

5.4 STRUCTURAL FACTORS ASSESSMENT TOOLKIT

Introduction

The community and structural context provides the context within which to understand and interpret the individual and household/family factors. Structural factors refer to the broader political, economic, social and environmental conditions and institutions at national, regional or international levels that either increase or decrease an individual's likelihood of experiencing violence, exploitation or abuse before, during or after migrating. This toolkit provides guidance on how to assess the ways in which structural-level factors influence migrant vulnerability by using the assessment tool provided.

Use of the structural factors assessment tools will only provide part of the contextual information necessary to interpret the individual and household/family factors – the community factors are also an important element of this contextual analysis. Refer to Parts 2, 3 and 4 for information on conducting assessments of the individual, household/family, and community factors.

The structural factors assessment toolkit is intended mainly for use at the national or country level. However, if there is significant variation between regions within a country, it may be necessary to conduct a separate analysis for each region and to combine these assessments to form a comprehensive portrait of the situation for the whole country.

This toolkit contains: (a) a discussion of different structural-level factors and how they influence vulnerability; (b) an assessment tool to be used to gather, structure and present the information needed to assess the impact of structural-level factors on migrant vulnerability; and (c) guidance on how to apply and adapt the assessment tool.

Structural factors

The list of factors described in this section are based on existing literature on vulnerability to violence, exploitation and abuse, as well as research conducted using the IOM determinants of migrant vulnerability framework. The community factors discussed in this section can be assessed through use of the assessment tool provided in this toolkit.

Political system

The overall political system in a country plays a significant role in shaping the opportunities for political participation and organizing as well as enforcement of rights, including for vulnerable populations. In particular, a democratic political system typically offers opportunities for redress, for advocacy on behalf of people who experience violence, exploitation and abuse, and for vulnerable populations to organize for their own protection.

An analysis of this factor includes an assessment of whether the core constituent elements of a democratic regime are present, namely: regular, free and fair elections; separation of power between the executive, judiciary and legislative branches; and a free civil society. It also includes an assessment of an element that is typically part of a democratic regime but is of particular relevance to vulnerable migrants: freedom of movement within the country and to leave the country. An assessment of the political system is based on these various elements, to conclude if a country has a relatively more democratic regime or a more repressive/authoritarian regime.

Governance, including prevalence of corruption

Another component of a country's overall political structure that is particularly relevant to vulnerable populations is strong governance. This is understood to involve: (a) the existence of institutions which employ professionals in their field and which have clear and functional processes and procedures; and (b) those institutions having the capacity to fulfil their mandate. Strong governance is relevant to migrant vulnerability because transparent and accountable institutional processes reduce the likelihood of violence, exploitation and abuse and improve the opportunities for redress when it does occur.

An analysis of this factor includes assessing the prevalence of corruption, for example whether or not it is common for bribes to be required for public services or for well-connected individuals to receive special treatment from public institutions. It involves considering: (a) the transparency of institutional processes, that is whether or not the processes

are publicly known; (b) the accountability of institutions, that is, whether there is a functioning, publicly accessible system of redress or review for institutional actions; and (c) the capacity of institutions to carry out their functions.

Rule of law and law enforcement practices

There are three components to this factor: the legal framework, the judicial system, and law enforcement. Adequate legal frameworks and judicial systems are associated with providing protection and opportunities for redress to those experiencing violence, exploitation and abuse, while an adequate judicial system furthermore tends to have fewer instances of abuse and impunity. Adequate law enforcement practices provide protection from violence, exploitation and abuse and reduce the likelihood of its occurrence at the hands of law enforcement bodies.

In assessing the country's legal framework, the focus is upon whether it is: (a) clear, transparent and accountable; (b) includes labour legislation covering pay and working conditions, including provisions against slave and forced labour; (c) considers sanctions against violence, exploitation and abuse; and (d) generally treats non-citizens less favourably than citizens.

Regarding the country's judicial system, analysis focuses on how independent it is from interference by the executive and legislative branches of government, whether it has adequate capacity, and whether it is accessible to those without special connections or an elevated socioeconomic status.

The analysis of the country's law enforcement practices focuses on whether law enforcement bodies have adequate capacity, as well as whether and to what extent the use of excessive force or abuse of power by law enforcement bodies is common and/or tolerated.

Respect for human and other rights

This factor considers the formal and practical aspects of respect for human and other rights in the country, since such respect tends to be a good indicator of how vulnerable migrants will tend to be to violence, exploitation and abuse.

The factor considers the extent to which the country's formal legal framework includes commitments to human and other rights (such as on gender equality, children's rights and international labour standards), and then assesses the extent to which institutional and social norms respect those rights in practice.

Migration management practices

The country's migration management practices have a direct bearing on how migrants are likely to be treated. The factor considers five dimensions of those practices: (a) whether the migration management frameworks correspond to international standards; (b) whether they are predictable; (c) whether they are transparent/clear; (d) whether there are regular, easily accessible and diverse outmigration as well as immigration opportunities; and e) whether migration is criminalized. By focusing upon these dimensions, it ascertains the adequacy of the overall system as a basis for understanding whether migrants and potential migrants could potentially understand how to safely migrate, as well as whether they will in practice be able to safely migrate.

Social norms towards exploitation and abuse

This factor assesses the general attitudes in society as regards violence, exploitation and abuse. It does so by considering the level of tolerance of each, for example how tolerant people are of parents hitting their children, of paying migrants less money than citizens/locals, or of expecting domestic workers to work more than eight hours per day. It furthermore focuses upon whether attitudes in society are different when the victim is a migrant.

Regional distribution of human and economic capital

This factor aims to understand regional migration patterns by focusing on a comparative consideration of the country's economic and human development relative to its neighbours, in particular whether there are similar or fewer economic opportunities relative to those neighbours and whether there is a similar or worse standard of living. Further, it asks what the main source and destination countries for migrants are and why – for example is it due to a history of colonial linkages or some other historical or cultural ties? Finally, it assesses whether the main economic activities in the country are in sectors where there is a higher prevalence of violence, exploitation and abuse, such as construction, mining, forestry, textiles and domestic labour.

Guidance for applying and adapting structural factors assessment tool

Purpose

This assessment tool is intended to be used to assess the ways in which structural factors influence migrant vulnerability to violence, exploitation and abuse. It should be used together with the community factors assessment tool (see Part 4) to provide information on the context within which migrants are vulnerable or resilient to violence, exploitation and abuse, thereby complementing information gathered through the individual and household/family questionnaires (see Parts 2 and 3). Further, if such data is gathered over time and linked to data from other countries, it can inform understanding of larger trends regarding migrant vulnerabilities in a particular region and even globally. As such, it can potentially inform programming by governments, as well as national and international organizations and service providers.

Using the assessment tool to gather data

The assessment tool is meant to guide and structure the data collection process and to present it in a standardized format. It can be used in either paper-based or electronic format. The data gathered should be transcribed into an electronic version in order to ensure the durability of the data collected and the ability to use it to understand changes over time. This is also good for comparison purposes with other contexts and locations and therefore to be able to develop an evidence base for national, regional or global analysis.

Unlike the individual and household/family questionnaires, which focus on data collection from the individual migrant or potential migrant and his/her family, this assessment tool can be used to gather and structure data from a variety of data sources and through a variety of data collection processes.

Group interviews

The assessment tool can be used to conduct group interviews with key informants who are knowledgeable about the target country and who can analyse the situation generally and assess trends, rather than focusing on anecdotal information.

Participants for the group interviews should be selected on the basis of their knowledge about sociological, economic, political and environmental concepts, as well as of the actual social, political, legal and economic structures in the country. Suitable interviewees could include a combination of: academic experts (both men and women) in the economy, politics and sociology of the country; and representatives of civil society organizations, NGOs (both national and international), international organizations and/or United Nations agencies, IOM, and local or national governments. The key criterion is that there should be a diverse group of interviewees.

Group interviews are preferred to individual interview in order to combine different perspectives and create a more complete and more nuanced portrait of the country, leading participants to come to a collective consensus on the responses to the questions. Each group interview should include three to five interviewees, as any fewer and there will not be enough diversity of perspectives, and any more and it will be extremely difficult to arrive at a consensus and to allow all interviewees to participate equally. At least two group interviews should be conducted, as this will serve as a triangulation mechanism to reduce the impact of potential bias when conducting the analysis.

Groups can be convened to discuss all of the seven topics covered in the assessment form but, considering the diversity of the topics, it may be preferable to convene groups to focus only on topics on which they are especially knowledgeable. If separate groups are convened, the topics could be grouped as follows, with the participants selected on the basis of their relevant knowledge:

- Political system; governance, including prevalence of corruption; and rule of law and law enforcement practices: Participants should be selected on the basis of their knowledge of the political context and could include, for example, politicians and political scientists.
- Respect for human and other rights, and social norms towards exploitation and abuse: Participants could include human rights experts, activists, and sociologists.
- Migration management practices: Participants could include migration specialists from government departments, international organizations and academia.

- Regional distribution of human and economic development: This topic could be addressed by specialists in economics and/or labour issues.

In either case, each topic should be discussed by at least two groups.

Each topic requires between 30 and 90 minutes for a full group discussion. If a group is convened to discuss all seven topics, this is a significant demand on their time. Discussion sessions should be scheduled to take this into account – for example by holding a series of shorter sessions or two longer sessions. For groups that are convened to discuss only select topics, the discussion session should take between one and two hours.

Individual interviews

It is also possible to conduct a series of individual interviews, if group interviews are not feasible. However, this will require more time and more interviews, as each respondent will not be confronted with differing opinions or perspectives that could spark deeper reflection. The length of each individual interview will depend on if all topics or only a subset of topics are covered. In general, it is anticipated that each topic will take between 15 and 45 minutes to complete. As individual interviews should generally not last much more than 90 minutes, it may be necessary to schedule two interviews with a respondent. At least three respondents should be consulted for each of the topics.

Desk review

Information gathered through interviews should be complemented by a desk review of key documents and data related to the social, political, economic, environmental and other characteristics of the country. This again serves as a triangulation mechanism and can help to complement, validate or revise the information obtained through group and individual interviews. In particular, questions regarding the legal frameworks and the formal inclusion of human and other rights are perhaps best assessed through a review of the pertinent legal documents (the text of the laws, treaties and conventions to which the country is signatory or not). Other data sources include government policy papers, reputable newspaper and journal articles, research reports, analytical papers, academic commentaries, human rights reports, United Nations reports and national statistics.

Filling out the assessment tool

Most of the questions require a ranking. This ranking should be based off of discussions (or review of documents and data) and the key information recorded. In other words, it is not sufficient to simply ask for a ranking and move to the next question. Instead, each question should prompt a discussion; after the discussion, consensus should be obtained on the ranking (in the case of group interviews) and synthesized with information obtained from other sources. Recording the key information is necessary to justify the ranking given. For example, when asked to describe the extent to which there is a free press, interviewees can assert that journalists are subject to tight controls and must have their work approved by a censor; therefore, the ranking should be “No”.

Once data collection is complete, the information gathered should be synthesized, summarized and assessed in order to arrive at a combined set of responses that has been verified through the various sources. For each of the questions, the source of the data used to devise the combined response should be noted. If the data source is an interview respondent (either individual or group) indicate the names and positions of each of the interviewees. If the data source is a document, include a full citation for the document.

Adapting and explaining the questionnaire

Unlike the individual and household/family-level questionnaires, it is not expected that this assessment form will require sociocultural adaptation, as interviewees will be key informants with expert knowledge and should be open to discussing sensitive topics. However, they may or may not be familiar with all the terms. It is recommended that the interviewer provide some concrete examples of hypothetical situations to guide the discussions.

Structural factors assessment tool

Topic 1: Political system

1.1 Are there regular, free and fair elections?

- Yes
- No
- Partially
- Not applicable

1.2 Is there a separation of power between the executive, judiciary and legislative branches?

- Yes
- No
- Partially
- Not applicable

1.3 Is there a free civil society?

- Yes
- No
- Partially
- Not applicable

1.4 Is there freedom of movement within the country and to leave the country?

- Yes
- No
- Partially
- Not applicable

1.5 Is there a free press?

- Yes
- No
- Partially
- Not applicable

1.6 Based on the responses to the above questions, what kind of political system exists in this location?

- 1- Democratic regime
- 2- Tending towards a democratic regime
- 3- Tending towards a repressive/authoritarian regime
- 4- Repressive/authoritarian regime

Summary:

Sources of information:

Topic 2: Governance, including prevalence of corruption

2.1 How prevalent is corruption?

- 1- Very little prevalence of corruption
- 2- Relatively little prevalence of corruption
- 3- Relatively high prevalence of corruption
- 4- Very high prevalence of corruption

2.2 Are institutional processes transparent?

- 1- Very transparent
- 2- Relatively transparent
- 3- Relatively non-transparent/opaque
- 4- Very non-transparent/opaque

2.3 Are institutions accountable?

- 1- Very accountable
- 2- Relatively accountable
- 3- Relatively non-accountable
- 4- Very non-accountable

2.4 Do institutions have the capacity to carry out their functions?

- 1- Institutions have strong capacity
- 2- Institutions have relatively strong capacity
- 3- Institutions have relatively weak capacity
- 4- Institutions have very weak capacity

2.5 Based on the responses to the previous questions, how good is governance in this location overall?

- 1- Strong governance
- 2- Relatively strong governance
- 3- Relatively weak governance
- 4- Very weak governance

Summary:

Sources of information:

Topic 3: Rule of law and law enforcement practices

3.1 Are legal frameworks adequate (clear, transparent and accountable)?

- Yes
- No
- Partially
- Not applicable

3.2 Does the country's legal framework include a labour code/law covering pay and working conditions? Does it specifically include provisions against slave labour?

- Yes
- No
- Partially
- Not applicable

3.3 Does the legal framework contemplate sanctions against violence, exploitation and abuse?

- Yes
- No
- Partially
- Not applicable

3.4 Does the legal framework generally treat non-citizens less favourably than it does citizens?

- Yes
- No
- Partially
- Not applicable

3.5 On the basis of responses to the above questions, are legal frameworks adequate?

- 1- Adequate (clear and transparent processes, clear penalties for violence, exploitation and abuse, equal treatment for non-citizens)
- 2- Mostly adequate (mostly transparent processes, mostly clear penalties for violence, exploitation and abuse, almost equal treatment for non-citizens)
- 3- Mostly inadequate (little transparency in processes, few or weak penalties for violence, exploitation and abuse, mostly unequal treatment for non-citizens)
- 4- Inadequate (very little to no transparency in processes, very little to no penalties for violence, exploitation and abuse, discrimination towards non-citizens)

3.6 Is the judiciary system independent of the executive and legislative powers?

- Yes
- No
- Partially
- Not applicable

3.7 Does the judiciary system have adequate capacity?

- Yes
- No
- Partially
- Not applicable

3.8 Is the judiciary system accessible to all?

- Yes
- No
- Partially
- Not applicable

3.9 Based on responses to the previous questions, is the judiciary system adequate?

- 1- Adequate (independent and high capacity, accessible to all)
- 2- Mostly adequate (mostly independent and good capacity, mostly accessible to all)
- 3- Mostly inadequate (little independence, little capacity, difficult to access depending on socioeconomic status)
- 4- Inadequate (not independent, very little capacity, very difficult to access depending on socioeconomic status)

3.10 Do law enforcement bodies have adequate capacity?

- Yes
- No
- Partially
- Not applicable

3.11 How common is the use of excessive force/abuse of power by law enforcement bodies?

- 1- Very uncommon
- 2- Relatively uncommon
- 3- Relatively common
- 4- Very common

3.12 Based on the responses to the previous questions, are law enforcement practices adequate?

- 1- Adequate (mostly competent and high capacity, very little prevalence of excessive force/abuse of power)
- 2- Mostly adequate (mostly competent and good capacity, relatively little prevalence of excessive force/abuse of power)
- 3- Mostly inadequate (relatively little competence and little capacity, relatively high prevalence of excessive force/abuse of power)
- 4- Inadequate (very little competence and capacity, very high prevalence of excessive force/abuse of power)

Summary:

Sources of information:

Topic 4: Respect for human and other rights

4.1 Are human rights formally included in the legal framework?

- Yes
- No
- Partially
- Not applicable

4.2 Are other rights formally included in the legal framework?

- Yes
- No
- Partially
- Not applicable

4.3 To what extent do institutional norms respect human and other rights?

- 1- High respect for human and other rights
- 2- Tending towards respect for human and other rights
- 3- Tending towards low respect for human and other rights
- 4- Low respect for human and other rights

4.4 To what extent do social norms respect human and other rights?

- 1- High respect for human and other rights
- 2- Tending towards respect for human and other rights
- 3- Tending towards low respect for human and other rights
- 4- Low respect for human and other rights

Summary:

Sources of information:

Topic 5: Migration management practices

5.1 Do migration management frameworks correspond to international standards?

- Yes
- No
- Partially
- Not applicable

5.2 How predictable are migration management frameworks?

- 1- Very predictable
- 2- Mostly predictable
- 3- Mostly unpredictable
- 4- Very unpredictable

5.3 How transparent are migration management frameworks?

- 1- Very transparent
- 2- Mostly transparent
- 3- Mostly non-transparent/opaque
- 4- Very non-transparent/opaque

5.4 Are there regular and diverse outmigration opportunities?

- 1- Regular and diverse outmigration opportunities
- 2- Limited regular outmigration opportunities, to few destinations and / or with few modalities
- 3- Few regular outmigration opportunities, to very few destinations and/or with very few modalities
- 4- Very few to no regular outmigration opportunities

5.5 Are there regular and diverse immigration opportunities?

- 1- Regular and diverse immigration opportunities
- 2- Limited regular immigration opportunities, from few source countries and/or with few modalities
- 3- Few regular immigration opportunities, from very few source countries and/or with very few modalities
- 4- Very few to no regular immigration opportunities

5.6 Is migration criminalized?

- 1- No criminalization of or restrictions on migration
- 2- Some restrictions and/or partial criminalization of migration
- 3- Many restrictions and/or relatively high criminalization of migration
- 4- Criminalization of migration

Summary:

Sources of information:

Topic 6: Social norms towards exploitation and abuse

6.1 How much tolerance is there for violence in this society?

- 1- Little to no tolerance of violence
- 2- Some tolerance of violence
- 3- Relatively high tolerance of violence
- 4- Very high tolerance of violence

6.2 How much tolerance is there for exploitation in this society?

- 1- Little to no tolerance of exploitation
- 2- Some tolerance of exploitation
- 3- Relatively high tolerance of exploitation
- 4- Very high tolerance of exploitation

6.3 How much tolerance is there for abuse in this society?

- 1- Little to no tolerance of abuse
- 2- Some tolerance of abuse
- 3- Relatively high tolerance of abuse
- 4- Very high tolerance of abuse

6.4 Are these attitudes different when the victim is a migrant?

- Yes
- No
- Partially
- Not applicable

Summary:

Sources of information:

Topic 7: Regional distribution of human and economic development

7.1 How does economic development in this location compare to its neighbours, and in global terms?

7.2 How does human development in this location (infrastructure, access to services such as health and education, safety and security levels) compare to its neighbours, and in global terms?

7.3 What are the main destination countries for migrants from this country? What explains those patterns?

7.4 What are the main source countries for migrants to this country? What explains those patterns?

7.5 Are the main economic activities in this location in sectors where there is a high prevalence of VEA, or integrated with markets with a high prevalence of VEA?

Summary:

Sources of information: