



DIPLOMACY TRAINING PROGRAM

AFFILIATED WITH THE FACULTY OF LAW AT THE UNIVERSITY OF NEW SOUTH WALES

A training program for peoples of the Asia-Pacific region

Capacity Building Program for Promoting and Protecting the Rights of Migrant Workers in the Middle-East, North Africa and Asia – 2014

Final Project Report

1. Summary

This is the final report on the Diplomacy Training Program's (DTP's) *2014 Capacity Building Program for Promoting and Protecting the Rights of Migrant Workers in the Middle-East, North Africa and Asia*. The program consisted of three principal activities:

- A regional capacity building program focused on the roles and responsibilities of the private sector in the GCC with a focus on the recruitment industry.
- A regional workshop reflecting on lessons learnt from 10 years of MFA/DTP partnership in capacity building in Asia and the Middle East to help guide future strategic directions for capacity building.
- A third GCC regional capacity building program for individuals from civil society (NGOs, TUs, faith based groups, migrant associations) and NHRIs to continue the MFA movement building strategy.

In addition DTP committed to supporting follow-up activities/initiatives for participants in these programs.

Individual reports on each of these programs/activities have been provided separately.

This report draws from these individual reports and reflects on whether the objectives of the program were met and the challenges, lessons learnt and best practices during this project. Overall DTP believes the objectives set for this project were met – and all of the programs were positively evaluated by the participants.

DTP would like acknowledge the value it places in the partnership over the past 10 years with MFA and its appreciation to Swiss Development Cooperation (SDC) for the opportunity to review and reflect on that partnership.

2. Summary of Program Activities

- **Regional Workshop on Ethical Business and Recruitment Practices in Labour Migration in the Middle-East, North Africa and Asia**

The capacity building program focused on the responsibilities of the private sector to the human rights of migrant workers in the Middle East – building familiarity with the UN's human rights

and business framework and its Guiding Principles. It looked particularly at the recruitment industry that facilitates the large scale movement of these workers from countries of origin in Asia, the Middle-East and North Africa to work in the countries of the Gulf Cooperation Council (GCC).

There were 22 participants in the program, nine of them women, from 12 countries of origin and destination. All of the participants work on issues related to the rights of migrant workers. Most came from civil society organisations - NGOs and Trade Unions (TUs). Two worked in the private sector. They were all selected on the basis of their interest and commitment to promoting and protecting the rights of migrant workers.

The trainers and facilitators included William Gois (Regional Coordinator of MFA) Marie Apostol (Founding Director, Fair Hire Initiative, Philippines) Tristan Foster (Founder FSI, Dubai), Matthew Coghlan (human rights lawyer, Australia) and Patrick Earle (Executive Director of DTP). The participant evaluations of the program were positive.

- **Lessons Learned and Strategy Development Workshop**

The workshop was the second phase of DTP's Lessons Learned project that reflected and reviewed on the past ten years of capacity building efforts by DTP and MFA. The workshop brought together twenty-two participants¹, the majority of whom were DTP partners and trainers, representing civil society, grassroots groups, trade unions, the ILO and OHCHR, in addition to representatives from DTP and MFA.

The workshop allowed for reflection and discussion of efforts to advance the cause of migrant workers' rights through the capacity building of advocates in the Middle East and Asia. Participants were asked to reflect both on the outcomes of the MFA/DTP collaboration – and also the challenges going forward that capacity building could help to address. It was noted that since the program began two of the focus countries – Indonesia and Bangladesh – have gone on to ratify the International Convention on the Rights of Migrant Workers and at least four of DTP's alumni have gone on to win significant national or international awards for their human rights work for migrant workers – in Indonesia, Cambodia, Thailand and Singapore.

As well as reflecting on the partnership to date, participants provided valuable advice and input on the future priorities for capacity building.

- **2014 Regional Capacity Building Program on Human Rights Advocacy and Migrant Workers in the Middle East and North Africa.**

This five-day program was held for the first time Kuwait – hosted by the Kuwait Society for Human Rights (KSHR). The 22 participants came from Asia, the Middle East and from Egypt. In addition, several other representatives of the Kuwait Society for Human Rights attended and participated in many of the sessions.

¹

The program coincided with Kuwait’s hosting of the Abu Dhabi Dialogue – an intergovernmental process with significance for migrant workers, but which currently excludes civil society participation. The program itself included a dialogue with representatives of the missions of countries of origin. Participant evaluations of the program were positive.

This was the third GCC state to host a DTP course and involved alumni of previous DTP courses as hosts and trainers/facilitators.

3. Program Objectives

The overall goal for the activities in this program was to:

Build the knowledge and skills of civil society advocates and their organisations to be more effective in their work to protect and promote human rights.

The anticipated results were

- A new group of trained advocates on migration issues at the local and regional level
- Advocates and CSOs provided with specialist training on human rights and business
- Networks or advocates within MENA countries and COO and COD strengthened
- New capacity building strategy identified for more effective and sustainable advocacy for migrant rights.

Indicators	Means of Verification/Assumptions	Comments/Assessment
Improved knowledge and developed capacity of the trained advocates	Completed participant evaluation forms positive	<i>The collected participant evaluation forms were very positive</i>
Individual participants in programs undertake advocacy initiatives with MFA and local networks	The evaluation forms include commitments from participants to transfer knowledge and apply skills	<i>Participants did make such commitments at the end of the training. DTP has received feedback from some participants about the application of the training. Some of the participants were able to report back on actions taken as a result of previous course participation.</i>
Participants in the training program will have identified ways to collaborate and specific actions/processes/cases to collaborate on	Post program participant surveys will seek information/examples of how the training has been applied to human rights challenges on the ground	<i>DTP is compiling case studies of alumni and has been advised by participants of specific follow-up on cases between COO and COD, and action at the national level (e.g. human rights training of hotel staff in Kuwait, new reports on MWFs, initiatives on law reform plus)</i>

Indicators	Means of Verification/Assumptions	Comments/Assessment
Increased collaboration between individuals and participating organisations	<p>Feedback from MFA on initiatives</p> <p>There will be examples of MoUs between CSOs and and CSOs and NHRIs in sending and receiving countries</p>	<p><i>There are some specific examples of collaboration between CSOs and NHRIs and NHRI feedback about the value of programs that bring NHRI staff together with NGOs etc. MFA is very positive about the courses and their outcomes – and see them in a longer term context. The participants in the program have provided feedback on collaboration at the micro and macro level.</i></p>
Examples of participants in DTP’s courses – NGOs & NHRIs beginning to use the UPR, SP & TB process to focus action on the rights of MWs	<p>Specific issues of concern in relation to the rights of MWs will be taken up/included in the reports of the UN treaty bodies, SP and UPR process</p>	<p><i>The general program in Kuwait only took place in November so it is too early to tell. There was some feedback from the Lessons Learned Program about participants having engaged with these processes. The value in drafting some generic recommendations that advocates could use in their interactions with UN human rights reporting processes was identified. The UN SR on Migrant Workers has a specific focus on recruitment agencies – and there is a major new ILO focus on recruitment agencies – perhaps partly because of MFA advocacy.</i></p>



The program had the following more specific objectives:

Specific Objective 1:

To initiate a long term strategic engagement with the private sector in the MENA region on the rights of migrant workers through developing the knowledge, skills and networks of a core group of civil society advocates.

Key activity: Human Rights and the Responsibilities of the Private Sector Workshop

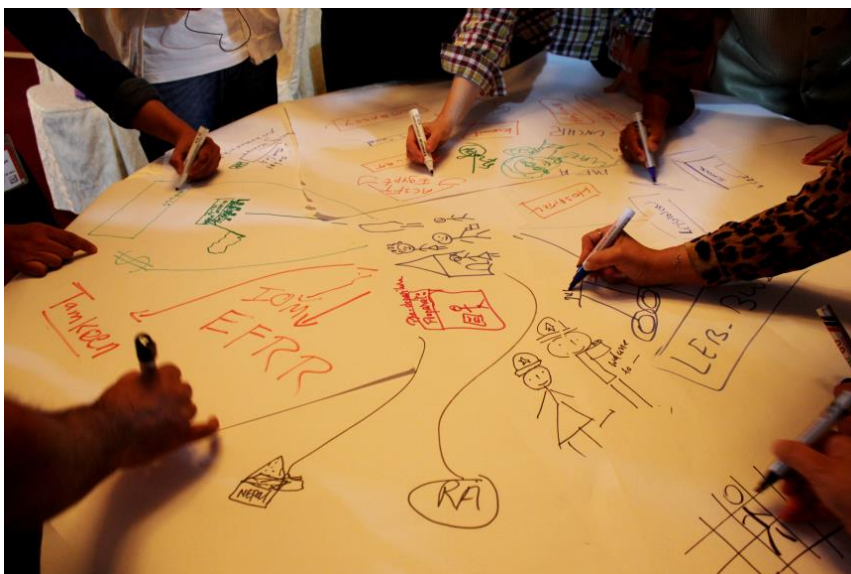
Results	Indicators	Means of Verification/Assumptions	Comments/Assessment
<p>First batch of advocates working with civil society organisations in MFA and other networks receive training on business and human rights and migrant workers.</p> <p>New materials developed</p> <p>Private sector representatives engaged in collaborative discussions by civil society</p> <p>Awareness developed of key standards relating to private sector</p> <p>Report prepared and distributed</p>	<p>The program is positively evaluated by the participants.</p> <p>Individual participants are able to identify strategic opportunities and priorities for engaging the private sector</p> <p>Revised strategy for private sector engagement and future capacity building</p> <p>Participants in the training program will share with organizations and a number of organizations will give priority to focusing on private sector</p>	<p>Completed evaluation forms</p> <p>Evaluation forms</p> <p>Follow-up with alumni</p> <p>Feedback from MFA network</p> <p>DTP/MFA report of program</p>	<p><i>The completed participants evaluations were positive</i></p> <p><i>There has been a subsequent workshop focused on recruitment organised by DTP's partners - MECTD and MFA</i></p> <p><i>DTP's partners MFA and MECTD believe there is a need for continuing focus and work in this area</i></p> <p><i>The report of the program has been prepared and distributed</i></p> <p><i>A revised strategy is being developed based on experience from this activity.</i></p> <p><i>The actions and responsibilities of the private sector are coming under increasing scrutiny.</i></p> <p><i>There is insufficient evidence at this stage on how many participants in the program have applied the knowledge and skills gained for continuing engagement with the private sector – other than Dr Ahmed Al-Hashemi who has developed his capacity to train in this area and developed further work. More follow-up is needed.</i></p>

Specific Objective 2:

To engage key stakeholders in the development of a long-term capacity building strategy for effective civil society advocacy to promote and protect the rights of migrant workers’ rights in the MENA region.

Key Activity: Lessons Learned Workshop bringing together alumni and key stakeholders – 2 day workshop

Results	Indicators	Means of Verification/ Assumptions	Comments/Assessment
<p>Updated capacity building strategy for strengthening civil society advocacy for migrant workers</p> <p>Report highlighting stories/case studies of advocacy for migrant workers</p> <p>Strengthened networks of collaboration</p>	<p>Involvement of DTP/MFA alumni from MENA and Asia</p> <p>Involvement of key stakeholder organizations – ILO/OHCHR/NHRIs/ TUs.</p>	<p>Clear strategic priorities for capacity building</p> <p>Support for strategy</p> <p>Organizational commitments to capacity building</p>	<p><i>DTP has a clear set of priorities for future capacity building and secured wider support for this strategy.</i></p> <p><i>There is likely to be a stronger trade union engagement going forward – and hopes for a renewal of more significant engagement from NHRIs</i></p> <p><i>A campaign to mark the 25th Anniversary of the CMW emerged from this activity – evidence of strong ILO/OHCHR and CSO collaboration that these programs facilitate and nurture.</i></p> <p><i>The hosting of the program by the MECTD – established by DTP alumni is an indicator of programs and continuity & commitment to capacity building</i></p>



Specific Objective 3:

To build the capacity of 25-30 advocates from across the MENA region to be more effective in their advocacy for the rights of migrant workers.

Key Activity: 3rd Regional GCC Program on Rights of Migrant Workers

Results	Indicators	Means of Verification/Assumptions	Comments/Assessment
<p>Further develop knowledge, skills and networks for 25-30 advocates migrant workers</p> <p>Strengthened networks in the GCC for Migrant workers' rights</p> <p>Strengthened collaboration between international agencies working on these issues</p> <p>New materials developed in Arabic and English</p>	<p>Key organizations in the MFA network will nominate new participants</p> <p>There will be participants from NGOs, NHRIs and TUs.</p> <p>Participants in the program will positively evaluate the program</p> <p>Examples of engaging with UN Human Rights Mechanisms /Processes.</p> <p>Facebook or Gmail or equivalent social networking established among participants</p>	<p>Profiles of participants</p> <p>Completed evaluation forms</p> <p>Feedback from MFA and Participants</p> <p>Post Training Survey</p> <p>UN Human Rights Monitoring mechanisms include recommendations on Migrant Workers</p>	<p><i>There were only 22 participants in this program in Kuwait – although there were 66 participants in the activities through the year.</i></p> <p><i>DTP was successful in engaging participation from a wider range of CSOs, TUs and NHRIs</i></p> <p><i>The Arab Network for Migrant Rights was involved in the program – and its Chairperson (and DTP alumna) was a trainer.</i></p> <p><i>Another former alumnus of the DTP, Dr Ahmed Al-Hashemi returned to be a trainer on the program</i></p> <p><i>While there has been no post-training survey yet (the program was completed at the end of December) – interviews have been conducted with about 10 of 25 participants in these programs.</i></p> <p><i>MFA is convinced that these capacity building programs are essential to the long term work of building a more effective movement for the rights of migrant workers in the region</i></p> <p><i>There is anecdotal evidence of progress – litigation in the national courts referencing international standards, migrant workers' rights featuring in UPR recommendations, changes to legislation to recognize domestic work, collaboration between CSOs, journalists and NHRIs etc</i></p> <p><i>Facebook groups /e-networks established</i></p>

4. Challenges and Lessons Learnt

These programs are breaking new ground, taking advantage of perceived openings that allow for more space for civil society and for advocacy, and a greater openness by governments and the private sector to engage with the abuse and vulnerability of migrant workers.

As was noted by participants in the *Lessons Learned* workshop it has taken 20-30 years to build the organisations and networks advocating for migrant workers in Asia – and the levels of knowledge, confidence and skills of its advocates are the result of many years of investment.

While there is a perception that advocacy for migrant workers in Asia is stronger than anywhere else, it also requires nurturing. In the Middle-East – in the countries of destination advocacy is much weaker and more fragile.

In the GCC countries there are particular challenges. Identifying the right individuals and organisations to invest in – with capacity building and other support – is challenging and calls for difficult and sensitive judgements to be made. There is no certainty that the right choices will be made. This is particularly true in relation to the new focus on the private sector – which calls for a level of specialised expertise from individuals and support from their organisations. There is a sense in which we are all learning as we develop and implement these programs.

DTP/MFA have been open to involvement of more participants from government than is their usual practice – recognising the needs and the particular environment in the GCC. The growing involvement of labour attaches from countries of origin has emerged as a particular strength and value of the program – worthy of more focus and development. There is a value in bringing together civil society from countries of origin and destination with these officials that is felt by all concerned. Out of this dialogue and exchange emerges new possibilities for collaboration and action that can also inform future reform.

Evidence of the progress being made since this work in the region began in 2012 can be seen in the organisation of these programs in three different GCC countries – all of them hosted by local organisations with sufficient level of influence/credibility to secure necessary permission from their governments – and all of them involving alumni of previous DTP courses. It can also be seen in the range of people that these programs are able to bring together for five days – NGOs/CSOs/Trade Unions/ILO/OHCHR/NHRI Staff and journalists.

The inability to secure permission to hold a regional program in Qatar in 2014 is also evidence of some of the difficulties of this operating environment – and this was also seen in the refusal of the Kuwait government to provide a visa to DTP trainer and MFA Coordinator, William Gois and to media trainer Vani Sariswathi for the regional program in Kuwait.

The key strengths of the DTP/MFA partnership include the capacity to be flexible and adaptive to changing circumstances. The basic model of the capacity building programs is a robust one. The depth of talent and resources available to call has been growing. It has proved possible to manage the risks involved.

Among the continuing challenges are the costs of interpretation and translation. It would be good to find a solution that is both more cost-effective and that contributes to the capacity building of the organisations in the region.

Follow-up and engagement is also a challenge and DTP/MFA should explore options of how this can be developed more systematically. Partly it is a matter of available resources – and the need for more dedicated resource in the DTP Secretariat. One form of follow-up is the further training that DTP has provided to a number of the participants (MFA members) in these programs at the request of MFA.

DTP/MFA have been building up the number of locally based trainers in the Middle-East in recent years – and this helps to ensure that there is local ownership of the solutions as well as the problems.

It has been a privilege in these programs to learn more of the extraordinary work that has been going on by advocates of the affected and host communities in the MENA region – for many years before the problems hit the international headlines. Individuals have shown great personal commitment and dedication over many years – despite often feeling very isolated in their work – and in some cases the risks to their own residency status. One of the values of these programs has been to bring people together to share experiences, compare approaches and gain inspiration from each other and the knowledge that they are not, after all, alone – but part of a much greater movement asserting fundamental and universal principles of human dignity.

5. Conclusions and Next Steps

DTP, in partnership with MFA, successfully implemented the three different activities it proposed as part of this project. Building local capacity, working with committed and interested individuals and organisations to assist them in tackling these issues is a long-term strategy.

DTP is in the process of documenting some of the activities and initiatives of its alumni – these range from attempts to secure the release of individual migrant workers in detention, and the commutation of death sentences to law reform, litigation, the establishment of trade unions for domestic workers, to advocacy for policy reform and to ratification of international instruments.

DTP is committed to continuing to work in partnership with MFA and to offer support to its strategy of building the capacity of organisations and individuals committed to promoting and protecting the rights of migrant workers – and enabling these individuals and organisations to reach out and engage others – in the trade unions and wider CSO movement – and in government and the private sector.

Having made the first steps in capacity building work in relation to migrant workers and the private sector it is in a position to refine this strategy going forward and will seek wider engagement from the private sector in its next proposed program. It will also respond to requests from the organisations in the region for more specialised programs to enable better engagement with the UN human rights process and the ILO.

DTP appreciates greatly SDC's investment in this strategy and approach.