

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

Report on
Capacity
Building
Program

Qatar, October 2012

Migrant Forum Asia
Asia-Pacific Forum of National Human Rights Institutions
Diplomacy Training Program
Hosted by the National Human Rights Committee - Qatar



14-18 October , 2012

1. Summary

This is a report of a special capacity building program hosted by the National Human Rights Committee of Qatar, focussed on promoting and protecting the rights of migrant workers in the states of the Gulf Cooperation Council (GCC).

This was the first capacity building program on the rights of migrant workers in Qatar to bring together representatives of civil society and national human rights institutions (NHRIs) from across Asia and the Middle East to focus on the challenges of implementing agreed international human rights and labour rights standards. Participants came from countries of origin for migrant workers and countries of destination.

The program addressed the situation of migrant workers in the GCC States. Millions of migrant workers, men and women, travel from Africa and Asia to work in the GCC States¹ – in construction, manufacturing and service sectors – and as domestic workers². They work under the Kafala (sponsorship) system, which is becoming a focus for growing international criticism for the vulnerability it creates.

GCC States have responded in various ways to the rapid growth in the numbers of migrant workers they now host. These states are also grappling with other challenges of governance. Some have established or have committed to establish NHRIs to promote human rights education, understanding and compliance. Some have recognised the rights of workers to form and join trade unions, while others have not. There are signs that some in governments in the region see the need to address the growing human rights issues and concerns about the treatment of migrant workers in their countries. The need for agreed standards of human and labour rights to be applied in the region is urgent.

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. There was also a field trip to *Religious City* in Doha, where Christians can exercise their right to freedom of religion and to Mowasalat, to see some model accommodation for male migrant workers in the transport industry.

This program followed a program earlier in the year in Beirut that 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 destination³). 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.

At the end of the program, the participants were asked to evaluate the program. These evaluations were both thoughtful and positive and will help with future planning. This report draws on those evaluations. The report also 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.

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

² 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.

³ 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.

The program was made possible with funding from the Swiss Development Cooperation (SDC) agency, and the Asia Pacific Forum of National Human Rights Institutions. 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 the National Human Rights Committee of Qatar which hosted the program.

“I should say whole part of this program is excellent and effective and informative. Because it includes how to make plan, tools of planning and how to implement it”⁴

2. Background and Overview of the Program

DTP and MFA have worked in partnership since 2004 to develop the capacity of NGOs to effectively advocate for the rights of migrant workers, to link with trade unions, national human rights institutions and to engage governments and the UN system. Since 2009 the partnership has included the Asia-Pacific Forum of National Human Rights Institutions (APF).

In October 2011, DTP, MFA and APF held the 8th annual regional 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 funded by the UN’s Office of the High Commission for Human Rights (OHCHR).

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. MFA advised that for the first time there may be opportunities to organise this program in the Gulf States.

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, nearly 25% of Nepal’s GDP comes from remittances – mostly from the Middle East.*

The human costs of labour migration are high. 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 wider issues to do with recognition of women’s rights and participation in public space and life. Where policy and practice deny the rights of migrant workers, including restrictions on their ability to move to seek work, 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 global, regional and national agendas. This is an important moment for building civil society advocacy capacity in and between

⁴ This and other text in bold italics are quotes from the anonymous participant evaluations

Asia and the Middle East, and ensuring that Arab civil society groups are as well equipped as possible to effectively advocate for the protection of migrant workers. Within the GCC States there is new openness by some in government to reform.

Skills, knowledge, good practice and experience need to be shared and developed amongst countries with weaker civil society. This is a key moment of opportunity. DTP and MFA were able to work with alumni of previous programs and MFA's growing networks and relationships in the region.

This program also responded to the need to build collaboration between different sectors of civil society concerned with human rights and workers' rights and between these and the growing number of NHRIs in the region.

“I was able to create valuable networking that would help me to move forward effectively on the work I am doing”

3. Program Partners

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. The **Asia Pacific Forum (APF)** advances human rights in the Asia Pacific through its member organisations and facilitates the formation and growth of national human rights institutions by providing training, networking and resource sharing. The **Diplomacy Training Program (DTP)** is an independent NGO seeking to advance human rights and empower civil society through quality education and training and the building of skills and capacity in NGOs.

4. Location and Venue

The program was hosted by the National Human Rights Committee (NHRC) of Qatar at their offices in Doha. Qatar was chosen as the location, despite its lack of recognition for the human right to free association – the right of workers to form and join trade unions – because of the assessment of DTP's partner Migrant Forum Asia that there is an urgent need for action in Qatar and some openness to reform and change. MFA has developed a *Memorandum of Understanding* with the NHRC of Qatar - and NHRC is a member of APF – the other partner in this program. Qatar is in the international spotlight as host of the 2022 FIFA World Cup and will require a predicted 1.3 million workers to construct facilities and to staff the services to support them.

“According to me, most useful session was alliance building and exploring avenues for NGO/CSO, NHRI collaboration”

5. Participants

The participants for this program were selected to achieve a balance between NHRI staff and NGOs in countries of origin and destination. There was 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. The mix of participants was intended to assist with long-term collaboration. Please see the individual bios attached as an appendix to this report.

“The best part of the program was the group discussion on migrant workers for sending and receiving countries”

6. 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 and facilitators 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.

“The most useful session was when the groups were divided and it was a joint discussion and unanimously the decision was made public, sharing all positive ideas and views”

7. 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.

8. 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 (Philippines, Iran, Bangladesh, and Nepal) – 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.

9. Daily Highlights

Day 1: Opening Ceremony and Introduction to Human Rights

The official **Opening Ceremony** was chaired by **Hélène Haroff-Tavel** of the ILO Regional Office in Beirut and included opening remarks from **Patrick Earle** (DTP), **Azfar Khan** (ILO Expert – Beirut), **Maryam bint Abdullah al-Attiyah**, Secretary General of the NHRC Qatar and **William Gois** (MFA). It was open to the media and both print and TV media were well represented.

In welcoming the participants, the speakers explained the background to the program, set the regional and national context and outlined the aims and expectations of the program.

It was noted that this was a breakthrough program, built on years of collaboration between the partners and made possible by changes in the Middle East, and a growing awareness of the need to address the issues of migrant workers in the GCC states. The willingness of the NHRC to host this first capacity building program bringing together advocates from Asia and the Middle East was acknowledged with appreciation. The bringing together of civil society, trade unions, NGOs, NHRI staff and the ILO to build collaboration is a step towards respecting the rights of migrant workers.

Following the formal welcomes there was a more informal session of participant introductions – discussion of expectations, a review of the schedule and agreement of *house rules* to establish a safe learning space. There was also a discussion of what participants see as the key challenges facing migrant workers.

Key Challenges for Migrant Workers – Identified by Participants:

Social Stigma for Migrant Workers; Lack of Access to Justice (including because no translators); Attitudes of Host Country Governments and Society; the economic and political situation of sending countries; human trafficking; the selling of visas; non-payment of wages; the sponsorship system (kafala); the role/actions of recruitment agencies.

The first substantive session – an **Introduction to Human Rights** was led by Ms Hala Al-Ali, who works as an educator and expert with the Qatar NHRC. Hala provided a historical background to the development of modern human rights standards – tracing their evolution back to ancient times in the Middle East with the Cyrus Cylinder – and the freeing of slaves.

Hala introduced the key principles of equality, universality and interdependence. In introducing the International Bill of Rights she drew the distinction between (non-binding) declarations and binding treaties that governments ratify. Hala also then introduced some of the accountability mechanisms that the international community has developed to assist implementation of human rights and to hold governments to account. These include Human Rights Treaty Bodies, UN Special Procedures, and the Universal Periodic Review.

In groups, participants then discussed where they could find sources of, and reference to human rights in their own societies/cultures. Reporting back participants identified national laws and constitutions, the Koran, and rights for farmers in the old feudal system in Lebanon as relevant and regionally significant sources for human rights standards. Concepts of human dignity, the worth of the individual, of equality is present in all religions and cultures. That all cultures are dynamic and change over time was also acknowledged – with particular reference to the rights of women. Human rights need be linked to daily life and to the situations in different societies.

The final session of the first day was an interactive panel discussion focussed on human rights and labour migration.

Azfar Khan, ILO Expert on Migration provided both an overview and some individual snapshots of cases. There has been a doubling, tripling and in some cases quadrupling of labour migration to the Gulf states in the past decade. Over 86% of Qatar’s population are migrants – non-nationals – and over 90% of its workforce. In other Gulf States too the number of nationals is dwarfed by the number of migrants. These are issues of labour supply and demand and unequal economic

development globally. Azfar pointed out the impacts of denial of rights had, not just on migrant workers – but on their families – including those left behind without a breadwinner.

Ellene Sana, from Migrant Forum Asia emphasised the growing proportion of women migrant workers – now over 40% - and their vulnerability at all stages of what is called the migration cycle. Many of these women go from Asia to work as domestic workers in the Gulf Countries. They go because they see no job opportunities or prospects in their own country – a failure of development. A significant number are undocumented. Exploitation begins pre- departure with large fees from recruitment agencies. They are sometimes stranded in-transit. In destination countries, they work long hours, may be subject to harassment, have to endure work in extreme temperatures, lack support systems and fear consequences of complaining – loss of job, detention, deportation. On their return home they are not entitled to any social security.

Hala Al-Ali from Qatar's NHRC identified that public and official attitudes in Gulf States can be a barrier to respecting the rights of migrant workers. Problems are sometimes seen as of the migrant worker's own making – through not knowing or respecting the laws and cultures of the host country. And they are seen as the fault of the sending country – their failure to offer a future at home, their failure to provide proper training and support to their nationals. Host societies are hierarchical and slavery was legal and practiced in some until relatively recently. The NHRC experience is that many workers arrive knowing little of the work they will do or the conditions of their employment – and they are presented with new and different contracts in a strange and unfamiliar environment where they feel they have no choices. The abuses can only be tackled by working in both countries of origin and destination.

The group discussion was rich and lively – and the views of the participants partly reflected their own national perspectives from sending and receiving countries. The complexities of the different were brought out – the private and state actors involved in labour migration and placement in each country is different. The difficulties of seeking redress were highlighted – lack of data, lack of contracts, issues of language and translation, people unaware of their rights, not knowing where to seek help, the costs of lawyers and legal action. In Kuwait, migrant workers can now join trade unions – but cannot form their own. How human rights can be applied in these different contexts was canvassed. Reference was made by a number of the participants to the new ILO Convention 189 on the rights of domestic workers and to the migrant workers convention.

Day 2: Human Rights, The Kafala System and Research Skills

The second day began with sessions going into more detail about the UN human rights system, the nine core human rights treaties and the nature of state obligations to respect, protect and fulfil human rights. Included in these obligations is the obligation to provide access to redress. These sessions were led by **Ryszard Cholewinski** of the ILO's Geneva Office.

Migrant workers have the same human rights as everyone else but their particular situation is recognised in the UN Convention on the Rights of Migrant Workers and Their Families (1990). The right to non-discrimination is central to all human rights standards and very relevant to the situation of migrant workers.

The role of the Committee on the Rights of Migrant Workers was outlined – including its work on a General Comment on the rights of Domestic Workers, which is consistent with ILO Convention 189. Some categories of foreign workers are not covered as migrant workers by the treaty - diplomats, trainees, students (unless working), refugees (Geneva Convention (1951). Irregular (undocumented) status does not preclude a migrant worker from their human rights. There is an Optional Protocol

that allows for an individual complaint to be made to the Treaty Committee – but to date it has only been ratified by 3 of the 10 states necessary for it to come into force.

The Kafala System

The next session led by **Dr Azfar Khan** focused on the Kafala System – from a human rights perspective. The Kafala system operates in the Middle-East in parallel to labour law. Labour laws are the way states regulate the relationship between employer and employee. They have an important function in redressing the power imbalance between two. It was the growth of oil and petroleum sector in the Gulf States in the 1970s that really prompted the need for labour law. The pre-existing Kafala system, based to an extent in traditions of both hospitality and slavery, has continued in place - ensuring the dependency of migrant workers on their individual sponsors (Kafeels). Where labour aims to create a balance, the Kafala system ensures an imbalance.

An individual sponsor (a national of the country) is required for each migrant worker, and this sponsor is paid or can charge a fee to a migrant worker and the system ties the worker to a specific employer. The Kafala system has encouraged a perception of the migrant worker as property. Sometimes the kafeel (sponsor) will have paid a fee and travel costs for a worker – and this will take up to 18 months for the worker to pay off – i.e. they will receive no net income during this period. A migrant worker is seen as an investment or commodity – and if they are afforded the right to leave an employer, or to change an employer then the investment is placed at risk. This is a situation not unlike debt bondage, and illegal under international law. There is no limit to the number of individual migrant workers an individual *Kafeel* can sponsor. The system is very lucrative for some and therefore strong vested interests resist change.

Domestic workers are even more vulnerable as their work – and workplaces – are not recognised under labour law. The Kafala system is seen as a private arrangement between individuals – and in the case of domestic work affects the private space of the home – which poses particular challenges for monitoring and regulation.

“this resource person definitely explained what it was all about, and there was very good interaction among participants”

Despite a range of perceptions and obstacles that make reform difficult, there is some movement.

- 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 10th anniversary of Kuwait's liberation and has asked the ILO to develop 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

The importance of international standards in both driving and guiding change came through strongly in the discussions. Equally, change requires concerted action, and the political will of key officials/departments. Collaboration between civil society, governments and international agencies is essential. Addressing the concerns about what change might mean for host societies cultures and security is an important part of generating and maintaining the will for action from governments and host communities.

The next session, led by the ILO's **Marie-José L. Tayah** and **Hélène Harroff-Tavel**, provided participants with an introduction to the knowledge and skills necessary for research into the rights of migrant workers. The link between good research and effective advocacy was made. Sound research is necessary for documenting abuses and for building the case for change. It can provide a way to engage with the range of actors involved and an opportunity to build collaboration. Before being divided into groups for a practical exercise, participants were asked to complete a research passport identifying their skills (educational background and experience) and access to data before engaging in this exercise. The passport helped them identify group participants they will collaborate with to complete the knowledge circle and answer the question in the best way possible. In groups, participants were then asked to design a research study for the following:

1. Verifying the cause of death of a migrant worker/migrant workers
2. Building a legal case against private employment agencies/employers who have deceived/exploited
3. How would you monitor the occupation safety/health of the 2022 World Cup construction sites?
4. How to investigate working conditions of seafarers in GCC
5. Independently verifying that child migrants are no longer working as camel jockeys.

In relation to each category they were asked to:

- Design research methodology/advocacy strategy
- Identify different team members to contribute to the research and advocacy and whether to partner with other key institutions
- Identify opportunities/risks of carrying out research/advocacy

They were asked to present the results to Dr Azfar Khan, Ryszard Cholewinski and Ellen Sana – who gave feedback and practical pointers. All the groups identified the need for mixed methodology – qualitative and quantitative, to look at the legal framework, statistics and other data. Azfar pointed out the value of looking for historical data e.g. the number of workplace accidents associated with a company or worksites. Larger companies are more likely to have policies and public information. Ryszard highlighted that in circumstances where relevant national legislation/standards did not exist, it was valuable to refer to international standards – and also key human rights principles. There was also general feedback on the need to stay focussed in doing research.

“I enjoyed practical exercise in every part, but especially in Researching Migrant Workers’ human rights, because before the exercises I knew nothing”

Ray Jureidini is working as a research consultant on a special project with the Qatar Foundation that is focused on the welfare of migrant workers. He presented on his research on the recruitment process for migrant workers into Qatar, showing how it could be seen in some respects as resulting in debt bondage/human trafficking/forced labour. A survey of 1000 male migrant workers surveyed in Qatar showed that 72% were married males, and of these 88% have children. Thus, most workers have dependents they must provide for and they cannot afford for things to go wrong. Migrant

workers have a range of motivations – there are the push factors of poverty, population pressures, environmental factors etc. Sometimes migrant workers have a very specific purpose such as to raise money to invest in land and housing back home, or to pay for their children’s education.

Migrant workers are recruited directly by employers, through intermediaries, by former migrants and migrant networks and by private fee charging agencies. Usually these agencies are accredited but have sub agents (community leaders of local small villages, for example, sometimes act as brokers and may charge fees as well as give loans). The fees charged to migrant workers are one of the biggest concerns. The fees/charges imposed on migrant workers induce indebtedness. Agents can attract fees from both migrant workers and employers. It is a complex and opaque industry open to corruption and challenging to hold accountable. Labour laws that prohibit charges to workers for recruitment in Qatar only apply to agencies in Qatar – not to agencies in country of origin.

Some workers find that it might take 12-18 months to pay off their loans. They have little or no bargaining power. The companies often know that the worker is in debt and cannot afford to go home. Thus, workers on arrival to their place of work in Qatar may receive less in wages than they were promised and sub-standard accommodation, restrictions of freedom of movement, etc. These circumstances of migrant workers may be identified as human trafficking, debt bondage and forced labour.

The language used in relation to migrant workers reinforces the sense that they are in a form of modern day slavery. Domestic workers who leave their employers (perhaps because of abuse, or non-payment of wages) are said to have “run away” – rather than to have broken their contract, or to have merely “resigned”. With such large populations of migrant workers there are many other issues of concern – domestic workers who get pregnant are either sent back to their countries of origin or forced to have abortions. There is a huge population of men separated for years from their families – and this also has social and health implications and consequences. Prostitution and homosexuality are both illegal in the GCC countries, and therefore take place beyond the protection of the law and reach of health services. This situation contributes both to HIV/AIDS and to unwanted pregnancies. When migrant workers become pregnant they usually face dismissal, detention and deportation.

Day 3 – Field Trip – Religious City and Mowasalat – Workers Accommodation

In most DTP courses there is a field trip and/or practical engagement exercise. There was considerable discussion between the organisers and hosts in relation to what would be the most interesting and useful field trip for this course. Options included visiting the area known as *Industrial City*, where many migrant workers live. The conditions are confronting and in the end it was agreed that the visit would go to *Religious City* and to *Mowasalat* - model accommodation for migrant workers.

Religious city is a walled compound containing 3 Christian churches (Catholic, Orthodox, Protestant). Services are run through the week, with over 3000 attending the Catholic service on Friday’s. Other religions (Hindu/Buddhist) are not catered for. The right to practice one’s freedom of religion is an important human right – but one that can be easily overlooked when there are such other pressing human rights issues. The visit and discussions at religious city highlighted that while there have been welcome efforts to respect this right for migrant workers of a Christian faith, Hindus and Buddhists can only practice their faith privately (and illegally) – in informal arrangements in private homes.

Participants were then taken to *Mowasalat* - a driver learning school and accommodation for 6000 bus and taxi drivers – migrant workers from all over the world. Participants were given a tour of the accommodation blocks where migrant workers are housed for the duration of their contract. They live six/eight to a room on bunk beds – each with a cupboard for their personal belongings. Food is provided through a canteen – and residents are not allowed to cook food in their own accommodation blocks. Fees are charged at the canteen, for laundry and for internet access. There was some feedback that the charges for these services are high. There is a gym – and membership can be bought, and a cinema was under construction. There is also a medical centre with one doctor and two nurses on staff – although medical staff numbers are apparently set to grow.

While this is seen as a model facility – it was clear that residents have limited autonomy or control over aspects of their lives there. There are clearly great challenges in housing the large number of single men from different countries coming to work in Qatar – in a way that is consistent with a range of their human rights – including the right to privacy, the right to housing and the right to health. And these challenges are set to grow as the numbers of workers grow.

The visit concluded with a presentation and question and answer session with the owner of the company. One of the participants asked about whether the workers had the right to form or join trade unions, and what kind of representative structures existed for residents/workers. Trade unions are not permitted in Qatar.

When the program resumed there was a focus on the mechanisms the international community has established to hold governments accountable to their human rights obligations and international standards – and that can be used to promote a human rights based approach to migration. The weaknesses of these mechanisms were recognised.

NGO's have used the process of government's reporting to UN treaty bodies to submit parallel reports – for example, NGOs in Nepal have used the reporting process under the Convention on the Elimination of Discrimination Against Women (CEDAW) to highlight issues of domestic workers and trafficking and the Committee has made recommendations to the government of Nepal as a result. Another example given was the securing of compensation for camel jockeys. NGOs have also used the Universal Periodic Review (UPR) process to highlight concerns. Raising these issues at the international level, and has the potential to influence the recommendations and actions of the UN and governments. A recommendation coming out of the UPR process, from a UN Special Procedure or a UN Human Rights Treaty Body has much more force and weight than a recommendation from an NGO. Governments are concerned about their reputation and image with other governments.

The ILO has developed a model standard contract with minimum conditions that meet international standards that they are promoting for use in the receiving countries.

Day 4 – National Human Rights Institutions – Building Collaboration Across Borders

Advocates reference and access international standards and mechanisms with the aim of changing policy and practice at the national level. National Human Rights Institutions (NHRIs) are an increasingly important focal point for action at the national level. Since the Vienna Declaration of the World Conference on Human Rights in 1993 there has been a rapid growth in the number of NHRIs in Asia and the Middle East. Their role has been recognised at the international level and formalised through participation in the UPR and Treaty reporting processes.

Samar Tarawneh⁵, from the Jordanian National Human Rights Commission, led two sessions looking at the role and functions of NHRIs and exploring with participants how NGOs/civil society can engage with them to promote and protect the rights of migrant workers. Samar also drew out the experiences of the NHRI staff from other Commissions that were participating in the program.

NHRIs are established as independent watchdog bodies – funded by governments but independent of them. Their precise functions vary but include a promotional or Human Rights Education (HRE) role, complaints handling (mediation and arbitration), an advisory role, monitoring, investigations and enquiries, policy and legal advice, and an *amicus curae* role in relevant human rights actions. They also have a separate role in UN processes such as the UPR and Human Rights Council.

The independence of NHRIs is underpinned by a set of principles called the Paris Principles – and conformity with these principles is reviewed at the regional and international levels through a self-regulatory accreditation system.

In relation to the rights of migrant workers for example NHRIs can recommend ratification of international standards, the lifting of reservations to standards and legal reform, the inclusion of the rights of migrant workers rights in their reports under the UPR and in human rights treaty reports. They may be able to visit places of detention of migrant workers, or their places of accommodation and employment. They can develop and disseminate information on the human rights of migrant workers and provide these to migrant workers and their employers and state agencies. They can develop and implement training programs for officials and companies; they can host roundtable discussions with government officials, NGOs and other stakeholders.

“The session on NHRI’s role on the fourth day. Very productive and practical. Full of information and analytical skill of the facilitator was good”

Considerable time was allocated to exploring how NGOs and NHRIs could interact and cooperate effectively within countries – and the scope for increased collaboration between sending and receiving countries.

The value and potential for greater collaboration between NHRIs in countries of origin and destination was recognised. One problem in access to justice is that when a migrant worker leaves the country, continuing action (to claim unpaid wages, compensation for breach of contract or abuse, or formal complaints etc) becomes very difficult. Better cooperation between NHRIs in sending and receiving countries may be a way of overcoming this. In recent years MoUs have been signed – for example between the NHRIs in Jordan and Indonesia. The NHRIs in Qatar and Sri Lanka and Philippines are also developing MoUs. Such MoUs may allow for collaboration on individual cases and exchange visits so that Commissioners and staff develop awareness of the issues and collaborative relationships.

The reality at the national level is that relations between NGOs and NHRIs can be difficult for a range of reasons. It may be that neither has the time or resources or motivation to develop collaboration, possibly because the value of working together is seen as limited. NGOs also sometimes see NHRIs as just another arm or agency of government – lacking the independence or willingness to be critical of government. NHRIs sometimes see NGOs as lacking rigour or pursuing a range of agendas. Both most often face the reality of a lack of sufficient resources and difficult choices on priorities.

The hosting of this program was noted as a practical example of growing collaboration between NGOs and NHRIs. MFA and Qatar’s NHRC have recently signed an MoU formalising cooperation that

⁵ An alumna of a previous DTP course

will take a number of forms – including study visits. In groups participants discussed collaboration and came up with the following suggestions:

- There is scope for NGOs to assist in the submission of complaints/cases to NHRIs – in/between countries of origin and destination
- NGOs and NHRIs can work together in education and awareness raising efforts – and NGO networks can be very useful for disseminating materials developed by NHRIs.
- It can also be useful for NGOs and NHRIs to meet to share information and recommendations for change in the lead up to the UPR and Treaty Body reporting process.
- When the recommendations emerge from UN processes it can be useful for NGOs and NHRIs to meet and discuss implementation strategies.
- NHRIs also have a role to play in ensuring that there is the space for NGOs to exist and work – to exercise the right to freedom of association and freedom of speech.

In relation to collaboration between countries there were the following suggestions:

- The establishment of a hotline in respective NHRIs so that quick action can be mobilised on behalf of nationals at risk;
- Cooperation on individual cases – so that issues of impunity, redress and compensation etc can be pursued;
- The preparation of manuals and information materials that could include content and advice from NHRIs in countries of destination and origin;
- Sharing information on corporations/employers/recruitment agencies that have been identified with abuses;
- Involvement of NHRIs in pre-departure/post arrival preparation/orientation;
- Establishing mechanisms for the regular sharing of information re the situation of migrant workers – through skype/online;
- Shared recommendations on legal/policy reform, on minimum basic conditions of contracts/standard contract;
- Communication and liaison in relation to preparation of reports to Treaty Bodies/UPR
- Developing shared strategies in relation to the promotion and protection of the rights of migrant domestic workers.

Alliance building was a strong theme of this program – and the focus of the next session led by **William Gois**, coordinator of perhaps the most successful alliance focused on the rights of migrant workers – *Migrant Forum Asia*. The session focused on the *why* and *how* of effective alliance building. Alliances are necessary for achieving change in the face of opposition, particularly for vulnerable and marginalized sections of society who are challenging those with power. Effective alliances can increase impact, share resources, build momentum, provide mutual support. They can be short or long term, focused on a single case or on broader change.

Alliances work best where there is a clear, shared objective and agreed and transparent methods of decision making within the alliance partners, including on how differences can be managed. This decision-making is often delegated to a small group. Building trust between organizations and individuals is important. Alliances work best where they are action/goal oriented and where alliance members each see the value in working together – and can see signs of achieving shared objectives.

The alliance that succeeded in securing the adoption of ILO C189 was seen as a good example. It is possible to build broad coalitions around an issue and it is important for advocates to think creatively and openly about potential allies – perhaps to go outside of the comfort zone – and example of this the relationships between trade unions and NGOs – which have very different

traditions. They can see themselves as having competing interests – yet both share a commitment to human dignity, to respect for human and workers rights.

“According to me, most useful session was alliance building and exploring avenues for NGO/CSO, NHRI collaboration”

The next session focused on sharing some approaches and techniques of advocacy to achieve change. There was an open brainstorming in which participants identified some of those ways that change was achieved – a long list. There was then discussion of strategy – analysis and objective setting that enables the best techniques to be selected depending on the specific context, and having a process of reflection to monitor what is working and what needs to be changed. There was a particular focus on lobbying techniques and tips.

Advocacy on Human Rights was the best part of the program

The final formal session of the program was a panel discussion/dialogue with diplomatic representatives/labour attaches from Iran, Bangladesh, Philippines and Nepal. These government representatives acknowledged how important remittances from migrant workers were to their economies and the challenges they face in representing their national interests – and the interests of their nationals. All Embassies representing countries of origin face the challenge of negotiating arrangements for their nationals – in relation to systems, policies, frameworks and arrangements – and in individual cases where they are often involved in providing shelter, monitoring welfare of migrant workers in detention, and assisting with the return of stranded workers.

There are clearly tensions that are felt between these different roles – representing the national interest is seen as increasing the number/proportion of migrant workers as the remittances are so essential to GDP, whereas the consular role is representation of the interests of nationals in the country of destination which can lead them into conflict with the host state. There is a concern by some that if they are too assertive in the latter then they may adversely affect the former. This is particularly the case where the countries are smaller with less strategic or political importance – or the level of their dependency on remittances from relatively low skilled workers is seen as greater. Working with NGOs and migrant worker community representatives can clearly help, but the extent to which this occurs is partly shaped by the political cultures at home – and whether these political cultures are open to such collaboration.

There is also a great degree of difference in the resourcing of missions of different countries – some staff clearly feel overwhelmed by the demands placed on them. The commitment and skills of individual diplomats/labour attaches also clearly makes a difference in results/outcomes.

There was discussion of the need for the host countries to collaborate on setting of minimum wages for different section sectors of the workforce – including domestic workers. There was also discussion of the need for sending countries to work together to press for a standard contract that could be accepted in all receiving countries.

The final session of the program was a reflection and evaluation session. After participants had completed anonymous evaluation forms, there was a more collective process of reflecting on the program – on what had been good and useful – and on what could have been better.

The positive learning atmosphere that the participants had created with each other over the week came through strongly in these comments. Experiences and perspectives had been shared and networks and relationships built. There was a strong spirit of equality between the participants, no

matter where they were from or their backgrounds. Knowledge of the issues – and of how to file cases and the confidence to advocate had all been developed.

The Head of the Legal Dept at Qatar’s NHRC expressed NHRC’s appreciation for the invitation to host the program – and the value of education and training programs like this – and the importance of civil society organisations working for the rights of the vulnerable. He emphasised the NHRC’s role in urging government officials to amend laws to match international standards.

10. Reflections and Next Steps

I would like for the workshop to provide case studies – looking at how conventions are adopted, implemented or challenged.

Five days program is fine. But the time length of each day should be reduced. This was very hectic and tiresome.

Regarding the training time, this kind of training should be at least in two weeks not one

This program was a beginning. As the first such program to take place in a GCC country, it was a valuable first step forward. Part of its value lay in bringing together participants from the Middle-East and Asia – from countries of origin and countries of destination of migrant workers. A lack of knowledge of “the other” can serve to divide and be a real barrier to solutions. Responsibility for the abuses experienced by migrant workers is often seen as the responsibility of “the other” rather than a shared responsibility requiring cooperation and action from both. The range of experience, and responsibilities of participants assisted in overcoming these barriers – participants came from government, trade unions, women’s NGOs, migrant worker organisations and NHRIs.

This was the best part as I was able to create valuable networking that would help me to move forward effectively on the work I am doing

The opportunity for participants all to sit and discuss the issues as equals, to have the time to get to know each other on a personal basis helps to lay the foundations for further collaboration and action.

The willingness of Qatar’s NHRC to host this program is appreciated. It is hoped that this reflects a widening space for individuals inside and outside government to speak and act on the most pressing human rights issues in the country. The international spotlight is on Qatar and its glare will only become stronger as preparations for the FIFA 2022 World Cup gather pace – and the numbers of migrant workers grow. Qatar has the opportunity to show leadership in the GCC countries.

Action is a responsibility of both government and the private sector which recruits and employs migrant workers. Many of the companies involved in the construction sector are multinational – and these companies may be subject to the OECD Guidelines on Multinational Enterprises. The UN Framework on Business and Human Rights covers all companies.

The policies and practices of the governments of countries of origin also have a direct bearing on how migrant workers are treated in destination countries – including the avenues to safety and redress that are open to migrant workers when things go wrong. Greater cooperation among governments of origin countries is needed, including to prevent concern that individual countries will be singled out to lose valuable “market share” if they speak or act vigorously on behalf of their nationals.

There was strong affirmation in the evaluations that the participatory approach to teaching and balance of practical skills development and knowledge worked well. At least one of the participants felt there was a need for a deeper level of training – that this training was pitched at an introductory level. There was also a suggestion to seek greater participation from those within governments responsible for policy.

For DTP and MFA there was a sense that something important was started in this program and that a basis for longer-term collaboration had been laid – by both participants and organisers.

DTP has helped me to be more energized and built my confidence on advocacy

Annexes

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