Marshall Islands. Yet another nurse noted

that there were no Occupational Health and Safety policies or regulations in place, nor was there a Health Inspector on the island of Ebeye.

c) Jobs and Work Permits

Upon being asked whether they could change jobs using the same work permit, 60% indicated this was not allowed, while 32% of the women did not know whether this was possible at all. In actuality, the Marshall Islands government does not allow its legal aliens to change work places while using the same work permit. Work permits are issued for specific advertised vacancies only.

d) Equal Opportunities for Further Training and Acquisition of New Skills

In comparison to local citizens, 58% of the women migrants stated that they did not enjoy equal opportunities for further training and/or acquisition of new skills. These women noted that they were generally allowed to attend workshops that were held at local venues. These workshops were work-related. In most cases, only the locals were considered for workshops and further training (either overseas or local) because the Fiji women were viewed as already skilled and were there to train the local staff and impart their knowledge instead of gaining more. Government-funded training schemes and programs were designed towards that end and denied the Fiji women participation. For personal up-skilling and career development, the Fiji women migrant workers attended the USP-Center in Majuro and took up other correspondence courses available on-line. Both these educational avenues were privately sponsored and depended on the career and personal ambitions of the woman migrant. Only 30% of the women migrants indicated that they were provided equal opportunities for further training and up-skilling because they had been allowed to attend local workshops as well as training outside of the Marshall Islands.

C. Social Rights of the Women Migrant Workers

Of the total women respondents, 40% indicated that they enjoyed all the social rights that local citizens enjoyed; 36% indicated otherwise and a close 24% indicated that they did not know what and whether the social rights were enjoyed by them. They were asked of the following rights: -

a) Access to your own and your family's education

64% of the Fiji women indicated that they enjoyed this social right in the Marshall Islands and they had admitted their children into the local education system, while they had joined various study programs offered at the local USP Center for their own career development. These accesses were paid for by the women and/or their spouses. A further 16% indicated a lack of access to education and sited government-run programs and workshops that demanded only local citizen's participation.

b) Access to your own and your children's health care

68% of the respondents stated that they were able to provide and have access to their own and their children's health care, while a further 24% noted that they were not aware whether such a right could be enjoyed in the Marshall Islands. The final 8% of the women indicated that neither they nor their children had access to their own and/or their

children's health care. In these instances, the respondents were far away from hospitals and/or were not covered by any Medi-care scheme. An interesting piece of information provided under this topic was that the Fiji women migrant workers were treated just like the local citizens in cases of visiting medical teams. In these cases, the Fiji women needed to be residing in Majuro to utilize the services of visiting medical teams. The same rights can be enjoyed by the Fiji women workers with regards to lotteries as well.

c) Access to any superannuation scheme

On the above topic, 52% of the respondents agreed that they has access to some type of superannuation scheme, while 32% claimed they were not covered in any such scheme. While a teacher noted that she was already on retirement and was collecting her monthly social security cheque on top of her pay, some of the women commented that deductions to superannuation schemes and medi-care were non-refundable at the end of their contracted term of employment because of certain conditions implemented by the Marshall Islands government. This included not being able to withdraw from the superannuation scheme until the age of 55 years; and, that the social security cheque can only be released to the worker if she presents herself physically back in the Marshall Islands upon turning 55. This can become a costly exercise given that one may only spend a short time in the Marshall Islands before returning to Fiji, or moving on to other parts of the world.

d) Full Freedom of Association

88% of the total women respondents said they were granted full freedom to meet and form themselves into whatever interest groups they were interested to form or join, while 12% indicated they were denied this freedom. Evidences for this freedom were quite visible in the social groups that the women had formed or joined including religious and similar-occupational groups, study, ethnic minority and other entertainment groups. Organised groupal activities occupied the women's time outside of their regular work hours.

e) Full Freedom of Expression

Concerning freedom of expression, 72% of the respondents indicated they were awarded this right in the Marshall Islands, while 24% stated otherwise and the remaining 4% did not provide an answer to this probe. On the other hand, the majority of women stated that communicating ideas, changes and complaints to fellow workers, supervisors and administerial staff was sometimes difficult largely because of language barriers and difficulties. In other instances, communicating the same can be easy but for the lack of awareness in job roles and how to get things done in the work area that hinders full freedom of expression.

f) Full Freedom of Movement

80% of the women respondents agreed that they enjoyed full freedom of movement while working in the Marshall Islands, while 20% indicated otherwise. Most of the women who considered a suppression of their rights to mobility, lived and worked on the island of Ebeye, a part of the Kwajalein Atoll group. Movement into and out of Kwajalein is heavily monitored by the US Military Police and each person – local or alien – needs a pass issued by the US officials (either on Majuro or Kwajalein).

g) Full Freedom to Affiliate in Any Religious Organisation

96% of the women conceded that they enjoyed full rights to join any religious organizations and the Fiji women had affiliated themselves into various Christian and Bahai religious organizations.

D. Industrial Rights of the Fiji Women Migrant Workers

a) Free Participation in any Trade Union

70% of the Fiji migrant women workers agreed that they were not free to join or participate in any trade union activity and were discouraged from doing so by citing a particular condition in their contract clearly expressing the same sentiment. On the other hand, the remaining 30% did not know whether they could join and participate in trade union activities. As well, there are no trade unions in the Marshall Islands, yet. Some of the nurses on Ebeye indicated the existence of a Nursing Association there, but the Organisation was for mainly social functions – e.g. Christmas Parties, farewell parties, etc.

b) Free Participation in any Industrial Action against Government

As above, 78% of the women stated that they were not allowed to participate in any industrial action against government as they were bound by their contractual conditions which discouraged any participation in industrial action. Others thought there was no need for industrial action, especially as there were no trade unions in the first place, and that as foreigners, it was not good to work against their employer. Yet others thought strike actions were illegal and conflicted with their religious beliefs.

E. Political Rights of the Women Migrant Workers

a) Full Freedom of Political Association and Expression

The majority of women (74%) indicated they did not enjoy full freedom of political association and expression and were happy with this state of affairs. They acknowledged their alien status and were hesitant to compromise their employment contract for political activities. Most of the women were not willing to participate in the political life of their host country, nor showed interest for the same. Others were reluctant to change this status for otherwise and pointed to certain stipulations in their employment contracts that discouraged political activities by aliens. As aptly expressed by a respondent, “*E tabu!* My contract stipulates that this is not allowed! - Political association and expression is taboo! My contract stipulates this is not allowed!

b) Voting Rights – at the Local and National Levels of Politics

Finally, about 78% of the women respondents declared that they did not have any voting rights to participate in voting at either the local government (Municipalities) or national government levels and were content to let things continue as they were. The remaining 22% were not aware whether they were allotted this right at all. The majority of women had deliberately chosen to be independent off political activities in the Marshall Islands. This implies that the women prioritised employment security and economic gains to compromising the countless employment opportunities in the Marshall Islands by actively participating in the state’s political affairs.

Conclusions from Field Study

The following are some conclusions that were arrived at from this study: -

1. Fiji's migrant women workers are eligible for all four sets of rights – civil, social, political and industrial – awarded to migrant workers in the Marshall Islands; these rights vary in degree according to the type of occupation and contract designed for each occupational category, but these rights were enjoyed by the women because they were documented, legal aliens;
2. A good number of women in this field study were not aware or fully informed of their rights as migrant women workers. About 20 – 30% of women responded '*Don't Know*' or chose not to answer the probes to each of the migrant rights issues raised in the study. To this end, this field study became an advocacy exercise between the researcher and the subjects of the study. This implies an urgent need for these rights to be taught to wider sections of the public and especially to intending women migrant workers from Fiji. The saving grace for the Fiji women in the Marshall Islands was that they were travelling and working as documented legal workers;
3. There is an obvious lack/ignorance of labour migration information in areas such as migrants' rights, employment contracts for migrants, and avenues for addressing migrant women worker's grievances and abuse of their human rights in both Fiji and the Marshall Islands. There is a definite need for avenues (either from the public or private sector) where intending migrants are advised/informed of their contractual agreements and their rights as migrant women workers. These avenues can also facilitate brief teaching sessions on the cultural/political/health/educational/etc environment of the destination country – in this case the Marshall Islands;
4. The women were quite hesitant to compromise other employment opportunities or their current employment contracts to raise awareness or claim abuse/violation of their worker's rights involving breaches in their contract regarding work conditions, salaries, living conditions and other matters, because the salary levels in the Marshall Islands are much better than Fiji can offer. There have been cases of breach of contract where conditions promised to the nurses – e.g. family reunion on Marshall Islands and individual accommodations per nurse, amongst other things – have not been fulfilled on the part of the Health Ministry for the Island government. Some nurses have been forced to return to Fiji (and therefore to break their contracts with the Health Ministry of RMI) because certain conditions had not been met. In these instances, the nurses have been forced to pay their own return airfares as well as to pay certain amounts of money as compensation to the government for not working the full term of their contracts. In this case, the vulnerability of the individual migrant worker and the precarious nature of nursing work on Ebeye both work against the woman migrant worker from Fiji. Such cases and the probability of the same re-occurring over time need

- to be acknowledged and urgently addressed by the local and national Health authorities of that country;
5. The issue of abuse and/or violation of the rights of the Fiji woman migrant worker can also be addressed by the appropriate ministries of the Fiji government for e.g. the Labour ministry, the Health ministry and the Education ministry. In order to get our Fiji ministries to help our migrant women workers address their work grievances in the Marshall Islands, the women migrant workers need to sign their contracts here in Fiji (and so be treated as expatriates in their host country) so that they will be covered under Fiji's Employment Act. Sadly, this has not been the case for most of our women migrant workers in the Marshall Islands and they have forfeited this avenue for protection;
 6. The absence of trade unions in the Marshall Islands has effectively closed a legitimate, recognised avenue through which the Fiji teachers and nurses can air their grievances. Therefore, should the Fiji women migrant workers seek the help of Fiji's trade unions to address issues of abuses and violations of their rights in the Marshall Islands, this will be a futile exercise on two counts: -
 - a. There are no recognised sister trade unions in Marshall Islands that can help the nurses and teachers in their grievances; and
 - b. As yet, there are no agreements (bilateral or multilateral) between Fiji and its Pacific Island neighbours that specifically requires host island governments to protect the rights and to provide the security needs of our women migrant workers who arrive at their shores to impart work knowledge, skills, innovations, and others; finally,
 7. The absence of a Human Rights Commission or office in the Marshall Islands further reduces the opportunities for re-dress of abuses/breaches and violations of the migrant worker's rights for the Fiji women in Marshall Islands. The presence of such an office keeping a 'watching brief' could lead to a speedy re-dress of the women's grievances.

3.0 Discussions – the Fiji Context

From the field study, literature research and numerous interviews that were conducted with individuals and organisations, the following issues, benefits, problems and suggested solutions with regards to women migrant workers from Fiji and into Fiji were highlighted: -

A. Issues

1. There is a general lack of information, research, study, policies and programs of action with regards to Fiji's women migrant workers from appropriate regional and international agencies, the national government and corresponding line ministries, as well as from non-governmental organisations and civil societies. Clearly, the plight of Fiji's women migrant workers have not been addressed because of a general lack of awareness of the issues faced by these segments of the local community;
2. There is a general lack of awareness, communication and/or information sharing regarding issues of employment contractual agreements amongst/between all the stakeholders - i.e. employers, employees, appropriate government ministries and

- other relevant institutions. There is also a lack of awareness of the four main areas of human rights that affect migrant women workers (and all migrants);
3. Contemporary human rights issues in Fiji and the Pacific include issues of HIV/Aids, poverty, domestic violence, land, elections and voting, and lately democracy issues, to name a few. The Human rights issues affecting migrant women workers are recognised as important but these have not been touched;
 4. Very few Fiji women migrant workers are aware of their contractual and human rights. They believe that foreign employment contract and conditions are the same as local ones and can experience problems once they get to their destination. By this stage, it is often too late to address their situation using the local trade unions and associations. These women need to be exposed to and to know that there are special awareness programs available for their use prior to their departure. Sadly, these awareness avenues are not readily available as yet;
 5. Within the processes of Fiji's women migrant labour, the stakeholders identified include, the migrant, the migrant's immediate family and extended community, the government (apart from the ministries under which some migrants may have worked; includes the Ministries of Foreign Affairs, Trade and Commerce, Immigration, and Labour), trade unions, the employers (in this case mainly from the private sector), regional institutions, non-governmental organisations, and, civil societies;
 6. There is a need to scrutinise all of Fiji's bilateral and multilateral agreements for Fiji's at all levels, to establish whether labour migration and the protection of labour migrants (regardless of sex) from all forms of abuses, exploitation and violations, is mentioned/included as specific clauses within these agreements;
 7. Migrant labour (regardless of sex) are not generally included/considered in the bilateral trade agreements that Fiji has signed with other Pacific Island Countries – and this may also be the same for Australia, New Zealand and other metropolitan countries;
 8. The Fiji government generally adopts a negative approach to the topic of labour migration. The migrant is seen as a traitor who has used government (or even private) resources to train herself and then chooses to take this training out of the country for her own good. While the Fiji government recognizes that it cannot compete with bigger countries in the labour market, it has implemented policies that only punish returnee migrants and discourage their return. At the same time, other policy omissions discourage would-be migrants from departing for other countries – a good example is that of returnee Fiji's nurses starting again at the lower salary rungs upon their re-employment in Fiji, despite their many years of working experience accrued here and abroad and the probable additional skills they had acquired while they were away. These negative approaches only hinder development efforts and the spread of new skills and ideas to the local receiving community;
 9. That affiliation of Fiji women workers to trade unions is a positive step towards protection of their labour and human rights, as well as for job security should they plan to migrate in the future. The networks developed between sister trade unions within the region can serve to protect migrant women workers with regards to

- their employment and other related conditions; as well as to safe-guard their rights as women migrants, wherever they may go for gainful employment;
10. That there is a need for the Fiji government and relevant banking and financial institutions to simplify procedures for sending and receiving remittances in Fiji;
 11. Fiji government and other interested stakeholders need to design and implement education programs targeted at would-be migrants especially for work standards and expectations of overseas employers, on contractual issues and employment packages, on migrant rights, on health issues – especially HIV-Aids protection and education, safety and security issues;
 12. The Ministry of Women in conjunction with other Women’s Rights organisations, and other interested women’s groups can become active participants in the plight of Fiji’s migrant women workers. They can provide counseling services, legal aid/advise, temporary shelters, pay regular visits to working places of migrant women to show solidarity, run informal educational workshops, fund and run awareness programs, establish cohesive and effective networks at the national and regional level that caters for the needs of women migrants, and even provide judicial custody for women migrants in Fiji;
 13. The Fiji government and other financial institutions can implement insurance schemes for women migrants. While it provides protection for the woman migrant, it also functions as an incentive for other undocumented women migrants in Fiji to become documented workers.
 14. There needs to be a co-coordinated effort to control and monitor the activities of Private Recruitment Agencies by the Fiji government through its relevant ministries and departments and other stakeholder institutions to prevent the possible exploitation and abuses of women migrant workers in Fiji;
 15. The Fiji government needs to re-evaluate and/or re-consider some of its economic policies, especially in cases where immigrant labour is involved. The high infusion of immigrant labour into the local garment industry against high local unemployment rates, defies logic. The tax-free zones and other incentives offered by government to boost trade and investment in Fiji can carry higher economic and social costs to the country than the benefits these incentives can earn.

B. Benefits

1. Acquired skills, technical know-how – migrant women workers can be exposed to opportunities for furthering their career and adding to their technical skills and knowledge from the specific areas or countries they have moved to. In this way, the migrant has gained more skills that can be valuable for development back in the sending countries;
2. General improved living standards – this is a generally acknowledged outcome for communities experiencing migration due to remittances received and the exposure of the migrants to higher living standards in their travels. Despite being acknowledged, there has been no conclusive study of the same phenomena in Fiji to directly relate levels of remittances to the improved living standards of the remaining local families and communities.
3. Provision of alternate employment options – labour migration also provides alternative avenues of employment for locals and reduces the numbers of

locally unemployed people as the remaining locals replace those who have departed to work in other countries.

Table 3: Fiji – Remittances from 1985 - 2002

Remittances	
Year	F\$M
1985	21.0
1986	25.2
1987	22.2
1988	30.1
1989	42.2
1990	36.9
1991	47.9
1992	52.7
1993	62.3
1994	55.9
1995	50.9
1996	62.0
1997	79.8
1998	90.1
1999	86.6
2000	124.3
2001	224.4
2002	232.4
2003	243.4

d) Remittances – This table depicts the increasing levels of remittances received in Fiji from 1985 – 2002. The dramatic increases that can be traced from 1988 and onwards can be attributed to the rising levels of migration taking place in Fiji. For example, the Fiji nurses working in Ebeye in the Marshall Islands would jointly remit an average of between US\$1,300- and \$1,900, to Fiji in a fortnight – an equivalent of FJ\$2,600 - \$3,800 for the same period. (Rokoduru, 2002: 45).

Source: Reserve Bank of Fiji – various reports, June 2004

C. Problems

- It is difficult to capture accurate statistical readings of migrant women leaving or entering a country given the changing nature of a woman’s migrant status, the inadequate recording/accounting systems used by government, and the probable expensive costs that can be incurred to change/modify these

recording systems;

- There has been very little research into the area of migrant women workers from Fiji (and the Pacific) and very little data is available to use as platform for meaningful lobbying, policies and programs of action;
- There is very little statistical and/or social data available regarding the human rights of Fiji’s migrant women workers and the abuses, violations and omissions of the same upon which meaningful laws, policies and programs can be designed and implemented;
- There is suspected presence of illegal or undocumented women migrant workers in Fiji and this state of affairs renders them vulnerable and exposed to all possible forms of exploitation and violences, and culture shocks from various sections of the receiving communities in Fiji. Therefore their needs – health, educational, social security, safety and general security – and especially their need for legal redress for abuses, exploitation and violences will have not been met. To bring their grievances to the notice of the appropriate authorities would compromise their illegal status;
- Even though there has been a lack of research and awareness of the issues, causing and consequences of trafficking of women and children in Fiji and the Pacific region, there is the probability that it is already taking place in Fiji;
- There is a lack/absence of coherent deliberate efforts by all stakeholders to address the issue of women migrant workers in Fiji – in this case of emigrant

nurses and teachers. There is the knowledge that PICs are sharing/poaching skilled labour off their neighbours but there is a general reluctance to address the issues. Governments instead are unfairly punishing their skilled professionals for choosing to migrate to greener pastures to improve their lot – something PICs are finding increasingly challenging to provide.

D. Suggested Solutions – Fiji Context

- Undocumented/Illegal Women Migrants – That both sending and receiving country (in this case, Fiji) implement policies and programs that will discourage hiring and trafficking of women and children. These policies and programs can also serve as incentives to undocumented workers, so that they will apply for and receive these incentives while simultaneously changing their status from undocumented to legal migrants through the proper processes for documentation;
- Change in Government Approach – that the Fiji government and the relevant ministries change their views of labour migration from a negative, reactive approach to one that is pro-active and views that *mobility is development!* Migration of a country's workers can be seen as a major source of remittance and a possible alternative source of additional skill – brain gain – once they return into the country. Remittances can only improve living standards within the families and communities of migrants. The Fiji government must design realistic and appropriate policies and programs that are incentives and serve to encourage the return of Fiji's labour migrants along with the additional skills they may have acquired in their absence. This can also apply to the assets the returnee migrants may have accumulated during their time away and to investment plans that returnee locals might want to implement once back in Fiji. After all, returnee migrants can only improve and further develop their local communities and contribute to the national economy upon their return;
- That relevant government ministries and departments, and other private institutions e.g. banks, employers, insurance companies, health providers, etc, with other non-governmental institutions such as human rights organisations, women's groups and other interest groups can get together to discuss, design and implement policies and programs that protect and ensure the safety and security (in all aspects) of Fiji's migrant workers. Such policies and programs may include awareness and education campaigns, advocacy workshops, and counseling services to intending migrants. The same stakeholders could provide vital information such as addresses, telephone, fax, and e-mail contacts in specific cases of emergency and for other migrant needs by printing these as fliers and distributing them at every point of entry into the country;

3.0 Recommendations for Pacific Island Governments

- That Pacific Island Governments (PIGs) consider labour migration issues within the frameworks of their bilateral and/or multilateral agreements with other Pacific Island Countries and/or metropolitan countries. This needs to be done to safeguard and address gender equality, safety and security, health and educational

and other socio-economic needs of the women migrants; be they skilled or unskilled, documented or undocumented workers; These agreements can focus on working conditions, packages, health and safety issues and how grievances of migrants can be addressed

- That the issue and instances of undocumented or illegal migration be acknowledged and addressed by governments through effective and appropriate policies and laws and controls that can also serve as incentives for undocumented workers to get their working and traveling papers in order;
- More effective and closer regional and international co-operation amongst destination, sending and transit countries in terms of judicial, law enforcement or police co-operation, is needed to make the prevention and the suppression of trafficking in women more effective (UN, 1997:49).
- There needs to be national and regional efforts to establish data banks and data bases to collect and store statistical records of labour mobility within the region;
- That governments acknowledge that migration is a human process that cannot be stopped or prevented and to take measures via laws, policies and programs of action to adequately address the issues of emigrant and immigrant women workers with regards to their employment contracts, living conditions, education, economic, health, social security and safety needs;
- Bilateral Trade Agreements – these agreements can facilitate many things to the advantage of migrant women worker communities and their sending countries. For example, the agreements can call for common banking systems where each migrant is encouraged to use the local banking system to repatriate funds to their own country and at the same time prevent money laundering. Special interest rates can be introduced to work as an incentive for the migrant to remit funds back home;
- These agreements can also help protect the woman migrant and her rights while she is away in another country. While this may seem cumbersome to foreign affairs offices, identifying particular ministries, departments, private sector interests and other relevant non-governmental organizations within the agreements will obligate the said institutions to treat their migrant workers with a more responsibility thereby encouraging more social and economic development all around;
- The concepts, processes, issues and the phenomena known as Human Trafficking and smuggling (recruitment, transfer, transportation, harbouring, receipt of persons, using blatant force and violence or subtle inducements that capitalize on vulnerability to achieve consent – UNIFEM) is almost unknown and unrecognized in the Pacific. Massive and intensive awareness, education, and advocacy programs should be introduced and implemented by all stakeholders to inform the general public of this phenomenon so that the probability of this illegal migration activity taking root in our midst is drastically reduced.

4.0 Other Considerations for Pacific Island Countries

- More research needs to be conducted on the plight of immigrant women workers into Fiji and other PICs. There are anecdotal evidences of large numbers of

- undocumented Ni-Vanuatu and Solomon Island women workers moving into New Caledonia and abuses and violations of migrant employment rights of Fiji citizens working in the hotel industry of the Cook Islands. There is the case of Asian women entering Fiji to work in the Garment industry. Areas that need special focus include the scrutiny of all contractual agreements, working and living conditions of these migrant women workers, how they are processed by the host immigration, labour and other relevant government ministries, as well as other social and security issues affecting them;
- The establishment of Human Rights offices in each of our PICs to promote and protect the rights of all migrant women workers. This can be an additional advocacy activity apart from other human rights issues that need to be aggressively addressed for public awareness. Migrant women workers from and into the Pacific need to be protected as they are agents of development especially back home;
 - PICs can acknowledge and recognize the positive contributions of women migrant workers to the socio-economic development of a country and its people via improvement of living standards, skill acquisition, and remittances. To this end, PIGs need to change their negative approach on women migrant workers and design and implement policies and programs that encourage the protection and security of women migrant workers through: -
 - Establishment of training centers to prepare and train Pacific women migrant workers for the various types of skilled and/or semi-skilled and unskilled employment niches identified by the governments from the international labour market;
 - These training centers can instruct women on the standards and expectations of overseas employers, the cultural and physical environments of their new work place, human rights and contractual agreements relating to their employment, immigration laws as well as to provide vital information such as contact addresses of embassies, the local police, hospital and other vital services;
 - There can be regional efforts to address migration issues, especially the migration of women workers amongst PICs and even to metropolitan countries through conferences, seminars and workshops. A similar conference of this nature was held in Fiji in July 2003 where representatives from about 26 Pacific Island States and stakeholders involved in and concerned with the migration of Skilled Health Personnel met to discuss and share information and experiences regarding migration issues and problems. Coping strategies for each of the countries and as a regional effort were shared and discussed and relevant policies were later designed for implementation at the national and regional levels;
 - There can be regional efforts to form networks between countries for trade unions and/or similar occupational associations where common migration issues regarding women workers – e.g. hiring, work conditions, contracts and packages, safety standards and social security, benefits, citizenship, rights, return of migrants and other issues can be actively discussed and resolved. Deliberations can include forging pacts or agreements at the regional level or between similar occupational organisations, focusing on providing safety and security – in all

aspects – for the region’s women migrant workers. An example that can be used for illustration is that provided by the Commonwealth Nurses Federation (which the Fiji Nursing Association is a member of). 22 countries, represented by their Ministers for Health signed a Commonwealth Code of Practice for the International Recruitment of Health Workers. This code of practice adopts standards for recruitment of health personnel that will be observed by the 22 countries. This code of practice serves to safeguard the interests of the migrant health worker, hiring agencies as well as the interests of the involved governments.

5.0 Concluding Remarks

This report has generally highlighted the plight of Fiji’s migrant women workers by referring to literature findings and reporting on interviews with most of the stakeholders involved in this dynamic process of socio-economic development. This study has attempted to suggest strategies, policies and programs of action that will effectively create opportunities – for awareness, information-gathering and sharing, changes, strengthening and establishment of structures to government, private, NGO and civil society institutions – to bring the plight of our Pacific migrant women workers to the forefront of all Gender and Development work in the region. It is hoped that this study will have gained some success towards this end.

In our era capital moves at lightning speed, emptying sites of labour and devastating sources of livelihood. Yet the human beings whose lives have been disrupted and who seek better economic conditions are forced to travel dangerously and encounter many obstacles, from state officials to other workers who feel threatened by their arrival. This is likely to be one of the most explosive issues of the future; the grim secret of globalisation. Women, who constitute a majority of the world’s poor, are a crucial element in this harsh drama. Sheila Rowbotham⁴, 2001.

Thank you.

⁴ Forward in Sharpe (2001), (ed.), Women, Gender and Labour Migration – historical and global perspectives, Routledge, London. Pp. xvi.

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6.0 APPENDICES APPENDIX 1: Main Questionnaire

EMERGING WOMEN’S ISSUES IN THE PACIFIC – MIGRANT WOMEN WORKERS

-Avelina Rokoduru-

Objectives:

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and the Marshall Islands with regards to human rights frameworks (policies, laws) and practices. The results from this interview will be incorporated into a SPC/UNIFEM report that will be presented in August 2004.

Interview Questions:

1. How do you think government should approach the topic of women migrant workers with Fiji as the *sending country*?
2. How do you think government should approach the topic of women migrant workers with Fiji as the *host/destination country*?
3. What are the most important issues facing women migrant workers in Fiji?
4. What do you recommend government should do regarding those issues you’ve highlighted above?
5. Can you suggest some particular roles that Fiji’s women’s organisations can adopt or practice with regards to women migrant workers?
6. Is there a role for the private sector regarding women migrant workers in Fiji?
7. What are some human rights issues that need to be addressed in regards to women and migration?
8. Do you think government, regional institutions and NGOs are doing enough for Fiji’s women migrant workers? Can you recommend some particular areas in which these institutions can positively contribute?

Acknowledgement: Your views and opinions will be acknowledged in the final report.

- 3) Apart from Fiji's Immigration Department, do you collect statistical or other information regarding women migrant workers from other institutions?
- 4) Are there any plans by your bureau to address the issues of Fiji's women migrant workers through its statistical gathering, collation and analysis system/s?

Appendix 3: Questionnaire for the Fiji Human Rights Commission

EMERGING WOMEN'S ISSUES IN THE PACIFIC – MIGRANT WOMEN WORKERS

-Avelina Rokoduru-

Objectives:

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and the Marshall Islands with regards to human rights frameworks (policies, laws) and practices. The results from this interview will be incorporated into a SPC/UNIFEM report that will be presented in August 2004.

To the Interviewee:

The views expressed here will be acknowledged as solely your own. Your initial approval will be sought, should any part/s of this interview be reproduced in the final report. Thank you for your time and kind consideration.

Interview Questions:

1. How do you think the Fiji Human Rights Commission should approach the topic of women migrant workers with Fiji as the *sending country*?
2. What are the most important emigration issues facing women migrant workers who depart from Fiji?
3. What do you recommend government/Fiji Human Rights Commission should do regarding those issues you've highlighted above?
4. How do you think the Fiji Human Rights Commission should approach the topic of women migrant workers with Fiji as the *host/destination country*?
5. What are the most important immigration issues facing women migrant workers into Fiji?
6. What do you recommend government/Fiji Human Rights Commission should do regarding those issues you've highlighted above?
7. Does your office inform Fiji immigrants of their rights as migrants, as workers and as temporary citizens when they arrive?
8. Does your office inform Fiji emigrants of their rights as migrants, as workers and as temporary citizens when they depart?
9. Can you suggest some particular roles that human rights organisations can adopt or practice with regards to Fiji's women migrant workers?
10. Is there a role for the private sector regarding women migrant workers in Fiji?
11. What are some of the main human rights issues that your office has experienced with immigrant women workers? How have you dealt with these?
12. What are some of the main human rights issues that your office has experienced with emigrant women workers? How have you dealt with these?

13. Do you think government, regional institutions and NGOs are doing enough to address human rights issues for Fiji's women migrant workers? Can you recommend some particular areas in which these institutions can positively contribute?

*****The End.

Appendix 4: Questionnaire for Min. of Labour and Industrial Relations – Fiji
EMERGING WOMEN'S ISSUES IN THE PACIFIC – MIGRANT WOMEN
WORKERS

-Avelina Rokoduru-

Objectives:

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and the Marshall Islands with regards to human rights frameworks (policies, laws) and practices. The results from this interview will be incorporated into a SPC/UNIFEM report that will be presented in August 2004.

To the Interviewee:

The views expressed here will be acknowledged as solely your own. Your initial approval will be sought, should any part/s of this interview be reproduced in the final report. Thank you for your time and kind consideration.

Interview Questions:

1. How do you think the Labour Ministry should approach the topic of women migrant workers with Fiji as the *sending country*?
2. What are the most important emigration issues facing women migrant workers who depart from Fiji?
3. What do you recommend the ministry or any other related department or ministry should do regarding those issues you've highlighted above?
4. How do you think the Ministry of Labour should approach the topic of women migrant workers with Fiji as the *host/destination country*?
5. What are the most important labour issues that can affect immigrant women workers in Fiji?
6. What do you recommend the ministry or a related ministry or department should do regarding those issues you've highlighted above?
7. Is there a role that you play in the whole process of hiring and employment of immigrant workers (women workers) in Fiji?
8. Does your office provide avenues through which Fiji immigrant/emigrant workers (especially women) can address employment grievances and other related problems/issues? Why?
9. Is there a role for the private sector relating to Fiji's women migrant workers with regards to labour laws, issues and policies?
10. Are there some citizenship issues that you have experienced with immigrant women workers? How have you dealt with these?

11. Do you think government, regional institutions and NGOs are doing enough for Fiji's women migrant workers? Can you recommend some particular areas in which these institutions can positively contribute?

*****The End.

Appendix 5: Questionnaire for Fiji Trades Union Congress

EMERGING WOMEN'S ISSUES IN THE PACIFIC – MIGRANT WOMEN WORKERS

-Avelina Rokoduru-

Objectives:

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and the Marshall Islands with regards to human rights frameworks (policies, laws) and practices. The results from this interview will be incorporated into a SPC/UNIFEM report that will be presented in August 2004.

To the Interviewee:

The views expressed here will be acknowledged as solely your own. Your initial approval will be sought, should any part/s of this interview be reproduced in the final report. Thank you for your time and kind consideration.

Interview Questions:

1. How do you think the Trade Unions should approach the topic of women migrant workers with Fiji as the *sending country*?
2. What are the most important employment issues facing women migrant workers who depart from Fiji?
3. What do you recommend the Fiji trade unions and government should do regarding those issues you've highlighted above?
4. How do you think the local trade unions should approach the topic of women migrant workers with Fiji as the *host/destination country*?
5. What do you recommend trade unions and government should do regarding those issues you've highlighted above?
6. Do the national union bodies allow for the participation of immigrant workers – women workers – in their activities? Why?
7. Does your office monitor employment issues for Fiji's immigrants with the respective employers and/or the immigrant employees?
8. Can you suggest some particular roles that Fiji's women's organisations can adopt or practice with regards to Fiji's women migrant workers in relation to trade unionism?
9. Can you suggest some particular roles that government can adopt or practice with regards to Fiji's women migrant workers in relation to trade unionism?
10. Is there a role for the private sector regarding women immigrant workers in Fiji?
11. Do you think the unions are doing enough for Fiji's women migrant workers? Can you recommend some particular areas in which the unions can positively contribute?

The End.

Appendix 6: Questionnaire for Regional Rights Resource Team (RRRT)

EMERGING WOMEN'S ISSUES IN THE PACIFIC – MIGRANT WOMEN WORKERS

-Avelina Rokoduru-

Objectives:

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and other Pacific Islands with regards to human rights frameworks (policies, laws) and practices. The results from this interview will be incorporated into a SPC/UNIFEM report that will be presented in August 2004.

To the Interviewee:

The views expressed here will be acknowledged as solely your own. Your initial approval will be sought, should any part/s of this interview be reproduced in the final report. Thank you for your time and kind consideration.

Interview Questions:

1. Has there been any work done by the Regional Rights Resource Team to address migrant workers (women) and their rights in Fiji and the Pacific?
2. What are the most important migrant and human rights issues facing women migrant workers who depart from Fiji?
3. What actions/steps would you recommend national governments and regional institutions to take to address those issues you've highlighted above?
4. What actions/steps would you recommend national and regional women's organisations to take to address those issues you've highlighted above?
5. What are the most important migrant and human rights issues facing women migrant workers who enter Fiji/other Pacific Islands for that matter?
6. What actions/steps would you recommend national governments and regional institutions to take to address those issues you've highlighted above?
7. What actions/steps would you recommend national and regional women's organisations to take to address those issues you've highlighted above?
8. Can your office inform Fiji immigrants of their rights as migrants, as workers and as temporary citizens when they arrive? How? Why?
9. Can your office inform Fiji emigrants of their rights as migrants, as workers and as temporary citizens when they depart? How? Why?
10. Can you suggest some particular roles that human rights organisations can adopt or practice with regards to Fiji's women migrant workers?
11. Is there a role for the private sector regarding the protection of the rights of women migrant workers in Fiji?

12. What are some of the main human rights issues that your office has experienced with immigrant women workers? How have you dealt with these?
13. What are some of the main human rights issues that your office has experienced with emigrant women workers? How have you dealt with these?
14. Do you think government, regional institutions and NGOs are doing enough to address human rights issues for Fiji's women migrant workers? Can you recommend some particular areas in which these institutions can positively contribute?

The End.

Appendix 7: Questionnaire for Mrs. Milosi Manoa

EMERGING WOMEN'S ISSUES IN THE PACIFIC – MIGRANT WOMEN WORKERS

-Avelina Rokoduru-

Objectives:

To review and provide an analysis of the general situation of women migrant workers in the region, and with more focus on Fiji and the Marshall Islands with regards to human rights frameworks (policies, laws) and practices. The results from this interview will be incorporated into a SPC/UNIFEM report that will be presented in August 2004.

To the Interviewee:

The views expressed here will be acknowledged as solely your own. Your initial approval will be sought, should any part/s of this interview be reproduced in the final report. Thank you for your time and kind consideration.

Interview Questions:

1. What was the Tuvalu-NZ labour scheme all about?
2. Did the women have grievances? What were these grievances?
3. How were the grievances addressed? Were the solutions effective or not?
4. Do you have knowledge of the contracts they signed? Where were these contracts signed?
5. What were the work conditions like?
6. What was the Tuvalu government's role in all these?
7. What was the New Zealand government's role in all these?
8. What happened at the end of a stipulated contract?
9. What happened if the woman got sick, injured, pregnant and/or abused while working in New Zealand?
10. In instances where the whole family went across, what happened if the couple got separated there, or the wife experienced domestic abuse and reported this/these to the police?
11. What are the most important emigration issues facing women migrant workers who depart from Tuvalu?
12. What do you recommend government and other appropriate institutions should do regarding those issues you've highlighted above?
13. Were the Tuvalu emigrants informed of their rights as migrants, as workers and as temporary citizens in NZ?
14. Were the Tuvalu emigrants informed of their rights as migrants, as workers and as temporary citizens when they arrived in NZ?
15. Can you suggest some particular roles that human rights organisations can adopt or practice with regards to Tuvalu's women migrant workers?
16. Do you think government, regional institutions and NGOs are doing enough to address human rights issues for Tuvalu's women migrant workers? Can you

recommend some particular areas in which these institutions can positively contribute?

The End.