

*There is a unique opportunity here, as this training is bringing together a group of people from different sectoral and geographical backgrounds on the issue. Its truly international character provides invaluable insights and experience into the challenges of protecting and assisting migrant workers on a global scale.*

From opening speech by **Najla Chahda**, Director of Caritas Lebanon Migrant Centre



## Report on Capacity Building Program

## Human Rights Advocacy and Migrant Workers in the Middle-East and Asia

Migrant Forum Asia  
Caritas Lebanon Migration Centre  
International Labour Organisation  
Diplomacy Training Program,  
Padova Hotel, Beirut, Lebanon



21-25 May 2012



## Summary:

This is a report of a capacity building program held in Beirut from May 21-25, 2012 on advocacy for migrant workers in the Middle East. The program brought together 30 participants from 11 countries in Asia and the Middle East – most representing trade unions and NGOs.

The program focussed on the situation of migrant workers in the Middle East. Millions of migrant workers, men and women, travel from Africa and Asia to work in the Middle East<sup>1</sup> – in construction, manufacturing and service sectors – and as domestic workers<sup>2</sup>. There they work under the Kafala (sponsorship) system, criticised by some as akin to modern day slavery. The need for agreed standards of human and labour rights to be applied in the region is therefore urgent<sup>3</sup>. Effective civil society advocacy – by NGOs and trade unions – is essential if these standards are to be applied.

The training program included sessions on international human rights and labour rights standards and mechanisms relevant to the rights of migrant workers. There were sessions on research, alliance building, advocacy and lobbying – and engagement with local civil society organisations, including migrant community representatives. There was also a field trip to shelters run by Caritas Migrant Centre Lebanon for women migrant workers, highlighting the experiences and abuses facing women migrant workers in particular.

The Diplomacy Training Program understands that this was the first such program held in the Middle East that was able to bring together advocates from Asia (countries of origin) and from the Middle-East (countries of destination<sup>4</sup>). Building linkages between individuals and organisations from sending and receiving countries was one purpose of the program. The program was also designed to encourage the sharing of knowledge and experience – and the exchange of perspectives. This program had more significant participation from trade unions across the region – and (responding to the recent adoption of ILO C189 on domestic workers) a much greater focus on the ILO standards and processes that can be used to protect and promote the rights of migrant workers.

At the end of the program, the participants were asked to rate the program on a scale of 1 (poor) to 5 (excellent). 27 evaluations were completed and of these 17 rated the program as excellent and 10 rated the program as good (4). This report draws on those evaluations. It provides background to the program and a description of its content, and concludes with some reflections for future directions for capacity building work on these issues.

The program was made possible with funding from the Swiss Development Cooperation (SDC) agency, the International Labour Organisation (ILO) and Open Society Foundation (OSF). Their support is gratefully acknowledged and appreciated. It was also made possible by the generous pro bono contributions of the trainers, Migrant Forum Asia (MFA) and Caritas Migrant Centre Lebanon (CMCL).

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<sup>1</sup> There is also internal movement in the Middle-East with Egyptians and others working in the Gulf, Syrians moving to work in Lebanon

<sup>2</sup> Recent estimates put the number at 25 million migrant workers in the Middle-East – constituting over 90% of the workforce of Qatar as an example.

<sup>3</sup> [www.dailystar.com.lb/Opinion/Commentary/2012/Apr-10/169709-lebanons-ways-are-sponsoring-suicide.ashx#axzz2379SJPDx](http://www.dailystar.com.lb/Opinion/Commentary/2012/Apr-10/169709-lebanons-ways-are-sponsoring-suicide.ashx#axzz2379SJPDx)

<sup>4</sup> The terminology used in relation to migrant workers was a feature of one early session in the program. The ILO preference is to use the neutral language of Countries of “Origin” and Destination”. Advocacy groups including Migrant Forum Asia prefer the language of “Sending” and “Receiving” countries as it emphasises the way both countries use migration as part of economic development strategies. Both are used in this report.

## 1. Background and Overview of the Program

In October 2011, DTP and MFA held their 8<sup>th</sup> annual capacity building program on *Human Rights Advocacy and Migrant Workers in the Asia-Pacific Region* with 25 participants from 16 countries including South and South East Asia, East Asia and the Middle East. That program was also held in partnership with the Asia-Pacific Forum of National Human Rights Institutions with funding support provided by the UN's Office of the High Commission for Human Rights (OHCHR).

**Migrant Forum Asia (MFA)** is a regional network of NGOs, associations and trade unions of migrant workers, and individual advocates in Asia who are committed to protect and promote the rights and welfare of migrant workers. It is guided by a vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equity, particularly for migrant workers.

Arising from this program there were renewed calls for DTP and MFA to collaborate to organise capacity building for civil society in the Middle East.

The promise of work drives the movement of millions of workers, and increasingly women workers, to leave South and South-East Asia for the Middle East. Migrant workers are a vital part of the economies of the Middle East – and of the countries they leave to work there. As an example, close to 25% of Nepal's GDP comes from the remittances of its migrant workers – most of them in the Middle East.

The human costs of labour migration are high, and are a significant concern within and between countries. Migrant workers are vulnerable to abuse by both employers and government officials, in both sending and receiving countries. Abuses of labour and human rights range from discrimination, hazardous working conditions, extortion, arbitrary detention and deportation, as well as violence, including rape and murder. Negative public attitudes, language barriers, restrictive immigration regimes, poor legal protection, lack of awareness and political will, weak rule of law and impunity all contribute to patterns of abuse and restrict access to effective redress for victims.

Women migrant workers are a particularly vulnerable group, because of their isolated position as domestic workers, and in societies that have limited recognition of women's rights. Where policy and practice deny the rights of migrant workers, human traffickers are more likely to step in.

While the human rights issues affecting the growing number of migrant workers are pressing, the responses of governments indicate a lack of knowledge of relevant international standards and/or a lack of political will or institutional capacity to apply these standards to policy and practice. The international standards most relevant to migrant workers are among the least understood of any of the core human rights treaties and ILO Conventions.

Many institutions play a vital role in promoting and protecting the rights of migrant workers, and often civil society advocacy plays a key catalytic role. Asian civil society advocacy on migrant issues has built up significant momentum, and migration is rising up the regional and national agendas. This is an important moment for building civil society advocacy capacity in and between Asia and the Middle East, and ensuring that Arab civil society groups are as well equipped to effectively advocate for the protection of migrant workers. Skills, knowledge, good practice and experience need to be shared and developed amongst countries with weaker civil society.

This program also responded to the need to build collaboration between different sectors of civil society concerned with human rights and workers' rights – NGOs and Trade Unions – and between these and the growing number of National Human Rights Institutions in the region.

## 2. Location and Venue

The program was held at the Padova Hotel in Beirut, Lebanon. Lebanon was chosen as it is a destination country for many migrant workers from other Arab countries, Asia and Africa. Many Lebanese are also migrant workers, including in the Gulf States. The sponsorship (*Kafala*) system operates in Lebanon making migrant workers particularly vulnerable to exploitation<sup>5</sup>. There is an active civil society in Lebanon<sup>6</sup>, and the situation and treatment of migrant workers has been rising as an issue of national concern as a result of advocacy efforts by civil society organisations.

Beirut also hosts the regional offices for the ILO and for the Office of the High Commissioner for Human Rights and easily accessible to other participants from the Middle East.

DTP's local partner, Caritas Migrant Centre Lebanon, is a member of Migrant Forum Asia and has a proven track record of effective advocacy on behalf of individual migrant workers, and of providing vital services to migrant workers, including emergency shelter to women migrant workers subjected to violence and abuses.

**Caritas Lebanon Migrant Centre** (CLMC) was established in 1994 to meeting the growing needs of migrant workers in Lebanon. Since 2000 it has expanded its role from individual case work to wider service delivery – including legal services, to awareness raising, research, advocacy and policy work. Its work has been recognised by many including by the Philippines government. It has an MoU with the Lebanese government that enables it to visit the administrative detention centre in Beirut where many migrant workers are held – (if they have a case against an employer, have lost legal status in the country because of moving employers etc). CLMC estimates that it provides direct assistance to around 5000 migrant workers (and 9000 refugees per year).

## 3. Participants

The participants for this program were selected on the advice of the different partners in the program to achieve a balance between trade unions and NGOs in countries of origin and destination. Efforts were also made to engage and include participants from National Human Rights Institutions, although funding issues were among the factors that limited their participation in this program<sup>7</sup>. There was also a commitment by all partners to achieve gender balance among participants. All participants were expected to have a commitment to working with, and for, the rights of migrant workers, and the capacity to apply the training to their work. Please see the individual bios attached as an appendix to this report.

***The best part of the program was the fact that we were able to meet many people from different countries and we got to have different point of views concerning the same issues especially that both countries of origin and destination were represented<sup>8</sup>.***

<sup>5</sup> <http://www.kafa.org.lb/StudiesPublicationPDF/PRpdf47.pdf>

<sup>6</sup> <http://english.alarabiya.net/articles/2012/04/30/211273.html>

<sup>7</sup> A participant from the Qatar National Human Rights Centre was unable to attend at short notice.

<sup>8</sup> All bold and italicised quotes in this report are taken from the end of training evaluation.

#### 4. Program Methodology and Description

DTP's training approach is based on the belief that building knowledge and skills can help fulfil the potential of individuals working together to effect change. Program design reflects a deep respect for the knowledge, experiences and perspectives that participants bring to the program. DTP places emphasis on the practical application of knowledge on human rights and advocacy skills, and encourages trainers to use participatory training methods such as role plays and exercises wherever possible. The program balances development of knowledge and skills in an integrated way. Its teaching methodology fosters interaction and participation and encourages participants to share their own experiences.

DTP worked closely with MFA, ILO and Caritas to make sure that the training was rooted in the local Arab context, and would be useful for practitioners from both Asia and the Middle East.

At the start of the program participants are divided into groups to help manage the program each day. This approach helps to emphasise the participatory nature of the program, and begins the process of collaborative working and experience sharing. Each participant is also asked to make a presentation during the program and participants are also encouraged to keep a daily diary. Other activities such as dinners, a solidarity night and field trips are also designed to encourage collaboration and networking among participants in a less formal setting. Wherever possible DTP seeks to include real life advocacy exercises, focussed on those (e.g. officials/diplomats) with a formal responsibility for human rights promotion and protection.

#### 5. Program Materials

Participants were provided with extensive reference materials together with some short chapters on relevant issues. Where possible, resources were provided in Arabic and English. A soft copy compiling all materials and output developed in the program as well as the reference materials are also produced for distribution to participants at the end of the training.

#### 6. Program Overview and Schedule

The early part of the program concentrated on developing knowledge and understanding of ILO and UN human rights standards and frameworks and complaint mechanisms. The latter half of the program had more of an emphasis on skills development in relation to different aspects of advocacy for migrant workers. On the final day of the program there was an opportunity for participants to dialogue with diplomatic representatives and labour attaches from countries of origin (Sri Lanka, Indonesia and the Philippines) – and also to discuss future collaboration. Interspersed through each day of the program were presentations from the participants – a sharing of reflections and lessons learned from their work for migrant workers in their specific context. These presentations served to help ground and enrich the training - as well as to enable the building of links between participants. There was simultaneous translation in Arabic and English through the program.

##### 6.1 – Day 1: Monday 21<sup>st</sup> May, 2012

- **Opening Ceremony**

The program was opened with introductory speeches from **Najla Chahda**, Director of Caritas Lebanon Migrant Centre, **Dr Azfar Khan**<sup>9</sup>, Senior Migration Policy Specialist, ILO Regional Office, Beirut, **Mustapha Said**, Senior Specialist for Workers' Activities ILO Regional Office, Beirut, **Patrick**

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<sup>9</sup> Brief biographies of the program area attached as appendices.

**Earle**, Executive Director of DTP and **William Gois**, Regional Coordinator of MFA. The session was chaired by **Helene Harroff-Tavel**, Associate Expert in the ILO Regional Office, Beirut.

The speeches introduced the key issues to the program – the scale of labour migration to the region, the Kafala system and the human rights and labour rights issues experienced by migrant workers, and the need to apply internationally accepted standards and frameworks and to find ways to work together within countries and across borders to address these issues. They also introduced the organisations involved as partners in the program – and the background to their collaboration that had led to this program taking place in Beirut.



Azfar noted the need for an orderly, standards based approach to labour migration and the need for dialogue at the national level between government, business and trade unions and including civil society. Mustapha noted the challenge of protecting and promoting the rights of migrant workers in countries of the Middle East where the rights of others were not recognised either – where for example there were no rights to freedom of association. A focus on the rights of migrant workers has to go hand-in-hand with efforts to secure human and labour rights for others. This also posed challenges for trade unions on how they are to organise with and include migrant workers.

- **Participant Introductions, Expectations and Challenges**

**Expectations:** Following the Opening Ceremony, there was a round of participant introductions and discussion of key issues and challenges for migrant workers and for advocates – and of participants’ expectations of the program. Beyond expectations on building knowledge of the ILO and UN standards and developing advocacy skills, there were also shared expectations that participants learn from the perspectives from other countries and would gain a wider perspective and context for their own work on migrant workers, and find linkages and synergies for ongoing collaboration.

**Challenges:** Participants were asked to discuss and identify challenges they saw facing migrant workers – and also the challenges they faced in their work. Among the challenges that the participants identified were:

- Perceptions of migrant workers in the countries of destination are generally negative – including fear of migrants and identifying migrants as a source of crime
- Political sensitivities around the treatment of migrant workers and entrenched interests involved – including those of the recruitment agencies/sponsors
- Difficulties for migrant workers to access remedies when there are abuses – officials and police are unwilling to act, language issues, lack of knowledge of how things work, or social capital to call upon for assistance, lack of confidence in available remedies
- The legal regime affecting migrants in different destination countries is seen as being obscure and difficult to understand and negotiate - contributing to the detention of migrant workers which is a major issue across the region
- There is a lack of solidarity between sending and receiving countries
- A lack of funds to provide services – to engage in advocacy on behalf of migrant workers.

During the program, in small group work and plenary discussions the participants also identified and focussed on a range of other challenges.

- **An Introduction on Human Rights and Labour Migration**

The first substantive session of the day was delivered by Dr Ryszard Cholewinski<sup>10</sup> who began by identifying some key principles – that labour is not a commodity, that migrant workers’ rights are human rights, that human rights are also labour rights and that social dialogue – between unions, employers and governments has an important role to play in the governance of labour migration.

Dr Cholewinski also explored the terminology that is used in relation to migrant workers – and the need not to accept terms such as “illegal” to refer to migrant workers who are undocumented or in an irregular situation (e.g. through changing employers, having had documentation confiscated by employers or recruitment agencies). Human rights standards provide for everyone everywhere to be recognised as a person before the law – migrant workers are workers and not criminals. There was also discussion of the terminology of “sending” and “receiving” countries vs. countries of origin and destination, or source and host countries – and how the terminology used can serve to commodify (and dehumanise) people.

The need for a normative framework was put in the context of the particular vulnerabilities of migrant workers – to exploitation, to discrimination as non-nationals, through the nature of the work they did.

After clarifying the nature of state obligations to *respect, protect* and *fulfil* human rights, Dr Cholewinski identified some of most keenly contested areas in relation to migrant workers rights – most of which centre around the extent of state obligations to migrant workers as non-nationals – to equal treatment, access to health and education, to social security etc. It is clear that the trend of international jurisprudence and interpretation is towards non-discrimination – as indicated in the UN Committee on Economic, Social and Cultural Rights General Comment 20:

*“The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation” (para. 30)*

- **Promoting and monitoring the human rights of migrants: an introduction to the international human rights mechanisms – Practical Exercise - What are Human Rights.**

The final session of the first day of the program was delivered by Nidal Jurdi, Human Rights Officer with the UN’s Beirut Regional Office of High Commission for Human Rights.

Nidal provided an introduction to the growing body of UN human rights standards and an overview of the human rights system – and its accountability systems – including the UN Treaty Bodies, Special Procedures and Universal Periodic Review. There are now nine core human rights treaties (Conventions) and a number of avenues to bring about international scrutiny of how human rights are applied domestically by governments. Understanding these standards and this system provides distinct options for advocates – and there is a growing practice of using a range of treaties and

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<sup>10</sup> Dr Cholewinski works with the ILO in Geneva and is one of the leading international scholars and practitioners on the rights of migrant workers. A brief biography of Dr Cholewinski and other trainers is provided in an Appendix 3 of this report.



procedures to highlight and seek action in relation to the rights of migrant workers. This session finished with a practical exercise

**“He seemed to have the ability to translate “advocacy of human rights” into practical manner”**

## 6.2: Day 2, Tuesday 22<sup>nd</sup> May:

- **Understanding Human Rights and Labour Migration in the Middle East; an introduction to the Kafala system**

The situation of migrant workers in the Middle-East is uniquely governed by the operation of the *Kafala* (sponsorship) system – which provides the legal basis for the residency and employment of the region’s estimated 25 million migrant workers. The roots of the *Kafala* system are in old Bedouin traditions of hospitality, with the host taking responsibility for their foreign guests. The way it today governs the importation of temporary migrant workers creates a structural dependence of individual workers on their sponsor. This dependency has been likened to a form of slavery.

The *Kafala* system has increasingly been identified as a contributing factor in a range of human rights abuses experienced by migrant workers - unpaid wages, forced confinement in the workplace, excessive workload, physical and sexual abuse. Women domestic workers are particularly vulnerable. If workers leave their sponsor (or their sponsor’s workplace/home) their status becomes irregular – and they are liable to detention and punishment and are at greater risk of exploitation and human trafficking.

Azfar Khan presented some significant recent research on the way that the *Kafala* system operates across the region – the influence of international standards and efforts to reform or end the *Kafala* system. The way that this system applies across the region varies considerably as it interacts with and is affected by specific legal, political and cultural environments – and local and international actors.

The ILO has been actively promoting reform – and working with trade unions, governments and employers to press for change:

- In **Bahrain** changes have been made to enable migrant workers to change employers without the consent of their existing employers - and government representatives have made public commitments to dismantle the *Kafala* system.
- **Kuwait** announced in September 2010 that it would abolish *Kafala* to mark the 10<sup>th</sup> anniversary of Kuwait’s liberation and has asked ILO to provide an alternative system – and has recently adopted a draft law on domestic workers
- **Jordan** adopted a standard contract for migrant workers in 2003 and 2008 adopted a law that includes domestic workers under the labour law.
- **Lebanon** adopted a standard contract for migrant workers in 2009 – and there is now a draft law on domestic workers
- **Oman** passed a law in 2009 that made it illegal for employers to loan migrants to other employers
- **United Arab Emirates (UAE)** passed a bill in 2009 for the protection of migrant workers

- **Saudi Arabia** adopted a wage protection system in 2010 and in 2012 a draft law on domestic workers
- **Saudi Arabia** and **Qatar** have both stated their opposition to reforming the *Kafala* system.

Overall reform efforts have been piecemeal and slow - and in some cases have stalled completely. In seeking to explain why this is the case, Azfar identified the role played by lobby groups that benefit from the current system, restrictions on the right to form trade unions, the weakness of civil society – and the focus of the “arab spring” on the rights of nationals.

There has been a very low rate of ratifications of international standards – none of the governments of the region have ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – or the relevant ILO standards.

***This is very important and knowledgeable session. He provided us information regarding Kafala system using simple terms.***

- **The Framework of International Human Rights Law Related to Migration**

Dr Ryszard Cholewinski led this session. There are now nine core human rights conventions. These conventions are binding on the governments that ratify them. Beyond the International Bill of Rights<sup>11</sup> there are specific treaties addressing vulnerable groups – women, children, migrant workers, persons with disability and specific human rights violations – racism, torture, “disappearances”. States that ratify these treaties have to report regularly to the specialist treaty monitoring bodies made up of international experts – and in some cases it is possible to take individual complaints. In addition that there are the UN’s Human Rights Special Procedures that are based on the UN Charter – such as the UN Special Rapporteur on the Human Rights of Migrants that can investigate and respond to specific complaints and produce reports.

Ryszard gave particular focus to the content of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), which was drafted and adopted in response to the specific abuses and vulnerabilities of migrant workers. It addresses the responsibilities of countries of origin and destination. Ratification of the Convention by governments has been slow, but has been gathering momentum recently – although none of the countries of the Middle East has so far ratified.

Ryszard emphasised the need to build greater awareness that all human rights apply to all migrant workers and their families – that “*Migrants’ rights are human rights*”. Interaction with the UN human rights treaty bodies, the UN’s human rights special procedures and the Universal Periodic Review provided valuable opportunities for NGOs and Trade Unions to work together – to engage with migrants and to build awareness – including with government officials. Ryszard also highlighted the value in looking at the growing jurisprudence from the UN bodies, regional bodies and national courts on the rights of migrant workers – all could be used by advocates.

- **Promoting and Protecting the Rights of Migrant Workers using ILO conventions and ILO Processes**

In this session Ryszard was joined by his ILO colleague Martin Oelz to guide participants through an introduction to international labour standards (ILS), the ILO supervisory mechanisms and the ILO’s Multilateral Framework on Labour Migration.

<sup>11</sup> Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (& Optional Protocols) and International Covenant on Economic, Social and Cultural Rights

The ILO is the longest established multilateral agency focussed on the promotion and protection of rights – and was established in 1919 following the First World War. It is a Specialised Agency of the UN - and has a unique role to play in standard setting on labour rights – and in bringing together employers' organisations, trade unions and governments to agree and supervise these standards.

A concern with the situation of migrant workers is referenced in the ILO Constitution of 1919. Since then the ILO has adopted 189 Conventions relating to human rights and labour rights.

International labour standards, like human rights standards, apply to all workers irrespective of nationality or immigration status (unless otherwise stated). Migrant workers are therefore able to call upon the protection afforded by ILS and ILO Mechanisms and processes.

The 1998 Declaration on Fundamental Principles and Rights at Work agreed that:

- All ILO Members must respect, promote and realize the principles concerning the fundamental rights that are the subject of the conventions recognized as fundamental even if they have not yet ratified them
- Special attention to be given to the problems of persons with special social needs, including migrant workers

The fundamental rights referred to in the 1998 Declaration are the rights in the most widely ratified ILO Conventions.

**ILO Fundamental Conventions (widely ratified)**

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

C98 Right to Organise and Collective Bargaining Convention, 1949

C29 Forced Labour Convention, 1930

C105 Abolition of Forced Labour Convention, 1957

C138 Minimum Age Convention, 1973

C182 Worst Forms of Child Labour Convention, 1999

C100 Equal Remuneration Convention, 1951

C111 Discrimination (Employment and Occupation) Convention, 1958

Ryszard and Martin also looked at the range of standards that have been developed that have specific relevance to the situation of migrant workers. They then outlined the ILO's supervisory and complaints procedures that trade unions are a key part of. There is a regular supervisory system which consists of the Committee of Experts and also the International Labour Conference on the Committee on the Application of Standards. The Committee of Experts makes observations and direct requests in relation to implementation of specific conventions. Representations and Complaints can be made to the Governing Body of the ILO, and where relevant, to the Committee on Freedom of Association (GB). In order for migrant workers to access the system formally, they need to be represented by a trade union.

In addition to the Conventions (hard law) there are a growing number of authoritative declarations, statements (soft law) and policies that can be referred to and used by advocates. These include the

*ILO's Multilateral Framework on Labour Migration, 2006.* This provides a set of principles and guidelines based on best practice and international standards in nine areas (see box). Importantly this framework seeks to ensure that the gender dimensions of migration are addressed and provides a tool-kit for design of national/ regional rights-based labour migration policies – as has happened in Sri Lanka.

**ILO Instruments on labour migration and protection of migrant workers**

- C97 Migration for Employment Convention (Revised), 1949
- C143 Migrant Workers (Supplementary Provisions) Convention, 1975
- R86 Migration for Employment Recommendation (Revised), 1949
- R151 Migrant Workers Recommendation, 1975

**ILO Instruments containing specific provisions on migrant workers**

- C181 Private Employment Agencies Convention, 1997
- C19 Equality of Treatment (Accident Compensation) Convention, 1925
- C102 Social Security (Minimum Standards) Convention, 1952
- C118 Equality of Treatment (Social Security) Convention, 1962
- C121 Employment Injury Benefits Convention, 1964
- C157 Maintenance of Social Security Rights Convention, 1982
- C169 Indigenous and Tribal Peoples Convention, 1989
- R200 HIV and AIDS Recommendation, 2010
- C189 Domestic Workers Convention, 2011 (and R201)

**ILO's Multilateral Framework on Labour Migration, 2006.**

1. Decent work
2. Global knowledge base
3. Effective management of labour
4. Means for international cooperation on labour migration
5. Prevention of and protection against abusive migration practices
6. Social integration and inclusion
7. Protection of migrant workers
8. Migration and development
9. Migration process

- **International Standards and Accountability at the National Level – The Role of National Human Rights Institutions (NHRIs)**

This session was led by Samar Tarawneh, DTP alumna and staff member of Jordan's National Centre for Human Rights. In recent years NHRIs have become an increasingly important part of the international and national architecture for human rights protection, promotion and accountability. They have a formal place in UN human rights processes such as reporting to UN Treaty Bodies and the Universal Periodic Review (UPR). Samar's presentation provided a background and definition of NHRIs – with reference to the Paris Principles that guide them and underpin their independence from government. Samar also looked at the particular role of NHRIs in relation to migrant workers – and ways in which NGOs and NHRIs can collaborate together for migrant workers.

NHRIs work to promote conformity of national laws and practices with international standards - and to encourage ratification and implementation of international human rights standards. Samar emphasised that the NHRI's role in building a wider understanding and support for human rights also benefits migrant workers.

NHRIs perform a range of functions that should enable and assist governments to meet their responsibilities to human rights – they monitor state performance, receive, adjudicate and mediate individual complaints, conduct investigations and participate in litigation and promote law and policy reform – and training of the police.

In addition to promoting wider support for human rights, including respect for cultural and religious diversity, NHRIs can assist with pre-departure training of migrant workers – and provide guidance on appropriate orientation and human rights education for migrant workers following their arrival in countries of destination. They can also conduct/commission collaborative studies, survey and research on issues related to migrant workers – in countries of origin and destination.

In some countries, NHRIs have a particular role in the development and implementation of National Action Plans (NAP) for human rights – and can seek that the rights of migrant workers are included in these plans. NHRIs can reach out to NGOs to seek information on individual cases and trends, can collaborate on litigation and on law and policy reform. They can develop a regular dialogue with NGOs. They can organize forums that enable the voices and perspectives of migrant workers to be heard and to inform the policy process. NHRIs can also work together – between sending and receiving countries and the establish focal points on migrant workers to facilitate such collaboration – that can include action on specific cases.

### **6.3: Day 3, Wednesday 23 May 2012**

- **Migrant Domestic Workers and Human Rights - ILO Convention 189<sup>12</sup> : Going into the details**

In recent years there has been a feminization of international labour migration – with women making up an increasing proportion of migrants – many of them travelling to take up positions as domestic workers far from their own families and communities. Many of these women are young and are in a particularly vulnerable position – during the migration process, and in their places of employment doing work that is not traditionally recognised as part of the formal economy – and which is generally undervalued. Widening gaps between rich and poor within and between societies has driven the growth in the number of domestic workers globally. Estimates of the numbers of workers employed in paid domestic work range from 50-100 million – and they have up until now been largely excluded from the protection offered by other legal standards.

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<sup>12</sup> Convention concerning decent work for domestic workers, 2011,. It also referred to as the Domestic Workers Convention, 2011 (No. 189)

With considerable courage, creativity and determination, migrant domestic workers in Hong Kong, Singapore, Malaysia and across the world have worked with the trade union movement and others to gain recognition for the rights of domestic workers.

ILO Convention 189 is the most recent international labour standard – and it was adopted in June 2011 with strong tri-partite support at the 100th International Labour Conference in front of delegations of migrant domestic workers from across the world. As a new minimum standard ILO Convention 189 (with Domestic Workers Recommendation, 201) offers considerable hope to very vulnerable individuals - and those that work with and for them.

Luc Demaret from ILO ACTRAV (Workers Bureau) in Geneva and Martin Oelz outlined for participants the key provisions of C189 (and R201) – and the responsibilities they impose on governments<sup>13</sup>. The two overarching and inter-related obligations under C.189 are the effective promotion and protection of the human rights of all domestic workers and the adoption of measures to ensure fair terms of employment and decent working and living conditions.

In addition C189 has a number of provisions that refer explicitly to the situation of migrant workers: These include the requirements for a written job offer or contract before travelling to country of employment, the conditions for repatriation to be specified and protection from abusive practices of employment agencies and for cooperation between ILO Members.

- C 189's Definition of "domestic worker"? *"any person engaged in domestic work within an employment relationship"*

The Convention seeks to address the particular circumstances of domestic work – and the reality for many migrant domestic workers that they are confined to the employers home, expected to be available 24 hours a day and seven days a week, and denied holidays – and have their personal documents taken away making them vulnerable to arrest and detention outside the home. These were among the issues that the participants had identified in group work as the key priorities facing migrant workers in their experience. Lack of access to health care, lack of freedom of movement, lack of publically available information on rates of pay and terms and conditions, and non-payment of wages were other issues.

- **C.189 - Roll-out strategy campaign of ratification and implementation**

Luc Demaret noted that the adoption of the Convention was a major achievement. The challenge now was for Member states to ratify and implement the Convention. The Convention will come into force 12 months after two countries have ratified the Convention. Advocacy by trade unions and civil society has a vital part to play in generating the political will for governments to submit a favourable proposal to parliament for ratification of the Convention.. Luc outlined the process of ratifications so that advocates could integrate this understanding into their advocacy strategy.

Ratification usually requires consideration by Parliament. Ratification may be resisted – by entrenched interests and because ratification will require a review of existing legislation and the adoption of new legislation and policy.

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<sup>13</sup> More information is available at [www.ilo.org/domesticworkers](http://www.ilo.org/domesticworkers)

The value of ratification is that in most jurisdictions international treaties prevail over national law, judges, lawyers, and labour inspectors can refer directly to the Convention and courts can directly apply the Convention to resolve litigation. Even where the Convention has not been ratified by a particular country it can still be a source of interpretation and inspiration when applying domestic law. States that do ratify are obliged to report on implementation every five years – and they have to consult and involve trade unions in the process – and this periodic reporting process provides avenues for advocacy. The first report, however, is due within two years of ratification. This is particularly important as in this first report only can ratifying member states avail themselves of the possibility provided in the Convention to exclude categories of workers from its scope. While this would be acceptable when such categories of workers enjoy equivalent protection under legislation; trade unions and civil society should remain vigilant so that provisions for exclusion in the Convention are not used to limit its scope and impact or to leave categories of domestic workers unprotected.

Luc highlighted that the ILO was there to assist in the ratification process – with information and technical assistance – and that campaigns for ratification could provide a valuable focus for alliance building and working together across sectors – for trade unions and civil society.

Participants identified the need for NGOs/Trade Unions in sending/countries to work together more effectively – and for the development of MoU's between civil society organisations in sending and receiving countries – and that one focus of such collaboration could be on developing a standard contract.

***ILO sessions have enhanced my skills towards another layer I believe.***

- **Migrant Workers' Rights – Alliance Building**

This session was led by William Gois, Coordinator of Migrant Forum Asia and Farah Salkah of local NGO *Nasawiya* – bringing together experience of building coalitions and forming alliances at the local, national, region and global level.

William highlighted that the campaign for adoption of C189 had been a good example of alliance building – with trade unions, migrant workers' and women's NGOs all coming together. The same need to identify areas of common interest and common objectives is also there at the local and national level. Participants contributed their own experience and reflections on what made for effective alliance building. This included the need to build trust, to have open communication and mutual accountability. There was acknowledgement that building effective alliances took time and was labour intensive – but also was very important to achieving sustained outcomes. In looking to establish effective alliances, it is useful to undertake a strategic analysis of who is negatively affected by an issue, and who might benefit from change. Alliances generally require the issue to be a priority for the different members – they also generally involve compromises between different alliance members and the important thing is to try and work through the issues in a transparent way.

- **The Role of NHRIs, trade unions, NGOs and migrant community organisations in sending/receiving countries – Group Work**

In the final session of the day participants from sending and receiving countries were divided into groups – and asked to identify ways in which they could work together – within countries and between countries. William and Farah were joined



by Luc and Samar to provide some practical suggestions on how trade unions, NHRIs and NGOs can work together – drawing on their different mandates, roles and strengths.

- **Solidarity Night - Migrant House**

In the evening there was a solidarity night that was hosted by *Nasawiya* at a migrants/women's centre that they operate in Beirut. The centre provides a safe, hospitable space for women to drop into. The evening provided an opportunity for participants to meet with members and representatives of migrant communities living in Beirut – and to share cultures through song and dance.

#### 6.4: Day 4, Thursday 24th May, 2012

- **Developing Research for Evidence Based Advocacy**

The day began with a focus on the relationship between sound research and effective advocacy – and an introduction to research methodology. Reliable research is essential to effective human rights advocacy. Research can identify the nature and extent of human rights violations/abuses, identify the responsible individuals and institutions (and causal factors) and inform and substantiate recommendations for change. It can also help ensure that these recommendations do not have unintended, harmful consequences. Reliable, credible information is central to building the case for change – and the reputation of organisations that are reaching out for support.

Helene Harroff-Tavel and Alix Nasri from the ILO, led participants through a very participatory and practical session that drew on their own experiences of researching forced labour and migrant workers' rights in the middle-east. They clarified the differences between qualitative and quantitative research, before breaking the participants into groups to identify the different research challenges they faced. Following this exercise, Helene and Alix took participants through some of the technical issues around types of surveys and sampling that could be used to gather data – and also explored some of the ethical considerations and rules that needed to be followed in conducting and analysing research.



For NGOs and trade unions, time and budget constraints can be particularly acute and will affect the extent and nature of original research that can be conducted – although some of these constraints can be addressed through working with government (where this is possible), agencies (such as ILO) and academic institutions. In designing research it is important to consider the sensitivity of vocabulary and terminology – and the particular vulnerabilities of victims – and of children and women. If interviews are to be conducted then interviewers must be trained and issues of confidentiality and privacy addressed.

- **Understanding Social Security for Migrant Workers**

Ursula Kulke then focussed participants on the issue of social security and migrant workers. Ensuring social security for migrant workers is one important aspect of the ***ILO's Decent Work Agenda***.

The human right to social security was included in the Universal Declaration of Human Rights adopted at the end of World War II. It was further elaborated in the International Covenant on Economic, Social and Cultural Rights – and in CESCR General Comment No 19. Social security is also included in many (widely ratified) ILO standards (31 Conventions and 24 Recommendations.)



The right to social security is a fundamental issue for migrant workers. Migrant workers typically contribute through their labour and wages (including remittances) and taxes to the economies of sending and receiving countries. Their right to social security is however frequently not respected or fulfilled by the social security systems in either country. They fall through a gap, with the governments of both countries denying responsibility.

**Definition of Social Security:** *The adoption of public measures to ensure basic income security to all in need of protection, by restoring up to a certain level income which is lost or reduced by reason of inability to work or to obtain remunerative work due to the occurrence of various contingencies...*

Social security policies at the national level are framed by the principles of nationality and territoriality. These principles are consistently interpreted in a way to restrict entitlements to social security to nationals – excluding foreign/migrant workers in the country – and to restrict the export of benefits to those living abroad. Contributory social security schemes also generally exclude migrant workers. Migrant workers frequently work in situations where loss of their specific job means they need to return home to their country immediately – losing their legal status to remain. Migrant workers find that their entitlements to contributory schemes rarely travel home with them. With the numbers of migrant workers growing these issues are becoming more urgent.

Ursula Kulke introduced participants to the specific ILO Conventions relating to the social security rights of migrant workers. She also identified the five principles that the ILO promotes in relation to the provision of social security for migrant workers

1. **Equality of Treatment Between Nationals and Non-Nationals** - *Non-national workers should have the same conditions as national residents in terms of coverage and entitlement to benefits.*
2. **Determination of Applicable Legislation** - *Social protection of migrant workers has to be governed by a single law to avoid double benefits or double obligation to pay social security contributions. Rules must be set for calculation and payment of benefits.*
3. **Maintenance of Acquired Rights and Provision of Benefits Abroad** - *The rights acquired in other countries should be guaranteed to the migrant workers; There should be no restriction on the payment of benefits irrespective of the place of residence of the beneficiary (export of benefits).*
4. **Maintenance of Rights in Course of Acquisition** - *The contribution period served in other country should be taken into account when considering the qualifying period (principle of aggregation).*
5. **Reciprocity and mutual administrative assistance** - *Facilitation of administrative arrangements through liaison bodies to ensure a smooth coordination.*

The challenges of delivering social security to migrant workers partly reflect the global inequalities that underpin labour migration. Bilateral agreements are difficult because the social security systems of sending countries are under-developed and different in nature to receiving countries – and the administrative capacity to manage contributions (collection and payment) are often lacking.

Ursula also looked at the steps that could be taken unilaterally by sending and receiving countries, citing examples – focusing on the Philippines in particular. Civil society advocacy for migrant workers in the Philippines has been very strong over many years. The Philippines has ratified the UN Convention on the Rights of Migrant Workers and their families and key ILO Conventions. It has entered into a number of bilateral agreements on social security – and has introduced a number of social security schemes targeted at, and addressing the specific circumstances of, migrant workers.

- **Field Visits to Caritas Shelters for Migrant Women**

Following the morning sessions, participants were divided into two groups to visit different shelters established and run by Caritas Migrant Centre Lebanon – in Beirut and outside. These shelters provide an alternative to the detention centres run by the government<sup>14</sup> for migrant workers who have left their employers, and no longer have legal residence in the country and are awaiting deportation. They also provide a place of safety for women who have been subjected to abuse and violence by their employers or partners.

In addition to providing a place of refuge, Caritas also assists the women in relation to representation and legal action – to recover unpaid wages, to obtain return of confiscated identity documents, to take action against abusive employers, to find alternative employment and also to return home to countries of origin. This valuable work has been formally recognised by the Philippines government. Caritas Migrant Centre Lebanon works closely with the diplomatic missions of the different countries of origin – as well as Lebanon’s interior ministry (General Security) and NGOs. Caritas Migrant Centre Lebanon is a member of Migrant Forum Asia.

At the shelters participants met with and heard the stories of a number of migrant women – in what was a very moving experience for all involved. The experiences of the women, some of them very young, were very sad and shocking stories of exploitation – and they are far from home and families that can offer comfort and support. The visit brought home to all, in a way that the other sessions could not, the personal dimensions of the issues and the urgency of the need to act in solidarity with these women. The visit to one of the shelters finished with the DTP participants and shelter residents joining together in songs and dancing, from the many different cultures present, sharing a rare moment of happiness and respite from worry.

*At the Caritas Shelters, participants met migrant women – one on whom had not been paid for her three years of domestic work, had not seen her baby daughter in three years, had no documents and no money to get a ticket of returning home to her family. Another young woman carried the scars of beatings from the family that employed her – she had escaped, but was now stranded without money or an employer, unable to send money home or to pay off the debts that she and her family had taken to get employment in Lebanon.*

These shelters are short term and temporary responses – and the scale of the abuses facing migrant workers in Lebanon threatens to overwhelm them. At times of conflict in the region, with migrant workers the unseen victims, the burden grows but Caritas also somehow finds the resources and commitment to respond – and is actively involved in assisting refugees and migrant workers fleeing the conflict in Syria.

### **6.5: Day 5, Friday 25th May, 2012**

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<sup>14</sup> The conditions in these detention centres are a major cause for concern.

- **Introduction to Advocacy and Lobbying**

After participants had facilitated a session that processed the previous day's field visit to the shelters, Patrick Earle facilitated a session on advocacy and lobbying. The emphasis was on sharing some tools and techniques that could be used to develop strategies for change. There was an initial *brainstorming* that encouraged participants to share some of the campaign and advocacy techniques that they were familiar with – followed by an overview of the strategy cycle that begins with analysis of the issues and identification of objectives. The need for creativity and commitment came through strongly in the discussion. Drawing on the experience of William and the participants there was then a focus on sharing practical tips in lobbying as one advocacy technique. The importance of clear objectives, building positive relationships based on trust and credibility – and a long term perspective were emphasised in the discussion.

- **The Role of Diplomats and Labour Attaches in Promoting and Protecting the Rights of Migrant Workers - Panel Discussion**

In this session, participants were joined by the diplomatic representatives of a number of countries of origin for migrant workers – Indonesia, Sri Lanka and the Philippines. These officials have particular responsibilities in relation to the welfare of their nationals overseas – some of these responsibilities are determined by longstanding protocols and treaties on relationships between countries – others by national laws and policies. Diplomatic representatives (including labour attaches) often also have considerable discretion on how they implement their role. As there is a very strong domestic lobby (constituency) for Filipino migrant workers, the diplomatic missions of the Philippines have a clear mandate to reach out to the Filipino community – and to act when requested. They are required to report back to the capital on numbers of cases and action taken. There is also more of an official culture of working with, and being responsive to, civil society that made positive outcomes for migrant workers more likely. This was a very interesting session, with a lively dialogue with the participants, informed by the experiences of the advocates and diplomats present who were able to provide insights into the challenges they faced in fulfilling the different expectations placed on them – and to exchange perspectives on different approaches.

Comment [PE1]: Need to list names

- **Next Steps – Exploring Future Collaboration and Action**

The final formal session of the program was facilitated by William Gois and Mustapha Said. Participants were divided into two groups – countries of origin and countries of destination to focus on what the key challenges were and how they could collaborate with each other – and their expectations of the other from such collaboration.

There was agreement that there would be value in NGOs and trade unions forming national coalitions – and then picking particular issues to focus their advocacy on – such as the right to a minimum wage, freedom of association, maximum hours of work/minimum rest day or social security. It was also agreed that ratification of human rights and ILO Conventions – and use of the reporting process where standards have been ratified could be used to focus advocacy for change on these issues – and that these reporting processes could also provide a focus for cooperation between countries of origin and destination. The emphasis on the need to address the issues of freedom of association and other core standards for all workers was also emphasised. It was also felt that if there was a way to establish some kind of MoU between civil society groups between the different countries this could be of practical value – including in relation to action on specific cases.

- **Final Reflections from the Participants**

The final session of the program provided participants with the opportunity to share in an open forum their final remarks and feedback on the program. This oral session supplements the private written evaluations that the participants are asked to complete.

These remarks provided a strong impression that participants had got much from the program – from the trainers, and from each other and that there was a reinforced commitment on the need to find ways to work together to address the problems and challenges of migrant workers, that new ideas and information would be taken home to enrich their future work. There had clearly been a very good spirit of cooperation in the training. Caritas received particular thanks as the hosts for the training. Suggestions for improving the program included the value of more representatives from the Gulf States, including their diplomats - where the problems of migrant workers are most acute, more engagement with government – and the need for attention to timing of some of the sessions.



## 7. Participants Evaluation and Outcomes

At the end of the programs participants were asked to complete forms that evaluated both the individual trainers and the overall program. Most of the questions in the evaluation are qualitative, although some also ask participants to provide a rating on a scale of one to five. Where there was a rating these are provided in tables below. Participants are asked to provide critical feedback in order that DTP and its partners can learn lessons and improve future programs. The forms are completed anonymously. This section also highlights some of the comments and feedback. The full evaluations are available on request.

**7.1 How was the program useful/Best parts of the program/Most useful sessions.** All of the participants said the program met or exceeded their expectations. Participants picked out different sessions as being the most useful to them – although the sessions on social security, alliance building and advocacy were highlighted more than the others.

***Really, it was great opportunity to meet and talk with activists from both origin and sending countries comprising TUs, CSOs and activists. We also got opportunity to build network with them.***

***The program was very useful in terms of sharing information and working together as a group I engaged in this program, I like it, I was never bored.***

***The vast majority of sessions were useful, the content was great but also you targeted the right group of participants.***

**7.2 Improving the Program.** There were a number of responses that suggested the value of including representatives of employers/recruitment agencies/government in the course. There was also some feedback that it would have been useful to distribute information about the course content and course materials earlier – and to have collected more information on the needs of the participants earlier to tailor the sessions. There was also a comment that the focus on domestic workers – rather than other vulnerable migrant workers was at odds with the broader aims of the program. There were also suggestions about the need to run the program in the Gulf – and also in Africa – and feedback from one participant that the course could have been more advanced.

*The first two days were very condensed and I felt that since we are not all lawyers or come from a legal background it was too much expectation (on the) participants to understand it. Concerning the rest, I believe it was well pitched to suit this diverse group.*

**7.3 Plans to Share Learning/What will you tell others.** All of the respondents said they planned to share what they had learnt. Some picked out specific aspects of the training that they wanted to take back to their organisations – like alliance building and SWOT analysis, and the ILO standards – through study circles, specific meetings and inclusion in future trainings they are organising.

*I will review our human rights training package and add some important sessions.... I will write blog / article and post regular in social media.*

*I will tell them that there is a need for strong support to this programme by my trade union and other organisations.*

*If we count to develop our skill for advocacy and lobby at national and international lobby we should take this type of comprehensive program.*

*Yes, we have regular training programme in my Trade Union Federation I will train my trainers in this subject.*

*The learnings during the workshop will apply for the following – in community awareness programme, lawyers capacity building programme, pre-migration orientation events, public a legal based manual, participate in joint campaign and lobby meetings.*

*I would like to explore opportunities of duplicating this programme back home and if possible inviting DTP and MFA to organise it in my country.*

**7.4 A Forum for Sharing/ Identifying the issues/Commitment to Working Together.** Participants were asked whether they were likely to try to work together with NGOs/Trade Unions on the rights of migrant workers in the future. Nearly all said they were either certain or very likely to – although the written responses indicate that the question was not very clear/understood –some indicating an intent to work more with the ILO.

*Schedule was packed although there were spaces for participant to share their experiences.*

*Obviously this is the perfect platform to share my perspective, experience of my work. Not only this I too got the chance to listen the other perspective and experience.*

*Everybody has to have an opportunity to share his ideas, we learn from our experience when we share.*

*As the participants are from my own nationality and globally, it is obvious this gave me opportunity to identify key issues in the realization of migrant worker rights.*

*Bringing together countries of origin and receiving countries was very good, because usually discussions are limited by the absence of one end.*

*Through the sharing sessions and shelter visit deepened understanding of the situation of worker*

**7.5 Building Support Networks.** 13 of the respondents strongly agreed and 12 agreed that the program was useful in developing their support networks.

*I already came out of this training with a network of people with whom I share interests and people who can help me with ways to advocate for the rights of migrant workers.*

*The program will obviously improve my skill for advocacy, and lobby and building networks and alliance.*

**7.6 Future Collaboration:** Asked whether the program encouraged participants to identify specific issues/cases for collaboration/action with other participants in the program 12 agreed strongly and 11 agreed.

*I will maintain regular communication with participants sharing fact finally report over email and social media.*

*I plan to assist TUs through mobilizing migrant workers, and assisting TUs to reach to more workers. I plan to do this through opening channels of communication between TUs and embassies of countries of origin. I also plan to enhance involvement of HRIs with the work of local NGOs by bringing them together.*

Evaluation Questions	1 Strongly Disagree	2 Disagree	3 Not Sure	4 Agree	5 Strongly Agree
I was provided with an opportunity and forum in which to share my perspectives and experiences in my work.	0	0	1	12	12
I was able to identify key issues in the realisation of migrant workers rights nationally.	0	0	1	11	12
I found the program useful in developing my support networks nationally, and in the region and between sending / receiving countries.	0	0	0	12	13
The program increased my skills and knowledge to advocate for the ratification of the ICRMW and other relevant standards for promoting and protecting the rights of migrants in my home country.	0	0	2	13	12
The program increased my skills and knowledge to engage in international processes and dialogue (The UN System, ILO, Regional co-operation etc.) on the issues of human rights and migrant workers.	0	0	0	10	17

## 8. Reflections and Next Steps

This was DTP and MFA's first program in the Middle-East and it is understood that this is the first time such a program has brought together participants from sending countries of Asia with the receiving countries of the Middle-East.

This program was positively evaluated by the participants and was therefore successful to this extent. It was also a successful collaboration between the different partners. Its longer term impact is more difficult to assess, but will be measured in part by the actions of the participants – whether they have been able to use the knowledge, skills and networks they developed in their advocacy for migrant workers. Efforts will be made by the partners to gather this information.

The evaluations suggest overall that there was a good balance between developing knowledge and skills. More than previous programs it had a focus on some very specific issues – notably the right to social security – that are very relevant to migrant workers. It had a focus on a specific, particularly vulnerable and growing group of migrant workers – migrant domestic workers – and on the process involved in ratification of ILO Conventions. This was timely given the efforts to secure ratifications so that the ILO C189 comes into force. Inevitably it meant less focus on some of the other specific (and more numerous) sectors of migrant workers in the construction industry for example – although regrettably it meant less emphasis than in previous programs on some parts of the UN human rights system and national human rights institutions.

There are a range of avenues and strategies for advocates seeking to promote and protect the rights of migrant workers – some of which require more specialised knowledge:

- **Business, Human Rights and Migrant Workers:** There was discussion in this program of the role of the private sector for example – as employers and recruitment agencies have a significant influence in relation to the rights of migrant workers. One suggestion that was discussed was the value of a program that looked at how advocates for migrant workers could use emerging frameworks on human rights and business – at the UN level and the OECD and in various codes of conduct.
- **The Universal Periodic Review:** Changes in the UN human rights system mean that every country now has its human rights record periodically reviewed at the UN Human Rights Council. This process has particular value to advocates in circumstances (such as the Middle-East) where there is a low level of ratification of international human rights treaties and ILO Conventions. Lobbying and advocacy around the UPR is quite specialised and DTP and MFA would like to develop and implement a specialised program for advocates to develop their capacity to use this process to advance the rights of migrant workers. This program would ideally include specialised training in Geneva.

In recent years DTP and MFA have sought through these capacity building programs to build greater collaboration between trade unions and NGOs and migrant worker organisations/associations. It has sought to do so on the basis that such collaboration is required to improve the situation for migrant workers, to gain recognition of their human rights and their rights as workers. The levels of trade union participation in this program represented a significant step forward in these efforts – and provide a platform to build on. The contribution of the ILO in making this possible is acknowledged and appreciated.

Recognition of the rights of migrant workers can contribute to the recognition of the rights of others in society – and there is therefore a shared interest between migrant workers and trade unions –

and others committed to the promotion and protection of human rights – including National Human Rights Institutions.

Improvements in the situation of migrant workers are demanded by the set of international standards agreed on by the international community. They are demanded by the human rights organisations and agencies that document the denial and abuse of the human rights of migrant workers – and by migrant workers and their families.

It was clear from the presentations and experiences of the trainers and participants in this program that there is good practice by governments – based on international standards - that can be shared and replicated. It was also clear that advocacy plays a key role – in securing action on individual cases and in the development and adoption of good policy. The Philippines provides an example of how civil society advocacy has changed community attitudes and government policy and practice.

A number of the participants in the evaluations pointed to the need to focus more on the situation of migrant workers in the Gulf States – and suggested conducting a similar program in one of the Gulf States. DTP and MFA have plans to hold a program later in the year in Qatar. Africa was also suggested as another source region for migrant workers where advocates could benefit from this kind of training.

It was also suggested that DTP do more to involve government officials, and representatives of the private sector in future programs. These are things that DTP needs to consider as it plans its future work<sup>15</sup>. The extent to which it will be possible for DTP and its partners to engage officials and the private sector, including recruitment agencies is not clear at this stage. It is a major and long term undertaking to provide training to government officials and the private sector. The provision of such training should be part of any strategy to improve respect for the rights of migrant workers, as a responsibility of the state. This DTP/MFA training of civil society could be seen in the context of a strategy of equipping advocates with the knowledge and skills to effectively demand governments fulfil this responsibility.

In designing the course content, there is a continuing tension between the range of issues, or breadth of program, and the depth and complexity it is possible to go in a five day program. DTP and its partners need to consider these issues further – and to look at the options of making the program longer, and/or developing more specialised trainings, or second level trainings which are more focussed on specific challenges. Similarly there is a need to look further at how the broader regional focus, which has considerable value) can be supplemented by a focus on the challenges at a national or bilateral level. At least one of the participants also recommended producing more materials in Arabic. This recommendation is also being taken up.

This program was another step in a collaboration that began in 2004. As the first collaboration between the two organisations in the Middle East, it was an important learning experience for DTP and MFA. It was very heartening to see this participatory model of capacity building work in the Middle East as it has done in Asia.

The increased level of collaboration with the ILO was also greatly valued. This collaboration enabled a greater engagement with the trade union movement that has a vital role to play in relation to the rights of migrant workers. The ILO has a clear mandate to focus on labour migration and ILO experts were generous in donating their time and expertise to the program. DTP and MFA very much

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<sup>15</sup> Currently a program is being organised in the Gulf States.



The space for such training to take place in the region has been opened up through the work of international agencies, the advocacy of very committed and determined individuals and recognition by many of the scale of the problems. The challenge for MFA, DTP and others is to use this space to equip advocates with the knowledge, skills and networks to better promote and support the realisation of human rights for migrant workers.

***The DTP training is very important for those who are working the field of safe migration. It help us to get knowledge of national and international migrant workers right. It very fruitful to make network all over the world. Thank you so much for the giving me this good chance.***

#### Annexes

1. Program Schedule
2. Participants' Biographies
3. Trainer and Biographies

Sunday – May 20th	Mon 21	Tues 22	Wed 23	Thurs 24	Fri 25
<b>Morning 1</b> <b>8:30 to 10:30</b>	8.30 – 9.00: Registration  9.30: Opening ceremony <ul style="list-style-type: none"> <li>• Caritas – Najla Chahda</li> <li>• DTP – Patrick Earle</li> <li>• ILO – Azfar Khan</li> <li>• MFA - William Gois</li> </ul>	<i>Participant presentations</i>  Understanding Human Rights and Labour Migration in the Middle East; an introduction to the Kafala system	<i>Participant presentations</i>  Migrant Domestic Workers and Human Rights - ILO Convention 189: Going into the details	<i>Participant presentations</i>  Developing Research for Evidence Based Advocacy	<i>Participant presentations</i>  Introduction to Advocacy and Lobbying
<b>AFacilitator(s)</b>	<i>Caritas/MFA/DTP</i>	Azfar Khan (ILO)	Martin Oelz & Luc Demaret (ILO)	Hélène Harroff-Tavel and Alix Nasri (ILO)	Patrick Earle (DTP)
<b>Tea 10:30-10:45</b>					
<b>Morning 2</b> <b>10:45-12:30</b>	Participants' introduction Training outline	The framework of international human rights law related to migration	C.189 - Roll-out strategy campaign of–  Practical Exercise/Group Work	Understanding social security for migrant workers	The Role of Diplomats and Labour Attaches in Promoting and Protecting the Rights of Migrant Workers – Panel
<b>Facilitator(s)</b>	Patrick Earle (DTP)/William Gois (MFA)	Ryszard Cholewinski (ILO)	Luc Demaret (ILO) & Martin Oelz (ILO)	Ursula Kulke (ILO)	Facilitator - William Gois
<b>Lunch 12:30-1:30</b>					
<b>Afternoon 1</b> <b>2:00-3:30</b>	What are Human Rights – An Introduction on Human Rights and Labour Migration	Promoting and Protecting the Rights of Migrant Workers using ILO conventions and ILO Processes	Alliance Building: National Level Sending – Receiving Countries – Experience Sharing and Practical Advice - Group Work	Shelter Visit in Raifoun	Next Steps – Exploring Future Collaboration and Action
<b>Facilitator(s)</b>	Ryszard Cholewinski (ILO)	Ryszard Cholewinski (ILO) / Martin Oelz (ILO)	William Gois (MFA) and Farah Salka (Nasawiya)	Najla Chahda (Caritas)	Mustapha Said (ILO) and William Gois (MFA)
<b>Tea 3:30-3:45</b>					
<b>Afternoon 2</b> <b>3:45-5:30pm</b> Introductory Session – 3:30PM	Promoting and monitoring the human rights of migrants: an introduction to the international human rights mechanisms – Practical Exercise	International Standards and Accountability at the National Level – The Role of National Human Rights Institutions	Migrant Workers Rights – A Shared Challenge: The Role of NHRIs, trade unions, NGOs and migrant community organisations in sending/receiving countries – Group Work	Shelter Visit	Participant evaluations Closing Ceremony
<b>Facilitator(s)</b>	Nidal Jurdi (OHCHR)	Samar Tarawneh (NHRC Jordan)	Luc, William, Samar, Martin, Patrick	Najla Chahda (Caritas)	Najla Chahda Patrick Earle William Gois(DTP)
<b>Evening Exercises</b>	Diary Exercise	Diary Exercise	Diary Exercise	Diary Exercise	
<b>Evening Events</b>	Free Time	Free Time	Solidarity night – dinner at the Migrant House	Dinner in Byblos	

## Appendix 2

### Participant Biographies

#### ***Bangladesh: Motasim Billah (M)***

Motasim is a researcher at the Refugee and Migratory Movements Research Unit (RMMRU), University of Dhaka, Bangladesh. At RMMRU, Motasim works in the research and communication division in a Global Consortium on Migrating Out of Poverty Research Programme Consortium (RPC) based at University of Sussex, UK. The overarching aim of the consortium is to provide research evidence to contribute to better policies to improve the lives and well-being of poor migrants, their communities and countries. Motasim conducts field based research and communicates the research outcome with relevant stakeholders in order to influence policy changes and framing. Over the last three years, he had been involved in six basic research on different aspects of migration, i.e, rights of migrant workers, remittance and migration governance and a study on Social Protection of Bangladeshi Migrant Workers in the Gulf. The study identified the major problems and vulnerabilities of Bangladeshi migrant workers in the Middle Eastern countries and provided concrete recommendations to the policy makers. Motasim has built a strong network with relevant government functionaries, private organisations, INGOs, NGOs, civil society organisations, think tanks. In the last three years he has been involved with a major civil society campaign in Bangladesh to push government ratify the CMW. The Bangladesh government ratified CMW in April 2011.

#### ***Indonesia: Abdullah Sani (M): KSBSI -***

Abdullah heads the Lobby and Advocacy Committee of KSBSI. A lawyer by training he is involved in court cases to defend members, and since 2002 also more involved in teaching members how to advocates on issues – and is involved in the ratification campaign for C189. From the training he hopes to learn how to communicate effectively with the international mechanisms and to bring cases to these mechanisms – particularly where foreign companies are involved.

#### ***Jordan: Alia Hilan (F)***

Alia is a social worker with the Jordanian Women’s Union. She works with victims of domestic violence and human trafficking including domestic workers. She operates a shelter for victims of abuse and provides a help hotline. She is keen to learn from the insights and experiences of other migrant worker rights’ defenders and to gain an insight into the international and domestic legal frameworks that relate to human rights and migrant worker rights in particular. Alia would like to deepen her understanding of the issues that confront migrant workers and the available mechanisms of redress that are utilized by other human rights defenders.

#### ***Jordan: Feras Dohal (M)***

Feras is a lawyer for Tamkeen Legal Aid and Human Rights. He provides legal advice and representation for migrant workers in Jordan. Talal has been practicing in this area for four years before he joined Tamkeen Legal Aid and Human Rights. Over the past year he has gained practical experience applying human rights conventions in his work in the judicial system. He would like to learn from the experiences of the other participants to garner a broader understanding of the relevant human rights conventions that can be applied in defence of the human rights of migrant workers. Talal is interested in the skills and strategies of migrant worker rights’ defenders around the world and ultimately, would like to replicate these skills in his country.

#### ***Jordan: Talal E’laemat (M)***

Talal is a lawyer at a legal aid office at Adaleh Centre in Amman, Jordan. He provides legal assistance including consultations and judicial representation for migrant and domestic workers. Talal is the Adaleh centre liaison officer with the IOM. Talal’s work includes providing legal assistance to migrant workers. He attended workshops and training courses on the enhancement of the protection of migrant workers rights. Talal hopes

that the DTP training will facilitate the exchange of experiences between the participants as well as introduce him to different mechanisms for defending migrants workers' rights.

***Jordan: Alia Hindawi (F)***

Alia works at the ILO as the National Project Coordinator for the Project "Protecting Migrant Workers' Rights in Jordan". Part of her work consists of planning, coordinating, implementing, and managing the timely delivery of project outputs. This is her first time working on a project that is concerned with promoting and protecting the rights of migrants. In this case, she hopes to have a comprehensive understanding of what human rights are, understand more the rights of migrant workers according to the international laws and conventions, and to know how international organizations work with local partners in promoting and protecting migrant workers' rights.

***Lebanon: Giovanna Zouein (F)***

Giovanna is a psychologist and the Child Protection Officer for the INSAN Association. She is involved in individual interventions with children and adults and group interventions with migrant workers and their children at the Insan School. Much of her work involves female migrant workers who have been detained in their country's embassies until they can be repatriated. Giovanna also conducts research and delivers child rights and child protection policy trainings for Insan staff. She is looking to improve her understanding of the legal status of migrant workers in Lebanon and the corollary advocacy skills that are available for implementation at the national level. Giovanna is keen to apply a human rights-based approach to the migrant worker issues that are raised in her profession and she is looking forward to developing closer relationships with the other actors in migrant worker rights' advocacy.

***Lebanon: Hessen Sayah (F)***

Hessen has begun working at Caritas Lebanon Migrant Center at Sin El Fil since 2003. Hessen became a trained professional social worker in 2003. In 2007, she got a Master Degree in Development and Community Action. In 2008, Hessen received a diploma in Mediation from St. Joseph University. In the same year, Hessen was charged as Project manager with migrant workers through a project for the Protection and Support to Migrants in Lebanon. This project aids Refugees, Migrants, and Asylum Seekers. She follows up individual cases of migrant workers in cooperation with a professional team of social workers and lawyers. She also participates in all coordination meetings with the respective embassies. She is involved in the advocacy and lobbying component with all stakeholders and local authorities (different campaigns on migrant workers rights, advocating for the C189 ratification...)

***Lebanon: Fady Moussa (M)***

Fady has been working with Caritas Lebanon Migrant Center since 2007, and is a member of the Beirut Bar Association. He is a lawyer working for refugees and migrant domestic workers. Fady serves as a counsellor for refugees and migrant workers in Lebanon, representing them before the courts and the immigration during investigation. He has participated in several workshops and seminars with respect to refugees and migrant domestic workers.

***Lebanon: Rola Abimourched (F)***

Rola is a Program Coordinator of KAFA, a Lebanese civil society organization focusing on ending violence against women. She also manages and coordinates projects related to the situation of migrant domestic workers in Lebanon. The projects are often multi-dimensional; tackling advocacy demands, awareness raising of the general public and building the capacity of migrant communities.

**Lebanon: Mahmoud Chehade (M)**

Mahmoud is a consultant for migrant workers at Fenasol, a federation of trade unions in Lebanon working on the rights of nationals and migrant workers. He is also a member and committed to covering the rights of migrant workers. During the training, Mahmoud hopes to develop his communication skills and increase his knowledge on the rights of migrant workers. He believes that both the DTP and trade unions and collaborate in the future in addressing the concerns of migrant workers.

**Nepal: Sita Lama (F)**

Sita is a member of the National Executive Committee of the General Federation of Nepalese Trade Unions (GEFONT), Member of GEFONT Women's Committee and OHS & HIV/AIDS Department Coordinator. GEFONT has established a Migrant Workers Desk. Her work includes organising workers in the union for their rights, conducting educational & training activities and awareness campaigns, counselling migrant workers and advocating/Lobbying for Migrant workers' rights with concerned organisations. Sita Lama sees challenges in lack of implementation of existing law, the lack of proper inspection by government of recruitment agencies, victims not getting compensation on time and a lower priority on issues of Women Migrant workers. Sita Lama is keen to develop new skills and techniques for advocacy & lobbying for migrant workers.

**Nepal: Narayan Babu Karki (M)**

Narayan is Regional President (Eastern Region) as well Central Committee member of Nepal Trade Union Congress-Independent (NTUC-I). Narayan Babu's main responsibilities are addressing the situation of migrant workers and to coordinate between sending and receiving countries. The NTUC-I is involved in the workers welfare Board and uses its role there to try to protect the interest of workers – and is now involved in making regulation for the welfare board. Narayan Babu sees the need for more collaboration between sending and receiving countries, particularly through bilateral agreements and is interested to learn from the experiences of others and to build links.

**Nepal: Bishnu Khatri (M)**

Bishnu is the Executive Director of Youth Action Nepal (YOAC) based in Kathmandu. YOAC is a youth led and youth focused human rights organization working on human rights, migrant rights and other youth issues in Nepal. YOAC runs three safe migration centers, facilitates education activities to provide pre-departure information to potential migrant workers, and provides legal support. Bishnu is currently an active member of Lawyers Beyond Borders network formed by MFA, providing necessary support to migrant workers in both sending and receiving countries. He also works as a policy advisor at Pravasi Nepal Coordination Committee (PNCC), a national network of returnee migrant workers and is a member of the Human Rights Journalist Association (HURJA). Bishnu has more than thirteen years experience of working with human rights issues. He started his career in this field when he was a university student and worked for seven years with Informal Sector Service Center (INSEC). He has worked as a project coordinator for Media Mobilizing to protect rights of women migrant workers (funded by UNIFEM Nepal office). Bishnu has facilitated more than 30 training workshops on human rights and migrant rights issues.

**Nepal: Goma Gurung (F)**

Goma is a Paralegal Officer for Pourakhi, a migrant worker organization based in Kathmandu. Her role includes the documentation of paralegal cases, assisting clients in registering their cases with the relevant government departments and ministries, coordinating with Embassies on paralegal cases and building alliances with referral agencies to facilitate the prosecution of cases. Goma is involved with many of the undocumented migrant worker rights' cases where migrant workers are unaware of their rights and the available mechanisms of redress. Pourakhi is also involved in seeking compensation for disaffected migrant workers from both sending and receiving countries. Goma would like to gain the skills and knowledge necessary to improve her advocacy on the national, regional and international level. She is interested to learn from the experiences of

other migrant worker rights' advocates and hopes this will improve her own professional capacities and her advocacy more generally.

**Nepal: Parbata Adhikari (F)**

Parbata is working as a Program Coordinator at Pravasi Nepali Coordination Committee (PNCC). She is responsible for managing overall tasks of the organization: coordinating the project work, communication and supporting the victims in filing their cases. She is currently dealing with projects related to Safer Migration, in which a pilot study is currently being carried out in Khotang and Sarlahi districts of Nepal. At PNCC she is dealing with different types of critical cases of Migrants' rights violations that he believes to be relevant to the program. Parbata hopes that the DTP training will enable her to link national standards and international human rights instrument concerning migrants' rights. She believes that the training will provide her with a concept strategy that would allow addressing loopholes in migration issues in future.

**Nepal: Samar Thapa (M)**

Samar is the Coordinator of the Migrant Committee of the General Federation of Nepalese Trade Unions (GEFONT). Major activities of their committee include organizing Nepali migrant workers in and out of the country, awareness raising campaign to potential migrant workers, and provide legal support to the victims. Samar hopes that the DTP training will empower and guide the trainees in finding solutions to the different challenges that migrant workers face, and to provide capacity building for activists.

**Philippines: Ellene Sana (F)**

Ellene is the Executive Director of the Centre for Migrant Advocacy (CMA) in Manila. She has over 20 years experience of working to advance respect for human rights in the Philippines and internationally. Ellene is a regular resource person in Congressional meetings and public hearings on migration-related policies and issues in the Philippines; she is also the main spokesperson of CMA regarding migration-related issues. The Centre for Migrant Advocacy engages with policies at various levels - locally, with local government officials and community-based groups; nationally, with policy makers and executive agencies; and regionally, with organisation like ASEAN, ILO, ILC and UNHCR.

**Philippines: Julius Sinsuat Sun (M):**

Julius is Legal Officer with the Federation of Free Workers. In this role he gives legal advice to the members of union who are either dismissed illegally from their jobs or are currently having problems with their employment. Most cases involve violation of the employees' rights. He is also in-charge of representing the aggrieved employees at the different quasi-judicial bodies that deals with labor disputes and other tasks that may be assigned by the Legal department head. He has handled the cases of two repatriated migrant workers from Libya with their money claims against their agency in Philippine Overseas Employment Administration (POEA) and National Labor Relations Commission (NLRC). why even in some countries which are perceived to be rich like Middle-East and in some parts of Asia, it still occurs. Julius is interested to learn more about the situation of migrant workers in other countries and the international standards and the operations of international supervisory mechanisms relating to migrant workers. He is particularly interested in the issues of bilateral labour agreements and to explore the possibilities and models for union to union agreements.

**Philippines/Hong Kong: Luella Aaron Mirafuentes (Balotte) (F):**

Luella is an organiser/trainer with the Alliance of Progressive Labor (Hong Kong). Her work is focused on working with and organising Filipino domestic workers. She gives training related to trade unionism, paralegal and other capability building activities for DWs. Balotte facilitates discussions related to migrant issues/concerns for possible positions, actions/mobilizations, lobbying, policy advocacy and legislations. Her organisation also do actual rescues of workers from the employers/employer's house, employment agencies, and assist them in filing case at the labour department, tribunal and police department for the criminal cases. They link and work with other like-minded migrant organizations, Phil Consulate, local based trade union and

other service organizations. Balotte is interested to learn from the experiences of others on the program and to gain knowledge on international standards and protocols – and a more global perspective on migrant workers/rights.

***Philippines: Alyssa Jade Saniel (Alie) (F):***

Alyssa is a project assistant in Migrant Forum in Asia. She currently handles the DTP programs, and assisting in the coming 5th World Social Forum on Migration (WSFM) in November. Prior to working full time with MFA, she has worked as a volunteer with CMA and MFA in some of their programs. She hopes that the training can give her a wider perspective on the different issues that are being faced by the migrant workers, and to learn the different strategies of other organizations in lobbying for the rights of migrant workers.

***Sri Lanka: Karuppiah Velayudam (M)***

Karuppiah is the National President and Chief Executive Officer of National Trade Union Federation which comprises eight national level worker organizations in Sri Lanka. K. Velayudam is concerned about the plight of Sri Lankan migrant workers employed abroad, mainly in the Gulf countries, who are abused, harassed and exploited. He has set up a separate organisation, under the name of Migrant Workers Front, affiliated to the NTUF to deal exclusively on matters related to migrant workers. He has also established an Action Committee, comprising leading trade unions, civil society organisations and NGOs to campaign for ratification of the Convention 189 on Domestic Workers. The Action Committee is functioning since November, 2011. The MWF has established help-desks in three of the districts of Sri Lanka, with plans to extend to other districts as well. K.Velayudam is keen to establish and strengthen the network between TU's and civil society organisations to ensure that domestic work is also recognised as work. There are challenges in organising domestic workers and a change of concepts is a critical need. His trade union has signed MOUs with trade unions of Kuwait, Bahrain and Lebanon. The protection and welfare of our migrants in those countries can be assured through this mechanism, which should be extended to other states as well. He believes there should be unity and common understanding between the sending countries and that both the ILO and ITUC should play an effective and positive role in promoting TU functions in the receiving countries.

***Sri Lanka: Marimuttu Kathan (M)***

Marimuttu is the Vice President of the Ceylon Workers' Congress in Colombo, Sri Lanka. As the head of the legal department, his responsibilities include prosecuting cases involving employment termination, the enforcement of human rights for workers' and migrant workers', the planning and implementation of human resource policies and supervision of the administrative and legal issues for the organisation. Prior to this, Marimuttu served as the Sri Lankan Ambassador to the Hashemite Kingdom of Jordan and was closely involved in the drafting of the first Bi-lateral Agreement to protect Sri Lankan migrant workers' rights in Jordan. He was also responsible for safeguarding the rights of the 4500 Sri Lankan migrant workers in Jordan as well as the operation of a safe house for disaffected and/or abused female migrant workers awaiting the settlement of cases and repatriation. Marimuttu is keen to broaden his understanding of migrant workers' rights from the experiences of the other participants. He hopes to gain the skills necessary for a more effective collaboration with civil society actors involved in migrant workers rights' advocacy.

***Sri Lanka: Solomantine Francis (M)***

Solomantine is a Programme Officer at the Centre for human rights and Development in Sri Lanka. His key responsibilities are facilitating trainings on peace building and human rights at local and national levels particularly for youth, social activists and civil society leaders, working with and supporting victims of human rights violations, their family members and witnesses, sending individual complaints to the UN Human Special Procedures. Solomantine is currently addressing the issues of labour migrants, both returnees and potential migrants in Sri Lanka through providing legal support under the title of 'Improving the protection and well-being of labour migrants and their families in Sri Lanka' by a project funded by Helvetas.

***Sri Lanka: Thusitha Ruwan Kumari Samarasekera (F)***

Thusitha is the Director of Monitoring and Review for the Human Rights Commission of Sri Lanka. Her responsibilities involve the monitoring of human rights situations, review of the systems and procedures in place and advising the Government. By undertaking this training, Thusitha hopes to broaden her understanding of migrant worker rights' and the international standards and mechanisms against which the domestic apparatus can be reviewed. She would like to gain a better understanding of the various actors involved in migrant worker rights' advocacy which will enhance her capacities for effective collaboration with government agencies and civil society organisations.

***UAE/Switzerland - Carlet Elizabeth Ponce (F)***

Carlet has been a senior consultant at Vivere Association (Lausanne, Switzerland) since 2004. From January 2006 to December 2009 as country representative of Vivere in Moldova Elizabeth provided technical support to the local NGO "Compasiune" to develop a program to improve sexual and reproductive health and reduce violence and trafficking in persons (mostly with the purpose of sexual exploitation). She represented Vivere in the "Anti-trafficking and Gender Technical Committee meetings" in Chisinau from 2005 to 2009 (OSCE & Social Protection Ministry). She has worked as health programs coordinator in Ecuador, Chile, for more than ten years, being involved in development of programs on behalf of street children aimed at reducing child labour, abuse and exploitation. Elizabeth trained more than 200 professionals on the rights of the child and development of a coordinated response to reduce child abuse, neglect and exploitation (Chile 1996-1998). From 1999 to 2004 she worked in Benin - Togo as a protection program coordinator and anti-child trafficking specialist; she developed a comprehensive protection program for children under 15 years old who were victims of abuse, neglect, trafficking (internal and transnational trafficking) and labour exploitation.



## Appendix 3

### Trainer Biographies

#### **Dr Ryszard Cholewinski, International Labour Office, Geneva**

Ryszard Cholewinski joined the International Migration Branch in September 2010. Prior to coming to the ILO, he was a Senior Migration Policy and Research Specialist in the International Organization for Migration (IOM) in Geneva and Reader in Law at the University of Leicester in the United Kingdom. He has written widely on the human rights of migrants, labour migration, and various aspects of European Union law and policy relating to migration. In particular, he is the author of "Migrant Workers in International Human Rights Law: Their Protection in Countries of Employment (Oxford, Clarendon Press, 1997) and two publications for the Council of Europe ["The Legal Status of Migrants Admitted for Employment Merchants of Labour" (2004) - (pdf 760 KB)], and ["Irregular Migrants: Access to Minimum Social Rights" (2005) - (pdf 544 KB)] While at IOM, he was co-editor-in-chief of "World Migration 2008: Managing Labour Mobility in the Evolving Global Economy" and also co-authored two editions of the "Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination" (2006, 2007), a joint publication of the Organization for Security and Co-operation in Europe (OSCE), IOM and ILO. He holds a doctoral degree from the University of Ottawa, a Master in Laws degree from the University of Saskatchewan, and a Bachelor of Laws degree from the University of Leicester.

#### **Luc Demaret, International Labour Organisation, ACTRAV**

Luc is a senior specialist with the ILO Bureau for workers' activities in charge of labour migration issues and decent work for domestic workers. He joined the ILO in 2001 after a long career in the international trade union movement. He was responsible for migrant workers' rights at the International Confederation of Free Trade Unions (ICFTU, now ITUC). He was Director for Information at the ICFTU from 1988 to 2001 and editor in chief of Trade Union World and represented the organization in the migrant workers' working group of the European Trade Union Confederation (ETUC) in the 1970s. He also represented the ICFTU in the ILO Committee on the Application of Standards from 1983 to 1988. He assisted the spokesperson of the workers' group in the ILO Conference general discussion on migrant workers in 2004 and in the standard-setting sessions of 2010 and 2011 on decent work for domestic workers which led to the adoption of C189 and R201. He is the main author of the two reports submitted to the Governing Body that led to placing the item on the agenda of the Conference in 2010. Luc holds a degree from the Higher Institute of Applied Human Sciences in Brussels, a Master in Laws degree (labour law) from the Paris University Panthéon-Sorbonne and a Bachelor in Laws degree from the same university.

#### **William Gois; Regional Coordinator, Migrant Forum in Asia based in the Philippines**

William Gois is the Regional Coordinator of the Migrant Forum in Asia, a regional network of migrants' organizations, NGOs, advocates, grassroots organizations and trade unions working to promote the rights and well being of migrant workers and members of their families. He also chairs Migrants Rights International (MRI), an international non-government organization with consultative status with the UN Economic and Social Council (ECOSOC). Over the last twenty years, he has been at the forefront of international advocacy efforts engaging and influencing international and multilateral organisations to promote equitable and fair migration and development policies. He works closely with UN Treaty Bodies, with the Office of the High Commissioner on Human Rights (OHCHR) and the Committee on Migrant Workers and other special mandates. He also heads a team to the International Labour Conference (ILC) of the International Labour Organization to monitor the development of labour migration issues within the ILO framework. The last such team was during the June 2011 ILC where the Conference adopted ILO Convention 189, a landmark Convention that recognizes domestic workers as workers with the same rights as other workers.

**Nidal Jurdi, Human Rights Officer, Office of the High Commissioner for Human Rights Middle East Region**

Nidal serves as a Human Rights Officer for the Office of the High Commissioner for Human Rights in the Middle East Region. His experience ranges between University Lecturing, working at OHCHR and International Criminal Law Institutions. He has worked at the Department of Government, UCC in Ireland on projects on human rights, a law Clerk at the Office of the Prosecutor, with primary focus on Darfur and the Middle East, and as a human Rights Advisor for the Beirut Bar Association. In 2006, he worked as a Legal Consultant for a UN Investigative Mission in the Middle East. Since 2007, Nidal has been engaged with OHCHR as a Human Rights Officer, and is also a Part-Time Lecturer at the American University of Beirut.

**Dr Azfar Khan, Senior Migration Policy Specialist, ILO Regional Office in Beirut, Lebanon**

Azfar Khan is the Senior Migration Policy Specialist for the Arab States based at the ILO Regional Office in Beirut, Lebanon. He has undertaken many assignments with the ILO, since joining the organisation in 1995. He has served as: a Technical Advisor on Population and Poverty with the ILO's Development Policy Department (1995-1999); as Development Economist with the InFocus Programme on Socio-Economic Security (2000-2006); and as Senior Migration Policy Advisor in the International Migration Programme (2006-2009). Prior to joining the ILO, he was a Senior Lecturer at the Institute of Social Studies in the Hague, the Netherlands, where he also served as the Convenor of the UNFPA Global Programme of Training in Population and Development (1989-1995). He has written and published widely in the area of social policy, employment and poverty issues, labour migration and on the general interface of demographic and macroeconomic issues. He holds a B.A (Honours in Economics) and a M.A. (Economics) from McGill University, Montreal, Canada and a Doctor of Philosophy from the Institute of Development Studies at the University of Sussex in the United Kingdom.

**Mustapha Said, Senior Specialist for Workers' Activities in the ILO Regional Office for the Arab States**

Mustapha Said joined The ILO in April 2008 as Chief Technical Advisor for the "Promoting Fundamental Principles and Rights at Work and Social Dialogue" project in Egypt. Since October 2011, he is the Senior Specialist for Workers' Activities in the Regional Office for the Arab States in Beirut. Mustapha has a comprehensive background in international labour standards, social dialogue and human and trade union rights, with an extensive experience in workers and trade union education. He was the regional coordinator for the Building and Wood Workers International (BWI) in the Arab World for about ten years. He is an experienced human and trade union rights activist, organizer and community development expert. Mustapha has a master's degree in Sociology from the Lebanese University - Beirut.

**Hélène Harroff-Tavel - Associate Expert, International Labour Organisation**

Hélène Harroff-Tavel holds a Bachelor of Political Science from Georgetown University, and a dual Master's degree of International Affairs and Public Health from Columbia University. She has worked for the International Federation of the Red Cross and Red Crescent Societies in Switzerland, the International Rescue Committee in the Democratic Republic of the Congo and Save the Children in Nepal. She is currently working as Associate Expert on Migration at the International Labour Organisation's Regional Office for Arab States, based in Beirut, Lebanon.

**Ursula Kulke - Labour Protection Department, International Labour Organisation**

Ms Ursula Kulke is the Senior Regional Social Security Specialist at the ILO Regional Office in Beirut, where she leads the ILO's technical assistance efforts for the development, promotion and implementation of social security policies in the Arab States. In this capacity, Ms Kulke provides support to governments in bringing national legislation in line with international labour standards, promoting fundamental human rights at work, developing comprehensive social security schemes, effecting pension reform, and working towards the achievement of national Social Protection Floors in the region. Prior to this, Ms Kulke served as ILO Coordinator for Standards and Legislation at the Social Security Department in Geneva, tasked with developing the legal basis for the Social Protection Floor and the development of the ILO Recommendation for the Social Protection Floor, which will be discussed at the 101st International Labour Conference in 2012. Ms Kulke was also responsible for oversight of the standards policy of the Social Security Department, and all related

technical assistance to member States worldwide. She further participated in the elaboration of the General Comment on the Right to Social Security, which was adopted by the Committee on Economic Social and Cultural Rights. In addition, Ms Kulke was in charge of the promotion of social security for migrant workers. Ms Kulke holds a First State Examination in Law from the University of Tuebingen (Germany) and a Second State Examination in Law from the Higher Regional Court of Justice/Stuttgart in Germany which qualifies as a judge. She also received a diploma in International Law from the University of Leiden (Netherlands).

**Martin Oelz, Legal Specialist Working Conditions Conditions of Work and Employment Programme, International Labour Office, Geneva**

Martin Oelz serves as Legal Specialist on working conditions at the ILO's Conditions of Work and Employment Branch (since 2010) and has been closely involved in the preparatory work for the new ILO Convention and Recommendation concerning decent work for domestic workers. From 2001 to 2009, he held positions as Legal Officer and Associate Expert on Human Rights in the ILO International Labour Standards Department. He previously served as Human rights adviser in the Austrian Foreign Ministry Assistant, and as a lecturer in international law at the University of Innsbruck, Austria. He holds a Doctorate in international public law from the University of Innsbruck and an LL.M. in international human rights law from the Notre Dame Law School (Indiana, USA).

**Samar Tarawneh, Researcher, National Centre for Human Rights (NCHR)**

Samar is a researcher and trainer for the Jordan National Centre for Human Rights. The NCHR has a wide human rights mandate and deals with cases of human rights violations, complaints, education and promotion, monitoring and integrating human rights into Jordanian legislation and practices. As a researcher, Samar prepares part of the NCHR's annual report on the status of human rights in Jordan, prepares and coordinates panels and specialized workshops, translates documents and participates as resource person in training courses. Samar currently works in the International and Public Relation unit at the Centre/ ICC secretaries , where she is work Closely with NHRIs world wide as the Commissioner General of the Jordan National Centre for Human Rights (NCHR), which has been elected as Chairperson of the International Coordinating Committee of National Human Rights Institutions (ICC) , following the nomination by the Asia Pacific Forum on National Human Rights Institutions (APF). She is an alumna of the DTP.

**Alix Nasri, Consultant, International Labour Organisation**

Alix Nasri holds a Bachelor of International Relations from the Graduate Institute of International and Development Studies, and a Master degree of Humanitarian Law and Human Rights from the Geneva Academy of International Humanitarian Law and Human Rights. She currently works as a Consultant on Human Trafficking and Forced Labour at the International Labour Organisation. Ms. Nasri previously worked for the NGO Heartland Alliance where she was responsible for implementing several protection programs for vulnerable Iraqi refugees, including victims of human trafficking and survivors of gender based violence. She has also worked as a trainee in strategic philanthropy for the Foundation 1796 based in Geneva, Switzerland.

**Patrick Earle, Executive Director, Diplomacy Training Program (DTP)**

Patrick Earle has over 20 years experience working in the human rights movement, both in Australia and internationally. Since 2003 Patrick has been the Executive Director of the Diplomacy Training Program, and in this role has developed and facilitated human rights courses in the region – including new thematic courses focusing on human rights business, human rights and migrant workers and the rights of Indigenous peoples. From 1996 until 2003, Patrick worked with the Human Rights Council of Australia with a focus on its groundbreaking project on the relationship between human rights and development and is co-author of "The Rights Way to Development – Policy and Practice". Prior to that Patrick worked for Amnesty International in London and produced their first International Campaigning Manual. Patrick is on the Steering Committee of UNSW's Initiative on Health and Human Rights, a member of the Human Rights Council of Australia, and Visiting Fellow at the Faculty of Law at UNSW.