



International
Labour
Organization

lessonslearned

by the Work in Freedom Programme

February 2019

INTRODUCTION

Women and girls on the move in South Asia

For millions of poor people in South and West Asia, migration is perceived as a pathway towards something better. As the shift from rural and transition economies to the globalized economy is in full swing, the jobs and trades of yesterday are receding and the jobs of today are yet to fulfil the promise of better livelihoods for all those who remain in poverty. The poor move in all directions in pursuit of jobs and the patterns and periodicity of their movements are all but linear. Nonetheless mobility is lived and experienced differently depending on whether one is, for example, a man, an autochthone, or whether one is a woman, a migrant, indigenous or a Dalit. For some mobility is unrestricted, and yet for others it's tolerated but closely choreographed by highly gendered and socially hierarchized norms and rules. While many poor are able to improve their livelihoods in the same country or abroad in spite of such adversity, many concurrently face abuses in their jobs including practices that amount to forced labour.

What is the Work in Freedom?

Work in Freedom is a ten year development cooperation programme that started in 2013 and is funded by UK Aid. It adopts an integrated and targeted approach in developing practices and multi-sectorial policy measures that reduce vulnerability to trafficking of women and girls in South Asian countries of origin (Bangladesh, India and Nepal) and in selected destination countries (India, Jordan, Lebanon and some Gulf countries).

To address these challenges, the Work in Freedom Programme has been implementing a series of interventions engaging migrants, civil groups, businesses and regulators in a collaborative effort to begin addressing multiple facets of forced labour in areas with high outflows and inflows of low- income women migrants especially in sectors where women's work is increasing such as care work and manufacturing. Interventions include: 1) Law and policy initiatives; 2) Assessments and piloting of recruitment practices; 3) Worker empowerment interventions; 4) Employer advocacy; and 5) Research.

Notes on interpreting the lessons

Throughout the implementation of the programme, the ILO and its partners have learned several lessons in different areas of its work. The most significant ones are explained herein. Each one of these lessons is connected to a specific intervention that was designed as a part of an overall framework of interventions. Therefore none of these lessons should be read in isolation from one another.

SOME ACHIEVEMENTS

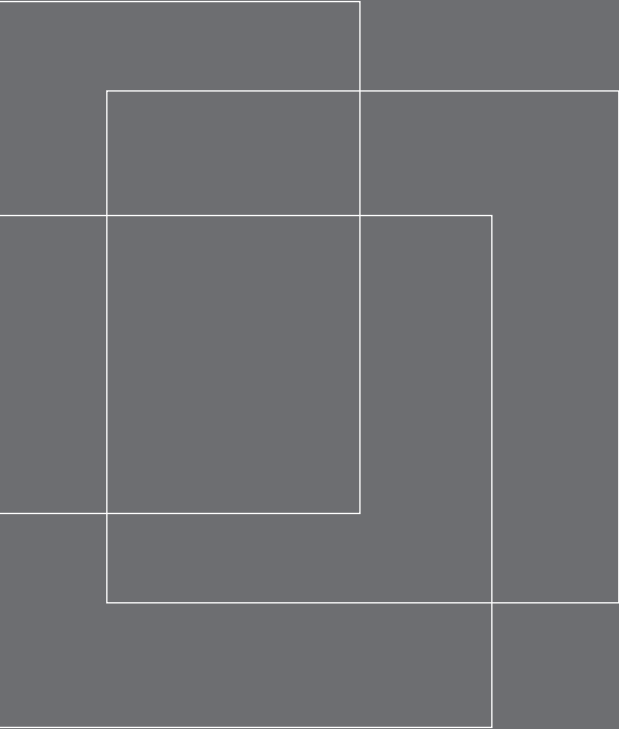
- Reached **470,000 women** with support services in local communities (such as providing training to help women decide whether to migrate for work or accessing basic services);
- Reached **70,000 workers** in destination areas (for example through worker centres, mobile phone services or trade union support);
- Helped **35,000 women** join a trade union or worker collective so that they can receive better support and protection in their destination;
- Engaged with over **600 labour recruiters** to identify and pilot better recruitment practices;
- Worked with governments and provided technical guidance to improve **multiple laws and policies** (including on fair recruitment, domestic work and trafficking); and
- Published over **10 studies and research papers** providing new evidence to policy makers.

Main publications of the Work in Freedom Programme

1. Migrant domestic workers and garment workers in Jordan. A baseline analysis of trafficking in persons and related laws and policies. ILO, Geneva, 2017.
2. For a fee, the business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon. ILO, Geneva, 2015.
3. Intertwined: Employers and migrant domestic workers in Lebanon. ILO, Beirut, 2016.
4. Resisting servitude and gradual shifts toward recognition and dignity of labour: A study of employers of domestic workers in two metropolitan cities of Delhi and Mumbai. ILO, New Delhi, 2018.

Regional Policy briefs of the Work in Freedom Programme

1. Policy brief on Anti Trafficking Laws, Policies and Administrative Practices
2. Women's Mobility and Domestic Work
3. Policy Brief on Practices and Regulations of Recruitment to Domestic Work
4. Policy Brief on Practices and Regulations of Recruitment to Garment Work



Laws and policies



1 Policy makers are far more likely to back anti-trafficking measures that don't disrupt prevailing power balances at home. That's a major reason why so many interventions fail to “walk the talk”.

The programme has sought to review, test, and document a variety of strategies and policies for their efficacy in areas with high migration outflows or inflows, and in the recruitment pathways, linking both. The programme has furthermore engaged interested policy makers and stakeholders in reviewing different policy solutions that could reduce vulnerability to forced labour. These include but are not limited to policies, laws, and administrative practices around anti-trafficking, migration, skills development, recruitment, and labour.

Context of how the lesson was learned

The programme found that policy makers show greater interest in tackling human trafficking and forced labour when doing so does not disrupt power relationships in which they have a direct stake. For example, policy makers in countries or cities of destination tend to support information campaigns designed to educate migrant workers

about risks. This is especially true when the campaigns target prospective migrants before they leave their countries or places of origin. They have also supported prosecution efforts targeting labour recruitment intermediaries in countries or districts of origin. However, these very policy makers proved more circumspect when it came to implementing labour laws in countries of destination, even where systemic labour abuses were well documented. Their resistance became more pronounced when implementation would affect the balance of power between employer and migrant worker, or contractor and migrant worker (e.g. support to freedom of association or collective bargaining, embodied in ILO Conventions Nos. 87 and 98, respectively). Likewise, policy makers in countries, states, or districts of origin regularly showed concern for the abusive conditions faced by migrant workers in the countries of destination. When it came to addressing the reasons why

migrants were leaving their homes, they were less receptive. The overall result of this political economy of migration and anti-trafficking policy-making is that forced labour, however well documented, is being selectively overlooked with the result that it is not being systematically or holistically addressed.

Implications of lesson for future programming

Programmes seeking to address human trafficking and improve migration outcomes should pay special attention to the political economy in which they intervene. They should acknowledge how interventions may need to disrupt power relations in which different types of policy makers operate so that they “walk the talk” especially with regards to ensuring decent work.



Rights
RE
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2 Common anti-trafficking policy frameworks can sometimes concurrently undermine hard-won labour and other human rights such as the right to work and freedom of movement or even efforts to promote decent work.

Existing labour laws, many of which have been negotiated between employers, workers and governments as a result of long negotiations and struggles, play an important role in establishing at least some, if not optimal, incentives for better performance. These can be side-lined by the stringent criminal provisions of anti-trafficking policies. For example a criminal punitive system focusing on systematically sanctioning labour recruiters can drive recruitment and labour migration underground exposing migrant workers to greater risks while decent work gaps remain unaddressed. Likewise, sweeping criminal law provisions attaching workers to a premise where an offence has taken place or is likely to take place, or the closure of a business, can leave workers jobless. This can affect not just the ones who were ‘trafficked’, but others who worked there as well. The same result can also be achieved by stringent immigration enforcement, which may or may not criminalize

migrant workers in an irregular situation. These practices infringe the right of workers to earn a living.

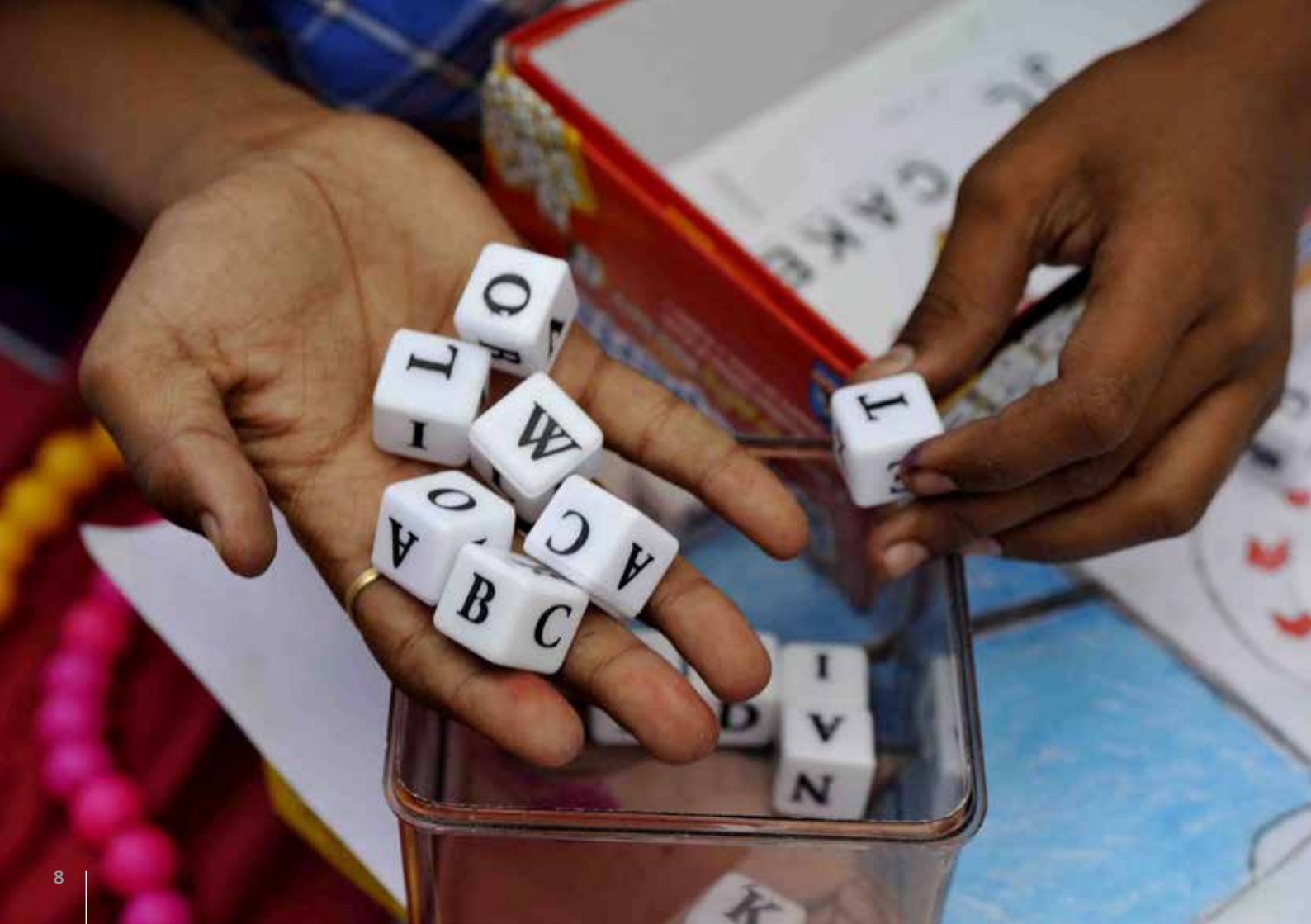
Context of how the lesson was learned

Recent labour policy trends in most countries covered by the programme, were characterized by a push towards more formal yet flexible contracting and recruitment policies within a non-binding framework of fair and ethical recruitment or contracting. The unavailability of decent work on a significant scale has contributed to the growth of anti-trafficking movements that tend to advocate criminalizing informal labour intermediation rather than improving working conditions, or barring women from migrating or seeking jobs in the name of their protection rather than enabling an equal right to labour mobility. While the programme advocated for better labour recruitment policies in all countries under its purview, concurrently

other anti-trafficking advocates were promoting policies that would undermine the rights of migrant women.

Implications of lesson for future programming

To avoid these policy contradictions, it is important to prioritize strengthening of labour frameworks that effectively uphold the rights of migrant and other workers, especially fundamental principles and rights at work, such as freedom of association and collective bargaining which tend to be overlooked. Likewise, it is important for stakeholders supporting anti-trafficking frameworks to be cautious about anti-trafficking measures that infringe on social economic and political rights, especially the right to work and freedom of movement within a country (International Covenants on Economic, Social and Cultural Rights, and Civil and Political Rights).



3 Common anti-trafficking and safe migration interventions can inadvertently promote migration to precarious jobs or prevent migration that would otherwise enable people to seek better livelihood options. It is important that policies and programmes are mindful of doing neither and instead focus on expanding decent work options in both places of origin and destination of migration.

Most anti-trafficking interventions tend to be characterized by those that either promote “safe migration” to jobs that are often not characteristic of decent work (e.g. domestic work) or those that stop migration or employment as a way of “preventing trafficking”. Improving the quality of jobs available in both places of origin and destination should be the general policy priority so that migrants staying in their place of origin is an option and dignity related to work is a reality regardless of its location.

Context of how lesson was learned

In the first two years, the programme included targets related to the establishment of anti-trafficking committees in areas from where women migrated. The programme realized, however, that, in practice, these committees were undermining the rights

of women to seek alternative livelihoods elsewhere. The programme changed strategies so as not to prevent migration.

In a similar way, as work in destination areas of migrants picked up in the third and fourth year of the programme, reports from several partners, including one of the evaluation partners, showed that working and living conditions of migrant domestic and garment workers were all but decent and yet the programme was in some cases inadvertently promoting migration. Indeed, NGOs in areas of origin assumed that providing information on worker rights would be enough to prevent abuses which continued to happen. The programme hence began to pay particular attention not to inadvertently promote migration.

Implications of lesson for future programming

Policy makers in Governments and international organizations may wish to consider prioritizing programmes that focus on expanding decent work options as a matter of priority. Programmes seeking to improve labour migration outcomes should prioritize improving the quality of decent work options for low-income workers in both areas of origin and destination of migrant workers.



4 Anti-trafficking laws, policies and administrative practices are not alone a comprehensive way of preventing human trafficking.

Laws, policies and administrative practices to prevent human trafficking tend to prioritize educating migrants and holding recruiters accountable while glossing over working and living conditions. Policy guidance on improving working conditions is more important than educating workers about risks they often can't mitigate or holding labour recruiters accountable for practices that do not necessarily depend on them. It is important to prioritize labour and working conditions in destinations rather than over-emphasizing prevention through pre-employment interventions. For more information see ILO Policy Brief on Anti Trafficking Laws, Policies and Administrative Practices.

Context of how the lesson was learned

The programme reviewed anti trafficking laws, policies and administrative practices in countries within its purview and provided technical inputs when solicited by constituents. During the design or review of anti-trafficking

policies or processes, it was witnessed that while some actors tend to be fully involved in anti-trafficking policy design and implementation such as law enforcement authorities, women and social affair departments and NGOs specialized in anti-trafficking, the main stakeholders able to identify and address vulnerable labour relations such as migrant worker collectives, trade unions, employers' associations, labour recruitment associations, and relevant government departments are often excluded or not meaningfully involved. Employers and labour officials tend to be reluctant to engage in processes that tacitly acknowledge prevalence of human trafficking and forced labour. They are also wary that such processes lead to actions that challenge influential players, disrupt existing labour relations triggering a political cost for themselves. As for migrant worker collectives, they are often not recognized nor invited to such policy spaces. As a result of the political economy of labour at destination, anti

trafficking policies tend to focus around pre-employment interventions such as providing information and training to workers, rather than improving working conditions.

Implications of lesson for future programming

It should not be taken for granted that the existence of an anti-trafficking law or policy constitutes a comprehensive way for Government's to prevent human trafficking. Some States may have anti-trafficking laws and yet they have sponsorship systems that increase migrant worker's vulnerability to human trafficking. Others may have institutionalized poverty wages for migrant workers that undermine their capacity to make a living. The existence of anti-trafficking laws, policies and administrative practices is not a reliable indicator that countries are taking meaningful action in addressing human trafficking.



5 The concept of “modern slavery” in the regions covered by the programme was not helpful in advocating for effective responses to forced labour and human trafficking.

The concept of slavery tends to evoke colonial histories of both indentured labour and chattel slavery. Mainstream historical narratives of colonial emancipation and development away from that regrettable past were too firmly entrenched for comparisons between past and present forms of forced labour to be deemed acceptable. Even when the term “modern slavery” was used by non-government actors, it referred to extreme socially deviant cases for which criminal frameworks of action were called for, rather than labour right frameworks. However, as mentioned in the previous lessons, those frameworks of criminal action could also undermine human rights. For reference, there is no international legal standard defining modern slavery.

Context of how lesson was learned

The 2030 Agenda for Sustainable Development was designed during

the same period when the programme was being implemented. One of the targets of one of the Sustainable Development Goals (SDGs) calls for ending of “modern slavery” (target 8.7 of SDG goal 8). As part of UN coordination efforts to develop and assess progress that could be achieved under such a goal, the programme had interactions with various stakeholders now grouped under Alliance 8.7, the Global Alliance to Eradicate Forced Labour, Modern Slavery, Human Trafficking and Child Labour. While the SDG reporting framework is voluntary, none of the countries covered by the programme committed to or reported on “modern slavery”. The term was not even mentioned in the SDG voluntary national reports. In some cases Governments even manifested strong reservations about using the framework of “modern slavery” as a way of addressing labour issues.

Implications of lesson for future programming

Donors, international organizations and advocacy groups should review the assumption that the term “modern slavery” is a helpful paradigm for efforts to either “end modern slavery and human trafficking” or “eradicate forced labour” in the regions covered by the programme.



6 Migrants in jobs paid below the poverty line will seek to move out as ends don't meet. Policies and gendered social norms of restrictive mobility further entrap them, engender conditions of forced labour or cause social tension. Such policies are neither effective in really "empowering" them, nor in controlling migration, nor in improving the working environment, nor in improving industrial relations. A better way to deal with empowerment, migration, work environments and industrial relations is to ensure that wage, employment and migration policies enable migrants and local workers to build livelihoods with dignity.

In the countries covered by the programme, both domestic and garment work undertaken by migrants was characterized by wage practices below the poverty line and restricted and gendered mobility regimes. As migrant workers struggled to make ends meet, different forms of legal and normative gendered restrictions made it difficult for them to exit such situations triggering stressful environments, social tension and plans to move-on.

Context of how lesson was learned

The programme examined minimum wage determination and calculation of the standard basket of commodities based on the expenditure pattern of families of workers in the ready-made export garment industry of two large garment production regions. The minimum wage

in both regions was only around 60 per cent of this expenditure. And yet, the minimum wage itself was not representative of the real needs of workers as various parameters such as

the actual cost of rent, health care and education were underestimated in the way the minimum wages were set. The programme also examined salaries paid by employers of domestic workers. In one metropolis more than three quarters of employers paid workers wages significantly below the national minimum wage even if the minimum wage did not apply to migrant workers. Another trend that was observed consisted of restrictions on the mobility of migrant workers, especially women. Restrictions were both of a legal nature backed by laws and regulations (e.g. sponsorship system, work or residence permits), and of normative nature backed by gendered social norms and practices meant to “protect” workers. These included the confiscation of passports in cases of international migration, the confiscation of education certificates in cases of internal migration, and partial or full restrictions on women migrants exiting homes, dormitories or hostels during non-work periods. Gendered stereotypes about “women’s safety”, “women’s work” and “free women” triggered both

self-restraint over migrant women’s own mobility and social legitimization of possible forms of control and in some cases violence. The combination of all these factors: insufficient pay to make ends meet, unrecognized and unpaid work burdens affecting women, and gendered mobility restrictions, all led to stressful work environments, social tension and strategizing to “break out” to something better.

Implications of lesson for future programming

Programmes could highlight the combined effects of poverty wages and gendered mobility restrictions on ineffective empowerment outcomes, ineffective migration outcomes and failures to improve industrial relations and instead advocate for wages that ensure dignity of workers and take measures to guarantee mobility rights for both women and men.



7 Unless there is political commitment and funding to improve labour inspection of migrant worker and employer relationships, quick fixes of sponsorship systems are unlikely to work.

Several trade unions and civil society organisations have strongly called for abolishing of the sponsorship system in the destination countries covered by the programme. ILO's Committee on the Application of Conventions and Recommendations (CEACR) has highlighted the abusive nature of specific sponsorship systems. Abolishing sponsorship systems is not a simple task, as it requires that States take on the responsibility of inspecting migrant worker and employer relationships instead of delegating the migrant's status to employers. Effective labour inspection comes at a financial cost and requires strong political commitment. Unless both fiscal and political constraints are tackled, sponsorship systems are difficult to effectively dismantle.

Context of how lesson was learned

The programme was asked to consider reviewing an insurance system that would compensate employers of domestic

workers if a domestic worker left her employment after a given period. Given that employers paid high recruitment fees to bring in workers, it was theorized that such an insurance would remove the incentive for employers to confiscate the passports of their workers so that they did not lose their investment. These efforts were not accompanied by significant reforms to improve labour inspection. In practice, the insurance became an incentive for employers who were unhappy with workers to abandon the worker and for workers to leave their employers triggering several cases of stranded workers. As the employer and worker relationship was not monitored through an effective labour inspection, the employer remained responsible for the work permit of the worker and the same vulnerabilities of the sponsorship system persisted.

Implications of lesson for future programming

Governments interested in dismantling sponsorship systems should consider investing in improving labour inspection of migrant worker and employer relationships.



8 Migration bans increase vulnerability to human trafficking.

A number of countries across Asia have instituted various forms of bans that, for example, prevent young women migrating overseas for domestic work in order to protect them. However, when both demand for migrant workers and supply of workers are high, employers and workers will find ways of circumventing such bans at a greater cost for all and increasing vulnerability to trafficking of migrant workers. Reversing poor migration control policies such as migration bans also requires sustained advocacy even after bans are reversed, or the bans can be reintroduced and will undermine previous advocacy efforts. Strong and focused mobilization of women, migrant and worker rights advocacy groups should be sustained. Migration bans are always discriminatory on various grounds such as gender, age, occupation, family status or nationality. For more information particularly about migration bans and domestic work see ILO Policy Brief on Women's Mobility and Domestic Work.

Context of how lesson was learned

Countries of origin and destination under the purview of the programme have enacted different forms of migration bans particularly focused on women's migration for work. These bans take several forms such as policies, administrative decisions and even vigilance processes that seek to prevent women from travelling abroad for jobs. The main motivation of these bans is to prevent women from being abused. Several anti-trafficking programmes have actively promoted such interventions. The ILO undertook a study to see how effective these bans were and found that they were not only ineffective, but also further increase women's vulnerability to trafficking as women were forced to take more circuitous and hazardous routes to find a job. This worked against the goals of the programme. For more information see ILO's No Easy Exit: Migration Bans Affecting Women from Nepal. While the programme was successful in supporting at least partial

repeals of such bans, they also tend to be reinstated as a result of political vicissitudes and upsurge of patriarchal view-points.

Implications of lesson for future programming

Anti-trafficking programming and policy makers should not seek to stop or prevent migration. Such measures usually include exit clearances or permits, border or railway vigilance committees, or policies restricting legal and feasible options to migrate. Moreover advocacy to repeal such bans should be sustained overtime, otherwise bans may be reinstated.



9 Special 'worker committees' addressing migrant worker issues within unions, government bodies or enterprises are ineffective without proper migrant worker representation adhering to principles of freedom of association and collective bargaining established by ILO's fundamental conventions.

Garment factories may create worker committees to address worker issues, yet their independence to represent and voice concerns is often compromised. To address increasing migrant worker inflows, trade unions create migrant worker committees to represent migrant worker issues yet migrant workers' representation and voice tends to be subsumed by host worker concerns. Likewise Governments create bodies to address migrant issues without involving them in the design, implementation or monitoring of their work. Constituents often establish migrant committees to find solutions to emerging migrant worker challenges. However migrant worker's presence or representation in these committees is often absent or symbolic. Principles of freedom of association and collective bargaining should be adhered to by all constituents in to address migrant right issues. In fact addressing migrant worker's rights is more likely to be effective outside spaces that exclude or put migrant workers

in unduly unrepresented, asymmetrical and disadvantageous bargaining positions. Such committees generate expectations that are not met and can be deceptive.

Context of how lesson was learned

The programme came across constituents in several countries who requested support to create migrant worker committees within enterprises, government institutions or trade unions. However migrant workers were excluded from representation and decision making responsibilities in these committees, reducing their role, if any, to token involvement. In most of these cases these committees ultimately reinforced power asymmetries between workers and employers, achieving the opposite result than the one that was officially proclaimed.

Implications of lesson for future programming

Review assumptions that migrant worker committees in enterprises, inter-departmental government committees on migrant workers and trade union

committees on migrant workers are a good practice to prevent migrant worker abuses, unless migrant workers are dully represented in accordance with fundamental principles of freedom of association and collective bargaining.



10 Recognizing how different forms of discrimination are perpetrated against migrant women workers, is critical for better anti trafficking interventions.

In general policy discourse, discrimination is often referred to in euphemisms that undermine the possibility of understanding how it happens. However it is varying forms of discrimination that explain why women and girls chose to migrate and the treatment they face during the different stages of the migration cycle. Discrimination is often based on gender, caste, class, age, occupation, language, race, religion and or other factors. Varying combinations of discrimination generate visible and invisible barriers that compound women and girls' difficulty in accessing public entitlements, training opportunities, jobs and fair and equal compensation and treatment throughout the migration cycle. Recognizing how these forms of discrimination are manifested and interact is critical for more successful interventions.

Context of how lesson was learned

The programme has partnered with NGOs and trade unions to provide referral services for prospective migrants and actual migrant workers. These service vary depending on the local context – they may consist of access to health, education, civil services, employment, agriculture, legal support, language learning and other. In spite of referrals, many prospective migrants are often unable to access entitlements unless they are accompanied by social workers who can assist them to overcome discriminatory behaviors of duty bearers. This becomes all the more difficult when discrimination is trivialized and legitimized in public political discourses. In such cases, it is hardly possible for a young woman from a minority group to access her entitlements without the backing of civil groups. A systemic form of discrimination is also manifested in labour compensation practices.

Discrimination in wages against migrant women as compared with host community workers, is common. Several studies commissioned by the programme point to the prevalence of women from Adivasi, Dalit or minority backgrounds in the lower rungs of supply chains where discriminatory abuses are more frequent.

Implications of lesson for future programming

Programming should include measures that deliberately tackle exclusion and facilitate access to rights and entitlements for populations who are subject to multiple forms of discrimination. Working and evaluating with organizations managed by and for those who are discriminated against is more likely to yield results. Leveraging international instruments such as ILO Convention 111, or the UN Convention to eliminate all forms of Discrimination Against Women (CEDAW) is helpful.



11 Law enforcement and labour inspection should be responsive to migrant workers' rights.

The political economy of law-enforcement makes it difficult to enforce labour or anti-trafficking laws against abusive employers or recruiters of domestic and garment workers. The disparity of power and resources between women migrants and forced labour offenders compounded with structural incentives of law enforcement agencies to meet performance targets (ex. addressing irregular migration) means that litigation is likely to result in migrants themselves being incriminated under other alleged offences such as theft of property, trespassing, illegal migrant status, document fraud, prostitution, etc. This is further aggravated by behavioral stereotypes among law enforcement personnel related to power, gender, race and social status. Addressing these challenges requires genuine commitment of authorities to be responsive to women and migrant workers' rights and mechanisms for accountability and enforcement. Labour inspection

departments are more likely to be responsive, however they are often under-funded, understaffed, poorly trained and face administrative and procedural obstacles in undertaking inspections.

Context of how lesson was learned

Partners involved in the programme in several countries have come across multiple cases where migrant women workers who filed complaints, were accused themselves of some abuse, as a result of which they were detained and or deported and unable to seek justice. Even other migrant workers who extended support to such workers were criminalized in one way or another. It is important that law enforcement, labour inspection and anti-trafficking departments protect migrant workers during disputes so that they can conduct full and meaningful inspections and enable access to justice.

Implications of lesson for future

programming

Without effective organizational and administrative provisions that counterweigh asymmetrical power relations between employers and migrant workers, it is naïve to expect that law enforcement institutions deliver justice for migrant worker. Strengthening the capacity of workers to uphold their rights and ensuring that administrative measures allow them to seek justice, is important.



International
Labour
Organization



Law and Policy Dialogo Domestic Work

28 February 2016

Venue: Hotel Himalaya, Kupondole, Lalitpur,



MR. SAM KUMAR ACHARYA
SECRETARY, MLE



MR. GOVINDA AMSHUWAL
JOINT SECRETARY, MLE



REPRESENTATIVE FROM
TRADE UNION

12 Improving laws, policies and practices requires more than technical assistance for reviewing.

Policies that would protect the rights of migrant workers may seem obvious for international organizations and civil rights organisations, however identity politics may reduce the space for policy makers to uphold rights of migrant workers. Strong advocacy is needed to ensure that the focus is on the rights of migrant workers rather than the agenda of stakeholders to blame migrants for their woes. How a policy shapes often depends on factors that are beyond the control of international organizations. That is why international organisations should take precautionary measures to ensure that policy review processes are consistent with the organization's recommendations. The programme has had to tread a fine line between engaging and providing principled policy inputs without legitimizing how constituents actually enact and implement those policies.

Context of how lesson was learned

The programme has reviewed anti-trafficking policies, recruitment policies and bilateral agreements that appeared to protect the rights of migrant workers, however subsequent drafts of such policies ended up diluting even existing protections for workers. The involvement of the programme opened the door to the risk of legitimizing the dilution of rights, rather than ensuring an improvement.

Implications of lesson for future programming

Prior to deciding to review a draft policy, it is important for organisations or programmes to assess the actual leverage of their technical inputs in the broader political context in order to judge whether the act of reviewing a policy may be instrumentalized for a different political purpose that undermines the very intent of the review.



Recruitment Interventions



13 Scarcity of decent work options on a significant scale can lead to more labour intermediation. Incrementally improving recruitment practices along relevant geographical recruitment pathways alone is insufficient. Working and living conditions need to be equally improved.

The link between recruitment and decent work options is important and often overlooked by policy makers. The high availability of precarious work options versus the scarcity of decent work options can generate a strong demand for the decent work prompting a rise of labour intermediation for better jobs. This means that some labour intermediaries will specialize in identifying what they perceive as “better” employment often at a cost. As a result, in most cases of recruitment to sectors where working conditions are precarious, the pathways to jobs were segmented by multiple labour intermediaries.

Context of how lesson was learned

The programme found that when working conditions were perceived as poor, employers were more likely to keep a distance and seek intermediaries

to mediate recruitment. Likewise, when workers knew that working conditions tend to be poor, they too sought intermediaries that can help them find the “better employers”. For example, some recruiters knew how to find employers who would be willing to enable informal labour mobility for workers, even if this was illegal. This practice was sometimes referred to as “free visas”, even if these arrangements were anything but free. The term “free” referred to the possibility of accessing freer labour mobility in contrast with the strong dependence on one employer which is characteristic of the sponsorship system. Yet another example of labour intermediaries offering services responding to the demand for decent work consisted in services facilitating exit from abusive working relations and re-employment in less abusive work relations or simply

returning the worker back to her original home. Helping someone exit an abusive working relationship or change jobs to earn a living may seem like a morally legitimate act, and yet doing so often required violating sponsorship or labour laws or arrangements. Labour intermediaries involved in facilitating such services for workers were therefore always informal.

Implications of lesson for future programming

The notion that labour recruiters can be incrementally trained and sensitized to effectively adopt better recruitment practices was found to be unrealistic unless decent work could be guaranteed on a significant scale to meet the demand for those decent jobs. Programmes focusing on fair or ethical recruitment should review such assumptions accordingly.



26/01/2017

14 Efforts to ensure that labour recruiters share responsibility for labour recruitment outcomes, should not concurrently offload the principal employer's responsibility to provide for decent work.

The fluidity and segmentation of labour supply chains is such that none of the key stakeholders – e.g. workers, labour recruiters, regulators, and employers – can guarantee on their own a fair migration outcome for any worker. If working conditions are poor, each stakeholder in the recruitment process has a vested interest not to volunteer information that could make the migrant worker change her mind. The more intermediaries involved in the recruitment process, the more likely it is that they will omit information if not outright misinform migrants about working conditions. This leads many workers to claim they were deceived during the recruitment process, yet each individual link in the chain is often able to plausibly deny this charge. In a fair recruitment process, it is important that all labour intermediaries as well as the employer share responsibility for the overall recruitment outcome, which include access to decent work. However, labour recruiters' responsibilities for

overall recruitment outcomes should not come at the expense of the principal employer's responsibility of providing for decent work.

Context of how lesson was learned

The programme faced multiple cases in which labour intermediaries and employers denied having a responsibility for an overall recruitment outcome and yet indicators of forced labour were manifest. Likewise, the programme came across cases in both care and garment work in which contractual relationships were outsourced to a contractor or a recruitment company, and yet employers claimed that their involvement with the workers was not sufficient enough to justify their responsibility to ensure decent working and living conditions.

Implications of lesson for future programming

Advocacy to hold recruiters accountable for recruitment outcomes should specify that accountability for recruitment does not justify off-loading of principal employer responsibilities. Although difficult to implement, the legal concept of several joint accountability can serve as a model to ensure fair recruitment to decent work.



15 Training on fair recruitment and ethical principles is premature in context where informality of recruitment dominates.

Where informality of recruitment dominates, formal and identifiable labour recruiters only play a partial role in recruitment processes. Training them on fair recruitment principles usually assumes that they are the main recruitment players, when in fact most recruitment happens outside their purview. In fact they often depend on a variety of other both informal and formal intermediaries as well as employers and regulators. Rather than training formal identifiable labour recruiters on codes of conduct which they will not be able to implement, it is important to (a) first [understand the entire recruitment process from end to end](#), (b) identify options to reduce vulnerabilities of migrant workers in the jobs they seek and the recruitment pathways, and (c) support practices that address those vulnerabilities including recruitment alternatives to occupations where work outcomes are more likely to be decent. See examples of recruitment [to domestic work](#) and [to garment work](#).

Context of how lesson was learned

In recent years standard-setting around “fair recruitment” or “ethical recruitment” has become common among international organizations and migrant rights organizations, multi-national corporations and large recruitment and employment agencies (e.g. [ILO’s General principles and operational guidelines for fair recruitment](#); the World Employment Confederation’s [Code of Conduct for Recruiting Agencies](#); [Verite’s Fair Hiring Toolkit](#); [International Human Rights and Business’ Dhaka Principles for Migration with Dignity](#)). The programme implemented training programmes for identifiable labour recruiters. During interactions with labour recruiters, the programme team realized that in sectors where employers prefer anonymity, a low profile and limited accountability, formal recruitment players only play a minor role. In fact recruitment processes in those cases tend to involve multiple

stakeholders responding to very different multi-jurisdictional incentives and market trends. Rather than offering training to formal identifiable recruitment agencies, the programme therefore decided to prioritize assessments of recruitment practices and regulation across recruitment pathways in order to be able to recommend better practices and better regulation.

Implications of lesson for future programming

While training is important in contexts of formal recruitment, it is important to assess recruitment processes and develop tailored practices that reduce vulnerabilities for workers in the context of specific recruitment and work pathways. These Policies Briefs on recruitment practices [to garment work](#) and [to domestic work](#) show possible options.



16 Promoting recruitment can be counter-productive in some contexts, and can even amount to institutionalizing human trafficking if prevailing working conditions are notoriously poor

In sectors such as domestic and garment work where working and living conditions tend to be poor, recruitment outcomes are messy. Promotion of recruitment and poor regulation of recruitment runs the risk of institutionalizing recruitment into poor working conditions. It is very important that international organizations do not promote recruitment without first taking into account working conditions. Guidance on recruitment regulation should enable multiple practices of recruitment to take place as recommended by these policy briefs on [practices and regulations of recruitment to garment work](#) and [to domestic work](#).

Context of how lesson was learned

The programme had designed interventions to improve recruitment processes to domestic and garment work. However, interaction with migrant workers and multiple studies about working conditions in both of these sectors pointed to systemic challenges, making the prospects of recruitment to these sectors, however well intended, problematic. It became clear that programme interventions should first ensure that jobs to which workers are recruited to are decent, and only then support accountable recruitment practices that are likely to be emancipatory. This may include interventions that seek to reduce vulnerabilities in existing recruitment and employment processes as well as interventions that seek to develop alternative recruitment processes to jobs that are likely to be more decent.

Implications of lesson for future programming

Anti-trafficking and safe migration programmes should be cautious not to promote recruitment into working and living conditions that are notoriously poor. This tends to happen as a result of poor programme design in which migration and recruitment are identified as general focuses of interventions without taking into account the specificity of working condition into which migrant workers are hired. It is therefore important to specifically assess working conditions in targeted occupational sectors.



17 A holistic and nuanced approach to regulation of the recruitment industry is important.

Registered recruitment agencies in countries of origin often claim that they are transparent about recruitment offers for workers, while the employer in the country of destination offers different working conditions to the worker once she has arrived. Moreover subagent that the registered recruitment agency contract to find interested workers, often paint yet a different picture of the work abroad to the aspiring worker. If working conditions are poor, each stakeholder in the recruitment process has a vested interest not to volunteer information that could make the migrant worker change her mind. The more there are intermediaries involved in the recruitment process, the more likely it is that omission of information (often building on worker's tacit assumptions) if not misinformation about working conditions will happen – leading a worker who experienced the recruitment process to affirm that she was deceived. Yet each stakeholder is often able to claim plausible deniability. Moreover a good staffing business or recruitment practice doesn't mean other businesses will not exploit what they

perceive as a niche opportunity resulting from the good business' focus on ethical recruitment only – market incentives means that they will.

Context of how lesson was learned

The programme undertook several studies and assessments of recruitment practices (ILO, 2015), (ILO, 2016) and interacted with multiple labour recruiters and employers in training events and consultations. It became clear that multiple stakeholders have different types of roles and perceptions of their roles in recruitment processes. Interventions targeting only one type of labour recruiter – usually identifiable formal registered recruitment agencies, were superficial and insufficient in addressing the full nature of recruitment related abuses across the recruitment pathway. Likewise interventions that attribute responsibility to only one type of stakeholder (e.g. the informal sub-agent) veil the systemic nature abusive misinformation. This is common in programmes with a criminal justice focus which tend to shift responsibility for abuse to the weakest intermediary,

while the system that enables misinformation and deception remains unaddressed (e.g. prosecution initiatives in many anti-trafficking programmes).

Implications of lesson for future programming

If recruitment is not tackled holistically taking into account differing labour market incentives at every step of a migrant's recruitment pathway including her working conditions, programmes that only target one type of labour recruiter in one location, can generate incentives for omission of information, misinformation and deception to be further out-sourced and accountability even harder to pinpoint. Likewise anti trafficking prosecution and other criminal justice approaches in such contexts tend not to address the structural nature of abuse, yet they can generate a misleading perception of justice and improvement. Understanding and addressing the structural nature of recruitment and work challenges is important.



18 Addressing poor recruitment practices requires regulatory incentives that involve worker representatives in the design and monitoring of recruitment practices.

Workers' involvement in monitoring recruitment processes is usually missing in the design and monitoring of recruitment processes and regulatory frameworks. Special measures are necessary to ensure that recruitment practices are not only accountable to employers, labour recruiters and regulators, but also importantly to workers. In order to address this lack of worker representation, special measures are necessary that meaningfully involve worker representatives in the design and

monitoring of recruitment processes.

Context of how lesson was learned

The programme undertook several assessments of recruitment practices and interacted with multiple labour recruiters, employers and workers. It became clear that worker organizations are rarely consulted in the design of recruitment policies. In fact in some cases bilateral memoranda of understanding on recruitment of migrant workers between countries of

destination and origin – are deliberately confidential and inaccessible for workers.

Implications of lesson for future programming

Interventions on recruitment should meaningfully involve migrant worker representatives in monitoring of recruitment practices throughout all ends of the recruitment process from the sub-agent to the employer.



Worker Empowerment



ସ୍ଥାନ- ଭାରିପୁରା, ଭଜନସତ, ପଞ୍ଚାଳ
ଫୋନ୍- ୦୪.୧୨.୨୦୧୫ ଓ ୦୫.୧୨.୨୦୧୫
ଆୟୋଜକ:
Dainia
SAWA
ଅଧ୍ୟକ୍ଷ:
[Logo]

19 Successful outreach to migrant workers requires meaningfully involving them in the design, implementation and evaluation of interventions.

All successful services for migrant workers developed by the programme such as pre-decision sessions, post-arrival cultural adaptation, language learning and legal counselling, required close affinity, proximity, dialogue and involvement of migrant workers in the very design, delivery and evaluation of these services. Findings indicate that social networks, including family, caste, friends and other migrants are strong influences in migration decisions and planning.

Context of how lesson was learned

Initially the programme especially in countries of origin implemented awareness raising interventions that were

supply driven and meant to educate aspiring migrant workers about the realities of work abroad. Community workers quickly realized that messages needed to be tailored to aspiring migrant worker needs if they were to be absorbed. In other words learning and communication had to be mutual both for workers and community workers.

Implications of lesson for future programming

Outreach and awareness raising for prospective women migrants and or workers should involve them in the design, implementation and evaluation of outreach activities. Trade unions working with women in both areas of

origin and destination are more effective in encouraging workers or prospective migrants to raise their own concerns and interests and develop responses that would reflect those concerns. Successful outreach to migrant workers depend on effective use of these existing networks to design, deliver and evaluate these services. The intervention should be cognizant of social networks and include mechanisms for adaptive development. The involvement of migrant workers and families need to be sustainable and, therefore, should be conceived from a participatory perspective.



20 Alone, neither NGOs, trade unions nor women's rights groups, can expect to be successful in empowering migrant women workers.

To address the interconnected challenges of patriarchy, mobility and work, communication, readiness to learn and cooperation between multiple networks of civil advocacy groups including worker trade unions, migrant rights organizations, women rights organizations and other relevant rights based groups is necessary so that they all converge in a common policy advocacy discourse tailored to multiple geographical contexts.

Context of how lesson was learned

The programme witnessed that there

are women's rights organizations that focus on reducing violence, but do not uphold women's right to mobility or advocate for their labour rights. There are anti-trafficking organizations that focus on incriminating labour recruiters or educating migrants, but gloss over systemic violations of women's rights at work. There are trade unions that work on labour issues but are unable to give space to women's voice and representation within their organizations. Advocacy and empowerment is more effective when all networks are cognizant of their

limitations, seeks to address them and reach out to each other to support one another in addressing the multiple root causes of vulnerability to forced labour.

Implications of lesson for future programming

Programmes that seek to empower migrant women workers should build on the complementary capacity of specialized organizations that are able to address patriarchy, mobility and labour rights and cooperate on common agendas.



21 Migrant women's work is not only characterized by one employment relationship or one occupational sector in which they appear to be employed. Poverty wages and the need to make ends meet mean that many migrant women are concurrently and sequentially undertaking other types of paid and unpaid care or other work. Programme interventions seeking to improve working conditions should also pay attention to those other realities of women's work.

In all countries covered by the programme, domestic work was the sector that employed most migrant women while garment or textile-related work came in second. While each sector was regulated differently, the incapacity to guarantee decent work in one sector meant that labouring trajectories of migrant women could cut across multiple employment relationships and different sectors concurrently during the same day if not sequentially during longer periods. The burden of unpaid women's work was a common denominator for most migrant women. Organizing strategies of trade unions tended to focus more exclusively on

only one occupational sector while cross-occupational strategies were less common.

Context of how lesson was learned

Multiple monitoring and evaluation reports highlighted the variable and unpredictable trajectories of migrant women indicating the different sorts of paid and unpaid work that they performed in order to make a living. These trajectories rarely ascribed to the 'one-size fits all' occupational categories that are commonly referred to in labour regulation or in organizing strategies of trade unions. Neither did they conform with the notion that migrant women

workers would have only one type of employment relationship. Organizations that were able to acknowledge these realities by working with migrant women across sectors, were better able to gain the trust of migrant women.

Implications of lesson for future programming

Programme interventions seeking to improve working conditions of migrant women should also consider supporting outreach across occupational sectors and addressing needs of migrant working women regardless of each sector, such as alleviating care needs.



22 Capacity of workers to communicate and negotiate with employers and officials should also be emphasized when focusing on knowledge of workers' rights.

While understanding one's rights is of course a precondition to successful negotiation, overemphasizing knowledge of rights without imparting capacity to negotiate in the migration process or for better working conditions can mislead migrants into risky confrontations where they are abused.

Context of how lesson was learned

The programme is centered on a rights based approach. Much of the pre-departure awareness raising that the programme supports focused on imparting beneficiaries the knowledge of their rights: rights as citizens, rights as women, rights as migrants and rights as workers. In reality many of these

rights are not respected for reasons that are seldom openly discussed since such discussions directly challenge different power structures in families, societies and institutions. Yet understanding these challenges is important in order to impart a capacity to communicate and advocate for the respect of one's rights. The programme came across some cases of both domestic and garment workers who referred to their rights, yet were deported as a result of doing so. Knowing one's rights is insufficient. It is important for migrant workers to understand the challenges involved in demanding ones rights and knowing how to effectively advocate for their respect. As a result of this realization,

the programme is also focusing attention to successful communication and negotiation techniques that enable workers to gain the respect of their employers to preserve their worker rights.

Implications of lesson for future programming

Rights based approaches are important in programming, however in addition to that, soft skills enabling workers to translate those rights into their working reality are also important. This lesson should not be read in isolation from the next and other lessons.



23 Without freedom of association and collective bargaining for migrant workers, reducing their vulnerability to forced labour is unsustainable over the long run. Fostering both fundamental principles often runs counter to current policy environments and requires readiness of international organizations to be creative and assume political risks.

So far, organizing migrant workers has been more effective where regulatory and physical space enabled workers to connect, support each other, defend their collective rights and network with wider social movements in order to uphold their rights. In the absence of regulatory space, ad-hoc measures creating physical space (e.g. worker centers) or regulatory space (e.g. measures enabling freedom of association) are necessary albeit subject and vulnerable to strong counter-pressures and political vicissitudes. Collective bargaining rights for migrant workers are often denied and seen as a threat to competitiveness rather than a boon to productivity. Upholding these two fundamental principles is difficult, yet possible through creative initiatives such as working with different civil society organizations, establishing

worker centers of, by and for workers and enabling migrants to create their own unions depending on the legal, social and labour context.

Context of how lesson was learned

Where migrants were able to join and form their own worker trade unions, organizing for justice in relation to common grievances and collective bargaining has been possible. In places where migrants were barred from freedom of association and collective bargaining, support for organizing and provisions of services by and among migrant workers has been more challenging. Some constituents have even taken retaliatory measures against workers. In these contexts working with civil society organizations or establishing physical space for worker to gather and services through mobile phones have

allowed breaking workers isolation and creating a stronger basis for expressions of solidarity.

Implications of lesson for future programming

Freedom of association and collective bargaining are central to effective strategies to reduce vulnerability to forced labour. Advocating for such fundamental principles is important and requires political courage and creativity.



24 Using trade union membership numbers as a sole indicator of effective organizing can be misleading and harmful.

Donors, governments, international organizations and trade unions sometimes set ambitious quantitative targets of worker membership in unions in order to justify their institutional legitimacy. While keeping track of membership in a union is important, it was not necessarily an indicator of effective organizing. Qualitative indicators are equally important in assessing effectiveness of worker organizing.

Context of how lesson was learned

The programme found that while in a best case scenario, organizing could be proactively understood as a comprehensive set of efforts meant to strengthen collective voice and representation of its members, in a worst case scenario, organizing could be mechanically understood

as a perfunctory matter of enrolling members to sustain an institutional budget or a statutory target enabling an institution to exist or project itself politically, while voices of members regarding specific demands were of secondary importance. In such cases, a high quantitative target for union membership could have a negative impact. For example a membership fee would amount to fee extraction without real representation akin to institutionalized extortion. Another related challenge with a quantitative target for union membership was that workers always tended to organize around specific issues (e.g. wages, harassment, etc.). Yet indicators of union membership did not necessarily reflect how dynamic a worker's collective was around specific issues that were of relevance for workers.

Given the informality of both domestic and garment work, a significant proportion of worker - organizing happened outside the scope of established unions and even counting numbers of workers was a somewhat spurious concept as turn-over of workers was high and their involvement in struggles was variable and selective. A complementary and perhaps better sense of the effectiveness of organizing could be gleaned from gender-sensitive assessments of industrial relations.

Implications of lesson for future programming

Policies and programmes should avoid prescriptive quantitative targets of union membership and instead rely on both quantitative and qualitative indicators of worker-organizing.



25 In contexts of highly restrictive mobility regulations applying to migrant workers, a workers' centre can become a target for police and prosecutors to arrest workers and undermine the very functions of workers' centres.

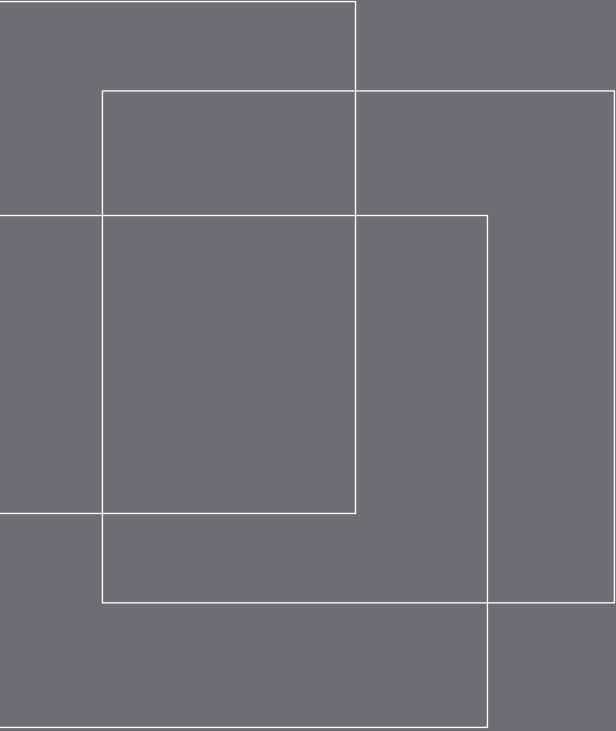
Special measures are necessary to ensure that law enforcement personnel respect freedom of association of migrant workers.

Context of how lesson was learned

A migrant centre had to change locations as a result of the presence of a police station nearby.

Implications for future programming

Prior to establishing a worker centre, a thorough assessment of the opportunities and risks for migrant workers to use the centre should be conducted.



Employer Advocacy



فكروا فينا

نضم جمع أمور العسيلة المتروكة: مكالمة للتعاون

UKA A

مركز الدراسات والبحوث

مركز الدراسات والبحوث

مركز الدراسات والبحوث

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26 Advocacy to change behaviors of employers should be particularly sensitive to social, economic and political context, otherwise it can backfire.

Simple advocacy messages, however correct they are, such as demanding that employers of domestic workers respect the labour rights of migrant domestic workers, can backfire by polarizing and strengthening majoritarian views against migrants. While employers should be confronted on poor practices, media campaigns alone cannot replace effective labour law enforcement and the way media campaigns are undertaken should ultimately seek to build employers empathy and support. Messages that are perceived, incorrectly, as derisory of poor employers can antagonize rather than build support. Messages which on the other hand portray common interests of employers and workers are more likely to be accepted. Ultimately though, even the best of media campaigns will be insufficient if labour law enforcement is notoriously weak.

Context of how lesson was learned

The programme supported information campaigns for employers of domestic workers. Rather than develop simple messages highlighting poor practices of employers, the programme commissioned a comprehensive study on the attitudes of employers and tailored messages that responded to specific findings. Video spots were developed that focused on common interests such as nurturing common trust among employers and workers. In spite of this some constituents have reacted vehemently against migrant worker advocacy especially in relation to domestic workers highlighting other more important concerns such as their own economic plight in light of economic stagnation and refugee crises. Moreover a general environment of

poor labour law enforcement against abusive employers generates a sense of impunity that undermines the messages behind media campaigns.

Implications of lesson for future programming

Advocacy on the rights of migrant workers should seek to build empathy and support for common causes of both migrant workers and others host workers. Caution is important in contexts where criticism of migrant workers can trigger majoritarian counter reactions that ultimately further undermine migrants' rights. Media campaigns for employers should be undertaken hand in hand with effective policy and administrative measures to improve labour law enforcement against abusive employers.



27 Recognizing how employers of domestic workers are affected by policies underpinning evolving care needs of households and shifting gender roles is important. Campaigns to influence employer-attitudes should acknowledge this, otherwise attitudes of employers will continue to be shaped by those policies and traditional gender stereotypes and less so by information campaigns.

Care needs of households are influenced by a variety of policies such as urban and rural planning, utility services, housing and real-estate market regulation, health-care services for elderly and disabled, child-care facilities, migration policies and demographic policies. Other macro-economic and social policies contributing to the development of urban and rural economies also affect the environment of household care needs. Information campaigns seeking to influence employers of domestic workers do not influence the cost dynamics of rent, utilities, health and child care options, access to local markets, and yet attitudes of employers of domestic workers are also shaped by these cost and access variations. Gender stereotypes about women responding to shifting care needs through unpaid work, further influence the undervaluation of paid domestic work.

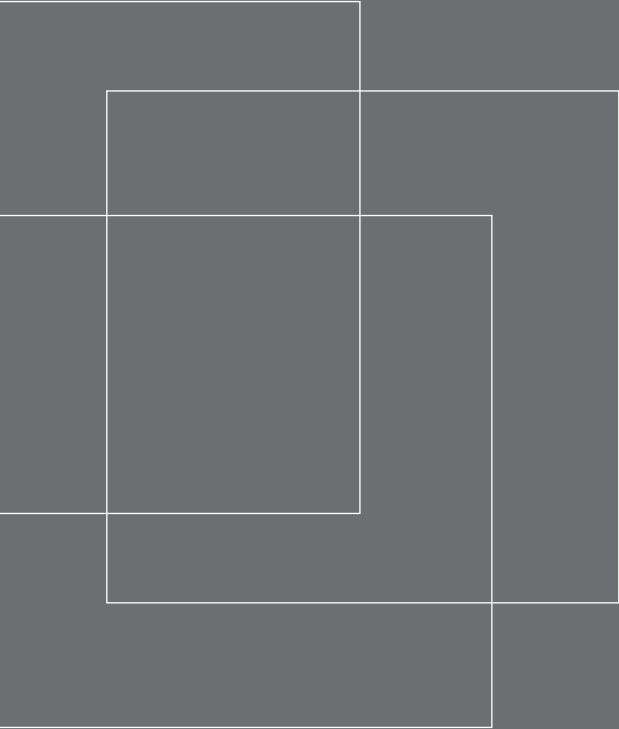
Context of how lesson was learned

The programme witnessed that the high cost of real estate and the roll-back of publicly subsidized services in most urban destinations affected the capacity of households to manage care needs. Urban households were becoming smaller than they used to be and the care functions that extended families traditionally performed were increasingly difficult to undertake in smaller spaces despite cultural preferences. Moreover as publically subsidized services, such as child care facilities or facilities for elderly and disabled-care were scarce, the default option for households to manage care needs was to employ domestic workers. Moreover since traditional options to perform care functions relied primarily on unpaid women's work, care work performed by domestic workers tended to be highly undervalued resulting in

a high prevalence of abusive working conditions for domestic workers.

Implications of lesson for future programming

While campaigns to influence employers of domestic workers are important, they should be complemented with policies supporting care work and the deconstruction of traditional stereotypes about women's unpaid care work.



Community Work



28 Most pre-departure interventions of migration programmes fail to recognize how the political economy of out-bound employment regimes work. That's why they tend to systematically fail.

Out-bound employment regimes are set in areas where the transition from rural economies to the globalized economy is in full swing. Traditional habitats in resource rich areas are often vacated in order to enable new infrastructure investments and industries. Similarly, traditional agriculture employing large populations is often replaced with intensive extractive agriculture that employs fewer people. Unless other jobs are created, these new industries and agriculture practices on their own are unable to create sufficient jobs to replace old ones that were characteristic of rural livelihoods. Depending on the intensity of capital investment processes and ensuing agrarian crisis, they trigger

varying degrees of migration outflows. As political contestation to the lack of jobs and the need to migrate rises, policy makers eventually try to establish consent-seeking mechanisms to ensure that outgoing populations can be sent as migrant workers to other sites of global production with the promise of better opportunities and remittance-earning potential for their relatives. This is where private economic actors requiring low-income labour in distant locations collaborate with local policy makers to collectively pool, acculturate and prepare workers for their future labour needs outside the district, state or country. The main target of such policies are women, indigenous and other marginalized populations from low-income households. This happens in classroom-type settings in different types of “pre-departure” or skilling programmes. The challenge with these out-bound employment regimes is that the economic and political actors controlling the training spaces share both economic and political incentives not to highlight decent work deficits in destination areas and not to impart collective bargaining skills that could

enable better working conditions. Hence, these training programmes, while offering some technical skills, can still end-up developing subservience to future abusive employment conditions in the name of empowerment.

Context of how lesson was learned

The programme sought to introduce changes in the way these regimes were operating. The concept of “pre-decision orientation” was developed in the design stages of the programme as a more nuanced response to migrant women information needs compared with the mainstream institutionalized pre-departure training programmes that are now common in most countries or states of origin. The general assumption was that interventions targeting people likely to migrate at an early stage, were more likely to create space for soft skill acquisition and rights awareness, rather than in institutional pre-departure settings where instruction tended to be supply-driven and focused on specific migration procedures, rules and conduct expected from migrant workers. These spaces in villages were found to be more enabling, although lessons from this

were also drawn (see next lesson). With regard to institutionalized pre-departure programmes, the programme attempted to review the curricula and the profile of instructors, and introduce new methods, including recognition of prior learning. Overall, while some specific training programmes were improved, the general culture of these skilling programmes did not change. Some of the challenges included having sufficient space to discuss common worker grievances or negotiation strategies, and the logistics of training and accommodation during the training tended not to take into account of gender needs and concerns.

Implications of lesson for future programming

Policy makers could consider policies that offset in-built structural incentives that characterize current outbound employment regimes. Such policies could include creation of local decent work options, or establishing robust systems of public scrutiny of working and living conditions where workers are placed.



29 While it is important that policies aspire for there to be individual choices in migration, it is equally important that they don't assume that much of an individual choice always exists in migrating, or that individual cases of empowerment through migration do not in themselves justify the up-scaling of interventions to a policy level.

At a collective level migration interventions should be cognizant of structural factors, such as the agrarian crisis and patterns of exclusion from development, that leave not much of a choice for those who are marginalized to seek livelihood alternatives elsewhere. Likewise, for extended families in patriarchal contexts, the decision to migrate tends to be made for migrating women and not by migrating women. The discourse of choice and decision-making tends to assume that individual choices will make a significant difference in migration outcomes, and yet there was insufficient evidence to prove this. Another trend that was observed by the programme was that individual cases of empowerment were used to justify in themselves larger-scale interventions without taking into account collective trends and structural factors.

Context of how lesson was learned

From the start of the programme, the notion that it could influence decision making was an important assumption behind the design of “pre-decision” orientation sessions in villages. During its third year the programme also advocated to replace the paradigm that was used to define these types of programmes from “safe migration”, to “migration by choice”. While the aspiration for migration to remain a choice should remain important, in practice it became questionable whether the choices that the programme could influence, would alter the decision to migrate. That said, participants of these orientation sessions did recognize the value of the content of these sessions as can be seen in this video: ‘Learning with Community Workers: Understanding change from the perspective of community workers’.

Implications of lesson for future programming

Policy makers should not take it for granted that migrants have the room to decide to migrate or not. Therefore policy makers should realistically assess structural factors behind migration, otherwise policies may be misleading.

30 Migration and anti-trafficking programmes should be aware of the social distance that separates those who decide and implement such programmes at various levels and migrant women workers.

The economic and social realities determining the lives of migrant women workers and those who decide and implement migration or anti-trafficking programmes tend to be very different. Perceptions of opportunity depend not only on wealth, but also on social capital of individuals and groups, as well as on varying social-cultural and linguistic referents.

Context of how lesson was learned

Those who decide and implement migration or anti-trafficking programmes tended to be from very different socio-economic backgrounds compared to migrant women workers. They tended to assume that what they are capable of perceiving or doing for themselves can, to a reasonable degree, be transferred to migrant workers through simple communication or educational means. However evaluators found that such information or even

skills could be meaningless for a migrant worker facing asymmetrically more powerful employers, recruiters or officials who can simply intentionally or even unintentionally ignore them because they shared different social-cultural and linguistic referents, or because their attention span to migrant workers is determined by very different temporal and spatial habits and world views. Likewise, migrant women workers were found to have very a pragmatic understanding of how to effectively deal with challenges they face which staff of different organizations could not have conceived. The differences were particularly stark when it came to dealing with laws. Programme implementation staff tended to view the law as enabling, while migrant workers tended to view the laws as disabling.

Implications of lesson for future programming

Donors, international organisations and non-government organisations should acknowledge the social distance that exists between them and migrant women workers and seek ways of reducing that distance by having more direct interaction with each other and create space for migrant women workers to exchange and voice their views on how to deal with common challenges.



31 Participative appraisals and vulnerability mapping are important for migration related interventions in areas of origin and destination.

While participative rural appraisals (PRAs), vulnerability mapping (VM), and participative mapping of power structures are all techniques that are commonly used in local social development programming, they are not that common in migration related interventions or anti-trafficking programmes.

Context of how lesson was learned

Several partner organizations which used PAR and other similar methods to understand the gender dynamics of social development and migration at the village level were better able to manage the risks more effectively. For example if harassment was an issue for many who were migrating, the social worker together with the NGO, could attempt to leverage social pressure to curtail it. Likewise if control of land or water resources by some was the cause of the exclusion of others, migration could

be made more of a choice by finding mechanisms to provide access to such resources, rather than talking only about migration risks.

Implications of lesson for future programming

Donors and organisations designing and implementing migration or anti-trafficking programmes should consider using PAR and similar methods before they start local interventions.



32 In better information campaigns, the content of information exchanged with prospective migrants should not exclusively focus on safe migration.

Prospective migrants are usually those who cannot access basic services in their communities. Intensive two way communication is necessary where populations who are usually excluded or unable to access basic services in their communities (e.g. Women, Dalits, Adivasis, or other minorities) explain the local circumstances of why they are unable to access these services and participate in strategizing effective local solutions to overcome such barriers. For example community based organizations can consult marginalized groups in order to make it possible for a Dalit and Adivasi women to access local employment options, social protection, health and education services, agriculture extension services, foreign employment options, and local political representation, etc. When this happens, migration is often no longer necessary as local livelihood options become possible.

Context of how lesson was learned

Most safe migration programmes focus on providing potential migrants with information to migrate safely. Initially many project partners within the programme did likewise. However as awareness about the reasons why women migrate became clearer, it also became clearer that women didn't have to migrate if they accessed certain types of information, services and jobs from which they tend to be excluded. The programme therefore not only seeks to provide information to potential migrants about migration and work abroad, it also focuses on ensuring that potential migrants are aware about other options that may result in the person not having to migrate.

Implications of lesson for future programming

Safe migration programmes should consider re-framing their focus to enable mobility by choice hence enabling options for people to secure their livelihoods by staying or migrating.



33 Quantitative targets undermine effectiveness of interventions.

While quantitative targets are expected by Government authorities, they incentivized a supply driven bias in interventions. Community workers pay more attention to complying by delivery targets with schedules and deadlines to deliver sessions in multiple villages rather than listening, understanding, responding to populations needs and adjusting their work accordingly.

Context of how lesson was learned

At the beginning of the programme, high quantitative targets were set for the numbers of potential migrant workers that interventions would reach to in areas of origin. As a result of these high targets partner organizations would ensure that their social and community workers cover a wide range of villages in delivering specific messages without necessarily taking the time to listen, understand and respond to the concerns of populations that were likely to

migrate. This affected the effectiveness of interventions as messages were often seen to be in dissonance with community needs. For example in some villages people were migrating because of irrigation problems, yet community outreach kept focusing on encouraging migration while irrigation issues could be solved. The programme therefore subsequently reduced targets in order to ensure that community workers spend sufficient time understanding their areas of work in more depth and tailor their work to the context of each village. As community workers spent more time understanding the context of villages where they worked in, it became clearer that their roles were not only about providing information on migration, but that they had to become catalysts of information about themes affecting the lives and mobility of women.

Implications of lesson for future programming

Programmes seeking to inform inhabitants about their rights when they migrate would be better advised to ensure that their respective community workers invest time in understanding the reasons why people migrate and tailor their interventions accordingly rather than seek to upscale mass awareness campaigns that will not be effective.

सुरक्षित बैदेशीक रोजगार सम्बन्धी निःशुल्क सूचना केन्द्र

सञ्चालनः



जिल्ला प्रशासन कार्यालय
मोरङ



ओरेक नेपाल
मोरङ

- १. हुत्तर मन्त्रालय
- २. जम्बुनदी
- ३. उपत्यका
- ४. वैदेशिक
- ५. फोटोकपी
- ६. सम्भोला पत्र
- ७. श्रमस्विकृति
- ८. एप टाइप गर्न
- ९. विदेशमा पुग्ने

देशिक रोजगार
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मात्र जाओँ।
लेपरमात्र दिनुहोस्।
जगारको लागि प्रक्रियामा जानुहोस्।
य परिक्षणको पत्र, अभिसुसिकरण विमा, भरपाई, सम्भोला पत्र, श्रमस्विकृतिको पत्र) को
विद्या रामुरी पढेरमात्र हस्ताक्षर गर्नु।
नेजिमको

34 Safe migration interventions tend to be ineffective in preventing the violation of women's rights.

While safe migration programmes can be helpful, in patriarchal contexts the concepts of safety and protection tend to exclude women's agency. Protection measures for women tend to be designed without the leadership and participation of migrating women and their representatives. This inevitably leads to policies and practices that disempower them from the exercise of their rights (e.g. restrictions on mobility) rather than empowering them.

Context of how lesson was learned

The programme initially interacted with constituents that claimed to have had experience in safe migration and anti-trafficking information campaigns. However the strategies that were proposed sought to restrict women's mobility through different means rather than address the reasons why women migrated and support the migration when it was a choice.

Implications of lesson for future programming

Anti-trafficking and migration programmes should review the framework of safe migration as an appropriate lens to address women workers vulnerabilities. Instead programmes should consider frameworks that enable women's emancipation such as programme supporting informed mobility by choice – not simply by referring to other options, but removing structural obstacles that impede choices.



35 Interventions to promote safe migration are ineffective and unsustainable as long as causes of distress migration are not addressed.

Markets favour taking advantage of distress migrants to access cheaper labour, rather than hiring local more expensive labour. It is therefore important to develop interventions that on the one hand reduce distress migration to make migration a real choice and on the other hand incentives that equalize the value of foreign and host labour.

Context of how lesson was learned

In many communities where the programme supported outreach work, multiple and varying distress factors were prompting women to migrate. Providing information about accessing entitlements of any sort was simply insufficient as it was clear that agrarian and environmental distress would persist. Referring women to occupations where working conditions are notoriously poor also poses a moral dilemma. Information campaigns for communities to access their rights cannot replace responsible development policies.

Implications of lesson for future programming

Migration information campaigns should not be used in areas where distress migration is happening as a way of replacing peace building and responsible development policies and programmes.



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36 Community outreach interventions such as pre-decision training should be tailored to the specific context of patriarchy and how women's distress is socially appraised and mediated.

Women's mobility, even when it is prompted by distress factors, depends on views about women's role in the family, village, muhalla or bastee. Where criteria of honour prevail, distress can be hidden, quietly suffered, silenced or even denied. Elsewhere it could be admitted and even openly highlighted in which case a woman's migration becomes socially acceptable. While it is important to grasp the nature of distress and how it affects mobility, generalizations can also be misleading. Depending on the context, the discourse on distress factors and migration as a choice can be misperceived as demeaning and socially unacceptable, while it can also serve to legitimize and encourage migration regardless of what may lie ahead. It is therefore important that interventions are cognizant of prevailing views about women particularly in relation to distress.

Context of how lesson was learned

Community interventions were initially geared towards, but not exclusive focused on safe migration. As community partners became increasingly aware that information about local jobs and entitlements could be just as important for those who considered migrating, partners shifted more attention towards the role women in society and how it affects or not mobility in contexts of distress. Evaluators also highlighted how the acknowledgement of 'distress' is socially mediated, in other words, it is appraised in a specific social context. In areas where female migration was low, criteria of honour prevailed, whereas in areas with high migration women's labour mobility was socially more acceptable.

Implications of lesson for future programming

Pre-decision training is important, however it should be mindful of specific contexts of patriarchy and how it affects women's mobility.



37 Pre-departure skilling is more effective when women worker organizations are involved.

While vocational and life skill training through private and national skills training institutions can reach higher quantities of people, the way the training is conducted and its content can mislead migrants and aggravate the risk of trafficking, in spite of technical assistance. These institutions tend to prioritize foreign employment over other considerations. Realistic discussions on the real working and living conditions of workers or involvement of workers organizations is limited and would undermine the very incentives under which they operate. Disengaging from providing technical advice would also be irresponsible as constituents demand it. A do no harm approach should be followed where training is shortened and staggered between pre departure and post arrival stages and where women worker organizations are involved.

Context of how lesson was learned

At the request of government constituents, the programme collaborated in reviewing pre-departure curricula for migrant workers. As the programme reviewed pre-departure skilling processes it was realized that the content of the training tended to omit information on working conditions abroad and portray a rosy picture about possible earnings. Skilling institutions needed to justify their funding with targets of people they trained and employed. Recruitment agencies would often omit information about working conditions abroad. As a result the programme suggested to involve migrant worker organizations in training programmes to try to ensure that a more realistic picture of working conditions abroad would be provided.

Implications of lesson for future programming

Consider different ways to involve migrant worker organizations in skilling processes as they are more likely to provide information that can be useful for workers.



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38 Messaging on migration at the local community level, must be carefully designed and implemented to minimize the risk of harm.

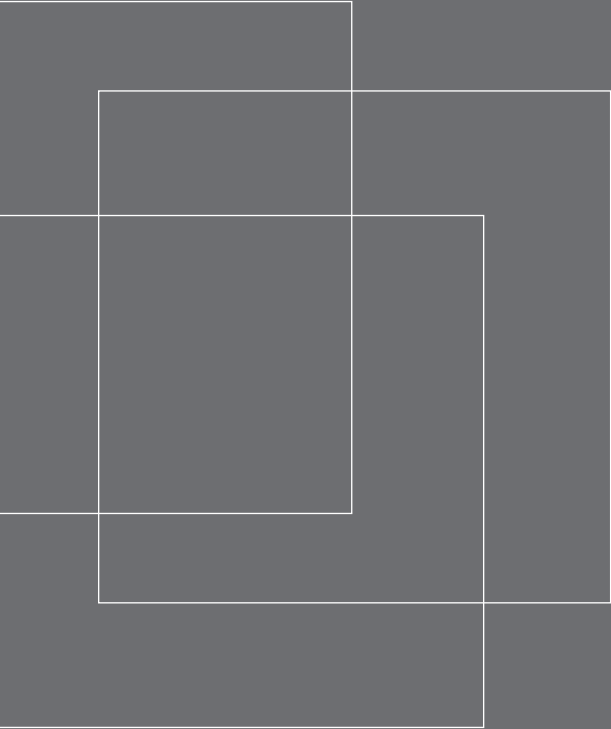
While outreach and awareness-raising directly with communities can be helpful, they need to be carefully implemented so as not to: actively promote or discourage migration; give migrant women the sense that now they have been trained, they will be safe; not ignore conflict and political reasons why people migrate; not increase risks to women in their homes and communities (e.g. risks of domestic violence if safe migration training is seen to encourage women to migrate or if women return and are viewed to have engaged in 'immoral' activities while away). See forthcoming ILO's Working with women in migration, A Handbook for Practitioners

Context on how lesson was learned

As the programme undertook community outreach interventions, it was realized that the reasons for which people migrate differed, were often related to domestic violence, caste discrimination, debt, land and water disputes, conflict and insecurity and other types of tensions. Generalized messages could be seen as discriminately favoring one party as opposed to another and undermine the very purpose of conveying information.

Implications of lesson for future programming

A do no harm approach in developing messages on migration is an important precaution to avoid exacerbating tension and conflict. A strong monitoring system is also important to detect unintended outcomes, inform adaptation of processes and measure progress in achieving outcomes.



Research



39 Presentation of evidence to policy makers on patterns of migrant right violations is not enough to improve those policies.

Addressing inaction and status quo on advancing application of international labour standards is better through partnership strategies whereby proactive advocacy is undertaken by non-government players, and technical evidence based advocacy by international organizations

Context of how lesson was learned

The programme has presented research to government officials pointing to better policies in relation to mobility bans against workers, recruitment and anti- trafficking policies. However in spite of evidence, officials many times did not take any action. For example, the programme witnessed the influence of recruitment agencies on regulators. In order to overcome inaction, the programme had to support civil society actors in order for them to pressure relevant government authorities to change targeted policies.

Implications of lesson for future programming

Reports and evidence on forced labour are insufficient as long as civil groups are not able to advocate and keep the pressure for advocated policy changes.



Programme
design and
monitoring and
evaluation



40 In contrast with randomized control trial methods of evaluation, iterative formative evaluation processes are a preferable method of evaluation of multi-scalar anti-trafficking interventions across multiple geographies. This is especially important when the multiple geographies of migration are characterized by fluctuating social, economic and political transformations affecting livelihood and labour options and variable patterns of people's mobility.

It has been assumed that randomized control trials to evaluate anti-trafficking interventions, may represent a reliable way of assessing the impact of anti-trafficking interventions across migration corridors in preventing incidence of human trafficking. However, multiple structural factors beyond the control of an anti-trafficking intervention significantly influence the social economic and political

environments of places where people migrate from, of places where they migrate to, and the patterns of mobility in-between. In many cases information, skills, organizing, training for recruiters, and policy recommendations on labour migration were helpful in reducing some individual vulnerabilities to forced labour, but far from sufficient in influencing the structural trends that were more important determinants of vulnerability to forced labour. It is questionable whether parameters of comparison of randomized control trials are sufficiently constant to enable reliable comparisons in order to evaluate anti-trafficking programmes across migration pathways. And it is also questionable that the programme's interventions would alter the more important determinants affecting vulnerability to forced labour, hence making comparisons of randomized control trials superfluous.

Context of how lesson was learned

In the context of the Work in Freedom programme, the geographies from which women were migrating were in

full transmutation as many traditional livelihoods were no longer sustainable. Local economies were changing and varying patterns of distress and opportunity triggered different forms of mobility to variable destinations. The capacity of the programme to address the multiple triggers of mobility was understandably limited. The capacity of the programme to follow migrants to multiple and variable destinations, aside from a few selected ones, was also understandably limited. In areas of destination, the capacity of the programme to address macro-economic and other policies that were enabling greater labour flexibility and affecting decent work options was also limited. Finally, the ability of the programme to improve labour intermediation in the absence of sufficient decent work options for women was also a challenge as greater intermediation of labour was linked to limited decent work options. Randomized control trials in such environments of flux were not able to prove what they sought. As an alternative, after the second year of implementation, the programme

relied increasingly on iterative learning processes and feedback loops enabling it to more effectively acknowledge the shifting nature of contexts and people's mobility and identify practices that could offer elements of empowerment and contribute to longer-term transformative resilience in spite of adversity.

Implications of lesson for future programming

When designing multi-scalar anti-trafficking programme interventions across different geographies, donors and implementing partners should consider iterative evaluation processes that can contribute to adaptive programming rather than randomized control trial methods of evaluation.



41 Context variability is a key determinant of how trafficking occurs

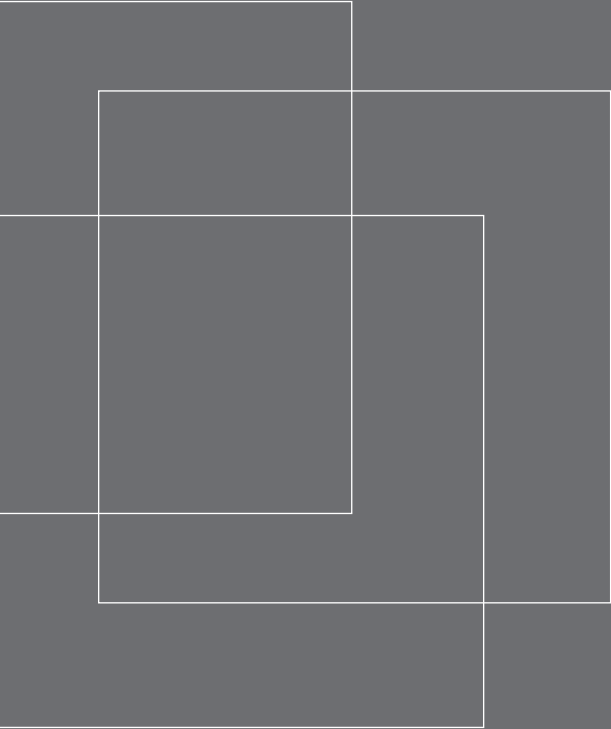
Contexts of trafficking vary widely not only in geography, but in relation to poverty, gender, disaster, conflict, and type of work migrant chose, thus requiring different strategies of intervention. A one size fits all approach will not work. Migration in a globalized context is highly complex. In source communities migration forks out into different directions and in destination areas migration converges from different origins. The multiplicity of variables including migrant profiles, recruitment practices, laws and policies across countries and regions are numerous and complex. There should be no expectation that targeting specific individuals across migration corridors will prevent human trafficking from occurring. Interventions focusing on systemic policy changes are more difficult yet likely to yield better results in reducing vulnerability to forced labour.

Context of how lesson was learned

The programme reviewed the assumptions of its initial theory of change. It became clear that several interventions could contribute to a reduction of vulnerability to forced labour but wouldn't be directly attributable to such an outcome as multiple factors interplay at varying locations.

Implications of lesson for future programming

Interventions should be tailored to different contexts. Once sized fits all approaches tend to generalize conclusions that work in certain contexts and fail in others.



Communication



42 Communication on anti-trafficking, forced labour and modern slavery can be misleading and special care should be taken not to strengthen misunderstandings.

Communicators tend to simplify messages to make them more accessible for public audiences. While this is important, public awareness on human trafficking and forced labour is significantly influenced by common myths that require careful deconstruction.

Context of how lesson was learned

For example, as part of an agenda to promote the work of the programme, several case stories were reviewed to showcase examples of good work which was misunderstood as consisting in promoting safe migration. However as explained above, promoting safe migration does not prevent the violation of women's rights. In patriarchal contexts the concepts of safety and protection tend to exclude women's agency. Yet many communication stories celebrate safe migration activities as a way of preventing human trafficking.

Implications of lesson for future programming

Unless these counter-intuitive myths are understood, communication will tend to strengthen the very myths the programmes debunk. The policy brief on anti-trafficking lists several of them. Sensitizing staff and partners about these issues is a prerequisite for good communication.

Work in Freedom

Work in Freedom is an integrated development cooperation programme aiming to reduce vulnerability to trafficking and forced labour of women migrating to garment and domestic work. The programme works along migration pathways in India, Nepal, Bangladesh, Jordan and Lebanon. Interventions focus on promoting mobility by choice, fair recruitment to decent jobs and safety and dignity for migrant workers. The ILO Work in Freedom programme is supported by UKaid from the Department for International Development. However, the views expressed in this brief do not necessarily reflect the department's official policies.

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