



ENDING VIOLENCE AGAINST MIGRANTS

EVAM

Territory

Zero violence against migrants

For more information, visit <http://evam.global>

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AGAINST
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4 REMINDERS¹ on the EVAM approach

Reminder 1. EVAM does not question migration policies: The approach focuses exclusively on the harmful effects, with no ambition to challenge the purpose of existing migration policies and practices. It is clear that the prevention and reduction of violence is in the interests of migrants. Furthermore, they restore the dignity of host communities and reconcile policies and practices with the fundamental values and principles of those same communities. This systematic struggle against violence is not based on a moral argument but on a search for efficiency as well as coherence. Indeed, violent mechanisms are not only detrimental to migrants but also to the rule of law: trafficking in human beings, undeclared work and exploitation (including sexual exploitation), slumlords, police violence, etc. undermine human dignity but equally the credibility of public authorities.

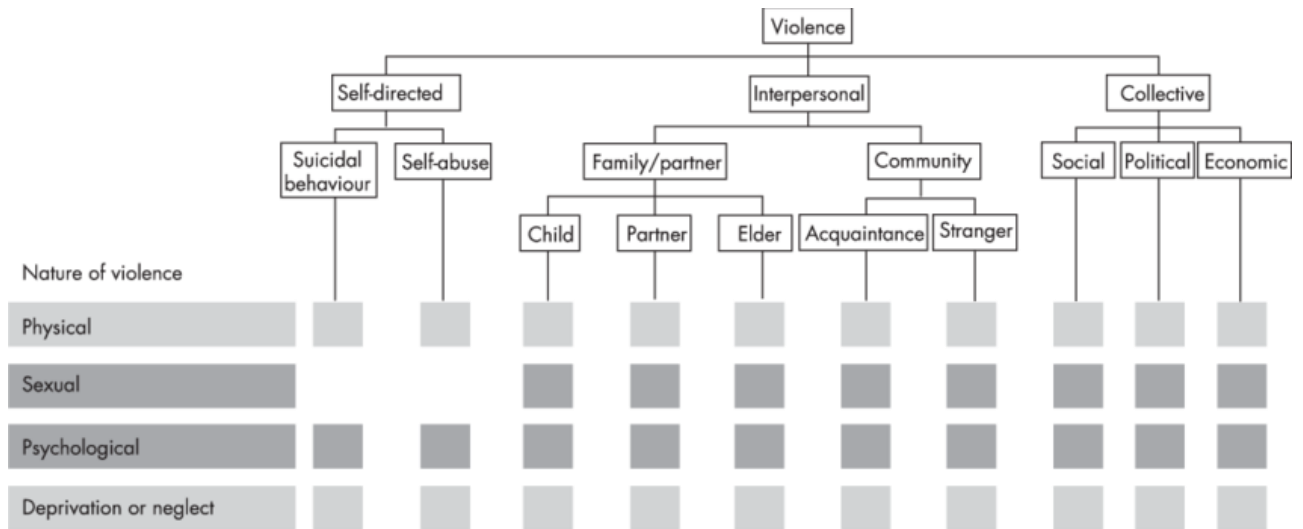
Reminder 2. EVAM seeks immediate impact for the target group: We recommend that each stakeholder involved in the initiative formalise its commitments by describing what it wishes to undertake and the means to achieve it. A priori, he will act alone or with little help. The objectives he sets must therefore be achievable through his action alone. This principle reflects two truths: firstly, only those who wish to do so commit themselves. Second, those who want to can do so. Everyone makes choices in relation to his or her field of competence and achieves concrete results without waiting for decisions to be taken at another level. Any actor who wishes to do so can commit to preventing and eliminating the violence observed. We believe that such actions, however isolated they may be, have a magisterial value. They signal the rejection of the *status quo*, the possibility of improvement and, above all, the absence of reducing the migrant to a sub-human being. To do nothing is to accept, to do is to propose. Within this proposal, a changeover may occur.

Reminder 3. EVAM works on responsibility, not guilt: Violent situations are, for the most part, induced and unintended. Many forms of violence are not criminal in nature. The actors who commit them often use administrative frameworks which, although conducive to a relationship of domination, do not seek it at all. The main challenge is therefore to work with actors to reduce the violent burden they place on migrants. The EVAM approach is based on dialogue, not denunciation. Recourse to criminal prosecution is not part of the arsenal of tools used by EVAM. The documentation of violence may mobilise rights defenders and lead to legal action, but this is not the cornerstone of the system.

¹ For the entire process, see the concept note on : www.evam.global

Reminder 4. The concept of violence is defined by the World Health Organization²

To support its approach, EVAM relies on the World Report on Violence and Health, produced in 2002 by the World Health Organization (WHO). This report defines violence as *"the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation."* ». In this report WHO proposes the following typology of violence:



Violence is omnipresent on the migratory route. Let us take two examples. First, the field of work:

- wages promised and not paid (or poorly paid) because the migrant is in a situation of dependence on the employer,
- indecent hours (too long, at night, cut...) for the same reasons;
- accommodation in or near the workplace with total or partial deprivation of freedom of movement outside work ;
- forced recruitment where, for reasons external to work, the worker has (almost) no choice to accept the work and/or the working conditions ;
- loan-sharking loans from the employer to the worker's family intended to force the worker to stay to repay ;
- the use of an unfamiliar language by the worker to impose unfavourable conditions, practices or activities on her or him ;
- the obligation to have sex in exchange for work ;
- situations where the residence permit and the work permit depend on the goodwill of a sponsor via sponsorship or Kafala...

² http://whqlibdoc.who.int/publications/2002/9242545619_fre.pdf?ua=1 (accessed May 7, 2020)

In the field of health, body or intimacy, where the impact of violence is destructive:

- duty to prove homosexuality,
- forced sterilization
- refusal of treatment,
- torture,
- biomedical tests with negative side effects to prove age,
- submission to deprivation or humiliation in order to obtain fingerprints,
- abandonment of persons partially or totally undressed...

Territory Zero Violence :

By applying the concept developed in 2016 by ATD Fourth World and its experiment “Zero long-term unemployment zones” to situations of violence suffered by migrants, EVAM proposes to take up a certain number of the premises put forward by this initiative:

- the rejection of a form of fatalism with regard to the fate of migrants
- a positive and constructive approach based on the empowerment of the actors and institutions at the origin of these situations of violence ;
- an on-the-ground approach aimed at enlightening public policies and its actors by placing the human being at the heart of the system.

It develops it through:

- 4 methodological principles
- 5 actors
- 5 steps

4 METHODOLOGICAL PRINCIPLES

Principle 1. EVAM aims to reduce violence that originates, directly or indirectly, in the practices of actors and institutions. To achieve this objective, EVAM advises and accompanies the process of documenting situations of violence, draws the attention of actors or institutions to the harmful consequences of their actions and policies, and proposes to accompany them in the identification of concrete measures for their elimination.

→ **EVAM intervenes not in the management of individual situations but in changing institutional practices.**

Principle 2. EVAM accompanies independent documentation of abuse and violence and encourages the collection of unconstrained testimonies that will enable reliable reporting. Allegations of abuse are collected with the support of field actors in contact with victims of violence. Documentation is carried out independently of actors or institutions identified as being responsible for the violence or able to reduce it. In an environment that is often polarized or affected by a lack of trust, EVAM connects people directly confronted with harmful situations that are not necessarily visible or considered by the actors or institutions at the origin of these situations.

→ **EVAM facilitate independent documentation of allegations of abuse.**

Principle 3. EVAM works with institutions and actors in need of change and/or receptive to its approach. EVAM does not, by definition, seek to coerce or denounce the actors and institutions at the origin of situations of violence. EVAM proposes to work with them, helping them define the challenges they face and the difficulties they may encounter in dealing with them. EVAM does not take sides and does not judge the actor's capacity or willingness to face these constraints. EVAM does not intervene "on" or "against" but "in" and "with".

→ **EVAM advocates an inclusive approach based on intermediation between field operators and institutions.**

Principle 4. The external communication on the device is exclusively in the hands of the backing authority until the end of the consultancy; while the internal communication is in the hands of the consultant. This double guarantee creates a framework that is both reassuring and confrontational.

→ **EVAM guarantees the control of the project and its efficiency.**

5 ACTORS

The backing authority: When working on a territory, it is the territorial authority (the commune, the municipality, the province, the prefecture, the Region...) that decides to act. It is not possible to start a "Territory Zero Violence" process without the territorial authority deciding to do so. On the other hand, it is possible to apply the concept to a professional sector (the horeca, fruit picking, etc.). In this case, the backing authority could be the employers' federation of the sector, or even the supervisory administration if it is a public sector (the chief of staff for a local police area, the general education administration for schools, etc.). In the case of a target public (women, minors, workers), the executive concerned (the Minister for Equality, the youth protection services, the labour inspectorate, etc.) is identified. The backing authority alone decides on the external communication around the process. It validates the steps of the process. He/she makes his/her own choices at each stage or chooses what he/she delegates.

Partners: There are two types of partners: **ex ante** and ex post partners. The first are the actors in the territory who can be immediately identified as experiencing situations of violence against migrants in their area of intervention. One example is the police, particularly because they are the only ones authorised to use violence to enforce the law. However, this obvious example too often obscures other evidence. In the housing sector, for example, violence against migrants, and even more so against migrant women, is always and everywhere present. Some professional sectors present greater risks of violence against migrants, such as domestic services, hostess services, large building sites, etc.

Ex post partners are those identified during the process. They were therefore not included in the initial process, not because they wanted to be, but because it could not be established that they were experiencing situations of violence against migrants within their perimeter. Some processes have, for example, made it possible to subsequently include one or more hospitals that sometimes responded violently to the complexity of managing migrants, or a guardianship administration whose circulars implicitly encouraged violent behaviour among the agents. All these partners are invited by the backing authority, at the appropriate time, to contribute to the territory's efforts to reduce the violent charge against migrants. They are at the heart of the mechanism and must be given the necessary support to achieve the objective. It is through their participation that violence will decrease. Without them, it is not possible to move forward in the process. In general, all partners are interested in the process: no one wants to maintain levels of violence, no matter how low they are. In a controlled, proactive, positive and inclusive process, the partners have a framework for an in-depth analysis of everything that can be done to reduce the violent burden on migrants. The partners also know that the migration prism also makes it possible to identify and fight against other forms of violence or in favour of other victims of violence.

The consultant: EVAM³ intervenes in advice, methodological assistance, support in institutional advocacy actions and in accompanying the implemented measures. Within the perimeter defined by the backing authority and partners, and in complete confidentiality, EVAM questions practices, inventories processes, scrutinises training and guidelines in order to identify the causes of violence and formulate proposals acting on these causes. EVAM offers decision support and accompaniment of change. The method does not stop at animating the debate and formulating a few recommendations.

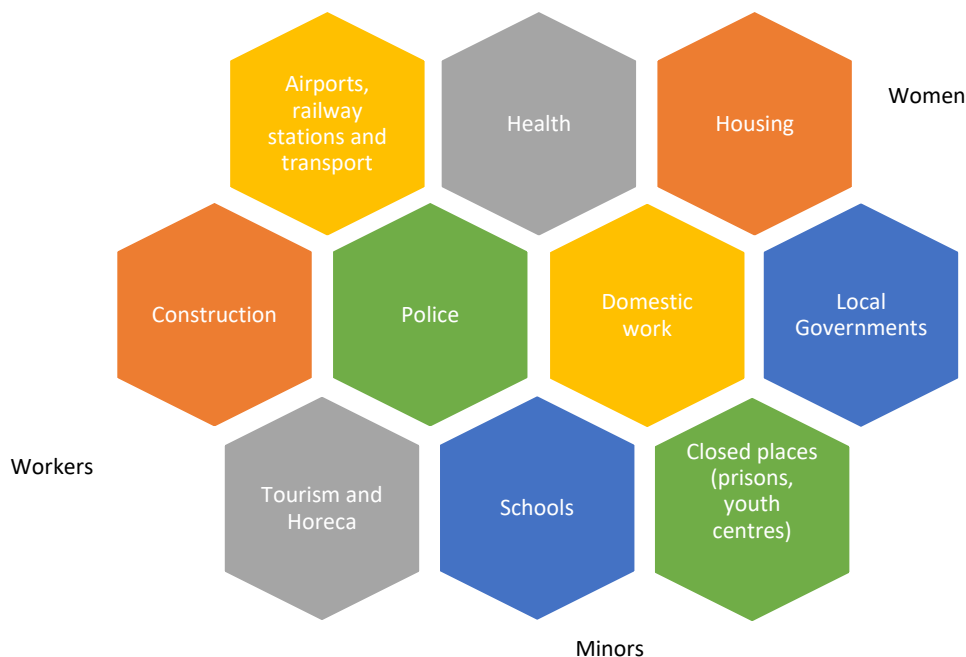
Whistleblowers: Generally, there is no need for a long-term investigation to identify the causes of violence against migrants. The situations are often known. They have already been reported and often even documented. So much so that the whistleblowers are often the same as the partners. The internal audit services of police zones, labour inspectors, health observatories, public prosecutors' offices, hygiene services, etc. regularly produce analyses that shed light on the problem. Secondly, civil society also plays a role as a whistle-blower. Trade union centres, migrant organisations, fundamental rights defenders, continuing education operators, NGOs, etc. can provide useful information for identifying areas of violence.

Migrants: EVAM believes that migrants must be involved in the process. Firstly, migrants must have been able to express their own understanding of the phenomena conducive to violence against them. Perception issues are crucial. Secondly, we need to know the proportions of migrants who are victims of this or that violent phenomenon. It is not because a migrant has been abused by a professional in a particular sector that the sector itself is violent towards migrants. Without this, it is not possible to quantify (or even qualify) the efforts needed to address the problem. EVAM partners work closest to the migrants and are in the best position to assess how to ensure that migrants are involved in the process of identifying violence and the corrective measures to be taken.

³ It is obviously not mandatory to use EVAM to carry out this process. The backing authority can choose its own facilitator and the method is free of charge.

5 STEPS

Step 1: The backing authority defines the perimeter. EVAM proposes a standard specification while the client, starting from the competences over which he/she exercises power, chooses to reduce or enlarge the specification proposed by EVAM. These terms of reference cover 10 sectors from both the private and public sectors, and 3 cross-cutting public sectors which allow the mobilisation of organisations structured around gender issues, trade unions and youth organisations.



Step 2: EVAM identifies the ex-ante partners and the whistleblowers within the perimeter defined by the backing authority. For each of the sectors selected and for each cross-cutting audience, EVAM shall provide the backing authority with a list of partners and whistleblowers that it may request to participate in the process. At this stage, there is no question of contacting the migrants themselves. Stakeholders freely decide to contribute to the process. EVAM studies with them :

- ✓ potential areas of abuse or violence.
- ✓ existing control processes in these areas.
- ✓ the possibilities of coming into contact with migrants in these areas.

The main efforts to prevent, reduce and eliminate violence against migrants will be carried out by the partners with the support of the backing authority. Therefore, understanding how the partners operate is fundamental to making the analysis of violence usable by the partners themselves. Let's take an example: in January 2018, Médecins du Monde-Belgium realises that every week, two migrants in transit to England report police violence. MdM then decided to carry out a major investigation into the matter. In order to define its working method and thanks to the initiative of Unia⁴, MdM meets the Police Monitoring Committee P, which gives two major pieces of advice: MdM's investigation, in order to be readable by the police services, must:

- to rely on the Istanbul Protocol defining the working method for identifying cases of torture. This protocol is accepted, recognised and used by police forces.
- distinguish between moments of violence between the moment of arrest, transport to the police station or detention centre, interrogation, stay in a cell and release. These moments are those used by the police services to define their intervention protocols.

These two councils will subsequently facilitate exchanges with the zone chiefs and their services in order to find solutions to the violent situations observed.

At this stage, EVAM seeks to work with its partners to develop a list of appropriate questions to ask migrants so that partners can build on these answers. The question is therefore to know how the partners organise themselves in their interactions with migrants, what internal categories they use in their operational processes, what norms and ethics they relate to, what they have already identified as problematic in their encounters with migrants, how they distinguish migrants from other audiences... The documentation process, including in relation to whistleblowers, focuses on information relevant to the identification and implementation of corrective measures. EVAM is a pragmatic and result-oriented initiative. It aims to achieve concrete and rapid changes on the basis of realistic recommendations. To do so, it will seek to link documented abuses to existing processes and practices so that these can be modified accordingly. Finally, it will need to identify how to contact migrants in order to carry out a survey. The assistance of civil society is often crucial in gaining the trust of those concerned.

This stage ends with the validation by the backing authority and, if they so wish, by the partners, of a protocol for the survey of migrants.

Step 3: EVAM guides and accompanies its partners in their survey of migrants. This survey will contain a quantitative and a qualitative component. A questionnaire will be submitted to a representative number of migrants, while a few dozen more qualitative interviews will be used to obtain accounts and to deepen certain questions that appear recurrent in the quantitative part. The survey will make it possible to go through the different sectors and to distinguish between the three cross-cutting audiences.

Some stories can lead to important ethical questions. What to do with the account of criminally reprehensible situations whose perpetrators are identifiable. It is an express agreement between EVAM, the client and the migrants interviewed that:

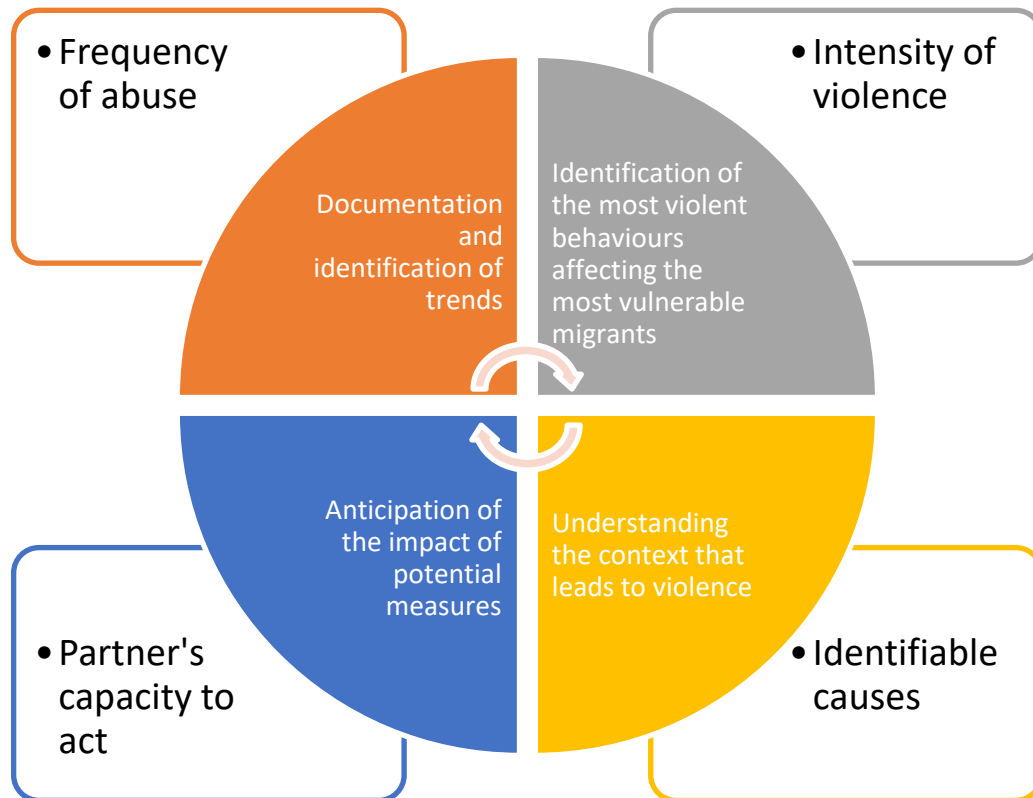
- EVAM stops its intervention by referring the migrant to a lawyer if he decides to file a complaint.
- EVAM informs the migrant about the value of lodging a complaint, which probably lies more in the dissuasive and mobilizing force than in the chances of obtaining redress, protection,

⁴ Independent public institution that fights discrimination and defends equal opportunities in Belgium. www.unia.be

assistance and/or recognition.

- EVAM's investigations are always at the disposal of the public prosecutor's office
- The backing authority alone decides to publish the survey.

At the end of this stage, it is a question of having a quality report allowing to understand the 4 following elements:



The survey may be discontinued, if there is consensus in the advance documentation among the partners and the backing authority believes that it is not necessary to conduct the survey.

Step 4: Discussion of the conclusions of the survey. At the end of this stage, there is no longer a blind spot between the backing authority, the partners and the consultant. Depending on the scope defined by the backing authority, on the basis of what has been defined with the partners and according to possible ex-post partners identified during the investigation phase, one or more sessions to present the results of the investigation (and/or the initial documentation) will be scheduled with the partners. During these presentations, the aim is not to discuss the quality of the survey but to build an understanding of violence:

- its root causes;
- situations conducive to its appearance;
- the protocols and regulations that induce it;
- the motivations of those who perpetuate it;
- the problems the partners would face if it were to disappear.

Step 5: Planning of the 4 measures taken to combat violence. Unlike government action plans⁵, the "Zero Violence against Migrants" process is iterative. It is about moving forward by walking rather than planning. The partners are each asked to take 4 steps to address the problem of violence they face. However, these four measures must be integrated into the 4Ps strategy as developed in other international frameworks for combating violence:

- the P of **PREVENT** (ex: modify situations conducive to violence so that they no longer occur).
- the P of **PROMOTE** (ex: train response personnel in the protocols).
- the P of **PROTECT** (ex: enabling migrants to express themselves in confidence without fear of reprisals).
- the P of **PUNISH** (ex: reaffirm the norm and be clear on whether or not violence is tolerated).

It is up to the backing authority to make these efforts possible. Sometimes they will require a regulatory amendment, sometimes additional resources, sometimes a communication campaign... The credibility of the backing authority depends on its ability to support the partners. As we said at the outset and repeated at the end of the presentation, most situations of violence are undesirable.

The 5 steps conclude with the creation of a double annual meeting:

Topics	Meeting 1	Meeting 2
<ul style="list-style-type: none"> • Prevention of violences • Promotion of rights • Protection of victims • Punishment of perpetrators 	<ul style="list-style-type: none"> • The partners present the results of the 4 actions taken • The backing authority evaluates the support measures it has taken. 	<ul style="list-style-type: none"> • The partners define the 4 new measures taken for the following year • The backing authority defines its new commitments in support of partners.

⁵ Comprehensive plans to combat inequality or poverty, integrated economic redeployment plans, cross-cutting housing renovation plans, etc.

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Members:

- Médecins du Monde
- Mixed Migration Center
- Diaspora Développement Education Migration (DIADEM – Sénégal)
- Platform for International Cooperation on Undocumented Migrants

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