



**World Council
of Churches**



**International Ecumenical Consultation on
MIGRATION AND HUMAN TRAFFICKING: MODERN SLAVERY?**

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Colombo, Sri Lanka**

The growing pace of economic globalization coupled with the current state of unemployment and increasing poverty in many developing countries have created more migrant workers than ever before. Poor economic conditions in home communities and high rates of unemployment compel millions of migrant workers from across Asia and Africa to flock to developed countries. According to the International Labour Organisation (ILO), there are currently approximately 175 million migrants around the world, roughly half of them workers. Women make up almost half of these migrants.

Migrant workers constitute a major source of development in many countries around the world. They make significant contribution to the economic development of both their receiving and their sending countries. Article 2 (1) of the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) defines a migrant worker as *"a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."*

Vulnerability of migrant workers

Yet, many migrants face violence, abuse and exploitation en route and in the destination countries. In several countries, migrant workers are too often treated as commodities and end up becoming victims to various human rights violations and are vulnerable to exploitation and human trafficking, unsafe and hazardous working conditions, discrimination, non-payment of wages, violence (physical, mental, sexual). Some enjoy little or no social protection, exploitation, or are also exposed to forced labour and slavery, and sometimes death.

The faith and plight of migrant workers and their families is a critical contemporary human rights issue, particularly with the construction boom related to forthcoming international events such as the World Cup or the Olympics to name only a few. For instance, in fall 2013, Amnesty International released a damning report on the exploitation of construction migrant workers who are building the infrastructure for the 2022 World Cup in Qatar, amid a rising toll of death, disease and misery. The report establishes that some migrant workers have been victims of forced labour and treated abusively by subcontractors employed by construction companies. Most of them are being discriminated against and referred to by their managers as "the animals". Many live in sordid and overcrowded accommodations with no air conditioning and are exposed to sewage, uncovered septic tanks or no running water at all. Most of these workers are burdened with *debt bondage* and are therefore unable to return home.

Domestic work and slavery

Women and girls make up the overwhelming majority of migrant domestic workers worldwide. Lured to the foreign countries by the promise of a well remunerated job

opportunity, migrant domestic workers are often easily exploited, particularly because they often depend on their employers to maintain their immigration status.

In many countries, domestic work is poorly regulated, undervalued; some national labour legislations do not even consider them as fully-fledged workers. Domestic workers often work long hours without breaks, days off or holidays. They face verbal abuse, alongside physical and even sexual abuse. Some domestic workers may not be paid at all or only receive 'payment in kind' such as food or accommodation. Those who live with their employers (referred to as "live-in" domestic workers) are often considered 'on call' to undertake work for their employer at any time of the day. They are particularly vulnerable to physical, sexual, and psychological abuse. Since they are legally invisible, they are often excluded from national labour and social protection and are particularly vulnerable to domestic servitude.

Domestic work becomes slavery when domestic workers become particularly vulnerable to forms of exploitation such as forced labour, trafficking, and bonded labour. This can be the case when employers have forbidden them from leaving the home, or withheld or not paid wages, used violence or threats of violence, confiscated their passports or identity document, limited their ability to have contact with family; or deceived them about their rights in order to compel them to work.

Trafficking in people

Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organised Crime (2000), defines trafficking as:

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery or servitude or the removal of organs."

Trafficking involves transporting people away from the communities in which they live and coercing them to work against their will using violence or deception. Trafficking affects millions of migrants: because of its hidden nature, it is difficult to get accurate statistics on the numbers affected.

Trafficking can be for sexual exploitation, or for labour exploitation. In both cases, women and girls are affected in greater proportion. Trafficking in persons is different from smuggling in that upon arrival in the country of destination the smuggled person is free, whereas a trafficked person is not: when they arrive in the country of destination they find that the work they were promised does not exist and they are forced instead to work in jobs or conditions to which they did not agree. Most trafficked migrants often have their passports taken away when they arrive in the country of destination. Without their documents they cannot prove they have a right to be in the country and therefore cannot go to the authorities for assistance.

Most migrants have borrowed money from family, friends or loan sharks in order to travel abroad and when they find out they have been deceived they still have a debt to pay back of

several thousand pounds. Threats of violence are also sometimes extended to family in the migrant's country of origin to ensure that the trafficked persons do not try to escape.

Exploitation by recruitment agencies

The plight of migrant workers begins in their home countries, where unscrupulous agents and recruiters charge up to astronomic fees to secure employment abroad. Funds to pay these fees are often borrowed from relatives or commercial money lenders at high interest, or gleaned from selling homes, farmland, or livestock — jeopardising the welfare of families left behind. Employment contracts usually last one to three years and pay \$100 to \$250 per month. Workers arrive heavily indebted and powerless to bargain over contract terms. Once they reach their destination, most of them realise that they are trapped and they will have to be in debt bondage.

Weak labour laws in most Arabian Gulf countries encourage unscrupulous recruitment agencies and employers to withhold wages, confiscate identity documents and deny reasonable time off work. No adequate mechanisms exist for them even to complain to their own country or their own embassies.

Advocacy for the Protection of Migrant Workers' Human Rights and the Role of Churches

The right to work is a fundamental human right. Article 23(1) of the Universal Declaration on Human Rights (UDHR) reads as follows:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

The right to work is also the first step to exercising other human rights such as the right to education, to healthcare and to social security, to shelter, to join a trade union, etc.

The International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICMW), the International Labour Organisation (ILO) Convention No. 97 (C97) of 1949 dealing with Migration for Employment, and ILO Convention No. 143 (C143) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers are three major international instruments that form the legal framework of migrant workers protection.

With regard to domestic workers in particular, ILO Convention 189 Concerning Decent Work for Domestic Workers was adopted in 2011. This Convention is a landmark victory for the millions of domestic workers worldwide as it established global labour standards to be applied to all domestic workers. Convention 189 guarantees labour protections to domestic workers such as decent working hours, minimum wage coverage, overtime compensation, daily and weekly rest periods, social security, and maternity leave. The Convention protects domestic workers from violence and abuse, and regulates recruitment agencies and their fees.

However, most of these international instruments are not ratified by receiving countries, thus failing to provide the necessary legal framework that would protect migrant workers' human rights. Countries of the Arabian Gulf are not an exception. In most cases, states are unwilling to sign legally binding multilateral instruments regulating international labour migration and protecting the rights of migrant workers. With regard to the Gulf States, one of the reasons of such poor ratification is the fear that if ratified, these instruments will grant migrant workers — who account for a big portion of the labour force and of the population — reunification with their

family members. In addition, acceding to these instruments will also give more rights to irregular migrants in general.

The WCC and ecumenical partners should therefore engage in an international campaign for the ratification of the ICMW as well as the ILO Convention 189, and uphold and advocate the human rights of migrant workers, irrespective of their legal status. All advocacy and initiatives efforts should be aimed at narrowing down the gap between internationally accepted standards and the real life experiences of many migrant workers.

Objectives of the International Consultation

The aim of the International Consultation is to:

- reflect on the role of churches in addressing the concerns of the rights of the migrant workers;
- raise awareness about the working and living conditions of migrant workers and their families ;
- highlight links between the vulnerability of migrant workers, human trafficking and gender;
- promote collaborative ecumenical practices among churches in sending countries to accompany, support and provide solutions to migrant workers facing exploitation and abuse.

Venue and the context

The international hearing will be co-organised by the CCIA of the WCC and the CCA, in collaboration with various ecumenical actors and regional ecumenical organisations. It will be held in Sri Lanka from 4 to 7 April 2013.

Issues to be addressed at the International Consultation

- The human rights situation of the migrant workers;
- The situation of documented and undocumented migrants;
- Human trafficking and its impact on the health of the victims;
- The vulnerability of women and children to exploitation and trafficking;
- International human rights instruments protecting the rights of migrant workers and their application
- The absence of national laws protecting domestic workers;
- The role of Churches in sending and receiving countries of migrant workers develop advocacy strategies for churches involvement in caring and assisting migrant workers in labour camps
- Ecumenical advocacy on ratification of UN Convention on the rights of migrant workers