



ACCESS TO JUSTICE AND GENDER-RESPONSIVE REPORTING MECHANISMS FOR MIGRANT WORKERS

A Practical Guide for State Authorities

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LIST OF ACRONYMS

AU	African Union
BLA	Bilateral Labour Agreement
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organisation
EAC	East African Community
IASC	Inter-Agency Standing Committee
ILO	International Labour Organization
IOM	International Organization for Migration
JLMP	Joint Programme on Labour Migration Governance for Development and Integration
KII	Key Informant Interview
MPFA	Migration Policy Framework for Africa
MS	Member State
NGO	Non-Governmental Organisation
REC	Regional Economic Community
SDG	Sustainable Development Goal
SGBV	Sexual and Gender-Based Violence
SOP	Standard Operating Procedure
SSI	Semi-Structured Interview
TOR	Terms of Reference
UN	United Nations
UNECA	United Nations Economic Commission for Africa

1. INTRODUCTION

1.1. Introduction to the Joint Labour Migration Programme (JLMP)

The Joint Labour Migration Programme (JLMP) is a long-term joint initiative of the African Union, the International Labour Organization (ILO), the International Organization for Migration (IOM), and the United Nations Economic Commission for Africa (UNECA) in coordination with relevant partners operating on the African continent, development cooperation actors, private sector organisations and civil society organisations (CSOs). It is dedicated to the implementation of the 5th Key Priority Area of the Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development, adopted by the Assembly of Heads of States and Governments in January 2015 in Addis Ababa, Ethiopia. The strategy focuses on intra-African labour migration and supports achievements of the First 2023 Ten Year Plan of the AU Agenda 2063 and of the Sustainable Development Goals (SDGs). The JLMP is a critical instrument of implementing the Migration Policy Framework for Africa (MPFA) and its Plan of Action (2018-2030) mentioned in the previous section.

Between 2021-2024, the Swiss Agency for Development and Cooperation (SDC)-funded *Catalytic Actions for the AU-ILO-IOM-UNECA Joint Programme on Labour Migration Governance for Development and Integration in Africa* (JLMP Action) will be implemented as part of the JLMP programme. JLMP Action aims to contribute to the JLMP objective of strengthening the effective governance and regulation of labour migration and mobility for enhanced sustainable development, inclusive economic growth and regional integration of the African Continent.

The expected outcomes of the project are:

- Outcome 1: Strengthened effective governance and regulation of labour migration and mobility for women and men migrant workers in Africa.
- Outcome 2: Women and men migrant workers in both the formal and informal sectors enjoy safe and secure working environments, access to social protection and mutual recognition of skills and educational levels.
- Outcome 3: Increased utilization of labour migration disaggregated data and statistics by MS and RECs for evidenced based decision-making, policy planning, formulation and application.
- Outcome 4: Strengthened governance and accountability of the JLMP.

1.2. A Practical Guide for a State-led Gender-Responsive Reporting Mechanisms for Migrant Workers

The Practical Guide is primarily informed by the findings¹ of the *Assessment Report: Gaps and Challenges faced by Men and Women Migrant Workers when Accessing Justice and Reporting Mechanisms* across five JLMP Action priority Member States (MS), namely Cameroon, Côte d'Ivoire, Ethiopia, Malawi and Morocco, and presents a process created for stakeholders of MS of the African Union (AU) such as

¹ An overview of key findings with regards to common barriers and needs faced by State actors when implementing reporting mechanisms can be found at section 2.1 of this guide.

government bodies, recruitment agencies, and local organisations working in the field of labour migration. Regional Economic Communities (RECs) can also draw from this Practical Guide on a regional level.

Moreover, this guide has been informed by and aligned with the main standard setting documents and frameworks on the subject, such as the African Charter on Human and Peoples' Rights, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, AU Declaration on the Protection and Promotion of the Rights of Migrant Workers and the AU Guidelines on Developing Bilateral Labour Agreements (BLAs), as well as the African Union's Migration Policy Framework for Africa (AU MPFA 2018-2030) and the United Nation's Guiding principles on business and human rights.

This Practical Guide builds upon qualitative and empirical research conducted across the five JLMP Action priority Member States (MS) mentioned above, in which a diverse range of women, men, formal and informal migrant workers, as well as key informants from government bodies, international organisations and non-governmental organisations, shared their experiences with regard to accessing reporting mechanisms and pathways to access to justice. In addition, a virtual consultative meeting was held on May 24, 2023 to for the five JLMP priority MS to discuss the draft Assessment Report and Practical Guide on Gender Access to Justice and Complaint Mechanisms for Migrant Workers.

This **Practical Guide offers instructions and a step-by-step process to develop a State-led accessible, rights-based and gender-responsive reporting mechanism for women and men migrant workers**. It provides clear instructions for concerned State authorities to understand how to set up and run a State-led reporting mechanism that is gender-responsive and maximizes safety and effectiveness.

The aim is to:

- Strengthen a comprehensive and gender-responsive access to reporting mechanisms for migrant workers
- Address gender gaps in accessing reporting mechanisms
- Build the capacity of relevant State actors
- Improve communication and collaboration between involved stakeholders
- Address the gap in referral mechanisms
- Strengthen regional and bilateral agreements to facilitate migrants' access to justice and reporting mechanism in both countries of origin and destination

1.3. Key terms and definitions

Bilateral Labour Agreement (BLA): Bilateral Labour Agreements (BLAs) is the term used by African Union Member States to indicate binding labour agreements between two States. The generic term Bilateral Labour Migration Arrangements (BLMAs) is also used by the United Nations to refer to a range of types of

agreements, understandings, and arrangements on, or that include provisions on, the recruitment, placement and employment of migrant workers between two countries.²

Gender-Based Violence: an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed differences between males and females (i.e. gender). It included acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty.³

Gender-sensitive, responsive, and transformative: Gender-sensitive entails recognising gender differences and attempts to redress existing gender inequalities. Gender responsive describes laws, policies, programmes, and public services that are formulated and/or delivered in ways that consider gender inequalities and respond proactively. Gender-transformative attempts to redefine women and men's roles and relations to create greater equality.

Operational-level grievance mechanism: a formalized means through which individuals or groups can raise concerns about the impact an enterprise has on them – including, but not exclusively, on their human rights – and can seek remedy.⁴

Referral: a process in which a migrant worker, facing a specific abuse and who reports a complaint, is directed to a resourced stakeholder to initiate a process of protection and assistance

Reporting Mechanism: Reporting mechanisms, also often termed complaint or grievance mechanisms, are systems where individuals are able and encouraged to safely report grievances and those reports are referred to the appropriate entities for follow-up and effective remedy.⁵

1.4. Structure of the Practical Guide

The Practical Guide offers two (2) core components to provide the standards, the contents and the processes to implement an effective State-led gender-sensitive reporting mechanism. These components are:

1. **A set of principles** to guide action
2. **A structure** for establishing a State-led gender-responsive reporting mechanism for male and female migrant workers

² AU GUIDELINES ON DEVELOPING BILATERAL LABOUR AGREEMENTS (BLAs), 2021

³ IASC, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action (2015)

⁴ [Toolbox Human rights](#) for businesses and operations, Operational-level grievance mechanisms.

⁵ Interagency Standing Committee. Interagency Community Based Complaint Mechanisms. Page ix.



Please note: This guide intends to take a perspective focused on state-led reporting mechanisms, and therefore all the steps outlined below address governments to establish a mechanism.

Although both state- and non-state-based mechanisms are important entry points for migrant workers, research shows that state-level reporting mechanisms at the Ministries of Labor and Justice are often the most utilized by formal and documented migrant workers. In addition, state-level reporting mechanisms have a comparatively higher capacity to provide effective remedies to migrants who report abuse, such as legal remedies, reparations and compensation.

Table 1. Eight steps for the development of reporting mechanisms based on the lessons learned

Phase	Steps	Key actions
PLAN: Set up the infrastructure	Step 1	Map existing mechanisms, identify actors and assess capacity <ul style="list-style-type: none"> Identify existing reporting mechanisms Strengthen or introduce reporting mechanisms Map stakeholders to be engaged in the reporting mechanism Identify gender-specific elements in the context of reporting mechanisms Use situational analyses to assess capacity within existing mechanisms
	Step 2	Consult and engage stakeholders <ul style="list-style-type: none"> Consult stakeholders Identify collaboration and coordination between actors
ACT: Develop the reporting mechanism	Step 3	Set the scope and define the organizational structure <ul style="list-style-type: none"> Set the scope Identify working systems between actors Adopt Terms of Reference
	Step 4	Define channels, language and formats to report abuse <ul style="list-style-type: none"> Identify the right mechanisms and support for reporting Ensure accessibility of language and formats Gender-responsive channels
	Step 5	Assign and implement responsibilities: Review, response and closing <ul style="list-style-type: none"> Intake and review of complaints Referrals and follow-up Closing the case
IMPROVE:	Step 6	Develop or improve policies <ul style="list-style-type: none"> Long-term outcomes and policy coherence Strengthening labour migration governance in BLAs

Ensure the sustainability of the reporting mechanism	Step 7	Establish a monitoring and evaluation framework	<ul style="list-style-type: none"> • Data collection, information and monitoring • Incorporating learning / adaptations
	Step 8	Raise awareness and inform stakeholders	<ul style="list-style-type: none"> • Develop and implement a communication strategy to inform stakeholders • Define channels for awareness raising • Capacity building for key stakeholders

2. PRINCIPLES

2.1. Common barriers and needs

The Assessment Report highlighted lessons learned regarding challenges facing migrant workers in accessing reporting mechanisms. Specifically, it highlighted:



Lack of access to information pre and post departure **and social networks**, and lack of awareness of existing reporting mechanisms



Lack of accountability of government bodies of host countries in terms of holding employers accountable and upholding the rights of migrant workers



Fear of reprisals and adverse consequences after reporting, including deportation, imprisonment, loss of employment, physical violence



Difficulties accessing existing reporting mechanisms, including due to language barriers, illiteracy and lack of online or phone-based reporting mechanisms



Isolation, social exclusion, and privacy, were main common obstacles, in particular in cases of domestic workers



Lack of incentives due to inadequate remedies, which should urge Member States to improve the effectiveness of reporting mechanisms, notably how the migrant worker experiences change once their report has been filed



Migrant workers' distrust toward government agencies, will prevent migrant workers from accessing reporting mechanisms, particularly when such mechanisms are exclusively accessible through government authorities in their country of employment



Process and procedures for complaints are impractical, unaffordable or strenuous, which dissuades migrant workers from using reporting mechanisms, irrespective of their gender, and legal status in their country of employment

The reporting mechanism proposed in this Practical Guide addresses the common barriers and needs for services, confidentiality, safety and overall acknowledgement that migrant workers are at times survivors of abuse, and they need to be protected as a result by a range of stakeholders, across geographies, in a gender-responsive way.

2.2. Principles for equitable and accessible gender-sensitive reporting mechanisms

The Assessment report highlighted eight principles underpinning the development of a State-led reporting mechanism. The principles shown in table 2 draw on the cross-cutting challenges experienced by migrant workers and government officials in accessing and managing reporting mechanisms, based on interviews conducted with experts, practitioners and migrant workers across all the five targeted JLMP Action Member States.

Table 2. Principles for developing a reporting mechanism based on the findings of the assessment report

Legitimate	Enable trust, confidentiality, and accountability for those accessing them, by ensuring that gender and sectoral related barriers and vulnerabilities are addressed.
Accessible	Mechanisms are known and accessible by all, including the most vulnerable men and women migrant workers, irrespective of their sector of work and their immigration status.
Predictable	Processes and outcomes are clear to a wide range of beneficiaries and backgrounds, including men and women who possess diverse and/or low levels of literacy and education.
Equitable	Access to information, advice and expertise is equitable for both men and women migrant workers, irrespective of their migration status, gender, age, ethnicity, and religion.
Transparent	Migrant workers are informed of progress after they have used the mechanism and during all steps of the reporting phase.
Rights-compatible	The mechanism is rights-based and takes into consideration gender related barriers and vulnerabilities faced by men and women migrant workers.
Source of continuous learning	Outcomes are reviewed, and changes recommended/onboarded on a regular basis, feedback from men and women migrant workers from both formal and informal sectors is regularly collected and incorporated.
Evidence-based	Mechanisms are based on regular engagement and dialogue with a variety of stakeholders, including civil society, community-based organizations, national partners, as well as men and women migrant workers, and incorporate their preferences on a

regular basis.

Drawing upon the eight principles for a state-led reporting mechanism, the table below gives an overview of the corresponding actions to be implemented by the relevant state authorities to fulfill each of the criteria.

Table 3. An overview of the six criteria for a State-led gender-responsive reporting mechanism and corresponding action needed to fulfill the criteria

Criteria	Action
Accessibility	Ensure that the mechanism is accessible online and in-person for both men and women
	Ensure that the mechanism is translated in all relevant languages for the respective country context and migrant worker population
	Ensure that all procedural aspects of the reporting mechanism are simple and easy to follow and that measures are in place to guarantee access to illiterate persons, such as the presence of mediators in the locations where reports are filed
	Alleviate the need for migrant workers to rely on legal documentation to access the mechanism and establish firewalls
Gender responsive	Ensure that reporting mechanisms are gender responsive by increasing their access in both male and female dominated working sectors including isolated sectors such as domestic work
	Ensure that male and female focal points are available in order to accommodate preferences to report to a person of the same or different gender
	Ensure that specific referral and support mechanisms are in place for different gender-specific needs, and that there are qualified personnel to direct and assist those who report such abuses
	Ensure that adequate mechanisms are established to protect female and male migrant workers from adverse reprisals should they report instances of sexual and gender-based violence (SGBV), including dedicated space to report, health and psychological support, guarantee of privacy and anonymity if requested
	Ensure that mechanisms are able to deliver effective, gender-responsive and relevant remedies for victims of rights violations or are able to refer victims to services that can

Remedy and Compensation	adequately provide such remedies, including but not limited to compensation, physical and psychological recovery, compensation, and reparations
	Ensure that migrant workers can receive effective cross-border remedies, irrespective of whether they are in their country of origin or country of destination
	Consult regularly with migrant workers and migrant worker representatives to ensure that remedies are evidence based and informed by the real lived experiences of migrant workers
	Ensure that the remedy is monitored once delivered to the migrant workers, to ensure sustainability
Protection from Retaliation	Ensure that firewalls are in place to protect undocumented migrant workers who report abuse from being uncovered by migration authorities and subsequently deported
	Ensure that a safe space is provided for migrant workers to report confidential information, irrespective of their migration status in the country, gender identity, ethnicity, race, religion, and age and that all information provided by migrant workers in their report remains confidential to all external parties outside of the victim
Legal Advice	Ensure that free legal advice is accessible via the reporting mechanism to all migrant workers
	Ensure that legal advice is accessible in the language of the migrant workers, irrespective of their migration status in the country and level of literacy
	Facilitate cross border legal coordination between legal counsels in the country of origin and country of destination for the migrant worker, by strengthening/developing Bilateral Labour Agreements (BLAs) between countries of origin and countries which include clauses addressing accessing to justice and remedy for migrant workers in case of human and labour rights abuses
Consular Support and Diaspora Associations	Ensure that consular services are able to provide migrant workers with an arrival orientation, including relevant referrals and information on existing mechanisms in the country of destination
	Develop and strengthen partnerships with diaspora associations and consular services to ensure that migrant workers are able to connect with their respective consular representations and diaspora communities upon arrival and obtain information on how to access existing reporting mechanisms

	Develop a hotline for migrants to use to be transferred to their respective consular service, where a focal point will be able to assist them in filing a report irrespective of their migration status
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Source: Five Corridors Project, Grievance and Remedy

3. STRUCTURING AND ESTABLISHING A STATE-LED GENDER-RESPONSIVE REPORTING MECHANISM FOR MALE AND FEMALE MIGRANT WORKERS

PLAN - Set up the infrastructure



GUIDING STEPS

Setting up reporting or complaints mechanisms requires inter-governmental collaboration and coordination. This in turn requires an infrastructure that acknowledges:

- **Links to any existing reporting mechanism** to avoid parallel processes
 - Feed into and strengthen existing mechanisms to foster ownership
 - Or introduce secure reporting mechanisms when these do not exist.
- **A well-defined organisational structure**, to bring clarity on actors responsible, their roles, responsibilities, and limits of these actors. Such a structure has to be transnational and ensure the participation of a diverse set of actors across countries of origin and destination.



GUIDING QUESTIONS

- What information and data exist to build the reporting mechanism?
- Are there existing reporting mechanisms that can include migrant workers? Can they be strengthened to address the gender-sensitive needs of migrant workers and improve their access to reporting mechanisms?
- What coordination or information sharing mechanisms already exist?
- Who are the primary stakeholders and who have the capacity to lead and/or support?
- Who will have ownership of the reporting mechanism, and well as the capacity and interest to be part of a steering committee?
- What potential resources and funding are available to support this mechanism?

Step 1. Map existing mechanisms, identify actors and assess capacity

In the design stage of a State-led gender-responsive mechanism for migrant workers, the first step is to map existing reporting mechanisms and existing capacities to ensure that there is proper understanding

of the main stakeholders, to avoid duplication of efforts and to ensure sustainability from the start by working with established services. Member states, through their authorities or assigned institutions (international organisations, UN agencies, or other relevant bodies), will map existing mechanisms of their competence, i.e. in place on their territory, and assess the levels of engagement of concerned stakeholders on labour migration and migrant workers' rights, as well as their implementation capacity.

At this stage, a checklist is needed to ensure the right set up of the infrastructure, including a mapping of existing mechanisms and services, and an assessment of the capacities, before moving to the next step.

Identify existing reporting mechanisms

1. Map existing reporting mechanisms, their mandates and inclusion of migrant workers.

Reporting mechanisms may exist at different levels:

- **State-based mechanisms:** International, bilateral or national. Within national mechanisms, there exist four types of reporting mechanisms:
 - Ad hoc
 - Ministerial
 - Inter-ministerial, which remains the most common type with a separate legislative or policy mandate, which includes also reporting of abuses to police authorities
 - Institutionally separate mechanisms.
- **Non-state-based mechanisms** (e.g. Company-based, state enterprises, labour unions, recruitment agencies, civil society committees or associations)

2. Does a state-led, safe and gender-responsive reporting mechanism already exist?

a. YES - Strengthen the existing mechanism

In case a **mechanism that fulfills the six criteria for a gender-responsive reporting mechanism⁶** is identified among the existing state-led reporting mechanisms at the national level, the below steps should be followed in order to strengthen the mechanisms.

In order to further refine the mechanism's mandate and capacity, the following aspects should be taken into consideration:

- **Clarify the process and functions of the mechanism**, such as the type of mechanism and reporting in place, and the benefits of engaging with these mechanisms
 - Assess whether this is a multi-stakeholder mechanism

⁶ Please refer to Table 2, p. 8 of this Guide.

- Assess whether the mechanism is already part of a Bilateral Labour Agreement (BLA) with other countries that would allow to engage with the different stages of the migration cycle
- **Assess the capacity of existing national mechanisms** in terms of
 - Inclusion of migrant workers within their remit, regardless of immigration status and gender
 - *Before: Recruitment and deployment*
 - *During: Employment*
 - *After: end of contract, or Termination and return*
 - Reporting and follow-up on reports of complaints of abuse
 - Production and use of data and guidelines
 - Engagement capacity with national judiciary, legislative and other specialised authorities, as well as civil society, including migrant groups and associations
 - Coordination capacity and authority to disseminate information and raise awareness among key actors to impact both prevention as well as response
 - Intra-governmental coordination
 - Inter-governmental coordination

b. NO - Initiate a new mechanism

In case **a mechanism that fulfills the six criteria for a gender-responsive reporting mechanism⁷** is not identified among the existing state-led reporting mechanisms at the national level, the below steps should be followed in order to set up one from scratch.

Before doing so **ensure a proper costing and that financial resources are available** to respect all the elements required for a safe and effective reporting mechanism to be put in place

Map stakeholders

To ensure the inclusion of various stakeholders and levels of government throughout the straightening or development, and subsequent implementation of the mechanism, it is important to first identify stakeholders engaged in existing mechanisms and commitments. It is equally important, as part of a broader mapping and situational analysis, to assess the capacity of others who may not be participating in reporting mechanisms but who could have the potential to engage with or strengthen existing mechanisms.

During this step, a stakeholder mapping should be carried out to identify actors who can be involved at different capacities in the setting up and coordination of the reporting mechanism across a spectrum of

⁷ Please refer to Table 2, p. 8 of this Guide.

stakeholders listed below. There exists specific tools to support the [Stakeholder Mapping and Analysis](#) that can be used to identify which stakeholders should be consulted, as well as those who may be suitable partners and/or beneficiaries. Such exercises help establish the potential experiences, role, and needs of the various stakeholders.

Although different methodologies exist, there are three key steps to be considered:

1. **Identify the right stakeholders:** The first step is to identify who the stakeholders are. In doing this, it is important to highlight that the interest of, and impact on, a stakeholder can be neutral, negative or positive. Thus, when mapping stakeholders it is crucial also to consider - and include - those who may be opposed or resistant to a specific policy direction or project as part of the group of stakeholders developing and implementing a reporting mechanism.
2. **Define potential involvement:** Once the main group and specific entities have been identified, focus should be placed on establishing whether that specific stakeholders could: a) Provide contextual information to inform the design of the report mechanisms based on their experience (i.e. stakeholders to consult during programming or design); b) Be active implementers who can technically support the achievement of the different activities/components of the mechanism based on their roles; or c) Provide any institutional, legal, human and financial resources available based on their competencies and capacities.
3. **Acknowledge conflict and balancing interests:** Once we have identified the different stakeholders by category and specific entities, it is helpful to identify and assess whether there are any actual or perceived conflicts of interest between them. It is equally important to assess whether there exist shared interests between the stakeholders and have an understanding of the issues about which they are already in agreement. These can be used as starting ground for working towards a compromise.

Assess capacity

After mapping mechanisms already in place on their own territory, Member States, through assigned internal institutions, will undertake a situational analysis to a) assess what are the protection gaps within the existing reporting mechanisms in place on their territory; and b) to review the capacity of involved actors to address migrant workers' needs.

1. **Assess the capacity of stakeholders to establish, manage or support a reporting mechanism**
 - State authorities, including police
 - Humanitarian agencies
 - National NGOs, community-based and migrant organisations and networks
 - Employers and other private sector actors, unions and recruitment agencies
 - Country of origin representatives on host country territory (consular authorities, embassies)
2. **Assess the level of responsiveness of stakeholders to receiving and process complaints**

- State authorities, including police
- Humanitarian agencies
- National NGOs, community-based and migrant organisations and networks
- Employers and other private sector actors, unions and recruitment agencies
- Country of origin representatives on host country territory (consular authorities, embassies)

3. Assess the profiles and needs of migrant workers with regards to reporting labour-related abuses

- Gender
- Age
- Migration status
- Occupation
- Languages
- Literacy levels
- Trusted sources of information
- Preferences for medium of reporting and platforms to be used

4. Assess geographic and sectoral capitalization

- Identify clusters where migrant workers live and work, to better plan outreach and awareness raising activities
- Identify key sectors for action, for instance domestic work, tourism sector and the construction sector as some of the examples of sectors that require specific monitoring and interventions to ensure migrant workers are adequately protected and abuses monitored and addressed.

To better integrate the specific needs of domestic workers and protection gaps in Step 1, the following activities should be integrated:



1. **Assessment of responsiveness of stakeholders:** Assess the level of responsiveness of stakeholders in receiving and dealing with domestic worker complaints. This assessment should focus on identifying gaps and areas for improvement in the handling of domestic worker complaints.
2. **Domestic worker profiling:** Collect data to understand the specific profiles and needs of domestic workers regarding the reporting of work-related abuses. Analyze factors such as gender, age, migration status, occupation, languages spoken, literacy levels, trusted sources of information, and preferences for reporting medium and platforms to use.

3. **Targeted outreach activities:** Adopt a proactive and effective communication approach to ensure that reporting mechanisms and support services are accessible and relevant to this group who often find themselves in situations of vulnerability. By identifying clusters where domestic workers reside and socialize, such as diaspora organizations, authorities can create tailored outreach activities that bridge the gap between domestic workers and the mechanisms designed to protect their rights and address their needs. This collaborative and community-focused approach empowers domestic workers, enhances their trust in the system, and ultimately contributes to a safer and more supportive environment for migrant workers.

Step 2. Consult and engage stakeholders

Enhanced cooperation among all stakeholders is necessary to ensure adequate consideration of all aspects of a State-led gender-responsive reporting mechanism, improved understanding of the perspectives of all involved parties, and fair distribution of responsibilities and benefits.

Table 4. Overview of key actors to involve when designing and implementing a reporting mechanism for migrant workers

	Key stakeholder	Reason to involve
State actors	Government agencies responsible for implementing and enforcing regulations on migrant workers (e.g. Ministry of Labour, Social Policies or Interior)	<ul style="list-style-type: none"> These agencies are sometimes also responsible for receiving and responding to complaints or reports of violations of migrant workers' rights They provide regulatory oversight and ensure compliance with relevant laws and regulations They provide the resources needed for the implementation and monitoring of the reporting mechanism and ensure
	Police and law enforcement agencies	<ul style="list-style-type: none"> They may be involved in investigating complaints or reports of exploitation, abuse, or trafficking of migrant workers They are often the first entity that migrant workers turn to for reporting criminal offences
	Consulates and embassies of countries of origin	<ul style="list-style-type: none"> They can provide assistance to their nationals working abroad and respond to complaints or reports

	Human rights offices and institutions ⁸	<ul style="list-style-type: none"> They contribute to ensuring a culture of quality, accountability and transparency, maintain an independent oversight function and organise appropriate verification processes
Private Sector	Private employment agencies and recruitment agencies	<ul style="list-style-type: none"> They contribute to securing effective protection of migrant workers by providing clear communication channels for migrant workers to access remedy.
	Employers	<ul style="list-style-type: none"> It is crucial that they are aware of their responsibilities and can take appropriate action when complaints are received
Non-state actors	Non-governmental organisations (NGOs) and civil society organisations (CSOs)	<ul style="list-style-type: none"> They support migrant workers and advocate for their rights
	International organisations and UN agencies	<ul style="list-style-type: none"> They can provide advocacy on the complaint mechanism and help to ensure that it is in line with international standards and best practices
	Health care service providers	<ul style="list-style-type: none"> They provide medical and mental health care in case of abuse, educate patients on their rights as workers and provide information on available resources and support services
	Legal aid providers	<ul style="list-style-type: none"> They provide legal assistance to migrant workers who may need it when filing complaints or seeking redress
	Social partners and trade unions	<ul style="list-style-type: none"> Their actions empower migrant workers and provide them with collective bargaining power
	Media	<ul style="list-style-type: none"> They support awareness raising and information sharing
Migrant workers	Men and women migrant workers	<ul style="list-style-type: none"> They ensure that the mechanism meets their needs and addresses their concerns

⁸ Depending on the context, human rights institutions may have a hybrid state and non-state function, pertaining to the state but with an independent mandate.



In order to strengthen and/or develop a gender-responsive state-led reporting mechanism, it is critical to ensure that a) a **gender balance** is maintained among all consultations with stakeholders and, b) that all identified gender related barriers are addressed by the reporting mechanism. In this regard, consulting with national gender experts during pre-implementation, as throughout implementation, is necessary in order to ensure that gender-responsiveness is **maintained and mainstreamed** throughout the development, implementation, and monitoring of the reporting mechanism. Given potential barriers related to trust between migrant workers and state authorities, Member States may consider consulting with migrant worker representatives who operate in close proximity to migrant workers and may be able to offer insight into the specific gender related vulnerabilities that migrant workers face.

Consult stakeholders

After the identification of key stakeholders conducted during Step 1, a broad consultation should be carried out in order to allow meaningful contribution and participation of all involved parties.

Developing a reporting mechanism through a participatory approach is indeed necessary to enhance its legitimization, transparency, and accessibility to the target population (women, men, formal, and informal migrant workers). There are still significant gaps in the lack of access to information during pre and post departure, as well as lack of awareness of the existence of reporting mechanisms. Without a doubt, this exacerbates abuse experienced by migrant workers. Therefore, to increase information access, a participatory approach is recommended in which the different stakeholders involved in labour migration and facilitating reporting mechanisms are mapped and included in developing the key priorities, and guiding principles of the reporting mechanism. During the consultations, it is particularly important to explore and analyze the different gender-specific needs, priorities and challenges that men and women migrant workers face.

Recommendations for Consultation of Domestic Workers: To ensure effective engagement with domestic workers despite challenges in reaching them, consider the following:



- **Community-based outreach:** Collaborate with local organizations and community leaders to establish trust and engagement within domestic worker communities. Utilize mobile information units and targeted events to reach them effectively.
- **Peer-to-peer engagement:** Recruit and train domestic worker representatives to act as advocates and liaisons, bridging communication gaps and building trust.
- **Inclusive reporting mechanisms:** Tailor reporting processes to accommodate domestic workers' needs, ensuring anonymity, confidentiality, and protection from reprisals. Utilize creative communication strategies to overcome language and literacy barriers.

Establishing a dialogue with migrants to find out preferences for the channels for reporting complaint/ feedback

Migrant workers from a wide range of sectors, including domestic work, should be involved in the development of reporting mechanisms so as to ensure that such mechanisms respond to the real needs of migrant workers and are accessible irrespective of sectoral limitations. Before choosing the exact channels for the actual procedure of reporting an abuse, communities should be identified, profiled and consulted to understand migrant workers' – men and women's – preferred modalities for reporting.

- **Establishing this dialogue with migrant workers and their communities** will need to be supported or led by community-based organisations (CBOs) or civil society organisations (CSOs) supporting communities, who have acquired their trust and built relationships to ensure an open and frank discussion on preferred modalities for gender-sensitive reporting mechanisms.
- **Maintaining regular communications with migrant workers, and their communities and organisations supporting them,** will be key to a well-functioning reporting mechanism.

In order to adopt and maintain a gender responsive and gender sensitive approach during consultations with migrant workers, the following considerations should be undertaken:

- Ensure that a gender balance is maintained throughout consultations and dialogues with migrant workers.
- Ensure that barriers surrounding women's participation in consultations are identified and do not limit their participation, including time restrictions around child care that may limit women's availability and subsequent participation in dialogues.
- Create safe spaces for men and women migrant workers to speak freely, have focal points of both genders during the consultations
- Similarly, ensure that time restrictions linked to male dominated working sectors do not prevent male migrant workers' participation.

Trade Unions for domestic workers



Migrant domestic workers often face unique challenges and vulnerabilities, including exploitation, long working hours, inadequate pay, and limited access to legal protections. Encouraging trade unions to organize and represent the domestic work sector for migrant workers is essential for ensuring their rights are protected and their voices are heard within the labor movement.

By actively involving trade unions in representing this specific sector, migrant domestic workers can benefit from increased visibility, advocacy, and collective bargaining power. Trade unions have a crucial role to play in advocating for fair wages, improved working conditions, and legal protections for these workers. They can provide a platform for workers to voice their concerns, seek support, and access information about their rights. Moreover, trade unions can facilitate the formation of support networks, solidarity, and community-building among migrant domestic

workers, fostering a sense of belonging and empowerment and ultimately giving them a stronger voice in advocating for their rights and addressing any grievances.

Identify collaboration and coordination between actors

An efficient reporting mechanism requires a coordinated and timely response. This in turn necessitates to clarify how information will be shared across the different stakeholders. Coordination is “an attempt at reaching an agreement on sharing tasks and responsibilities in working together; focusing on identifying ex-ante complementarities and possible synergies”⁹. Beyond clarifying roles and responsibilities, it requires **identifying mechanisms for:**

- i. Sharing data and information across stakeholders
- ii. Participation in coordination mechanisms and enhancing coordination during a response
- iii. Inclusion of civil society actors and networks in the response
- iv. Contribution to planning and decision making

The cooperation and commitment of a broad range of actors is a prerequisite to the setting up of a gender-responsive reporting mechanism. The report mechanism will operate **at national level** and across **core responsibilities**, from upholding principles and criteria for effective mechanisms, to capacity building, implementation, monitoring and adaptations required.

Collaboration between countries of origin and destination

To ensure the protection of migrant workers, it is important that Member States agree to cooperate with each other to ensure access to remedy and justice for migrant workers who report abuse in a different state than the one in which the abuse was committed. To this end, the following actions can be undertaken:

- Facilitate cross border legal coordination between legal counsels in the country of origin and country of destination for the migrant worker, by strengthening/developing Bilateral Labour Agreements (BLAs) between countries of origin and countries which include clauses addressing accessing to justice and remedy for migrant workers in case of human and labour rights abuses
- Enact preventive interstate cooperation measures to ensure that migrant workers have access to accurate information on working conditions and access to justice during the pre-departure phase from their countries of origin
- Encourage inter-state cooperation by sharing information on labour complaints between countries of origin and destination, conducting joint investigations, enforcing national court decisions and cooperating on civil, administrative and criminal cases, including mutual legal assistance.
- Support inter-state cooperation through the designation of Labour Attaches to play a coordinating role between monitoring and enforcement bodies in countries of origin and destination.

⁹ Interact (2017) *Coordination and cooperation: how?* Working document presenting ideas on coordination and cooperation, EU.

ACT - Develop the reporting mechanism



GUIDING STEPS

Developing a reporting mechanism requires clearly stipulating and outlining the operating procedures to be endorsed by the Inter-ministerial Steering Committee. This in turn requires the following to be included:

- **Access** to reporting mechanisms
- **Channels** for communications and awareness raising
- **Implementation** from the review, to the response and closing
- **A well-defined Standard Operating Procedure (SOP)** flows from this section as it clarifies the roles and responsibilities, the protocols for complaint review and referral, the procedures for intervention and monitoring, and the relationships to feedback mechanisms to the survivor, agencies, and concerned communities.

GUIDING QUESTIONS



- What access challenges exist and how can these be addressed?
- What two-way feedback mechanism can be envisioned, with communications at its core? From the survivor to the relevant authorities, and back.
- What referral processes can support the response to the complaint received?

Step 3. Set the scope and define the organizational structure

Set the scope

Ensure that all victims of intersecting forms of discrimination are included in the design and implementation of the mechanism, regardless of gender/immigration status, and can benefit from it.

Define the organizational structure

Clarifying the difference between a reporting mechanism and a referral mechanism is key at this juncture. A reporting mechanism is inclusive of a referral mechanism – in other words referral mechanisms intervene at the ‘action’ step of a reporting mechanism as seen in this Practical Guide. However, a reporting mechanism is more holistic and includes both structural and legal/policy adaptations that are required. Given these elements, the mapping of actors carried out during Steps 1 and 2 of the previous phase, need to ensure that all criteria, possible roles and responsibilities are adequately assessed to know who intervenes from “A to Z” and helps manage the reporting mechanisms, and who intervenes at specific steps of the mechanism.

To do so, the reporting mechanism will require the set-up of an Inter-ministerial Steering Committee to assign the relevant stakeholders’ specific roles, and to work collectively to mobilise interventions that:

- i. Ensure timely reporting and follow-up
- ii. Ensure safeguarding and confidentiality of information
- iii. Refer cases to appropriate authorities and institutions with specific mandates
- iv. Communicate with the country of origin or destination representatives, and civil society, depending on whether reporting takes place in the country of destination or upon return to the country of origin

Set up an Inter-ministerial Steering Committee

Coordination and cooperation among ministries and involved actors is crucial to ensure coherence and complementarity in labour migration policy making and implementation. To this end, **an Inter-ministerial Steering Committee is needed to oversee the set-up, implementation and monitoring of reporting mechanisms at a country level and for coordination across geographic areas (national and international) and sectoral or thematic areas.** Pursuant to international convention commitments and commitments enshrined in the AU MPFA, Member States establish monitoring and reporting mechanisms to respond to the violations against the rights of migrant workers.

The Committee will be responsible for ensuring the coordination and collaboration among ministries and other central administrative authorities which deal with the prevention and combat of migrant workers abuses, with a view of further improving institutional coordination across government and providing comprehensive direction through a whole-of-government approach.

The Committee will be composed of one representative of the central authorities (one for each relevant Ministry), representatives of the civil society and other interested parties, depending on the specific context and the national decision-making framework on migration and labour.



Important to include: In case inter-ministerial committees covering labour and/or migration related issues already exist in one country, the Steering Committee (SC) can explore possibilities for collaboration and coordination. The mandates of these existing committees could be expanded to include the SC's objectives, or they can serve as best practices for inter-ministerial cooperation in addressing migrant workers' needs and protection gaps. This collaborative approach would promote effective and efficient engagement among stakeholders, leading to more comprehensive and impactful policies and initiatives.

Adopt Terms of Reference¹⁰

The Terms of Reference (ToR) clarify the roles and responsibilities of the Inter-ministerial Steering Committee and of its working groups. The Committee's ToR and internal regulations have to be approved by the Government.

¹⁰ Adapted from the "Terms of Reference – Monitoring and Reporting Mechanism Task Force based on Security Council Resolution 1612 (2005), 1882 (2009), and 1998 (2011) for Country ABC", https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM_Guidelines_-_5_June_20141.pdf

Mandate of the Inter-ministerial Steering Committee

The Inter-ministerial Steering Committee shall:

a) Assess

- i. Collect and provide timely evidence and reliable information on the abuses committed against migrant workers, whether formal or informal
- ii. Produce regular and timely reports on the situation of migrant workers
- iii. Engage with gender-sensitive analysis, disaggregating protection needs

b) Implement

- i. Design a response that is also the preferred mechanism wanted by migrant workers
- ii. Ensure adequate consultation with all stakeholders
- iii. Follow-up on the response by engaging with migrant workers and their communities

c) Monitor and Review of the Action Plans

- i. Monitor commitments made by different stakeholders to end abuses against migrant workers
- ii. Serve as a forum to discuss evidence and adapt mechanisms
- iii. Produce and disseminate results reports to enhance accountability and learning
- iv. Provide feedback and release reports to help create ownership and trust in the process

Working groups

The Inter-ministerial Steering Committee will monitor, report, intervene to protect and seek to sustainably adapt and influence the different ministries and state-actors involved. To do so, certain key processes will require the set-up of operational working groups. The following three are required:

- a) Knowledge management, in charge also of monitoring activities
- b) Protection and response
- c) Policy and advocacy, covering outreach activities to donors and community engagement
- d) *Optional – Sectoral needs*

Dedicated Working Group for Domestic Workers in Inter-ministerial Steering Committee



Establishing a dedicated working group for domestic workers within the Inter-ministerial Steering Committee would offer focused expertise and targeted initiatives to address the specific challenges faced by domestic workers, ensuring comprehensive protection of their rights.

- **Expert focus:** The working group provides specific expertise on the unique challenges faced by domestic workers, leading to tailored solutions and policies.
- **Comprehensive approach:** Addressing multifaceted issues such as fair wages, working conditions, and social protection for domestic workers.
- **Effective advocacy:** Ensuring representation, targeted interventions, and improved coordination among government agencies to protect domestic workers' rights.



Important to include: Community feedback mechanisms. Ensuring that migrant workers' voices can be captured and communicated back at coordination meetings. Particular working groups can be set up to ensure joint assessments and outreach to communicate with communities of migrant workers (virtual or in person), for engagement and accountability. Furthermore, regular consultations with migrant worker representatives from civil society should be planned, to ensure that such organisations are able to refer migrant workers to effective reporting mechanisms and that such mechanisms respond to the lived experiences of migrant workers.

Activities

a) Identification

- Set up an information sharing protocol to specify the procedures in terms of information and data sharing within the Inter-ministerial Steering Committee and for purposes of routine implementation.
- Establish a secure system of storage of data and other information
- Collect and gather information and evidence on migrant worker abuses
- Provide adequate guidance and training to stakeholders

b) Implementation

- Ensure adequate support to key sectors providing assistance to migrant workers so that they understand fully their roles and responsibilities in preventing, reporting and addressing cases
- Promote institutional adherence, commitment and due diligence to reporting mechanisms
- Report on the functioning of referral systems
- Enhance meaningful partnership across public and private sectors

c) Improvement

- Contribute to the analysis and learning to adapt mechanisms going forward
- Provide feedback to all stakeholders to generate greater ownership
- Influence and advocate for policy and legal changes deemed as necessary

Composition, leadership and structure

The Inter-ministerial Steering Committee and its working groups will be chaired by one of its members (possibly, the representative appointed for one of the ministries involved) on a rotating basis to limit exposure to sensitive information and to maintain accountability across stakeholders and sectors of intervention.

→ *Optional: It is suggested that a member of civil society or representatives of migrant workers' rights is also included in such rotation.*

In order to discharge its mandate, the Inter-ministerial Steering Committee will have the authority to establish decentralized task forces as necessary, engage in protection dialogue, and engage in policy dialogue.



Important to include: Since some abuses will require the involvement of both stakeholders in the countries of destination and origin, for those cases where a BLA or similar agreement on labour migration governance and related protection of migrant workers does not exist between the two states concerned, it may be considered to create an ad-hoc committee composed of the competent authorities of the countries of destination and origin, and possibly representatives of international organisations (UN agencies and international non-governmental organisations) and migrant organisations to provide technical advice.

Meetings and consultation

The meetings will be held on a bi-monthly basis and will remain closed-doors and will not include individual cases for reasons of anonymity and to allow for the process to be followed. Only non-sensitive information will be shared at these meetings between agencies. The Inter-ministerial Steering Committee will discuss those through the framework of consultation, information sharing and coordination listed in this Practical Guide across all stakeholders. Additional, extraordinary or ad-hoc meetings, will be held as necessary.

Funding

Members of the Inter-ministerial Steering Committee commit to collectively and individually raise funds to allow for the activities of the Inter-ministerial Steering Committee and of its specific sub-working groups. A working-group based menu of options and costing will be put forward for endorsement by all and for presentations to donors to ensure safe and protected labour migration channels remain open and are strengthened.

Evaluation

The Inter-ministerial Steering Committee will be reviewed on an annual basis for constant learning and improvement.

Annexes

Each Inter-ministerial Steering Committee will agree on the applicable standards in their country that are relevant to enhancing the access to reporting mechanisms and improve the quality of response, follow-up and monitoring. As a prerequisite to the creation of the Inter-ministerial Steering Committee, the following instruments and standards will be mapped and shared as annexes to the Terms of Reference of each committee. These include:

- I. International instruments
- II. Regional instruments
- III. National instruments
- IV. International operational standards



In the development of reporting mechanisms for migrant workers, it is necessary that broader legal frameworks and policies encompass the specific needs of migrant workers when trying to access remedies. This will ensure that the reporting mechanism exists within a broader legal framework through a **whole of government approach**, rather than existing as an isolated mechanism outside of the existing legal framework. Across the different Member States, there remains a clear need for legislative amendments to reinforce the legal basis for the implementation of reporting mechanisms.

Step 4. Define format, channels and languages to report abuse

Identify the right mechanisms and support for reporting

There are different ways to structure a reporting mechanism to best fit the context and the preferences of both migrant workers, their community representatives, and the preferences and capacities of other stakeholders. The section below presents options for this, derived from existing good practices, notably in the field of complaint and response mechanisms at community levels.

Typology	Advantages	Disadvantages
In-person reporting	<p>Reduced risk of reprisal by employer(s).</p> <p>Streamlined procedure</p> <p>Straightforward identification of both the worker and the perpetrator of abuse in question</p> <p>Fast-tracked compiling of the necessary data to process the case</p>	<p>Complex procedural steps</p> <p>Legal identity and documentation requirement</p> <p>Assume flexible mobility of migrant workers</p> <p>Physical reporting might dissuade migrant workers due to fear of stigmatisation or humiliation,</p>

	Oral reporting minimizes the requirement for literacy	particularly in cases where migrant workers fall victim to sexual and gender-based violence (SGBV) in the workplace
Complaints or Suggestion Box	High levels of confidentiality (depending on how it is managed) Regular collection Little societal pressure as “general” complaints boxes are common	Responses can be delayed and challenge of providing feedback if anonymous Location is widely known Confidentiality can be compromised Women may feel unsafe to physically go to a box Requires a certain level of literacy
Logbook by institutions / staff	Quick set up, can be scaled Regular collection electronic data collection/logbook enhances confidentiality and safeguarding	Requires resources to be systematic Relies on staff prioritization
Telephone or SMS	Empowers individuals Enhances confidentiality Accessible for all who have a phone Oral reporting minimizes the requirement for literacy	Systems (hotline, staff) must be in place to ensure the calls/SMSs get answered on time and in the appropriate language Can be costly to the poor Depends on access to phones
Mail	Empowers individuals Enhances confidentiality	Depends on access to and existence of an efficient postal system Can take a long time / delay Costly Data protection
E-Mails or online complaint systems including Apps	Empowers individuals Enhances confidentiality Accessible for all who have internet access	Depends on access to internet coverage Requires basic level of digital literacy Data protection

	Pre-recorded oral instruction and form available for illiterate people	
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These good practices can be used and decided upon for each context. Multiple channels can be used to maximise access, anonymity and confidentiality, and also maximise reporting that caters to as large a possible range of cases and abuses.

To manage this, a **safeguarding focal point** will need to be assigned to monitor the integrity of the processes selected.

- **Gender responsive focal points:** It is recommended that both women and men should be available as focal points to handle sensitive complaints from men and women migrant workers, given that the data collection also suggested that female and male migrant workers are more comfortable reporting to female and male focal points, respectively. Ensuring gender balanced focal points may also encourage migrant workers to be transparent about their complaints.
- **Focal points links with labour attachés:** Moreover, a labour attaché should be identified in the origin and destination countries who can regularly be in contact with the focal points and follow up on the working conditions of migrant workers and specific cases that emerge. Agreement within the country of origin and the country of destination should be reached on specific guidelines in terms of the number of times a month the labour attaché will connect with the focal point and the frequency of visits to empowers or other national institutions. Additionally, given the gendered nature of abuse faced by migrant workers, the labour attaché should randomly phone the migrant workers to check on their wellbeing. This will be especially crucial for vulnerable migrant workers such as domestic workers who may not be able to leave the employer's home to report abuse or possess a phone to call the specific office.

Language

Many of the challenges encountered in non-digital reporting have to do with **trust**, while challenges in technology-based (phone or digital) reporting systems mainly focus on **language, literacy, information and training**. Overall, studies find that the format of the reporting channel needs to be suitable in that context, but even more important is “the surrounding culture that encourages individuals or groups to come forward without fear that reporting will put them at risk” (VAWG Helpdesk report).

Key to remember then is the importance of:



- Appropriate choice of trusted systems and people
- Training and investing in awareness and cultural trainings, and to ensure oversight and regularity

Both of these require the appropriate **language** and sharing of content.

The translation of information or guidelines into migrant workers' national language is often not enough, especially when for many their local languages may matter even more and may allow for greater trust building and confidentiality when reporting a complaint or abuse. In addition, for those with low literacy, local languages and pictorial formats will be preferred. It is therefore important to consider different languages and formats from the start.

These can include the use of **pictorial formats** including flyers, and posters, that migrant workers can best understand and that translate effectively the commitment of agencies to act on complaints. The support of local communications agencies will be required to identify the best modes of communications and visualization of messages.



Important to include: formats (pictures, videos for those who cannot read or write). For an efficient referral process, it is key to create focal points available in the relevant languages to respond to the various needs and vulnerabilities of men and women migrant workers, in addition to the availability of labour attaché for addressing a complaint from migrant workers.

Use the right channels and formats to report abuse

The channels should maximise **two-way communication** from the migrant workers, and to the migrant workers, to ensure regular reporting as well as regular updates on the policies, procedures and implementation strategies of the reporting mechanism. Given that adaptation and learning will be involved in the work of the Inter-ministerial Steering Committee, such adaptations will also need to be used to inform migrant workers as end users of these mechanisms.



When assessing the channels to be used, access to the internet needs to be assessed, and the levels of literacy and comfort of populations in using these. It should be noted that access to the internet also offers tools to overcome illiteracy as a reporting barrier, through innovative technology such as Internet Voice Recording. However, at the very least training is required on how to access this system. Assessing **preferences for physical or in person reporting, technology or non-technology** focused is essential. Where pilot projects exist, they can also be learned from. For instance, SMS-based reporting mechanisms have been rolled out in Kenya as well as in Somalia¹¹.

Gender-sensitive channels

To encourage participation, it is important to create **a safe space for both men and women to go and encourage reporting**. For in-person mechanisms, a first step is to develop both women and men focal points in instances where migrant workers are more comfortable reporting to men or women, particularly in cases of SGBV where women migrant workers are less likely to report to men focal points.

¹¹ [Transparency International in Kenya](#) has developed a reporting mechanisms through SMS and the International Organization for Migration (IOM) has done the same in Somalia, with SMS technology linking to [an online data platform to facilitate direct feedback](#).

In the mapping of channels, it was highlighted that some channels – such as complaints boxes – might expose women and be seen as threatening to them. If complaints boxes are located within safe spaces for women – such as community centres or places where women typically convene in a given location – then there will be less chances that they can be traced and identified as being a complainant. At the same time, it is also important to acknowledge that women migrant workers often enjoy less mobility, especially domestic workers, and they might not be able to reach the complaint boxes.

Similarly, **health centres** can be a safe space for women. In the IASC best practice guide, examples were shared in Ethiopia of complaints received through health centres, with reports of complainants feeling “more comfortable reporting within a safe space and to a trusted person”. Health centres provide the overall anonymity and ethics, due to doctor-patient confidentiality privileges, as well as a safe space, given that they are not marked as other institutions might be. Health centres could be for instance designated as **the preferred GBV complaints focal points** to ensure that the response can happen as quickly as complaints are lodged.

Many of the means to report abuse also go through **community leaders** who may be trusted representatives. It will be key to include both female and male community leader representatives to ensure gender-sensitivity is maintained. **Mapping female and male community leaders within migrant communities**, as well as **training community focal points** will be key to ensure that the procedures of reporting a complaint are well understood. This can also include community consultation to raise awareness and introduce procedures, and focal points, for reporting.

Ideas for Strengthening Accessibility of the Reporting Mechanism for Domestic Workers

To ensure domestic workers can easily access reporting mechanisms, consider the following key strategies:



- **Tailored outreach:** Conduct community-based and peer-to-peer engagement to reach domestic workers directly, utilizing mobile units and targeted events for information sharing.
- **Inclusive reporting processes:** Design mechanisms with domestic workers' needs in mind, ensuring anonymity, confidentiality, and creative communication strategies for overcoming language and literacy barriers.
- **Collaboration and media engagement:** Partner with diaspora associations, utilize ethnic media, and offer incentives for participation to enhance domestic workers' access to reporting mechanisms.

Aligning with operational level grievance mechanisms

In the context of labour migration, while states cannot control activities taking place in other states, the reporting mechanism is in place to create ways to ensure that

- 1) Organisations headquartered in another territory respect human rights abroad, especially if and where they receive support from the state

- 2) Organisations operating in the country of destination understand and uphold human rights of the other states' citizens who come in as migrant workers, regardless of their immigration status and gender.

This international **state-business nexus** is at the core of the reporting mechanism to ensure that states' human rights duties are upheld by economic actors as highlighted in UNGP and other guidelines¹².

According to the UN Guiding Principles, companies are required to put in place formalized procedures to receive complaints submitted by affected people regarding negative company impacts. Such step is also mandatory for recruitment agencies in order to get the IRIS¹³ certification. These formalized procedures, at a company level, are referred to as operational-level grievance mechanisms and can lead to investigation, resolution and possible reparations. The advantage of these mechanisms is that they can allow individuals and communities alike to report a complaint, raise their concerns and for companies to be accountable to their social impact overall.

Even if they are not part of state-run mechanisms, these grievance mechanisms at the operational level have to be taken into account when designing and implementing a state-led mechanism. Consequently, it is important that a channel of communication is established with the bodies operating them. To this end, it is important that a mapping of the companies that have such mechanisms in place is carried out, and that the list is updated and made publicly available, e.g. on a website.

The advantages of such company-wide mechanisms are that they can provide a more direct and less time-consuming solution. However, if no agreement is reached, stakeholders should be able to report the problem to the general and official reporting mechanism, to link to state bodies and find solutions through the state-led reporting mechanism. This can be done through the corporate focal point assigned by the Inter-ministerial Steering Committee. In turn, the State or the Inter-ministerial Steering Committee must be able to use the information and results of the companies' operational mechanisms to support its own actions to stop abuse and provide solutions for prevention, reporting and follow-up.

Step 5. Assign and implement responsibilities: Review, response and closing

Intake and review of complaints

Safety and confidentiality

The first requirement of any safe reporting, and specifically in the case of migrant workers, is to prevent the sharing of case data or information between public bodies and authorities such as immigration enforcement, the police, labour authorities or inspectorates, or those that are the most feared by migrant workers in a specific context given their immigration status might put them at risk, for instance, of deportations or removals.

The basic principles of safety and confidentiality should include:

¹² Toolbox for human rights for businesses and organisations, Module 2: human rights guidelines for organisations.

¹³ The IRIS Standard is a set of global principles that define ethical recruitment. It is based on international labour and human rights instruments and was developed by IOM to articulate what ethical recruitment means in practice and how labour recruiters can demonstrate compliance.

- **Safety:** The reporting mechanism needs to incorporate ways to prevent further harm, offer protection and prevent and address any form of retaliation, offering a safe space for reporting. Measures to ensure safety include:
 - Assigning a case manager who will carry out a risk assessment for each survivor to pre-emptively address retaliation
 - Assess the health and psychosocial well-being of the survivor for potential referrals
 - If required, offering physical protection as part of the referral mechanisms

- **Confidentiality:** by restricting access to / sharing of personal information, anonymizing the cases and creating an environment where the means of submitting complaints and receiving assistance is also done anonymously to prevent stigmatization. Measures to protect confidentiality include:
 - **Identity**
 - Records to be anonymized to the fullest extent possible, with only information provided to the case manager. The names of all parties remain confidential, not only the complainant.
 - Never release the name of the survivor to the subject of the complaint.
 - Using a tracking number to anonymize monitoring and follow up
 - **Access**
 - Detailing procedures for both physical and electronic complaints
 - Electronic access to records must be restricted access, requiring users to sign / log in with their user codes
 - Records to be secured safely



One of the key challenges to cross-institutional and international information sharing is the fact that **data protection and confidentiality principles, policies and procedures** vary across institutions and countries. One of the tasks of the Inter-ministerial Steering Committee will be to fill in the cooperation gap by addressing the safeguarding gap and ensuring there are institutional and international standards on safety and confidentiality applied by all stakeholders involved.

The public bodies that will require access to the information in order to intervene include healthcare, legal aid, education, housing, justice sector and other protection actors. As per existing practice, **“Firewalls are established to ensure that everyone can access these fundamental services, establish**

safe working conditions or report a crime, without fear of arrest, immigration detention, or deportation”¹⁴.

Firewalls are an essential tool to protect labour and human rights of migrants and ensure fair and equitable treatment, regardless of their legal status. In practice, this entails the separation of immigration enforcement and the provision of essential rights and services to migrants, including access to safe and gender-responsive reporting mechanisms for labour-related abuses. In the context of reporting mechanisms, the first step to enforce such separation is to ensure that sensitive data (e.g. on the migration status) is not shared between the public bodies who the migrant workers might approach for support or assistance (e.g. police or labour market inspectors.) and the immigration authorities. Furthermore, policies that prevent local law enforcement agencies from collaborating with federal immigration authorities can be implemented, to allow migrant workers to interact with local law enforcement without fear of being reported to immigration authorities.¹⁵

To further strengthen migrant workers safety when setting-up a reporting mechanism, the following measures can be taken:

- I. **At the national level**, Labour market inspectorates can be engaged by the public and private bodies that have access to information. This will also require that the government provides adequate resources to the work of these labour inspectorates.
- II. **Across the reporting process**, no stakeholder should enquire about a migrant worker’s immigration status when contacting a survivor, or investigating or following up on a complaint. The information should not be requested or recorded.
- III. **As part of the Inter-ministerial Steering Committee**, appropriate firewalls need to be agreed upon and include all stakeholders identified in this Practical Guide to ensure a contextualized, gender-sensitive set of requirements are agreed upon and applied.



Important to include: clear guidance on data sharing. For an efficient referral system, it is recommended that the national databases consist of a secured reporting interface where all the complaints from migrant workers can be entered. Preferably, the interface should provide information of referrals shared with migrants and the status of the referral process. Access to the interface should be granted to specific actors such as social workers or case workers in the institutions and associations suggested above. It is moreover recommended that the data should be aggregated and analysed by each country to inform policy and practice, and the statistics should be openly shared with all stakeholders monthly or quarterly.

Protecting migrant workers after they have reported a complaint

While an investigation may start after receiving a complaint, the migrant worker survivor of the abuse should also be adequately protected during that process and as the next steps are being defined. The

¹⁴ JWCi (2022) Briefing <https://www.jcwi.org.uk/safety-for-migrant-workers-the-case-for-safe-reporting-mechanisms>

¹⁵ ibid.

solution here must be co-designed with the survivor but also based on the case manager's recommendations and risk assessment above. The survivor should be provided with possibilities of safe shelters, but also should they decide to, of return to their country of origin if that is their preferred solution.

In order to remain gender responsive, safe shelters should adopt the following norms and practices:



- Establish separate shelters for men and women
- Ensure that parents and caregivers are able to safely bring their children to the shelter
- Ensure that each shelter has a gender balance of focal points for both men and women migrant workers

After having established trust, the procedures should include an assessment to assess the migrant workers or survivors' preference for protection after receiving a complaint, one key element being either to stay in the country of destination or return to the country of origin. An assessment should be included across the legal, physical, material dimensions.



Where relevant, **Assisted Voluntary Return and Reintegration (AVRR)** can be offered to migrant workers who wish to return to their countries of origin. It is key to ensure that the AVRR beneficiary is making an informed decision and that expectations regarding the reintegration process are managed through the provision of accurate and objective information regarding the programme and its advantages. To be sure, AVRR can only be offered to migrant workers in cases where informed consent is given and when it is ascertained that the country of origin is safe. A follow-up component should similarly exist to support the beneficiary in reintegrating in a rights-based and sustainable manner.¹⁶

Referrals and follow-up

A referral mechanism is a process of cooperation between multiple stakeholders to provide protection and assistance services to migrant workers.¹⁷ The presence of solid referral systems is a prerequisite for the efficiency of a reporting mechanism, which in turn ensures that migrant workers can access remedies in a timely manner. Establishing:

¹⁶ https://publications.iom.int/system/files/pdf/avrr_in_the_eu.pdf

¹⁷ IOM Guidance on Referral Mechanisms. Page 17. 2019

- **A strong and diverse network** of internal and external referral mechanisms is important in facilitating appropriate remedy and compensation for migrant workers who file reports. The requirement is to ensure the confidentiality and data protection reviewed above.
- **A follow-up system**
 - i. *Before* the referral system is set up. Existing guidance shows that follow-up should happen from the design stage.
 - ii. *With* the same expert service providers (legal, health or other) who are key to the implementation of a local, national and international referral mechanism, as to their follow-up.
 - iii. *Longer term*, considering how follow-up of complainants/survivors can be done over the longer-term, particularly in the case of migrant workers who might still be on the move or decide to return to their country of origin.

As demonstrated by research, migrant workers may be exposed to a wide range of physical and psychological abuse in the workplace, therefore they may require different types of responses from a variety of actors. For example, migrant workers who seek to file a report linked to sexual abuse will need to be able to access specific forms of counselling that may be facilitated through an external referral mechanism. Similarly, migrant workers who experience salary withholding from their employers may seek remedy from a different resource, such as the ministry of labour, for example, or alternative compensation.

Anticipating the various remedies and forms of compensation that migrant workers may require and establishing referral mechanisms accordingly is vital in ensuring that responses to reports are appropriate.

Referral Mechanisms and Assistance for Domestic Workers Reporting Abuse

Domestic workers face unique challenges when reporting abuse due to the nature of their workplace being their accommodation. In this context, referral mechanisms play a critical role in providing support and protection.

Key considerations include:



- **Importance of shelters:** Domestic workers may have nowhere to seek refuge if they experience abuse in their workplace. Establishing shelters specifically catering to domestic workers is crucial for their safety and well-being.
- **Residency protection:** Domestic workers often have their work permits tied to their employers, making them vulnerable to exploitation and retaliation. Implementing measures, as decoupling work permits from employers, to protect their residency status in case of abuse is essential to encourage reporting.

- **Social support:** The lack of social protection coverage further exacerbates domestic workers' vulnerability. Extend social protection coverage to domestic workers, offering assistance and alternative employment opportunities to alleviate the impact of job loss.
- **Specialized GBV support:** Domestic workers are at higher risk of experiencing GBV due to their isolated working environment. Implement specialized referral pathways for gender-based violence cases, addressing the unique vulnerabilities of domestic workers to GBV.

Key Performance Indicators to Monitor Referral Mechanisms



Checklist: the following of indicators can be used to monitor a referral system:

- **Effectiveness:** Did the referral mechanism function effectively? Did the referral mechanism aid and refer the migrant workers effectively?
- **Efficiency:** How efficient was the referral mechanism? How well adapted were the channels of communication between relevant members of the referral system?
- **Impact:** What have the results been since implementation, and were there any positive or negative unintended consequences of the referral mechanism?
- **Sustainability:** What kind of follow-up would be required to ensure the sustainability of the referral mechanism? All members of the referral system should agree on how to move forward and adjust where needed.

Closing the case

Response to feedback: Document the complaint and the response

- **Follow up and close the loop individually**

When closing the feedback loop, you need to think about how you communicate, so you need to create a sense of respect, accountability and transparency with the person who submitted the complaint. To this end, a good practice is to keep both the person who submitted the complaint and the people who use the services in general updated through messages on the different stages of the complaint. At this stage, those concerned should also be made aware of the time required and be reassured that the complaint has been received correctly. Some types of complaint may take longer to respond to, particularly complex or sensitive ones, but it is important to acknowledge receipt of the complaint and its seriousness immediately, and to provide information on how it will be followed up.

- **Follow-up actions and closing the loop in a structural way**

To close the cycle of a complaint, it is not enough to communicate the outcome to those affected, but more explanation should be given as to what action has been taken, and a space should be created for discussion with those who submitted the complaint to verify that their concerns have been addressed.

IMPROVE - Ensure the sustainability of the reporting mechanism



GUIDING STEPS

The reporting mechanism can have long-term outcomes on practices and policies that can ensure the systems are in place to sustainably support the rights of migrant workers. This section closes on:

- **Ways to improve and strengthen existing policies** for sustainability
 - Improvements to Bilateral Labour Agreements (BLAs)
 - Aiming for long-term outcomes
- **A well-defined communications plan** to inform stakeholders
 - Externally to show that reporting mechanisms result into responses and adaptation
 - Internally by building capacity of key stakeholders
- **A strong monitoring framework** to feed into the sustainability of the mechanisms



GUIDING QUESTIONS

- What type of feedback is needed at the end stage?
- How can the reporting mechanism be used to improve policy and practice?
- How can the Practical Guide become a normative tool?
- How to promote and better communicate on the experience of reporting mechanisms?
- How to use the reporting mechanisms to fill in capacity gaps?
- What monitoring framework can decide on when sufficient and appropriate action has been taken, and when specific cases can be closed and reporting enhanced?

Step 6. Develop or improve policies

Reporting mechanisms allow authorities and institutions involved in labour migration to be more aware of the risks of such activities and how to best address them. Reporting mechanisms are a way to enhance accountability to affected individuals, be more transparent about accountability to human and labour rights within various sectors, and to also ensure that national, regional, and bilateral instruments can be improved. **The set-up of an Inter-ministerial Steering Committee is a first step to outlining a zero-tolerance policy towards abuses against migrant workers, irrespective of their gender and immigration status.**

Although employers do not have mandatory duties with regard to state-run reporting mechanisms, measures ranging from soft-law guidelines to legally binding frameworks need to be taken at the national level to ensure that the work of the Inter-Ministerial Steering Committee, and the mechanism itself, is also widely recognised among the private sector. This requires policy improvements and reforms.

As stipulated by the ILO¹⁸, one of the key indicators for policy reform is the need to:

- I. “Address gender concerns, and concerns of vulnerable migrant workers, particularly those not covered by labour laws in destination countries (domestic workers, agricultural workers, etc.)
- II. Social dialogue involving concerned stakeholders besides government parties; employers, workers, civil society organisations,
- III. Coverage of wage protection measures, e.g. timely payment, allowable deductions, provisions for overtime work, issue of receipts and payment into bank accounts, as well as,
- IV. Incorporation of concrete mechanisms for complaints and dispute resolution procedures, and access to justice”.

Long-term outcomes and policy coherence

In order to facilitate the implementation of new or existing reporting mechanisms, and to ensure sustainability over time, States may define and adopt a national complaints policy and response mechanisms to ensure that all actors know what their role is in ensuring that complaints systems are in place. In this case, the coherence of such a policy with national policies and strategies on labour migration and the protection of migrant workers is crucial for the realisation of the benefits of multi-stakeholder engagement and for the overall effectiveness of the mechanism created. This can lead to increased funding and support for reporting mechanisms to ensure they can be sustained and scaled up beyond the pilot phases.

There are two dimensions of policy coherence to be considered:

- **Internal coherence** = within specific stakeholder categories, e.g. all ministries or all trade union organisations.
- **Cross-border coherence** = ensuring that, while responding to national realities and specificities, regional and global dynamics and policy frameworks are also taken into account. This requires high levels of coordination and cooperation between national governments and between non-governmental entities in different countries.



Ideas for creating a supportive policy environment for domestic migrant workers

- **Establish a registry that consistently updates and tracks the profiles of domestic migrant workers.** This registry would enable comprehensive

¹⁸ Bilateral Labour Migration Agreements : Trends and Examples of Good Practice, ILO Decent work team for Southern and Eastern Africa, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/presentation/wcms_422397.pdf.

monitoring of their employment conditions, ensuring their rights are protected and facilitating effective interventions in case of any issues or violations.

- **Amend laws to recognise homes as workplaces for domestic workers.** Treating homes as formal workplaces would allow for inspections to be conducted, similar to other work environments, to ensure compliance with labor standards, health, and safety regulations. Such amendment would provide domestic workers with legal protections and safeguards against exploitation or unsafe working conditions.
- **Formalise the work of migrant workers who are currently engaged in informal employment.** Formalisation would grant them legal recognition, access to social protection, and the ability to exercise their rights as workers. If provided avenues for regularisation, such as work permits and documentation processes, migrant workers would indeed be able to transition from informal to formal work, ensuring improved working conditions and overall well-being.

Policy development needs reform and realignment to take into account learnings from reporting mechanisms. Long-term outcomes will include the mainstreaming of migrant workers' complaints into existing national complaints and reporting mechanisms into international frameworks and agreements, such as BLAs.

Strengthening labour migration governance

Cooperation between states in judicial matters when dealing with migrant workers' reports is essential, especially in order to have mechanisms in place to ensure the processing and follow-up of complaints filed in different states, e.g., by returning migrants in countries of origin who have been abused in destination countries.

Bilateral Labor Agreements (BLAs) are a sound option to ensure, or at least strengthen, such interstate cooperation.

In alignment with the Guideline 10.5 of the ILO Multilateral Framework on Labour Migration which calls for “*providing for effective remedies to all migrant workers for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation and retaliation*”¹⁹, all BLAs should contain a section addressing protection and rights of migrant workers and **regulating inter-state cooperation on reporting mechanisms for migrant workers.**

A key concern requiring attention by the African Union and a common approach across the AU membership is therefore promoting rights-based BLAs that ensure protection and decent work for all workers, and that include reporting mechanisms that are accessible, gender-responsive, effective, secure, and monitored.

¹⁹ ILO Multilateral Framework on Labour Migration, 2006, p.20

To this end, clear guidelines and related action points have been defined by the African Union on:

- **Information and assistance to migrant workers²⁰**
 - Migrants will be provided with **free or affordable gender- and rights-based information and assistance, including pre-departure training and post arrival orientation.**
 - Information will include: labour law governing the employment relationship; employers' obligations and **dispute resolution mechanisms and access to justice.**
- **Employment and treatment of women workers²¹**
 - **Access to gender sensitive services and remedies and access to justice** for both men and women migrant workers.
 - Reference can be made to a specific Standard employment contract (SEC) for women domestic workers appropriately addressing issues of: equality of treatment, wage protection, rest periods, leave days, hours of work, privacy, right to communication, **complaints mechanisms** in line with international instruments.
- **Protection against violence and harassment, particularly against women migrant workers²²**
 - A specific prohibition against violence and harassment at work and in the host locality is an essential element in a BLA, along with **indication of access to procedures for complaint and remedy for victims.**
- **Dispute settlement and access to justice and to effective remedies between workers and employers²³**
 - Clear guidelines on complaint and settlement should recognise means for access to justice and to remedies for migrant workers, including for rights violations, fraudulent recruitment, wage issues, workplace grievances and other disputes.
 - The BLA could specify the process by which workers can **initiate a complaint, seek assistance and obtain remedy** in line with the national laws and regulations.
 - A separate annex or protocol may be developed for detailed provisions on: information and access to legal aid to courts; rights and access to complaint mechanisms, procedures and hearings; use of a language the migrant worker understands or provision of free interpretation services; informing and permitting the involvement of consular representatives of the migrant's origin/citizenship country in such procedures; **accessible and gender-responsive grievance/complaint and resolution mechanisms and procedures including hotlines**; enforceable compensation where applicable;

²⁰ AU GUIDELINES ON DEVELOPING BILATERAL LABOUR AGREEMENTS (BLAs), 2021, p. 9

²¹ AU GUIDELINES ON DEVELOPING BILATERAL LABOUR AGREEMENTS (BLAs), 2021, p. 12

²² AU GUIDELINES ON DEVELOPING BILATERAL LABOUR AGREEMENTS (BLAs), 2021, p. 12

²³ AU GUIDELINES ON DEVELOPING BILATERAL LABOUR AGREEMENTS (BLAs), 2021, p. 13

application of remedies **including after the migrant worker has returned/been returned to country of destination prior to or after resolution of claims and/or complaints in the country of destination.**



To facilitate cross-border reporting mechanisms for migrant workers, reporting mechanisms should be better integrated into Bilateral Labor Agreements (BLAs) and Memoranda of Understanding (MOUs). This can be achieved by:

1. **Sharing information** on the types of abuses and regions where abuses are most prevalent is crucial. This enables countries to exchange valuable data and insights, fostering a deeper understanding of the challenges faced by migrant workers and allowing for targeted interventions.
2. **Adding joint labor inspections** to BLAs can enhance monitoring and enforcement efforts. By conducting collaborative inspections, both the sending and receiving countries can work together to ensure compliance with labor standards, detect potential abuses, and take necessary corrective actions. This cooperative approach strengthens the effectiveness of inspections and helps safeguard the rights and well-being of migrant workers.
3. **Encouraging joint investigations** that involve countries of origin and destination. Collaborative investigations are vital in addressing and resolving cases of abuse as they allow for the pooling of resources, expertise, and legal frameworks, enabling a more comprehensive examination of transnational labor violations. This coordinated effort not only increases the likelihood of holding perpetrators accountable but also promotes cooperation between countries to prevent future abuses.

By incorporating these elements, countries can establish a robust framework for cross-border reporting mechanisms, facilitating the protection of migrant workers' rights and ensuring greater accountability across borders.

Step 7. Establish a monitoring and evaluation framework

Data collection, information and monitoring

To ensure cross-institutional and international cooperation, a dashboard can be set up by the Inter-ministerial Steering Committee to ensure proper tracking of the number, locations, sectors, demographics (including gender) of the cases, and the effectiveness of different channels in collecting this information. It is also important to **make the data user friendly and digestible**, making it visual, and showing trends to inform the Inter-ministerial Steering Committee meetings.

Indicators that can be monitored and represented on the dashboard include:

- I. Date and period of activity
- II. Demographics – number of migrants, age and gender

- III. Country of origin of the complainant/survivor
- IV. Location Call matrix
 - i. Follow-up
 - ii. Preference for channel to follow up
 - iii. Feedback
 - iv. Complaint closed
 - v. Satisfaction with the reporting mechanism
- V. Top reported complaints
- VI. Top reported complaints by sector
- VII. Preference for channels

Incorporate learning into adaptations to the reporting mechanisms

There are two levels of adaptation that will be needed. At the **Inter-ministerial Steering Committee level**, looking at the regulatory, policy and structural adaptations required to ensure safe and effective access to justice and reporting mechanisms for migrant workers, and at the **programme delivery or referral, response and protection level** to ensure that cases are responded to, followed-up on and closed effectively. This is commonly referred to as a feedback loop but goes further into integrating analysis of monitoring data into policy and programming adaptations to the reporting mechanisms. The feedback that comes in can be both solicited and unsolicited for instance through information and advice desks or specific local offices involved in the reporting mechanism. However, experience has shown that the feedback system needs inclusive engagement, to include also the voices of men and women migrant workers, especially given the gender-sensitive issues that may be raised. Intentionally planning to speak to those using the mechanism for feedback will be key in the feedback loop.

The feedback loop can include:

- I. Unsolicited feedback through assigned channels of reporting
- II. Solicited feedback through the dashboard
- III. Solicited feedback through case managers' engagement with survivors
- IV. Solicited feedback through surveys and other commissioned monitoring pieces

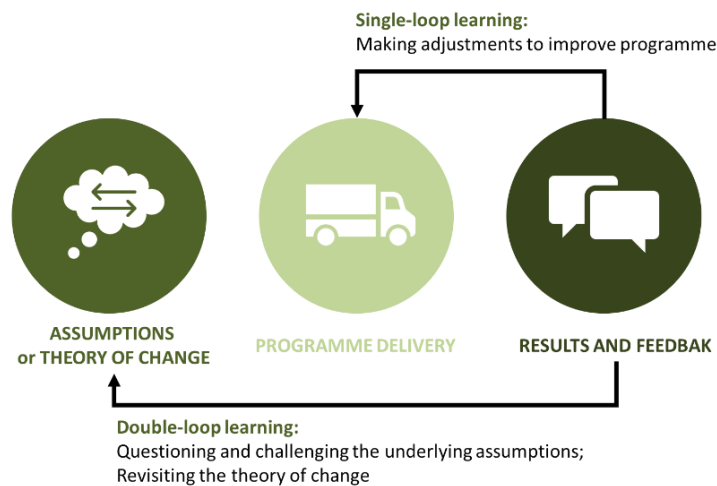
Results of the feedback loop can be communicated through **regular reporting by the Inter-ministerial Steering Committee's knowledge management working group**, without revealing any confidential information about survivors or perpetrators, but to provide transparency on the work being done.

The Inter-ministerial Steering Committee can:

- Collate, analyse and report on complaints through a standardised database and dashboard
- Incorporate learning into programming

- Incorporate learning into policy at national, regional and international levels

Figure 1. Doubling the Loop



Source: Start Network 2020

Step 8. Raise awareness and inform stakeholders

Develop and implement a communication strategy to inform stakeholders

For the system to become sustainable, it needs to be based on trust and information sharing. Any effective reporting mechanism will require the design and delivery of a communication strategy with the involved stakeholders.

The main purpose of the communication strategy is to make men and women migrant workers aware of the existence of reporting mechanisms. Migrant workers need to be aware of how they have access to mechanisms for being heard, how these mechanisms work, and what steps are being taken to address cases. It is also essential to proactively explain the changes that have been made and ensure that it is clear that they are leading to a systematic approach to responding to individual abuses.

The audience will need to be defined as both men and women migrant workers, their community representatives, and all stakeholders inclusive of employers, service providers, and state actors. Communication is needed back to other stakeholders, involving state and non-state responsibilities, and can feed into capacity development measures. It will be key to:

- **Tailor key messages to migrant workers irrespective of migration status**
 - Women
 - Men
- **Tailor key messages to the national contexts**
 - Country of destination

- Country of origin
- **Adopt a range of methods of dissemination, taking into account gender-specific factors shaping access to information**
 - Television
 - Radio
 - Newspapers
 - Billboards and murals
 - Websites
 - Social media
 - Interpersonal communication at the community level
 - Posters, brochures
 - Emergency contacts on cards or fabric
- **Agreeing on key dissemination points**

Channels for awareness raising

Awareness raising with men and women migrant workers

Efforts should be made to raise awareness among migrants on how to find, access and use existing reporting mechanisms to their advantage. Once mechanisms are in place and working, awareness-raising campaigns by employment agencies and other stakeholders, conducted in the language of the target group, are needed to raise awareness of the mechanisms in the country, increase participation and improve outcomes.

The communication strategy includes the creation of channels to be used to raise awareness among migrant workers about existing mechanisms and grievance procedures, how to overcome language barriers and reassure them about the fear of retaliation by employers or national authorities by explaining the procedure. Physical awareness-raising should take place through community consultations, trade union meetings, sectoral consultations, company-level consultations or joint events held at health centres, community centres or legal aid centres, where and when stakeholders agree to engage, as well as during pre-departure and post-arrival orientation.

Encouraging the media, information and communication sectors will be key to ensuring that all those who watch, listen and follow these media can be made aware of migration issues, of specific gender concerns, of the risks of exploitation and discrimination in specific sectors, and of their capacity as private or public actors to intervene and support the reporting mechanism established. To ensure widespread awareness, it is essential to **leverage accessible platforms like radio programs**. By integrating awareness-raising initiatives into radio broadcasts, a diverse audience can be reached, including those with limited

access to other media forms. This inclusive approach enables private and public actors to actively provide support, utilising the power of radio to connect and engage with individuals across various communities.

Finally, it is necessary to ensure that entities such as embassies, workplaces and migrant workers' representatives in countries of employment are able to refer migrant workers to existing reporting mechanisms. Awareness-raising for migrant workers must also involve workplaces, both in the private and domestic sectors, so that the relevant actors inform migrant workers on how to access reporting mechanisms.

Tailored awareness raising campaigns for domestic workers



Conducting awareness raising **on domestic workers' rights and encouraging their participation in trade unions** is crucial to ensure their representation and protection. To achieve this, various strategies can be employed. First and foremost, organising information campaigns through multiple channels such as radio programs, community meetings, and social media platforms can help educate domestic workers about their rights, including fair wages, safe working conditions, and legal protections. Additionally, partnering with local organizations and trade unions specialised in labor rights can provide valuable support and resources for outreach efforts. Providing accessible information and creating platforms for dialogue and support will contribute to the empowerment and improved working conditions for domestic workers.

Awareness raising with authorities: from prevention to response

Potential migrant workers' distrust towards government agencies needs to also be addressed by better training authorities themselves on migrant workers' rights, regardless of their immigration status and gender, and ensure that police, border officials, labour investigators, and others are well acquainted with the reporting mechanism's principles, standards and objectives.

Awareness raising among authorities will have a dual benefit of prevention and response. By informing authorities of migrant workers' rights, they will be better equipped to ensure that harm is prevented in the first place, but also better understand the implications of each complaint that is received to be able to act on them more effectively.

Overall, the Inter-ministerial Steering Committee should develop appropriate education and awareness raising and training programmes in close consultation with unions and non-governmental organizations, gender and migration specialists, male and female migrant workers, and recruitment agencies as well as lawyers to:

- Deliver gender- and rights-based training on labour migration
- Share evidence and data from the context specifically on reported or known abuses
- Explain the reporting mechanism's aims and objectives, as well as procedures, from reporting to follow-up, to enhance accountability
- Provide information on methods and procedures for authorities to support trust building

Local media services can participate in awareness raising and accountability procedures

Local media can support awareness by:

- Promoting attitudes towards positive change
- Increasing access to information and evidence
- Humanising the patterns of exploitation and discrimination and encouraging action
- Promoting the use of local structures in reporting mechanisms
- Introducing the reporting mechanisms and providing contact informations of focal points



Local media can also support accountability by:

- Naming and shaming authorities who do not comply to the process
- Identifying cases and practices that need to be addressed in specific sectors or locations
- Ensuring high level support from the Inter-ministerial Steering Committee by giving more visibility to the issue

Capacity development for key stakeholders

Given the challenges to migrant workers' rights identified in the Assessment report, a key component of building sustainability will rest on building the capacity of key stakeholders in both judicial and nonjudicial state institutions to be able to ensure safe and effective reporting mechanisms.

Building capacities is essential by reinforcing information sharing and developing and circulating internal policies in different agencies that address migrant workers' access to justice and reporting mechanisms. These can be joined with in person training, practical training and testing of these internal policies. The end goal can also be to ask authority representatives to present a workplan to implement the goals of a gender-sensitive reporting mechanism, and have them be a part of the **identification, piloting and finalisation process**. Training should reinforce the obligation to report abuse and misconduct in the private sector.

The actors who will require **training in understanding the need of migrant workers and abuse survivors**, including of their gender-specific challenges, are:

- **Police** including cross-border collaboration among police authorities to ensure that women and men migrant workers can access justice throughout their migration journey
- **Labour migration actors**, such as ministries of labour, embassy officials (such as labour attachés), recruitment agencies, labour inspectors of the country of destination and labour unions

- **Health service providers**, across physical and mental health
- **Employers** in key sectors.



The trainings for the police, for instance, will require:

- Basic training to develop knowledge and awareness on gender-specific abuses faced by migrant workers, and a professional code of conduct that acknowledges women migrant workers as survivors
- Training in the use of reporting mechanisms and risk assessment tools to carry out risk identification and assessment, including first responders
- Training in monitoring of abuses

Capacity building priorities for Member States

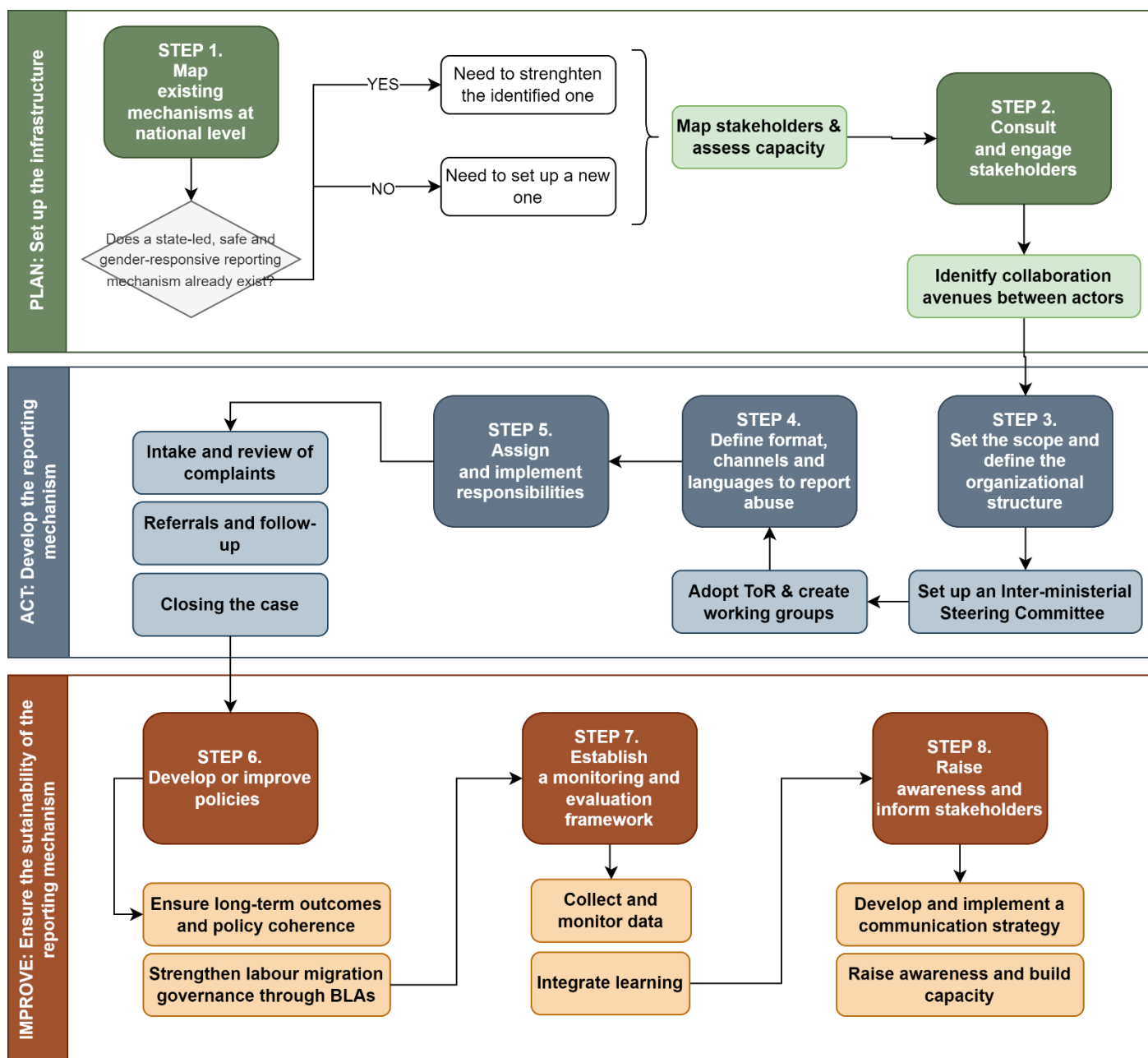
Governments should prioritise building the capacity of government officials involved in reporting mechanisms for migrant workers. This includes training and equipping them with the necessary knowledge and skills to effectively address gender-specific concerns, protect the rights of all workers, ensure access to justice, and make informed policy decisions based on reliable data. By enhancing stakeholder capacity, governments can improve their ability to monitor, respond to, and mitigate challenges faced by migrant workers, particularly in relation to gender-related issues.

In terms of capacity building priorities, the following areas should be given special attention:

- **Tailored approach for domestic workers:** The precarious working conditions experienced by domestic workers necessitate a tailored approach when it comes to holding employers accountable for abuse and facilitating access to justice. Governments should focus on developing specific mechanisms and procedures that address the unique challenges faced by domestic workers. This includes providing specialised training to law enforcement agencies, judicial personnel, and relevant stakeholders on effectively handling cases involving domestic workers.

- **Pre-departure orientation and consulate capacity:** Recognising the importance of pre-departure orientation, governments should prioritise strengthening this aspect for migrant workers. Providing comprehensive information and training to prospective migrants before they leave their home countries can help them understand their rights, obligations, and potential risks. Additionally, governments should also invest in strengthening the capacity of consulates abroad to provide support and assistance to migrant workers. This includes ensuring consular staff are adequately trained to address the specific needs and challenges faced by migrant workers and to facilitate their access to justice in host countries.
- **Collection and dissemination of data on migrant workers:** Governments should focus on strengthening the collection and dissemination of data related to migrant workers. This includes collecting and sharing information on destination countries, gender breakdowns, professional categories, and other relevant factors. By improving data collection and dissemination mechanisms, governments can enhance their understanding of migration patterns and trends, enabling them to develop targeted policies and interventions that address the specific needs of migrant workers.

4. VISUAL REPRESENTATION OF THE REPORTING MECHANISM



5. CONCLUSION AND NEXT STEPS

Migrant workers, both men and women, enjoy rights in their countries of employment that are enshrined in various international, continental, regional and national frameworks, including the guarantee that they will be protected, regardless of their migration status and gender, at all stages of their migration cycle. To enforce these rights, it is important to have safe, effective and gender-responsive complaint mechanisms in case of abuse.

Participation by all actors – from public and private spheres – is essential. This Practical Guide recommends the setting up of a clear infrastructure for a gender-sensitive reporting mechanism, through the establishment of an Inter-ministerial Steering Committee, in charge of ensuring the coordinated and timely identification, reporting and learning; while referral mechanisms ensure proper response. All of those involved will ensure proper firewalls are in place to enhance the protection and safety of the procedure.

It should be noted that a reporting mechanism can never be static in nature as it is a process that requires constant adaptation to meet the changing needs of migrant workers. The importance of a reporting mechanism is highlighted throughout the interviews conducted with migrant workers in both the formal and informal sectors. For example, a respondent highlighted the importance of focal points when migrant workers report complaints. Reporting systems are required to establish avenues to access remedies for migrant workers in an efficient and seamless manner - without these, the reporting mechanism will inevitably face gridlocks or delays in terms of providing the necessary remedies.

Validation at the government level remains crucial to legitimise, facilitate, and implement reporting mechanisms for migrant workers. Legislation that governs reporting mechanisms and the rights of migrant workers is another important aspect in this context. The AU's Migration Policy Framework for Africa and Plan of Action (2018-2030) recommends that member states should “ratify and domesticate all the ILO Conventions as appropriate to each Member State and harmonise national laws and regulations with international labour law”.²⁴ In lieu of this, it is central for government bodies to implement laws regulating access to justice for migrant workers.

There was a clear indication that legal frameworks and policies regulating labour migration had no guidelines on reporting complaints and the available feedback mechanisms. Moreover, it was also noted by various respondents that migrant workers expected to rely on labour policies that are in place for national workers, as there is often a lack of legal frameworks that are designed for the specific needs of migrant workers, or that bilateral labour agreements miss specific provisions for reporting mechanisms that can protect migrant workers.

As a result, this Practical Guide sets eight steps and the provision for the setting up of an Inter-ministerial Steering Committee to drive forward, in specific countries of interest, a safe, effective and gender-sensitive reporting mechanism for migrant workers.

²⁴ African Union. Migration Policy Framework for Africa and Plan of Action (2018-2030)

To finalise the development of an accessible, rights based, gender-sensitive reporting mechanisms, further actions are needed:

1. **Pilot** the steps to develop the reporting mechanism in one of the JLMP Member States.
2. **Review and finalise** the step-by-step process to develop the reporting mechanism based on the pilot exercise.

ANNEX I. FURTHER GUIDING RESOURCES

For States

- [Bilateral Labour Migration Agreements: Trends and Examples of Good Practice](#)
- [Regional communications plan for service providers in countries of origin](#)
- [Safe and Fair: Realizing women migrant workers' rights and opportunities in the ASEAN region](#)
- Transparency International, [Complaint mechanisms reference guide for good practice](#) (2016)
- [The Joint Council for the Welfare of Immigrants](#): Safety for migrant workers, the case for safe reporting mechanisms
- [Accountability, Feedback and Complaints Mechanisms in Humanitarian Response to migration](#)

For international organizations

- [Best Practice Guide Inter-Agency Community Based Complaints Mechanisms](#), Protection against Sexual Exploitation and Abuse
- [Toolbox Human rights for businesses & organizations](#)
- [VAWG Helpdesk Research Report](#) on Reporting Complaints Mechanisms, Barriers to Reporting and Support in the Aid Sector
- [World Vision International Complaint and response Mechanisms](#)

For employers and companies

- [How to use the UN Guiding Principles on Business and Human rights in company research and advocacy](#) (2012 in English)
- [Doing Business with respect and for human rights](#) (2016) which provides practical guidance for implementation and remediation
- [Business & Human Rights Resource Centre](#) available in multiple languages
- [Human rights self-assessment compliance](#)
- [Toolbox Human rights for businesses & organizations](#)

