

FREEDOMS ON THE MOVE

THE CIVIC SPACE OF MIGRANT WORKERS AND REFUGEES

EXECUTIVE SUMMARY

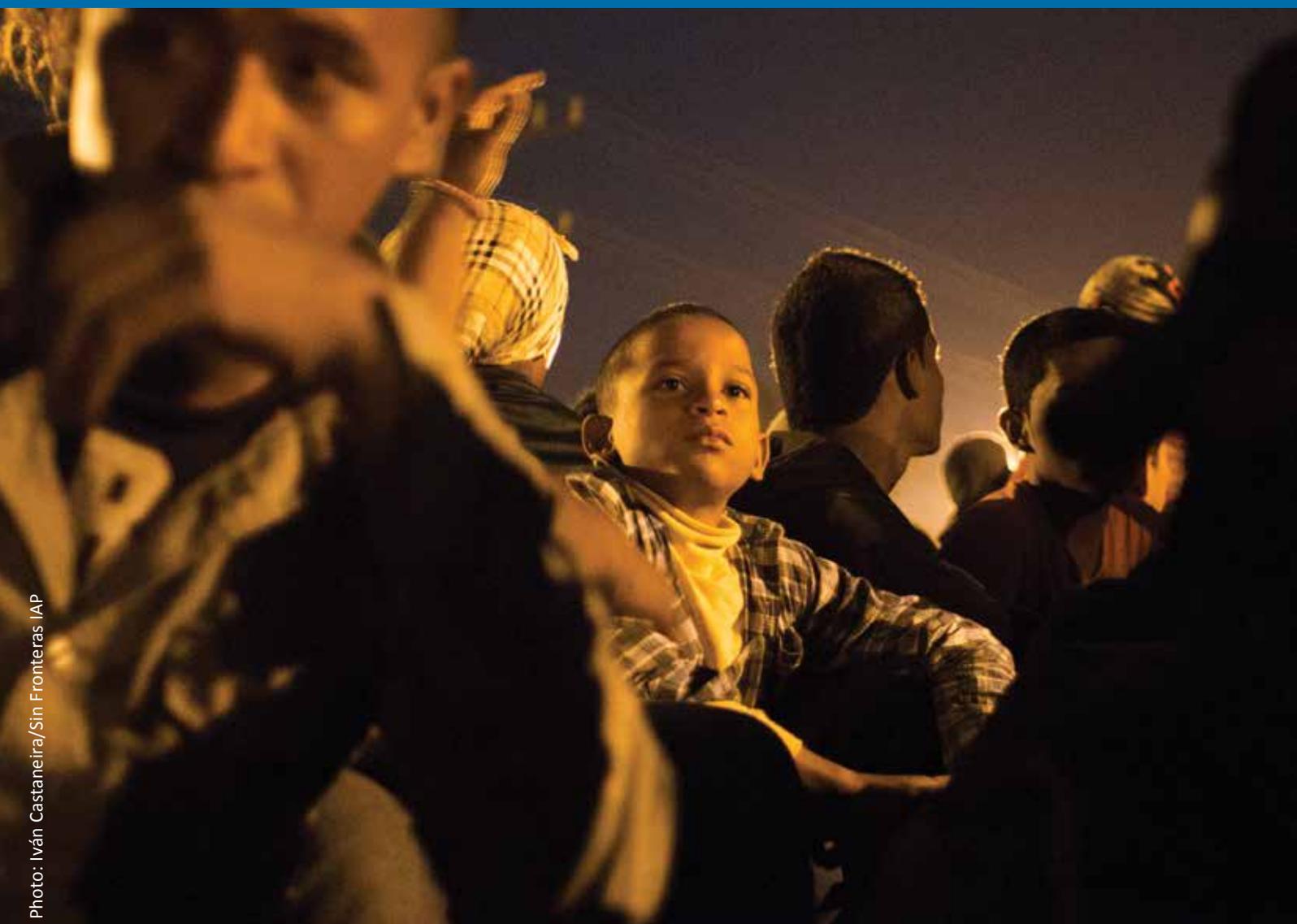


Photo: Iván Castañeira/Sin Fronteras IAP



ABOUT THIS REPORT

This report is the result of a two-year project undertaken jointly by CIVICUS – the global civil society alliance – and the Solidarity Center, which promotes worker rights worldwide. The research included fieldwork in five countries, in partnership with [Wadi](#) in Germany, [Phenix Center for Economic and Informatics Studies](#) in Jordan, [Kituo Cha Sheria](#) in Kenya, the [Geutanyoe Foundation](#) (focused on refugees) and the [North South Initiative](#) (focused on migrant workers) in Malaysia and [Sin Fronteras](#) in Mexico.

Through two in-depth surveys, one of migrant workers and another of refugees, this study sought to understand more about the main challenges faced by migrant workers and refugees in exercising their rights to the fundamental freedoms of association, peaceful assembly and expression; the factors that make them more likely to try to assert their rights and the factors that make them more vulnerable to violations and abuses; and the perpetrators and enablers of denials of their rights.

This report was authored by Inés M. Pousadela and Josef Benedict from CIVICUS and Neha Misra and Ziona Tanzer from the Solidarity Center, and edited by Andrew Firmin, Editor-in-Chief at CIVICUS. Quantitative data analysis was performed by Galen Englund. Cathal Gilbert, formerly CIVICUS' Civic Space Lead, was instrumental in developing the project, research plan and field survey. We are grateful to our colleagues Kate Conratt, Tula Connell, Van Credle, Sara Khatib, Marggie Peters and Johannes Schaefer from the Solidarity Center, and Marianna Belalba, Chandreyi Guharay, Lyndal Rowlands and Mandeep Tiwana from CIVICUS, for their valuable comments and contributions. Our most sincere thanks go to our partners who conducted fieldwork in Germany, Jordan, Kenya, Malaysia and Mexico, and to every one of the 959 migrant workers and refugees in those countries who responded to our questions and provided their unique perspectives.

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Cover photo: Central American migrants riding northbound on a freight train known as the beast, which crosses Mexico from south to north.



Women rally at refugee camp in Dadaab, Kenya.

KEY FINDINGS

IN NUMBERS...

Almost three in four of those interviewed (74%) say they have little or no knowledge of the national laws of their country, while 84% say they have little or no knowledge of the international laws protecting their rights.

Harassment or pressure from employers is perceived as a major barrier to the exercise of their freedom of association by migrant workers everywhere (78% of respondents in Jordan, 74% in Malaysia, 66% in Kenya and 33% in Mexico).

Rates of participation in protests vary widely, from only 11% in Jordan and Mexico to 58% in Germany. However, participation in protests is better predicted by previous experience in home countries than by perceptions of safety and freedom in host countries.

Except for Mexico, refugees everywhere identify language barriers as their main perceived limitation of the freedom of expression: 75% in Germany; 73% of female refugees and 56% of male refugees in Jordan; and 73% of female refugees and 58% of male refugees in Malaysia.

For migrant workers, the main perceived limitation on their freedom of expression is the possibility of being expelled from work, detained or deported, with wide variations by gender: 47% of women and 72% of men in Jordan; 62% and 71% respectively in Kenya; 50% and 41% in Malaysia, and 80% and 45% in Mexico.

Our world is currently witnessing one of the largest movements of people across borders in history (UNHCR 2018). Globalisation and the search for decent work push workers to migrate far from their homes. Conflict, discrimination, repression, environmental degradation and poverty uproot people who become refugees in other countries. While there is ample research on other aspects of migration, there is still very limited data on whether and how migrant workers and refugees are able to exercise their fundamental civic freedoms. This report seeks to fill that gap and provide a better understanding of the conditions faced by migrant workers and refugees when attempting to exercise those freedoms.

International human rights law does not limit civil and political rights to citizens. Like everyone else, migrant workers and refugees should be able to enjoy the key civic freedoms of association, peaceful assembly and expression. These are important freedoms in themselves, because they enable people to be full members of their societies, allowing them to have a say in the decisions that affect their lives. They also safeguard access to other rights. For migrant workers and refugees, these freedoms offer protection against discrimination, marginalisation and scapegoating, which commonly affect them in their host or destination countries. When the rights to association, peaceful assembly and expression are open to migrant workers and refugees, they can organise and act to uphold their interests in their workplaces and communities, influence public opinion and hold public officials accountable. Access to civic rights is particularly crucial given that most migrant workers and refugees are usually denied the right to vote in the countries in which they live, as well as in the countries they have left behind, and are therefore excluded from a crucial opportunity to influence decision-makers on issues that directly affect their lives.

The denial of rights to migrant workers and refugees is a contravention of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), which set out the rights to which every person is entitled regardless of their nationality or migratory status, including the freedoms of association, peaceful assembly and expression and the right to non-discrimination. It also goes against the specific protections of specialised conventions such as the Refugee Convention and the Migrant Worker Convention.

According to our research, a majority of migrant workers and refugees are not actively exercising their rights of association, peaceful assembly and expression in the countries in which they live. In interviews conducted as part of the research, only in Germany had more than half of those interviewed participated in a protest. One likely reason for this participation deficit is that many migrant workers and refugees lack sufficient knowledge of host country and international laws related to civic freedoms: they are not fully aware of their civic rights.

Some migrant workers and refugees explained that when they had protested in their host countries, they had done so out of need, but had also thought it was not appropriate for them to ‘create trouble’ in a country that was not theirs. The inference is that they saw the exercise of these freedoms as a privilege available to some categories of people rather than as a universal human right.

What is clear from the research is that many migrant workers and refugees want to access their civic freedoms. They want to participate in the societies they call home and do not want to remain on the margins. They want to have a say in their communities and their workplaces, and on the decisions that affect their lives.

Where participation is strongest, it mirrors past practices of activism. Migrant workers and refugees carry not only knowledge, skills and life experiences, but also histories of activism and civic engagement that often come into play in the countries in which they live. Across all countries, this study identified previous activity in a civil society organisation (CSO), including labour unions, in home countries as a predictor of engagement in unions and other CSOs in host countries. It was observed that even in countries where civic freedoms are restricted, migrant workers and refugees with experience of protest participation in home countries were more likely to protest.

However, the research also identified that migrant workers and refugees face numerous and severe challenges in exercising their civic freedoms.

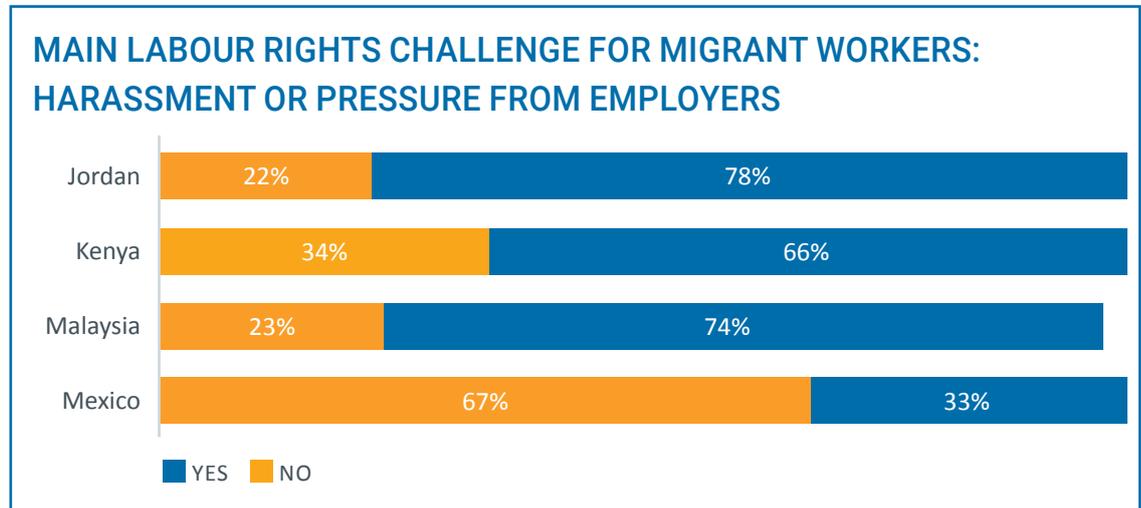
KNOWLEDGE OF LAWS RELATED TO CIVIC SPACE



Almost three in four of those interviewed (74 per cent) said they had little or no knowledge of the national laws of their host country, with only 8 per cent claiming to have good or excellent knowledge. As for international laws, an even higher proportion (84 per cent) said they had little or no knowledge of them, while only 6 per cent said they had good or excellent knowledge.

(Based on a 5-point Likert scale measuring agreement to statements)

Perceived barriers to the exercise of the freedom of association vary across countries, but overall, in the case of migrant workers, harassment or pressure from employers emerges as the main obstacle, followed by concerns over governments or employers not listening to their needs. For refugees, the lack of resources is highlighted as a major limitation that prevents people from associating and organising.



As for the factors that influence the freedom of peaceful assembly – which includes the right to protest – overall, survey participants believe that the police do not do enough to protect them when they protest. Restrictions on the freedom of peaceful assembly are reported even in countries generally perceived as being most open. Perceptions of public support for those protesting are mixed, but generally, few people are confident that the public support their protests. Among migrant workers, the biggest deterrents against protesting are direct or perceived threats of deportation or detention. Perceptions of safety are also important: people are more likely to protest in countries where they believe their assembly rights are better protected. But perceptions of the lack of safety or support do not necessarily act as a deterrent; certain groups continue to mobilise regardless.

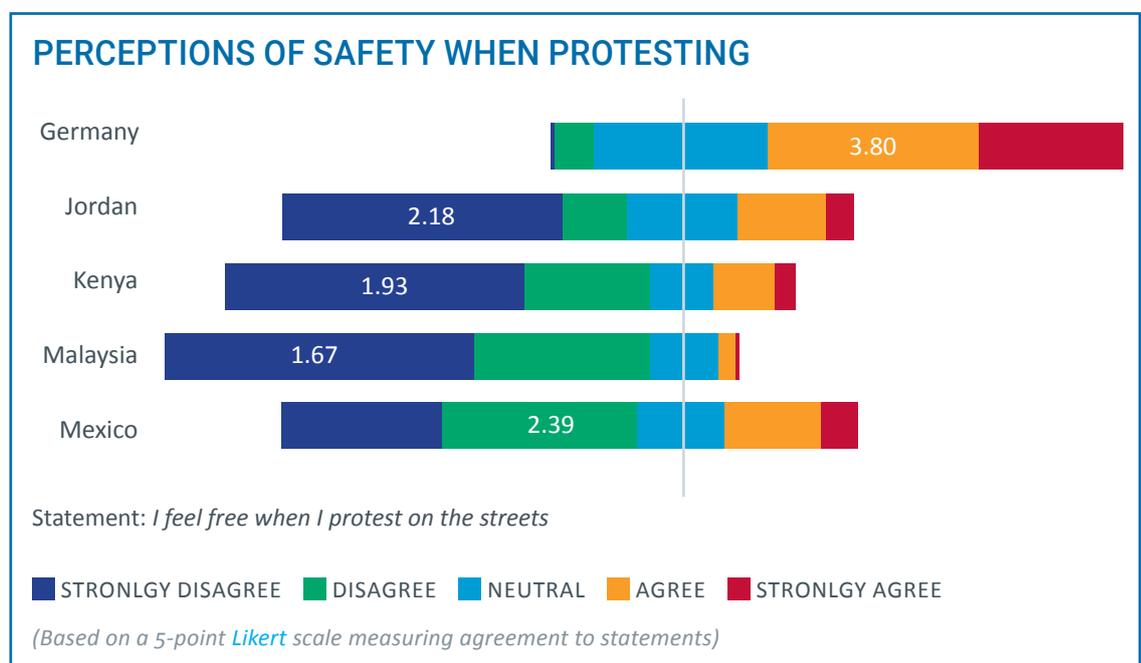


Photo: Solidarity Center



Sri Lankan domestic workers in Jordan participate in rights workshop

The main barriers identified to the exercise of the freedom of expression are language difficulties, lack of access to information, police activity, threat of deportation or detention, harassment, threat of expulsion from work and media censorship. The confidence of migrant workers and refugees that they can safely criticise authorities varies from country to country. Where restrictions on the freedom of expression are seen as deriving from someone's actions rather than from a contextual situation (such as a language barrier), the police and non-state actors are identified by refugees as the main violators; migrant workers consistently point first at private-sector employers and secondly at the police.

Our research findings also suggest that gender is a key variable that affects access to rights. A number of instances were observed of rights being perceived and practised differently by various categories of migrant workers and refugees depending on their gender.

WHAT NEXT

Across countries, the migrant workers and refugees who were interviewed repeatedly pointed out that they are being held back by stereotypes and negative misperceptions and would like the opportunity to prove that they are normal human beings and dreamers, not criminals or misfits. They insist they are law-abiding residents, productive members of society and caring neighbours. To find their place in their new homes, they should be allowed to get their paperwork in order as soon as possible and lead a normal life like everybody else. They implore their hosts to learn about the terrible experiences they have gone through and understand that nobody undergoes them except out of sheer necessity. They ask that policy be made on the basis of the understanding that – in the words of a refugee interviewed in Kenya – migrants and refugees “are human beings, have a lot of skill and potential, and are capable of bringing a lot of change in the community.” In the absence of the ability to exercise civic rights, these voices often do not find their way into public discourse.

The word ‘refugee’ is always associated with the image of a foreigner who does not or could not belong to this society – Syrian refugee, Germany.

You come here for a better life and, and while doing that, you promote new ways of working and social progress – Central American refugee, Mexico.

Refugees are human beings, and they have a lot of skill and potential. They are capable of bringing a lot of change in the community, but many are not given the opportunity. They have a lot of talent, but do not have the opportunity to use it – Refugee, Kenya.

“ALL STATES MUST GUARANTEE THE FUNDAMENTAL CIVIC FREEDOMS OF ALL PEOPLE ON THE MOVE, REGARDLESS OF THEIR LEGAL STATUS.”

To make these aspirations a reality, CIVICUS and the Solidarity Center call on all states to create and maintain, in law and in practice, an enabling environment for the rights of migrant workers and refugees, in accordance with the provisions enshrined in the ICCPR, the UN Migration Convention, International Labour Organization (ILO) standards and other international laws and standards.

The ability of migrant workers and refugees to exercise their civic freedoms requires a comprehensive and holistic approach to civil rights policies and the labour market. It requires policy coherence that recognises that migrant workers and refugees must be integrated not only in the economic and social arena but also in the political sphere of the countries in which they live.

All states must guarantee the fundamental civic freedoms of all people on the move, regardless of their legal status, as provided for in the New York Declaration for Refugees and Migrants, and ratify and uphold the 1951 UN Convention on Refugees and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. They must ratify and respect ILO conventions No. 87 and 98 on freedom of association, right to organise and collective bargaining, and No. 189 on domestic workers.

Additionally, states must ensure that all bilateral and multilateral agreements related to migrant workers and refugees guarantee their civic freedoms and do not include provisions that allow for these freedoms to be restricted in law and practice. From the perspective of host or destination countries, it is key to acknowledge that vibrant democracies cannot thrive in the presence of a mass of disenfranchised residents.

States must recognise in law and practice that all workers, regardless of status, have a right to associate, organise unions and associations, and bargain collectively, and therefore they should remove any legal or policy measures that unwarrantedly limit their right to association. They should address barriers such as harassment or pressure from employers and the lack of resources to organise.

Migrant workers and refugees also need to be informed about their rights to the freedom of association and the importance of collective action, and encouraged by the diplomatic missions of their countries of origin to join or form unions or associations and advocate for themselves. Trade unions must support the participation and engagement of migrant workers and refugees who work and help them make demands to the state and employers. Employers have a duty to ensure that migrant workers and refugees are provided with adequate time off to exercise their right to the freedom of association and are not retaliated against in the workplace for doing so.

To ensure that migrant workers and refugees are able to exercise their right to the freedom of peaceful assembly, states are urged to take positive measures to ensure that all migrant workers and refugees have the knowledge and ability to exercise this right, as provided for in domestic and international law and standards. In order to do so, they must instruct all police and law enforcement officials that it is their duty to facilitate peaceful assemblies involving migrant workers and refugees, and ensure steps are taken to ensure their safety; ensure that law enforcement authorities and non-state actors who violate the assembly rights of migrant workers and refugees are held accountable for their violations; and send a strong message that hate speech, racism and xenophobia against migrant workers and refugees will not be tolerated.

“STATES MUST SEND A STRONG MESSAGE THAT HATE SPEECH, RACISM AND XENOPHOBIA AGAINST MIGRANT WORKERS AND REFUGEES WILL NOT BE TOLERATED.”

To enforce the right to the freedom of expression of migrant workers and refugees, states are urged to review all laws and regulations that prevent migrant workers and refugees from expressing their opinions or criticising the authorities, in line with international standards and best practices; to inform them about their rights under domestic and international laws; to ensure they are able to exercise the freedom of expression without fear of reprisals, intimidation, harassment, expulsion from their workplace, or threats of deportation or detention; to take action against state or non-state actors – notably the police and private employers – who impede or restrict migrant workers and refugees from speaking out; and to address any other restrictions on their ability to exercise the freedom of expression, including language barriers and lack of access to information.

CIVICUS and the Solidarity Center see the results of this research as an urgent call to action for unions and other members of civil society advocating for civic freedoms in their countries. Migrant workers and refugees want to participate in society. They want to have a say in the policies that impact on their communities and workplaces. They come to their destination or host countries with skills and experience in pushing for their fundamental civic freedoms. Unions and other CSOs should take advantage of this opportunity to help organise migrant workers and refugees, learn from their experiences and work together to push for enhanced space for civil society in destination countries.

ABOUT US

CIVICUS: World Alliance for Citizen Participation is an international alliance of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has a vision of a global community of active, engaged citizens committed to equity and justice. Our work focuses on monitoring civic space conditions, connecting civil society groups and amplifying marginalised voices, particularly in the global south. Spanning the whole spectrum of civil society, our alliance includes members and partners in more than 170 countries on all continents. For further information, see www.civicus.org.

The Solidarity Center is the largest US-based international worker rights organisation, helping workers attain safe and healthy workplaces, family-supporting wages, dignity on the job and greater equity at work and in their community. Allied with the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Solidarity Center assists workers across the globe as, together, they fight discrimination, exploitation and the systems that entrench poverty – to achieve shared prosperity in the global economy.

The Solidarity Center acts on the fundamental principle that working people can, by exercising their right to the freedom of association and forming trade unions and democratic worker rights organisations, collectively improve their jobs and workplaces, call on their governments to uphold laws and protect human rights, and be a force for democracy, social justice and inclusive economic development. For further information, see www.solidaritycenter.org.

