Executive Summary:

The Diplomacy Training Program (DTP) in partnership with Migrant Forum Asia (MFA), held a two-day Lessons Learned and Strategy Development Workshop in Dubai, United Arab Emirates, from 2-3 November 2014, hosted by the Dubai-based Middle East Centre for Training and Development.

The workshop was the second phase of DTP’s Lessons Learned project that reflected and reviewed on the past ten years of capacity building efforts by DTP and MFA. There are now over 300 alumni of these programs in Asia and the Middle East, most of them working in civil society organisations. The first part of the project surveyed alumni and trainers of these programs, and sought input from representatives of a range of concerned institutions. Responses were distilled in a report and into a shorter summary background paper (attached as appendix i).

The workshop brought together twenty-two participants, the majority of whom were DTP partners and trainers, representing civil society, grassroots groups, trade unions, the ILO and OHCHR, in addition to representatives from DTP and MFA. There were members of the MFA executive and representatives of its membership from all over Asia – North to South and East to West.

The workshop allowed for reflection and discussion to advance the cause of migrant workers’ rights through the capacity building of advocates in the Middle East and Asia.

The workshop was divided into plenary sessions and working groups. Participants were asked to reflect both on the outcomes of the MFA/DTP collaboration – and also the challenges going forward that capacity building could help to address. Participants provided inputs into DTP/MFA’s future capacity building strategy and were able to network and discuss strategies together.

There was a valuable discussion on the value to migrant workers of international human rights standards and human rights mechanisms and the ways that these have been used to promote and protect their rights.

As well as reflecting on the partnership to date, participants discussed the priorities for capacity building, including the potential targets as well as possible updated content for trainings.

Priorities identified in these discussions included:

1 Attached as appendix ii
2 In accordance with the rules agreed at the beginning of the workshop
3 Attached as appendix iii
- The need and opportunities to build greater collaboration between trade unions and NGOs/CSOs
- The need for more strategic and systematic engagement by advocates with the UN human rights system
- The need to train media professionals and to train civil society to engage effectively with the media as part of their advocacy strategies
- The need to focus on the roles and responsibilities of the private sector and to influence its impacts, including support for models of ethical recruitment consistent with human rights
- The need for case studies to be developed – to educate and to inspire

Emerging spontaneously from the discussions was an agreement that the 25th anniversary of the Convention on the Rights of Migrant Workers provided a valuable opportunity for promoting awareness of the rights of migrant workers in 2015.

This workshop was made possible with funding from SDC, the Swiss Development Cooperation Agency and DTP would like to offer its profound appreciation for the opportunity that was provided to reflect on 10 years of partnership and collaboration with MFA.

**SETTING THE SCENE: MIGRANT WORKER ADVOCACY**

The discussion in this session began with three presentations from different perspectives to provide context for the challenges of building capacity for more effective advocacy for the rights of migrant workers.

**The UN’s Human Rights System:**

The UN Convention on the Rights of Migrant Workers and Their Families (CMW) is the core human rights treaty on the rights of migrant workers. Only 47 countries have ratified this treaty and just five countries in Asia. All of these countries are significant countries of origin – and no significant countries of destination have ratified CMW. CMW therefore has limited utility as an international accountability mechanism. It does however have a wider value in establishing minimum standards, addressing key issues and setting out the obligations of countries of origin and destination.

Given the limited accountability CMW provides, advocates therefore need to develop more strategic and sustained engagement with the UN system and governments using other UN human rights treaties and declarations, UN Special Procedures (SPs) and the UPR.

It was noted that NGOs/civil society working on the rights of women and the rights of children had been effective in their engagement with the UN system. They had done this by consistently targeting particular Committees with relevant recommendations.

Effective engagement required good information/documentation, disaggregated data, and clear recommendations that the Treaty Bodies and SPs could consider for adoption.

NGOs/CSOs could use the parallel reporting process to other treaties – recognising the impacts of migration on women (CEDAW), children (CRC), persons with disability (CRPD), economic, social and cultural rights (ICESCR) and civil political rights (ICCPR). Migrants are also commonly the subject of racial discrimination (CERD). Through the engagement with these different treaties – NGOs/CSOs may be able to influence policy and practice on the rights of migrant workers in countries of origin and destination.

One strategy to be considered is to come up with some standard recommendations on migrant worker policy and practice that can be adapted and consistently put to the different treaty bodies
during the reporting processes. The UN’s SPs and UPR process have particular value for states that have not ratified many treaties and could also be used more strategically.

It should also be noted that a key value of these processes is that they provided opportunities for CSOs/NGOs to engage with states – their own and others. If there is restricted space for CSOs this can itself be raised with some Treaty Bodies and with SPs.

Overall the amount of information and the number of cases coming in to the UN human rights system in relation to these cases is not reflective of the scale of the problems/issues globally/regionally. This suggests that more focus needs to be given to encouraging and enabling submission of cases.

A more strategic and systematic engagement would assist in promoting the rights of migrant workers and a human rights based approach to migration are included in the global migration policy discourse.

The Media and Migrant Workers

As the treatment of migrant workers in the Middle East has attracted growing international media attention, the challenges of media reporting on sensitive issues in the GCC were highlighted.

These include the vulnerable situation of many journalists due to their own residency/work status, the caution of editors in relation to both government and advertisers, and perceptions of the views of audience/readers. The difficulty of accessing information was also highlighted. Changes in government policy can be announced in big headlines, but it can be impossible to get any official information on the substance and details. There can be a thin line for reporters between reporting and advocacy.

There was also the challenge of overcoming what could be seen as a “conspiracy of (convenient) silence” between governments in both country of origin and country of destination. Receiving countries want to avoid highlighting negative stories that draw international criticism, while sending countries are also keen to avoid stories highlighting their peoples’ plight – presumably as this might deter migrants, build political and social pressure for them to act more effectively to uphold the rights of their citizens and/or lead to negative reactions from host states.

As international attention has grown, the situation for locally-based journalists reporting on these issues has in some ways become more difficult. Arguably this has led to further marginalisation of the situation of migrant workers’ rights in these countries. Some of the international reporting is seen to lack context and nuance and is based on cultural stereotypes that are offensive.

There is some concern that the actions of international journalists seeking stories and making headlines have brought greater pressure to bear both on local journalists and migrant workers. One outcome is that migrant workers and officials have both become more reluctant to talk to journalists and harder to access by journalists. The reporters who report in local media are generally migrants themselves and write/broadcast for the English language media. As such, locals often complain they are not impartial.

There are concerns also about the accuracy of some claims being made, with the potential that these inaccuracies are self-perpetuating and counter-productive to goals of achieving reform. It was noted that CSOs could play a role in engaging more with international media to seek more contextualised coverage.

CSOs need to be mindful that the aim of private media is to make money – to serve their target audience and be sensitive to demands of advertisers. Coverage is determined primarily by what
editors feel would be of interest to their readers while being careful not to cause offence to authorities in the host countries. Locally based journalists have to contend with what they see as a lack of interest and support from their editors and managers who can be reluctant to run negative stories on the treatment of migrant workers for different reasons.

Reaching editors and publishers, changing their mind set and encouraging writers to focus more on stories concerning migrant workers needs to be a part of any strategy by CSOs/advocates to change media and public awareness in the region. The media is needed to tackle negative perceptions of migrants that make reform more difficult. Changed attitudes of media and public are likely necessary to support for calls to change policy and practice by government and business and social pressure to improve the treatment of migrant domestic workers in private homes.

Possible strategies include training programs for journalists and editors, and training CSOs to reach out and engage with the media more effectively. There is a need for further consideration of what this requires – in relation to training and expected outcomes from CSOs.

It is more difficult to reach the Arabic language media – which has a greater role in shaping opinions and views of the host population. Arabic language media often criminalises foreigners/migrants through polarised and negative reporting.

This suggests that greater priority be given to engaging and influencing these sections of the media and is likely to require its own strategy, which would include journalism and human rights training for reporters in Arabic language media.

The Role of Civil Society, Capacity Building and the DTP/MFA Partnership

Reflecting on where civil society advocacy for the rights of migrant workers had got to in 2014, it was noted that in Asia advocacy for migrant workers’ rights had begun over 30 years ago – with activists on other social justice and human rights issues seeing the need to respond to the emerging issues of labour migration. Activism was grounded in the practical realities facing migrants and their families. It was this first generation of activists that had played a key role in pressing for the development and adoption of CMW in 1990.

From the early days and the establishment of MFA, organisations had invested in training and capacity building – and had obtained funding support to this work. Capacity building was undertaken internally within the organisations and movement.

This approach had helped to ensure that there had been both a first and second generation of activists for migrant workers. The MFA/DTP partnership was an important part of this process of passing on knowledge and skills and developing new leadership in organisations across the region. The partnership with DTP had enabled MFA to focus on other areas of its work, while ensuring training and capacity building continued.

It had also enabled MFA to reach out beyond its own membership and networks, to put migrant workers’ rights on the broader human rights agenda and to link its members with staff from NHRIs, trade unions and other NGOs.

It was noted that MFA had developed a West Asia strategy nearly a decade ago, recognising the importance of mobilising in the major countries of destination. The DTP/MFA programs in West Asia since 2012 (and the inclusion of participants in programs since 2009) were an outcome of this strategy.
In looking forward it also needs to be recognised that the “first generation” of migrant worker advocates came from activist backgrounds and social movements, while today many of the younger generation who are involved are missing this activist background.

Huge gains have been made by civil society in the last decades, and these successful experiences of advocacy need to be shared with others. It needs to be recognised that it had taken decades for the migrant workers’ movement in Asia to reach the level it has. That is decades of investment in individuals and organisations. This work in the MENA region is just beginning.

CSOs face pressure from donors to follow trends (environment, justice, trafficking) however it is important for CSOs to focus on the core issues that they identify and prioritise – and to seek support for these rather than follow funding trends. Advocacy for human rights required civil society to take practical steps on the ground, not just academic and international organisation based interventions.

MFA valued the partnership with DTP because of its commitment to academic rigour and providing advocates with a clear conceptual framework based on international human rights standards and practical strategies based in the reality of advocates experiences and its participatory teaching methodology.

The discussion ended with a call for creative strategies to institutionalise the gains made so far as a foundation for future efforts.

THE CHALLENGES OF PROMOTING INTERNATIONAL STANDARDS

It is either explicit or assumed that the objective of both advocacy for migrant workers’ rights, and consequently for the DTP/MFA programs is the implementation of agreed minimum international labour and human rights standards.

Promotion and implementation faces the following challenges:

- Migrant workers and CSOs lack knowledge of standards and UN/ILO mechanisms
- CSOs are not currently documenting cases or gathering data in a way that can effectively engage UN/ILO mechanisms
- Officials in countries of destination lack knowledge and awareness of rights and their obligations under international human rights standards
- Judges and politicians were both seen as reluctant to follow international standards although evidence from Malaysia, Jordan and Lebanon of CEDAW influencing court judgements – and potential there
- Officials from countries of origin, particularly in South Asia, were seen as unwilling to act on behalf of their nationals
- The media find it difficult to integrate international human rights standards into their reporting, partly because the formal terminology is technical and alienating
- The space for civil society, and the media, in the MENA region is less developed, smaller and more constrained than it is in Asia
- Concern that “naming and shaming” may not be an effective strategy
- A lack of engagement between UN (OHCHR/ILO) and CSOs at the country level
- A scepticism from CSOs as a result of lack of implementation or enforcement of recommendations from UN (treaty bodies/UPR)

In working groups participants discussed whether and how advocates for migrant workers’ rights used international standards and mechanisms. The sense that mechanisms are being underused was reinforced, while it was also clear that knowledge of international standards was seen as very important to effective advocacy and were being used by advocates in a variety of ways.
There were recent examples from Malaysia, Lebanon and Jordan of rights in CEDAW being cited positively by judges in cases affecting migrant workers brought by advocates. Advocates also cited being able to use plain language versions of ILO standards in their engagement with officials. Even where it was not possible, or seen as not useful, to refer to specific standards advocates found knowledge of the relevant standards made them much more confident when engaging with officials and politicians at different levels. Whether or not the circumstances meant referencing specific standards was practical or strategic, the content and substance of standards could be effectively conveyed.

Looking Forward

There was a broad sense that looking forward CSOs and the UN/ILO needed to find better ways to engage and develop areas of cooperation and collaboration.

It was noted that the OHCHR High Commissioner and ILO SAP-FL Team interested to hear outcomes of this Lessons Learned process, civil society priorities and how to better engage with civil society.

At the global level it was noted that migration would be one of OHCHR’s top priorities moving forward. There was also an express commitment from OHCHR/ILO to engage more with CSOs at the national level and some initiatives such as “It’s Now Time to Ratify the ILO Forced Labour Protocol” Campaign that could provide a focus for such collaboration.

There may be scope for UN Country Teams and CSOs to meet at the national level to explore the issues affecting migrant workers and how these can be addressed in country strategy planning, programs and dialogues.

There is a need for initiatives, including capacity building initiatives, to tackle the challenges noted above – for training of judges and officials, for strategies to engage the media and to change public (and political) perceptions of migrants. Engaging the media and broader society often required communicating the content of standards in a more accessible and understandable way - for example, promoting Convention 189 through “Day Off” campaigns for domestic workers.

As noted above attention also needs to be given by civil society to more effective engagement with the UN/ILO monitoring and accountability mechanisms. This includes developing the capacity and commitment to gather data and to document and submit cases and to come up with clear and coherent policy recommendations.

TRADE UNIONS & WIDER ALLIANCES

The special role and mandate of trade unions to promote and uphold the rights of workers, including migrant was recognised. TUs can have particular influence with some governments and have a formal role in the ILO system of standard setting, monitoring, accountability and implementation.

It was recognised that trade unions (TUs) have needed to address a range of challenges to more effectively take up these issues – including concerns among their own members that migrant workers are being used to undercut wages and conditions, and the temporary residence status of members. The exclusion of domestic workers from the protection offered by national labour laws has also made it more difficult to take up their issues and advocate on their behalf. A challenge to greater cooperation with NGOs has been a sense among TUs that NGOs are project based, donor-dependent and lacking in a democratic mandate from members.

At the international, regional and national levels these challenges are being overcome through practical cooperation and based on growing recognition that TUs and CSOs both have important
roles to play in ensuring adherence to minimum standards, and that TUs and migrant workers alike have a shared interest in upholding these.

Participants were able to learn from the example of cooperation in Lebanon between trade union FENASOL and the Arab Network for Migrant Rights, led by NGOs. The ILO has also provided support for trade union-NGO collaboration in the Middle East. FENASOL has broken new ground in getting domestic work recognised under the labour code, with ensuing protections for workers, and it has lobbied governments. FENASOL has included migrant workers as a priority in their trade union. They amended their bylaws to allow migrant domestic workers to get involved and also be elected to positions in the union. They developed the skills of key migrant community leaders. Both FENASOL and the Arab Network members have participated in DTP/MFA capacity building programs.

In South Asia, Solidarity Center (AFL-CIO) worked with all stakeholders to defend, advance, and promote the labour rights of workers. They worked with NGOs, governments, activists and faith-based entities. Particularly, they sought to build and strengthen the relationship between NGOs and trade unions. Solidarity Center also conducts programs across South Asia with trade unions. They work closely with ITUC representatives in South Asia. Through this, they were able to connect trade unions with Solidarity Center’s NGO partners. The Solidarity Center in South Asia expressed its hopes to work in partnership with DTP/MFA in future on capacity building.

The MENA region is a challenging region for TUs and CSOs alike – and for work to address the rights of migrant workers. People had few outlets for expression of their needs and governments were generally unresponsive. Often laws were outdated and did not reflect current realities.

In these circumstances, the need for alliances and greater collaboration is clear and the challenges for trade unions and their wider alliances is how to be creative within the law, and how to focus their efforts for maximum and lasting impact. The issues of protecting the rights of migrant workers are important for protecting the rights of all in society.

PRIORITY TARGETS FOR CAPACITY BUILDING

The changes necessary in order for the rights of migrant workers to be effectively respected, protected and fulfilled requires many different interventions – and capacity building on international human rights standards across many sectors and institutions.

Clearly the primary duty bearers are the governments and their officials and the priority targets for capacity building in this area are:

- Government officials from relevant departments including immigration officers, police officers, diplomats, consular officials and labour attaches of sending countries
- Parliamentarians

The private sector was also seen as having important responsibilities and an important target for capacity building – the employers of migrant workers, recruitment agencies and media organisations,

Other priority targets for capacity building include lawyers, prosecutors and judges including through Bar Associations and TUs and faith leaders.

It is clearly not possible for DTP/MFA to take on capacity building of all of these target areas – and the UN and ILO is better placed to do some of this capacity buildings – and governments and companies have to commit to training their officials/employees.

In the MENA region there is perhaps a need for more flexibility about the range of participants in the general DTP/MFA courses – with more of a mix of participants from the above sectors than has been
the case over the past in programs in Asia. DTP/MFA have had some success in bringing in labour attaches in particular – and this could be prioritised. Recent programs have also reached wider government officials and some from the private sector. There could indeed be value in bringing together this range of participants together, given the value that DTP/MFA has seen in using these capacity building programs to build connections across sectors as well as borders.

The need for more targeted programs building specialised skills and knowledge was also highlighted. For the media for example there is a need for training on international standards and how to report cases more effectively.

**FUTURE DIRECTIONS - TRAINING CONTENT & METHODOLOGY**

Over the two days of meetings, DTP and MFA were able to receive the advice and inputs of stakeholders into the future direction for their migrant workers’ rights capacity building program, but also to develop specific advocacy outputs for joint action.

**Participants/Regional Focus**

It was agreed that the priority focus for capacity building should be the GCC countries – Kuwait, Bahrain, Qatar, UAE, Oman and should it become possible, Saudi Arabia. While these countries should be the focus, the value of including participants from countries of origin and countries of destination was emphasised. Given the fragility and extent of CSOs in the GCC, it was agreed that participants from government, from the diplomatic missions of countries of origin and from the media should be accepted for program. There was also agreement that participants from across the MENA region should be accepted.

**Program Content and Methodology**

There was agreement that it was important to build knowledge and skills, and the value of DTP/MFA’s approach of emphasising practical application through role-plays and real-life advocacy. In-depth teaching on human rights/labour standards was seen to be essential for civil society.

A two-tiered approach was recommended for a more strategic approach to building capacity in the MENA region – a basic course and an advanced course, depending on the background and needs of participants.

Training with real life/time practical exposure was also recommended as valuable - for example trainings held in parallel with UN or ILO sessions or other intergovernmental processes. While that may be difficult in the basic training, it was strongly recommended for the advanced training.

It was agreed that the basic courses should aim to ensure good grounding in strategic planning/advocacy skills. There may be value in encouraging participants to developing action plans at the end of the training. Participants were interested in how to create new methods in advocacy and lobbying, going beyond traditional methods. They wanted to see more case studies, good and bad that could be used in learning. The challenge for documentation is to engage CSOs and their volunteers, who do not want to have even more reporting to complete.

New topics suggested for the second level, more advanced training courses included:

- Standards on recruitment and forced labour.
- Reporting and documentation skills
- Private recruitment agencies and ethical recruitment
- Engaging strategically with intergovernmental processes – Treaty Bodies, SPs, UPR, Colombo Process
The value of national level, multi-module courses, as well as the regional programs was recognised. Caution was expressed about the possibility of moving toward more online training. The value of bringing together participants to build relationships and collaboration was consistently emphasised – particularly in relation to participants from countries of origin and countries of destination.

It was suggested that the DTP Manual include checklists on how to handle cases as well as how to find key information online.

**Developing the DTP Alumni:**

Many of the participants also expressed interest in a more developed DTP Alumni Association, possibly to include a database of people who have been trained in the program to allow ease of contact and to identify expertise.

A mentorship program was also suggested to connect alumni of different generations and countries of origin and destination. Professional exchanges/or internships were also suggested for further learning.
APPENDIX 1: CMW 25 YEARS CAMPAIGN

Given the focus on international standards it was perhaps not surprising that a proposal for a special focus on the 25th Anniversary of the Migrant Workers’ Convention emerged spontaneously on the second of the program. A working group was established and an advocacy strategy developed for the 25th Anniversary of the 1990 Convention on the Rights of Migrant Workers.

The campaign will be launched on the International Day for Migrants on December 18th 2014. It will be a year long program including a multimedia program with fixed dates (March 8th and Dec 18th) to coordinate activities around the world. A slogan and symbol were developed, and commitments made for follow up. The groups involved so far are Solidarity Center, DTP, MFA, the Arab Network, ILO and OHCHR along with the support of media professionals.

There will be five potential themes:

- Children in the context of migration
- Domestic Workers
- Forced Labour and Slavery
- Empowerment and Mobilization
- Celebrating Migrants (economic and social contributions)

Examples of Possible Projects:

- MFA will launch the year long campaign on Dec 18, 2014. They will ask all members to link their activities on international migrants day to the anniversary with appropriate calls for ratification/implementation
- MFA’s members will link their advocacy activities to the 25th Anniversary of CMW
- A time-line will be developed that will trace all the success stories, as well as the milestones that have taken place within the movement for migrant workers’ rights.
- DTP/MFA will develop 25 case studies of activism and migrant rights campaigns or programs over the 25 years – case studies will illustrate the range of advocacy undertaken, advances made and will be used in MFA/DTP training and capacity building
- A web-based platform/website will be developed as a central repository for activities connected with the anniversary
- An app will be developed to allow migrants to access emergency contact numbers in-country without need for Internet connection.
APPENDIX 2 : LIST OF PARTICIPANT

1. Castro Abdullah, FENASOL, Lebanon
2. Linda Alkalash, Tamkeen, Jordan
3. Lala Arabian, INSAN, Lebanon
4. Beverley Hamadeh, MWPS, Bahrain
5. Helene Haroff-Tavel, ILO, Switzerland
6. Anis Hidayah, Migrant Care, Indonesia
7. Lizy Joseph, National Domestic Workers Movement, India
8. Basanta Kumar Karki, Helvatas, Nepal
9. Rejimon Khuttapan, Times of Oman, Oman
10. Sumitha Shaanthinni Kishna, Bar Council, Malaysia
11. Peter O'Neill, Hsinchu Catholic Diocese Migrants & Immigrants Service Center, Taiwan
12. Yukiko Omagari, Solidarity Network with Migrants, Japan
13. Rafeek Ravuther, Center for Indian Migrant Studies, India
14. Charito Riley, Solidarity Centre, Sri Lanka
15. Ellene Sana, CMA, Philippines
16. Vani Saraswathi, Qatar
17. Bradford Smith, OHCHR, Switzerland
18. Rex Varona, MFA, Philippines
19. Sanjendra Vignaraja, Solidarity Center, Sri Lanka
20. Jolovan Wham, HOME, Singapore
21. Nabil xxx, ILO Regional Office, Lebanon (Video Link)
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