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## I Rights of Migrants in Action

*Rights of Migrants in Action* is a global project that aims to protect and promote the rights of migrants while harnessing the knowledge and building the capacity of civil society organizations (CSO). The project focuses on promoting the rights of and improving access to services for migrant domestic workers (MDWs) and victims of human trafficking, as these are particularly vulnerable groups. Working in 15 countries along migration corridors, it reflects, from a national and regional perspective, the challenges faced by migrants, their families, governments and service-providing organizations.

From 2014 to 2017, the project has supported 43 CSOs in increasing access to services for MDWs and victims of human trafficking. The project has also helped CSOs improve coordination and build their own capacity to better meet the needs of migrants and the communities they live in. The project does this by providing tailor-made trainings to CSOs on both technical and management topics, by funding and supporting services, by supporting CSOs to enhance their dialogue with public authorities and other stakeholders, and by facilitating the exchange of good practice and networking between CSOs.

The Rights of Migrants in Action project has different areas of focus, depending on national and regional migration trends, the needs of CSOs and, most importantly, the needs of migrants. These include awareness-raising, advocacy, provision of services protection and capacity-building. Based on this framework, CSOs provide a range of services for different phases of the migratory journey, including pre-departure awareness-raising, development of livelihoods/income generation opportunities aimed at contributing to alleviating migratory pressure on communities of origin, and reintegration support for victims of human trafficking and MDWs upon return. In countries of transit and destination, CSOs have provided or facilitated access to services such as health and psychosocial support and legal assistance, have advocated with governments for stronger protection for MDWs and victims of trafficking, and have worked with communities to reduce discrimination and improve acceptance of migrants and returnees.

CSOs work with women and men, girls and boys, and have focused on particularly vulnerable groups, such as women, children or youth, including those unaccompanied or separated, indigenous peoples and minorities. Their work has been actively coordinated and supported by National Red Cross and Red Crescent Societies, under the overall management of the International Federation of Red Cross and Red Crescent Societies (IFRC). The Rights of Migrants in Action project is co-funded by the European Union through the European Commission's Directorate-General for International Development and Cooperation (DG DEVCO) and the IFRC.

## II Working Together, Sharing and Learning

To support the *Rights of Migrants in Action* project's priorities of improving coordination, regional conferences were held in Amman, Bangkok, Guatemala City, Harare and Moscow. These conferences aimed to facilitate networking opportunities, strengthen collaboration and exchange between implementing partners and harness the collective experiences of CSOs.



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The first day of each two-day conference allowed CSOs to work peer-to-peer, presenting their work to one another, raising questions and sharing information. On the second day, regional and subject-matter experts, government officials and other external actors were invited to present on key regional issues and to participate in the workshop. Building on the previous day's findings, the expanded group worked together to identify specific challenges and make recommendations on issues relating to the rights of migrants, specifically MDWs and victims of trafficking.

The conferences revealed that while each region had its own dynamics and trends, they share important links and commonalities. Some of the key findings from all conferences were:

*Migrants and victims of trafficking must drive and shape programming:* Without the full involvement of migrants and victims of trafficking, it is impossible to design programming that reaches the most vulnerable and meets what are often very specific needs. In the words of one CSO, "We cannot help migrants without migrants." Migrants need to be empowered and migrant organizations strengthened for a active and effective participation in programming.

*Drivers of migration are multiple:* Good programming must consider why people migrate. The reasons are often extremely compelling, including both financial and non-financial factors. These can even override migrants' regard for their own safety. Programming and policies to assist migrants need be comprehensive including gender, interculturality and intergenerational perspectives and contextualized according to countries of origin, transit, destination and upon return. Human rights must be core in States responses to this phenomenon, not from a security perspective like nowadays but from a humane one. CSOs emphasized the difficulty of promoting safe migration and preventing risks of increased vulnerabilities without having compelling alternatives to offer.

*Think globally, act locally:* Migration and human trafficking are global issues and responses need to take place at all levels global, regional and national, but helping individuals is a highly localized process. An understanding of local culture and context is essential, as is an ability and willingness to work with local authorities and community leaders. Local CSOs are often the best placed to understand the dynamics of the situation on the ground.

*Legal frameworks are vital:* In many countries, laws are either not in place or not sufficiently robust to protect migrants and victims of human trafficking. Even when they are in place, they are often not implemented. Laws by themselves are not enough, policies and regulations need to also be in place for all actors involved to understand their role in law implementation. CSOs can help put pressure on local and national authorities to legislate, or enforce existing laws.

*Coordination makes a difference:* Coordination between a range of organizations at local, national and regional levels can help improve programming and provide consistent support to MDWs and victims of trafficking. This can be particularly crucial when people are crossing borders. Good coordination also helps organizations to share information and learning.

*Data and information-sharing needs to be reinforced:* To maximize good coordination and programming, data need to be collected consistently and well, and mechanisms need to be put in place for sharing them. CSOs gave an example of how programming was late to address the needs of



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i people after the earthquake because they were not on top of data showing a strong outward movement. Migration is fluid and dynamic, and requires good information and the flexibility and adaptability to react to it.

### III Regional Consultations – Africa (Harare, Zimbabwe January 2017)

Countries:	Benin, Ethiopia, Zimbabwe
Number of CSOs:	10
Target groups:	Children and youth, child victims of trafficking, girls, women working in the hospitality industry, HIV positive
Types of programmes:	Awareness-raising in schools and trafficking hot-spots, healthcare, counselling centres

Ten CSOs from Benin, Ethiopia and Zimbabwe participated in the regional consultation for the Africa region. Each is a country of origin, transit and destination for migrants. While the three countries differ significantly in geography, economic situation and regional dynamics, there are important commonalities.

CSOs from each of the three countries said that the legal framework created a challenge, either because it is incomplete, underdeveloped or insufficiently enforced. Zimbabwe's anti-trafficking law, for example, has only been in place since 2014, and while Benin has had a law since 2006, it addresses only the transport of children.

Where legal frameworks are weak, it is more difficult to prevent abuses, or even to compile and share information that would help support victims. Moreover, migrants often avoid contact with the authorities or the legal system for fear of being expelled or sent home.

CSOs illustrated that civil society has an important role to play in influencing the legal environment. In Ethiopia, for example, one CSO participated in the drafting process for national proclamations on protection of migrants and the management of safe, legal migration. CSOs can also encourage local law enforcement to investigate abusive practices, or serve as a conduit for information that might otherwise not reach their attention.

Traditional or cultural practices can also be used or manipulated to put people at risk of exploitation or abuse. In West Africa, for example, the practice of *confiage* or *vidomegon* traditionally helped young people by allowing them to be placed with a relative or wealthier family in a mutually beneficial relationship. Today, such practices can be used to exploit young people, or as a gateway to trafficking



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into domestic servitude. Traffickers may also manipulate people's beliefs to take advantage of them, as has been well-documented among Nigerian trafficking victims.<sup>1</sup>

CSOs from all three countries highlighted the importance of creating enabling environment by working closely with governments, traditional authorities and, most importantly, with migrants, potential migrants and returnees. Strong engagement at the local level was seen as crucial to being able to identify the most vulnerable, pinpoint negative factors that may force people to move, and identify what opportunities can be created locally to allow people to remain at home. A special emphasis was put on the need to protect the most vulnerable ones, such as women and children.

### Regional Consultations – Americas (Guatemala City, Guatemala October 2016)

Countries:	Ecuador, Guatemala, Honduras
Number of CSOs:	6
Target groups:	Indigenous communities, women, children and youth, including unaccompanied minors, minority groups
Types of programmes:	Facilitate access to healthcare and social services; shelter and protection; training to children and youth; legal assistance; violence prevention

In the Americas, as elsewhere, instability and poverty are important drivers of migration. The role of violence related to non-state actors, while not unique to the region, has been a key defining trend. Gang-related violence has been particularly important in the Northern Triangle region, which includes both Guatemala and Honduras.

CSOs working with the *Rights of Migrants in Action* project pointed not only to the impact of violence in driving migration, but also the environment of impunity in which it is committed. This, in turn, can be compounded by mistrust of the authorities, further hinders addressing the problem.

CSOs working in Ecuador found that there were similar problems, despite the country not falling within the Northern Triangle region. One challenge is the separate judicial system for indigenous communities, which creates similar dynamics of disconnect with the legal system and distrust of authorities by the local population. As a result, despite different dynamics in each country, CSOs from all three felt that attempts to reduce the worst risks of migration must focus on the local level and the specific cultural factors at play.

Weaknesses in the legal framework were highlighted again as problematic, due to both lack of legislation and lack of enforcement. A tendency to focus on prosecution instead of victim support was

<sup>1</sup> See, *inter alia*, Msuya, Norah Hashim (2017) "Tradition and Culture in Africa: Practices that Facilitate Trafficking of Women and Children," *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 2: Iss. 1, Article 3. DOI: 10.23860/dignity.2017.02.01.03 Available at: [digitalcommons.uri.edu/dignity/vol2/iss1/3](http://digitalcommons.uri.edu/dignity/vol2/iss1/3)



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also viewed as unhelpful at best. In some areas, historical complicity within state institutions has created mistrust and additional barriers to addressing human trafficking and other exploitation.

Despite these serious constraints, CSOs felt that there was much to be gained through advocacy and awareness-raising. Key areas where change could be made included addressing regressive attitudes in the community toward child labour, for example, as well as influencing government to enforce laws in this area and others. Most important, was the need to empower migrants by ensuring they understand their rights, how to seek redress when they are infringed, and where to find assistance.

All CSOs agreed that a regional approach to information sharing, assistance and support is vital. This allows for better support along the migratory trail from North to South, but also recognizes that there is other regional migration that should be tracked and better understood. One trend identified was the movement of Haitians in the region. Such cooperation also allows for a better understanding of so-called ‘circular migration,’ an important pattern in the region by which people are returned to their country of origin and then either migrate or are trafficked again.

### **Regional Consultations – Asia (Bangkok, Thailand March 2017)**

Countries:	Indonesia, Nepal, Thailand
Number of CSOs:	12
Target groups:	Women, students, children and youth, particular communities: Dalits, Shan and MDWs from Myanmar
Types of programmes:	Awareness-raising in schools; access to services, including health, psychosocial, legal assistance; cooperative bank and financial services; development of audio-visual and social media tools

In Asia, as elsewhere, legislative frameworks and political impediments were identified as key barriers. The political sensitivity of migration makes advocacy for migrants’ rights challenging, including even refugee rights – often a less controversial entry point to addressing migration – as most countries in the region have not ratified the 1951 Convention on the Status of Refugees. In some countries, there is simply no legal framework to protect MDWs – domestic work is not recognized as a legal form of employment in Thailand, for example. As a consequence, conditions are often very poor, and the line between migration and trafficking is very thin.

As in other regions, CSOs found that one of the key difficulties was attaining access to MDWs or victims of trafficking. Domestic workers are often given limited time off or denied permission to move around by their employers, and they may be afraid to lose their jobs or be sent home. CSOs in Thailand achieved success in reaching people through the development of a mobile phone application (‘app’) that provided useful information about labour rights, the judicial system, health insurance, and other issues of concern to MDWs. The use of video clips and animation helped overcome language barriers.





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Another organization found that the establishment of a hotline was a good way to get access to people otherwise isolated in private homes.

Given the global importance of migrant workers from Asian countries, and particularly MDWs, it is perhaps unsurprising that the recruitment sector was identified as particularly problematic. Poorly regulated agencies recruiting and placing migrant labourers often provide inadequate or incorrect information about conditions of work and salaries. Some may even be involved in trafficking rings. CSOs agreed on the importance of advocating with governments to step up regulation of these agencies, and to ensure that migrant workers are informed of the risks and how to protect themselves. These were a particular focus of CSOs across all three countries, and a number focused on working with young people before they leave school. One such organization in Indonesia developed educational materials, including audio-visual materials, that were distributed to 500 government agencies, schools, sending agencies and CSOs.

Another important issue highlighted in Asia was what is being called the ‘feminization’ of migration – a growing awareness of the substantial proportion of migrant workers who are women. This is important not only because programming often does not target this group, but also as a reminder of the need to be aware of the fluidity of gender dynamics and to be aware of gender stereotypes.

#### **Regional Consultations – Europe and Central Asia (Moscow, Russian Federation June 2016)**

Countries:	Kazakhstan, Russian Federation, Tajikistan
Number of CSOs:	8
Target groups:	Women, labour migrants, rural communities, victims of trafficking
Types of programmes:	Expanding access to social services and healthcare; reintegration of returnees; legal information provision; empowerment of labour migrants

A substantial amount of the migration that takes place in the Russian Federation and Central Asia is within the region, with a significant number of Tajiks, in particular, travelling to the Russian Federation for work. This creates a culture of work migration and, around it, a culture of exploitation and abuse, including exploitative recruitment practices, well-developed trafficking networks, and discriminatory and abusive practices on the part of employers.

The volume of movement also results in a well-established diaspora, deemed both a benefit and a disadvantage by participating CSOs. While members of the diaspora can be an invaluable source of information and support, they also participate in the exploitation of members of their own community. The UNODC confirms that, “Traffickers and victims often come from the same place,



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speak the same language or have the same ethnic background. Such commonalities help traffickers generate trust to carry out the trafficking crime.”<sup>2</sup>

CSOs working in Europe and Central Asia were positively surprised by the engagement that they had working with the authorities, stating that it was less difficult than they had anticipated to influence policy, particularly at the local level. They advocated the use of a combination of formal and informal agreements to achieve results, and recommended the development of tailor-made trainings for local authorities to meet needs identified over the course of the project.

Conference participants highlighted the importance of working at national and regional levels in order to achieve best results, including the development of cross-border coordination mechanisms for CSOs and authorities alike. Regional services for migrants that work across borders were also considered very important, particularly those that provide people with information about their rights. Other services that were considered vital by participating organizations were those that provided access to medical and healthcare and access to education for migrants’ children.

#### **Regional Consultations - Middle East and North Africa (Amman, Jordan September 2016)**

Countries:	Jordan, Lebanon, Morocco
Number of CSOs:	7
Target groups:	Migrant domestic workers and victims of trafficking in specific geographic areas, women and minors victims of violence or with irregular status; employers, students, labour unions, government
Types of programmes:	Shelters for victims of violence; advocacy on migrant rights; legal, social and psychosocial support; training

While the Middle East and North Africa are treated as a single region, the issues raised by Jordanian and Lebanese CSOs were very different from those in Morocco, and these differences reflect regional trends. Many Middle Eastern countries are primarily countries of destination of migrant labourers from Asia and, to a lesser extent, Africa. By contrast, North Africa is predominantly a region of origin and transit for largely sub-Saharan Africans on their way north.

In the Middle East, concerns were very similar to those raised in Asia, including unscrupulous recruitment agencies, lack of access to services, and migrants’ lack of awareness of their rights. CSOs drew attention to the *kafala* system in many Middle Eastern countries, under which unskilled workers must have an in-country sponsor, or *kafeel*, who is responsible for their visa and legal status during their entire stay. Because the migrant worker must have explicit permission to change employment or even to leave the country, the *kafeel* wields tremendous control amounting, according to some, to

<sup>2</sup> UNODC *Global Report on Trafficking in Persons 2016* (United Nations publication, Sales No. E.16.IV.6) p. 7.





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a kind of modern slavery.<sup>3</sup> MDWs are not permitted to live on their own outside of the home, or to engage in labour organization – by forming a union, for example. They have limited access to legal redress, in part due to reticence, and in part because legal frameworks are complex and difficult to navigate.

Moroccan CSOs, by contrast, highlighted the vulnerability of a migrant population largely in transit. Government efforts to crack down on migrants in irregular situations have led to raids and arrests. The resultant fear and desperation of migrants in transit make them more susceptible to traffickers, among others.

Conference participants expressed concern that there are few services or avenues of recourse for MDWs or victims of human trafficking in the MENA region. Even legally documented migrant workers have relatively little independence, and MDWs are generally even more constrained. As a consequence, it is difficult to hear their concerns or provide them with information. Access to social protection or medical care is inadequate, and there is a general lack of shelters or similar structures to support and rehabilitate victims of human trafficking.

CSOs highlighted the importance of ensuring regulation of the recruitment sector and provision of information and services to people at all phases of their journey. Also, the importance of starting awareness raising programmes targeting potential migrants in countries of origin was mentioned.

#### **IV Migrant Rights are Human Rights**

There is no body of law that protects migrants as such, and although the UN General Assembly committed itself in September 2017 to the development of a Global Compact on Safe, Orderly and Regular Migration, this is unlikely to include new or binding legal norms. Migrants, however, like all human beings, have their rights promoted by international human rights law, and this is the case even if a migrant is in an irregular situation. Many states have also ratified international treaties governing labour and employment, and committing them to prevent, suppress and punish trafficking in persons.

It is the responsibility of states to assure the rights of anyone on their territory, including migrants, however, there is an important role to be played by CSOs. Unlike national or even local authorities, CSOs have the flexibility, local knowledge and grassroots experience to make a profound difference. Critically, CSOs often have the trust of migrants in a way that the authorities never can, as migrants often fear expulsion.

Although the focus of the Rights of Migrants in Action project is on MDWs and victims of trafficking, CSOs working on this project found that the best way to protect the rights of these groups was to promote the rights of all. Refusing to tolerate exploitation, abuse and discrimination helps protect citizens and non-citizens alike.

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<sup>3</sup> For more information see, *inter alia*, [www.migrant-rights.org/2015/03/understanding-kafala-an-archaic-law-at-cross-purposes-with-modern-development/](http://www.migrant-rights.org/2015/03/understanding-kafala-an-archaic-law-at-cross-purposes-with-modern-development/)



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### ***Focus on migrant domestic workers***

The ILO reports that there are roughly 67 MDWs over the age of 15 around the world, of whom roughly 11.5 million are migrants.<sup>4</sup> The vast majority – an estimated 73.4 percent - of MDWs are women.<sup>5</sup>

This has led to a so-called ‘feminization of migration’, a concept that may overestimate the proportion of women among global migrants, but is useful in highlighting particular risks faced by female migrants, especially MDWs.

Key commonalities that CSOs found in all regions relating to the work of MDWs were:

- National legislation is often not in place or is inadequately enforced to protect domestic workers and, in particular, MDWs. In addition, labour inspections are required to guarantee their rights, work conditions and occupational health.
- Recruitment agencies are abundant and insufficiently regulated. They may provide incorrect information about working conditions, extort fees, traffic workers or send them into situations of de facto slavery.
- Migrant workers are often isolated, work long hours and have very little time off, making it difficult to complain, seek help or assistance, or even learn about their rights.
- Employers often exert control by confiscating employees’ passports or other identification or withholding pay. Sometimes this is even through formal systems, like the *kafala* system. Control may also be exerted through emotional manipulation, and CSOs in Asia in particular referred to employers justifying underpayment by saying workers are ‘part of the family.’
- MDWs are often poorly treated because the work is considered degrading or demeaning. In some cultures, they may even fall under suspicion of being sex workers or prostitutes.
- Because of the residential nature of their work, domestic workers may also be at risk of exploitation, harassment and violence, including sexual violence.

To address these issues, CSOs advocate a multi-pronged approach to working with MDWs:

- Advocacy with authorities at national and regional levels to encourage them to ratify ILO 189 Domestic Workers Convention and enact them into national law.
- Work in partnership with local authorities and consular services, raising awareness of the risks faced by MDWs, their rights and entitlements.
- Raise awareness among MDWs or prospective MDWs of their rights and entitlements and, where possible, of what services are available to them. Programmes in schools in areas of high outward migration, for example, are helpful in informing young people about risks.
- Ensure that information about rights and entitlements is readily available to MDW so they don’t have to try to seek it out. This may be through healthcare services, for example.

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<sup>4</sup> International Labour Organization, *Protecting Migrant Domestic Workers: The international legal framework at a glance*, p. 1. 2016.

<sup>5</sup> For statistics, see UN Women’s *Infographic: Migrant domestic workers – facts everyone should know*, 9 September 2016. [www.unwomen.org/en/digital-library/multimedia/2016/9/infographic-migrant-domestic-workers](http://www.unwomen.org/en/digital-library/multimedia/2016/9/infographic-migrant-domestic-workers)



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- Raise awareness with local communities about domestic workers' and migrants' rights. Address racism and discrimination, and tackle negative narratives about MDWs directly.
- Provide tailored services to MDWs who find themselves in crisis, such as telephone hotlines, psychosocial support, emergency legal advice and shelters, where necessary.
- Promote and strengthen existing MDW organizations.

### ***Focus on victims of human trafficking***

There is confusion and many misconceptions about human trafficking, including conflation of trafficking with smuggling. One distinction – key for those working from a victim-centred approach – is that smuggling, or the act of transporting someone illegally across an international border for material gain, is a crime against the state, committed with the consent of the person. Trafficking, by contrast, is a crime against the person and infringement of her/his rights, committed through deceptive or coercive means for the purpose of exploitation. It is important to note, however, the linkages between the two crimes, as when smugglers become traffickers or make an additional profit by selling vulnerable people on.

Trafficking is often associated with women and sexual exploitation, and while this is a common form of trafficking, over the past decade or so the profile has shifted. Most detected victims are still women, but there has been an increase in the number of men and child victims of trafficking as well.<sup>6</sup> There are also important regional differences in trafficking statistics to be taken into account. While trafficking for sexual exploitation made up 65 per cent of detected cases in Central and South-Eastern Europe and 57 per cent in each of South America and Central America and the Caribbean, trafficking for forced labour was more prevalent in sub-Saharan Africa, Eastern Europe and Central Asia, where it made up 53 per cent and 6 per cent of detected cases, respectively.<sup>7</sup>

These differences are important because they provide vitally-needed clues to CSOs and national authorities about how and when to intervene to provide assistance and protection. Data can be elusive, however, and many of the CSOs working with victims of trafficking reported that data and information-sharing was poor. This was sometimes because legislation had only recently been put in place and/or information-sharing mechanisms did not exist.

CSOs working with the Rights of Migrants in Action project identified some of the following as key issues in providing support to victims of trafficking:

- National legislation is often not in place or is inadequately enforced to protect victims of Human trafficking. In addition, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is not signed, ratified and implementing in many

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<sup>6</sup> The UNODC Global Report on Trafficking in Persons 2016 reported that men made up only 13 per cent of detected cases in 2004, but that this had increased to 21 per cent by 2014. [www.unodc.org/unodc/data-and-analysis/glotip.html](http://www.unodc.org/unodc/data-and-analysis/glotip.html).

<sup>7</sup> *Ibid*



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countries. In addition, CSOs mentioned the importance of using a common, clear, terminology.

- Partnership is critical both to provision of appropriate assistance and for information-sharing. Organisations should work together to ensure a full range of services to victims of trafficking. Wherever possible, partnership should be pursued with authorities to ensure that legal action is being taken to address trafficking.
- To detect people who have been trafficked, it is important to understand local trends and dynamics and to know what to look for and also analyze, identify and visualize trafficking practices that are hidden in "standardized" practices such as begging. Such information, once obtained, should be shared with authorities, other organisations and communities in order to make communities safer.
- Victims of trafficking are often unaware that they have been trafficked, and may deliberately keep out of sight. It is important to understand the reasons that people may remain in hiding, including fear of being punished or sent home, and avoid doing harm.
- Traffickers may manipulate traditions or cultural beliefs in order to maintain their hold on victims, as with the system of 'confiage' in West Africa or using Nigerian women's traditional beliefs to threaten harm to them or their families if they try to escape.

CSOs highlighted that once people have been trafficked, the challenge of detecting and providing assistance increases astronomically. They pointed to the importance of prevention, including:

- Understanding local dynamics and raising awareness with potential victims of methods used by traffickers and how they can protect themselves.
- Provision of training for representatives of local and national government, including service providers.
- Reform and regulate the recruitment sector, leaving as little space as possible for illegal actors to operate.
- Counter the normalisation of exploitation by raising the expectations of prospective migrants about the conditions under which they will work and how they will be treated. Ensure that they and the communities they live and work in are aware of what protections they are entitled to.

Above all, CSOs emphasised the importance of a victim-centred approach, including compassionate treatment for survivors and support from beginning to end, particularly in the process of reintegration.



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## **General Conclusions**

Human rights are universal and inalienable, and it is the responsibility of states to assure the rights of anyone on their territory, including migrants. There is an important role to be played by CSOs, however, which have the flexibility, local knowledge and grassroots experience to make a profound difference. Critically, CSOs often have the trust of migrants in a way that the authorities never can, as migrants will always fear expulsion.

Although the focus of the Rights of Migrants in Action programme is on MDWs and victims of trafficking, CSOs working on this project found that the best way to the rights of these groups was to enforce the rights of all. Refusing to tolerate exploitation, abuse and discrimination helps protect citizens and non-citizens alike.