

Marrakech (Morocco) – 2018

FOURTH COMMISSION'S TOPIC FOR THE 61ST ANNUAL MEETING OF THE IAJ

"Rights and obligations of refugees: a risk of modern slavery?"

I. Rights and obligations

Immigrants or migrants are individuals who leave their country (by choice or by force) and seek residence or citizenship in another country. Refugees are a subset of immigrants who have been forced to leave their country in order to escape war, persecution, or natural disaster.

Specify what are:

[1] The obligations imposed on a migrant (with undocumented status):

- when applying for access to the territory of your country, whether on entering the country (by air, boat, rail or road),

or

- being later found to have entered the country illegally.

[2] The rights recognized to the migrant (in an undocumented status):

- during the period of the regularization procedure following his request to get refugee status;
- after being accepted as a refugee;
- after the rejection of his application as a refugee.

II. Risk of modern slavery?

In summary, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons* defines human trafficking as the recruitment, transportation, transfer, harbouring or receipt by threat, force or other forms of coercion, fraud, deception, or abuse of power for purpose of exploitation.

The question we are focusing on is not the lucrative business of charging money to a migrant to cross a border, often called *alien smuggling*. It is about "trafficking human beings", which consists of the exploitation of a person for profit.

Trafficking essentially involves the exploitation of people in conditions contrary to human dignity. These people can be legally resident in the host country or be in an irregular situation, while having to provide for their daily subsistence (food, housing, medical aid, etc ...).

Exploitation of the precarious situation in which these migrants workers find themselves is a form of modern slavery.

It can be of a sexual nature (prostitution for example) but also of an economic nature (exploitation of a person as a worker).

This can be the case, for example, for people working in the construction sector, catering (hotel – restaurant – café), transport, seasonal work, industrial butcher shops, child care, cleaning companies and domestic cleaning.

This exploitation may also be of a financial nature with regard to the "sleep merchants (marchands de sommeil)" who abuse a person in a vulnerable position (because of his illegal or precarious administrative situation or his precarious social situation).

The intention of these "sleep merchants" is to make an abnormal profit at the expense of these people in a precarious situation by selling, renting or providing them a house, a dwelling, a caravan or a single room in conditions incompatible with human dignity, these people having no other real and acceptable choice than to submit to this abuse.

What is the situation in your country?