



DIPLOMACY PROGRAM

TRAINING

AFFILIATED WITH THE FACULTY OF LAW AT THE UNIVERSITY OF NEW SOUTH
WALE A training program for peoples of the Asia-Pacific region

Migrant Workers and the UN Convention on Migrant Workers' Rights in the Asia-Pacific Region

A Training Program for Advocates

Organised by the Diplomacy Training Program (DTP) in collaboration with the Migrant Forum Asia (MFA); the Asian Centre on the Progress of Peoples (ACPP); Asia Pacific Regional Resource Centre on Human Rights Education (ARRC); and the Centre on Indonesian Migrant Workers (CIMW).

Final Project Report

1. Executive Summary

This project was designed to fill a significant gap in knowledge and understanding of the UN Convention on Migrant Workers (CMW) which came into force in July 2003. The objective was to develop the capacity of civil society advocates to integrate international standards into effective advocacy work through a training program developed in collaboration with NGO networks in the Asia-Pacific and Indonesia.

The project facilitated collaboration and exchange between a wide range of NGOs across the Asia-Pacific region, as well as academics, officials from government, international organizations and agencies with direct responsibility for the welfare and treatment of migrant workers.

The project brought together 35 individuals from 10 countries in the region for a consultation and training workshop. This was held in Jakarta from November 29th to Dec 3rd 2004. The majority of the 29 participants who completed the training program were Indonesian advocates from different migrant worker networks around Indonesia. The remainder came from Bangladesh, Burma, Cambodia, Fiji, Hong Kong, Nepal, the Philippines and Thailand.

The program was run in Bahasa Indonesian and English. Training and reference materials on human rights and on the Convention on Migrant Workers' Rights were translated into Bahasa Indonesian.

The project successfully achieved its objectives, was very positively evaluated by participants and laid the foundation for further collaboration between DTP and regional NGOs on the rights of the region's growing numbers of migrant workers.

The program was made possible through grants and support from NZAID, the Japan Foundation and the ILO. DTP would like to record its gratitude and appreciation for this support.

This report draws from the participant evaluations of the program.

2. Project Description

The project had the following goals:

- To collaborate with key regional NGOs on developing training materials on a new human rights treaty of particular importance to people in the Asia-Pacific region
- To build the capacity of NGOs in Asia and the Pacific to integrate relevant provisions of the UN Convention on Migrant Workers' Rights into their work for human rights in the Asia/Pacific region.
- To build wider awareness of the UN Convention on Migrant Workers' Rights among NGOs that are not part of existing migrant worker NGO networks and enhance the capacity of key NGOs to network with each other around implementation of the Convention.
- To assist Indonesian Migrant NGO networks in their capacity building goals and to contribute to their advocacy and lobbying efforts to have the Government of Indonesia ratify the Convention on Migrant Workers Rights.
- To provide an opportunity for participants to share perspectives and experiences, and to identify challenges to migrant workers rights and the CMW.

The Diplomacy Training Program worked with its regional partners, local NGOs in Indonesia, academic specialists in the area and the ILO to develop a specialised training program. The program aimed to explore the issues affecting migrant workers in Indonesia and the Asia-Pacific region, provide information on the UN Convention on Migrant Workers' Rights and other relevant standards and mechanisms and develop the skills and capacity of advocates.

The program was officially opened on Nov 27th with presentations from the Centre on Indonesian Migrant Workers, Migrant Forum Asia, DTP and the Indonesian Ministry of Foreign Affairs. This was followed by a "street-theatre" production dramatising the situation faced by Indonesian migrant domestic workers in Malaysia.

There were sessions on the international human rights framework, specific human rights standards (such the Convention on the Elimination of Discrimination Against Women) and the ILO standards of particular relevance to migrant workers, as well as the UN Convention on Migrant Workers' Rights.

DTP worked with its partners to identify expert trainers to lead individual sessions. Trainers came from academia, international organisations, National Human Rights Commission and the National Commission on Women. The emphasis of the program was on the sharing of experiences amongst participants and between participants and the trainers. This resulted in a balance of Indonesian and international, and of male and female trainers. The ILO prepared expert input on relevant ILO Conventions and provided advice on how these Conventions could be used alongside the CMW to promote and protect the rights of migrant workers and their families.

There was extensive discussion on the relevance of the CMW and how it could be applied in a range of circumstances. This drew on participants experiences in different countries, working on different levels of governments and on different human rights issues.

The newness of the CMW and the low rate of ratifications means there is little practical experience to draw on in relation to applying the CMW, but it clearly builds on and adds to the existing set of legal standards and can be used by advocates to promote and protect both legal and illegal migrants.

There were practical sessions on developing lobbying and advocacy strategies. These sessions were complemented through a practical experiences in meetings arranged between participants and senior officials in the Indonesian Ministry of Foreign Affairs and the Ministry for Manpower. A highlight of the program was a field trip to Terminal 3, the new terminal dedicated to the processing of migrant workers returning to Indonesia. [See attachment 1 for the schedule.] The role of the media and of National Human Rights Institutions in protecting and promoting the rights of migrant workers was also explored.

To support the curriculum DTP developed and disseminated a training manual with new content on the CMW. DTP prepared resource material on migrant workers' rights in Bahasa Indonesia.

Participant evaluations of the course were positive, and highlighted the need for further capacity building of NGO advocates as well as greater networking on what is one of the key human rights challenges facing the region.

3. Collaborating and Participating Organisations/ Individuals

The program was organised in collaboration with **Migrant Forum Asia (MFA)**, the **Asian Centre on the Progress of Peoples (ACPP)** and the **Centre on Indonesian Migrant Workers (CIMW)**. These organisational partners were involved in the development of the schedule and the selection of the participants. Collaboration with the Jakarta office of the **International Labor Organisation (ILO)**, the **Asia Pacific Research Network on Migration** and NGO networks in Europe was also initiated during the program. [See attachment 2 for list of participants and trainers.]

The program clearly benefited from the expertise and long experience of CIMW and MFA in dealing with migrant worker issues in Indonesia and the region and from the specialist expertise and input of the ILO.

The majority of the 29 participants who completed the program in Jakarta came from different NGO networks in Indonesia that work directly with Indonesian migrant workers. Participants were encouraged to prepare and deliver presentations about migrant worker issues and challenges in their country during the program.

Applications for the programs were sought among different NGO networks throughout Asia and the Pacific. Attention was given to applicants seeking participation from countries that are well-established migrant-worker generating countries as well as countries that are just beginning to generate migrant-workers. Participants were sought from NGOs already familiar with the issues affecting migrant workers and from wider human rights and women's rights networks.

There were participants working with Burmese migrant workers in Thailand who constantly live with the threat of return to a country ruled by military dictatorship and whose work is often extremely dangerous. Some of the participants work with

migrant domestic workers in Hong Kong who come from across the Asia-Pacific region. For many domestic workers the hours are very long, the conditions often very poor and there is considerable vulnerability to sexual violence. Many of the Indonesian participants work with migrant workers as they prepare to leave and on their return to Indonesia. Some of the participants had previously been migrant workers themselves, and at least one still works as a domestic worker in Hong Kong. Migrant labour in the region is increasingly becoming female, a trend that has accelerated in recent years.

4. Summary and General Evaluation of the Project

The project was positively evaluated by DTP's project partners and program participants.

4.1 Which aspects of the project were successful and why?

The success of the project exceeded DTP's expectations. This was the first time DTP had organised a specialised program on this theme, the first time it had collaborated with these regional partners and the first time that DTP held a program using simultaneous interpretation. There was considerable interest from many NGOs across the region in participating in the programs and strong support from a wide range of organisations concerned with migrant workers. DTP developed new regional collaborations with NGO networks and with the ILO and other organisations. DTP was able to reach more advocates from more countries than it originally envisaged and the mix of participants facilitated the strengthening of networks across the region.

All the sessions from Day 1 to the last day are very useful. First we were given all the important and relevant information about the convention, international instruments and standards. UN System: we were taught the skills that we might need to help improve our work (advocacy and lobbying) and strategising, then an exposure to the real situation (a very bad situation!) and the practical application of all the things learned inside the 'classroom'.

Jakarta Participant Evaluation

The diversity of experiences and knowledge represented in the Jakarta program proved particularly valuable in developing DTP's understanding of what materials are required to develop the capacity of regional lobbyists to be more effective advocates for migrant workers.

The sharing of experiences, knowledge and skills among such a diverse group has helped broaden and deepen the existing migrant worker networks and strengthen their links amongst wider NGO networks in the region.

We were able to learn about the kind of work that the other organisations are doing and from there, we have identified whom we can work with. Networking/linking up with other organisations working on the same issues is an integral part in achieving any goal or objective that we may have. Through the sharing with organisations who are not directly working on this issue I actually realised the need and urgency of addressing this issue.

Jakarta Participant Evaluation

Some countries such as the Philippines, Indonesia and Hong Kong have well established migrant worker NGO networks. However, NGOs in other countries such as Nepal and Cambodia, which are beginning to generate significant numbers of migrant workers have not yet developed any capacity to address the issues and lack

familiarity with the relevant standards. The program offered practical assistance in facilitating collaboration between these NGOs.

I have gained a lot of experience from sharing with the participants. I have learned, I understand protective mechanisms a lot better and can connect with my new allies.

Jakarta Participant Evaluation

...the issues which we discussed here are related to my work and helped me to understand more about the situation of migrant workers, problems they are facing while going outside and coming inside their own country and workplace.

Jakarta Participant Evaluation

The most useful session for me is about Migrant Workers and the Convention on Migrant Worker's fight because this is completely new information that is needed to do advocacy for migrant rights. There are many chances to use the UN Convention mechanism whether by individual or by group or NGO to issue complaint.

Jakarta Participant Evaluation

Timing, location and events in the region clearly contributed to the success of the program. In the period after submitting the grant application, two major academic studies from UNESCO and the Global Commission on Migration highlighted the need to develop NGO awareness and capacity on CMW. In September 2004 the Government of Indonesia signed the CMW and the Indonesian Ministry of Foreign Affairs was supportive of the project being held in Jakarta. The possibility of hundred's of thousands of Indonesian migrant workers being expelled from Malaysia focussed attention on the issues surrounding the treatment of migrant workers.

...since Indonesia has recently signed the MWC it was a perfect time for us to link up with the government of Indonesia and strike while the iron is still hot.

Jakarta Participant Evaluation

The evaluations clearly expressed the need for this program and for more programs on this thematic human rights issue. The program has succeeded in shaping and guiding DTP's work and future plans in relation to developing capacity on this key human rights issue.

4.2 What lessons has your organisation learned from carrying out the project?

This was a new focus area and DTP's expertise in the issues has been considerably enhanced and developed through implementation of the project.

Participant evaluations of the program highlighted the need to pay greater attention to the issue of "people trafficking" and to integrate this into the program. Material on the Convention on Trafficking and ILO Conventions needs to be included when looking at the range of available standards on the issues.

It was clear from the consultations and workshop in Jakarta that even those that work daily on issues affecting migrant workers have limited awareness and understanding of relevant international standards, and of the CMW in particular. The lack of understanding of the substantive content of the CMW, and of the monitoring and accountability processes available under other treaties and UN mechanisms is a significant impediment to more effective NGO advocacy on these issues in the

region. The process of developing practical information and guidance on how the Convention can be applied needs to continue.

Even though I have worked with Burmese migrant workers for over a decade, I was not familiar with the UN convention on MWR, this training program increased my awareness of the international mechanisms we can use in our cause. I can now collaborate with local, regional and international governments and NGOs.

Jakarta Participant Evaluation

The treatment of migrant workers is a key issue for the region. Migrant workers contribute greatly to the economies of the region, but their treatment can also be a source of tension between countries. There is potential for working with a number of governments in the region to more actively promote the CMW and its application to policy approaches on the issues. There is a need for regional intergovernmental organisations to integrate accepted international standards into a greater role in regulating and managing the issues surrounding migration.

DTP will seek to have closer collaboration with some of the major international human rights organisations in development of future Migrant Workers' Rights programs.

For the next Migrant Workers' Rights program DTP will put greater effort to ensuring the participation of Trade Unions and organisations such as UNESCO, the ILO and the Office of the UN High Commissioner for Human Rights.

4.3 What impact do you expect to result from the completion of the project? On whom will the impact be felt?

The project involved developing the capacity and awareness of 29 NGO advocates from nine countries across the Asia-Pacific region – from grass-roots organisations to regional organisations. These advocates have taken away a greater understanding of both relevant international standards and the challenges facing migrant workers and their advocates in the region. They are now in a position to integrate this knowledge into their work in their own organisations. It is hoped that the impact of this project will be felt both by vulnerable migrant workers and the government officials that are obliged to protect and promote their rights.

At the conclusion of the program, participants were asked a number of questions enquiring how useful the training was and how it would be applied. Responses included the following:

I have come to understand the issues on migration. There is clearer picture of the interconnection of factors that contribute to make the situation of migrant workers. The fact that the MWC and other international instruments and mechanisms were discussed with added tips – techniques on how to use these instruments and mechanism will help me find better ways to do my work a lot better.

Jakarta Participant Evaluation

I work for a grass root migration organisation we need knowledge about everything which might strengthen our movement. We gained a lot of knowledge for every session of training, it will assist us and help us to know how to complain to the ILO, how to better lobby and how to use the media in a more clever way rather than the traditional methods.

Jakarta Participant Evaluation

4.4 Specific Outcomes

The project set out to achieve the following specific outcomes:

- **New training materials produced on the Convention on Migrant Workers Rights.** DTP researched available advocacy and resource materials and adapted and developed new materials for this training program. In addition the ILO and other participating organisations adapted existing and developed new materials for this program, including power-point presentations that could be used by participants to further disseminate knowledge and understanding of the Convention and other standards. A CD Rom was prepared and distributed consisting of the DTP Human Rights Manual, the materials and presentations prepared by trainers and participants in the Jakarta programs. Chapters of DTP's Manual on Human Rights and Migrant Workers prepared in Bahasa Indonesia
- **Develop NGO advocacy capacity to promote and use the CMW.** Participant evaluations indicate that this outcome was achieved, that participant's knowledge of the CMW, and their advocacy capacity was enhanced. There was a good balance in the program between knowledge and skills. Most of the participants indicated that they had specific plans to promote awareness of the CMW.
- **Awareness of UN Convention on Migrant Workers' Rights spread among NGOs that are not part of existing migrant worker NGO networks.** The organisers selected participants from outside the migrant worker networks – from Nepal, Cambodia, Bangladesh and the Pacific in particular. The participants committed to distributing and sharing information with their organisations and networks and integrating awareness of the CMW into their work. The report of the training is being widely disseminated and will be available on the DTP Website. DTP is using the knowledge it has gained and the materials it has developed on the CMW in its other training programs.
- **Enhance the capacity of key NGOs to network with each other around implementation of the Convention.** Participants developed some clear ideas of how they could advocate for implementation of the Convention. At the conclusion of the training participants established an email group to facilitate continuing networking and support amongst each other. The participant' evaluations identified the opportunity to build and strengthen networks as one of the highlights of the program. The participants strongly identified the need for further capacity building on the CMW and the issues it addresses and the NGO participants invited DTP to hold a follow-up program in Bangladesh.
- **Contribution to Indonesian Migrant NGO networks in their capacity building goals and to contribute to their advocacy and lobbying efforts to have the Government of Indonesia ratify the Convention on Migrant Workers Rights.** There was strong involvement from a number of the Indonesian migrant worker networks, as well as KomnashAM. There was a practical lobbying exercise during training that included meetings with the Ministry of Foreign Affairs, Police and Manpower Ministry officials. As a result of a tragic accident the scheduled meeting at Parliament was not possible.

Participants drafted and sent a joint appeal concerning the situation in Terminal 3 and calling on the Indonesian Government to ratify the CMW.

Knowledge gained is very valuable – will disseminate and will hold workshops and talk back shows so that information is distributed widely through the media – women must be aware of their rights and have access to information before going abroad! Example: media campaigns/workshops and training on UN Human Rights and ILO conventions.

Jakarta Participant Evaluations

As we already have a practice, I will report to ASK in writing, I should share through meetings to all my unit staff. I should share to all ASK staff, if permitted officially. I must write on (general/common) problems on Migrant workers to draw community attention in our ASK Bulletin and National newspaper.

Jakarta Participant Evaluation

We have immediate feedback with my organisation and we turn over training kit, so documentation is accessible to all colleagues. Same with English procedures and calling cards. Learning and reference materials will be useful in developing information material, training modules/materials.

Jakarta Participant Evaluation

Firstly I will share what I have learned from this training with my organisation staff in the office. So all of use will have this knowledge and we will share it with the community when we conduct training in the region

Jakarta Participant Evaluations

I will take the training materials with me to share, give a briefing to our staff during the annual meeting this month.

Jakarta Participant Evaluations

Follow up with the media and radio talk back shows – already lined that up before the workshop started. Conducted training/workshops with other NGOs to spread the knowledge

Jakarta Participant Evaluations

I'll conduct the training with workers in Phnom Penh and they will in turn share to their friends in the factory and dormitories. Of course, first sharing with the team at the office

Jakarta Participant Evaluation

DTP has established good new working relationships with NGO networks, academics, international organisations engaged in the issues of migrant workers' rights. As a result of the successful collaboration between DTP and its partners on this project the DTP Board has agreed to an invitation from Migrant Forum Asia and migrant worker and human rights organisations in Bangladesh to hold a further capacity building program in Dhaka in August 2005 on migrant workers rights.

Based on the experience of this project and the relationships established the issue of migrant workers' rights will be a key strategic focus for DTP over the years ahead.

Background to Project

The management and treatment of people moving across borders to live and work represents one of the key policy and human rights challenges of the economically dynamic Asia-Pacific region. According to UN estimates there are between 5-7 million migrants from South and East Asia living in countries other than their own – whether it be elsewhere in the region or beyond in the Middle-East, Europe and Africa.

This movement of people is vital to the economic success of the region, yet it comes at great human cost. This movement is occurring at a time when there is increasing concern about the integrity of national borders on grounds of national security.

People become migrants for many different reasons, but many live in vulnerable situations with uncertain protection under the law and are often subject to intolerance and discrimination in the societies in which they seek work. This is true of countries across the world, and particularly when there are economic difficulties such as regional financial crisis in the Asia-Pacific region in 1997. *Human Rights Watch* has highlighted that migrant workers have become even more vulnerable to abuse in the context of measures being taken in the fight against terrorism.

Migrant workers make a vital contribution in the form of remittances to the economies of the societies they have left behind. Migrant workers also make a valuable contribution to the societies where they work, including through building cross-cultural understanding and links. This potential contribution to their host societies is often undermined by restrictions on the types of jobs migrants are allowed to work in, restriction on the type of social activities migrants can participate in, uncertainty about their legal status and often growing hostility from sections of the host society.

Policy makers, international bodies, governments and NGOs have collaborated to develop international legal standards that recognise the particular vulnerabilities and rights of migrant workers. These standards offer migrant workers the promise that their rights will be protected and provide a framework for NGOs and government to work together.

The most recent of these standards to come into force (July 2003) is the UN Convention on Migrant Workers' Rights. Because it is the newest of human rights instruments to come into force, awareness of the Convention, its key provisions and its implications for policy makers, NGOs and migrants remains very limited. This has been highlighted in a number of recent studies as a barrier to wider ratification of the treaty.

Recognising the significant of the issue in December 2003 the UN Secretary General launched the Global Commission on International Migration *“to place International Migration on the Global Agenda, analyse Gaps in Current Policy Approaches to Migration and, examine Inter-linkages with Other Issue-Areas, present Recommendations to the United Nations Secretary-General, governments and other stakeholders.”*

The urgency of these issues has been highlighted by the precarious situation of hundreds of thousands of Indonesian migrant workers facing arbitrary and forced expulsion from Malaysia.

Background Materials used in development of project:

Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia
Human Rights Watch July 2004 Vol.16

ACHIEVING DIGNITY, Campaigner's Handbook for the Migrants Rights Convention,
International Migrants Rights Watch Committee, 1998

How to Strengthen Protection of Migrant Workers and Members of their Families with
International Human Rights Treaties: The International Catholic Migration Commission
January 2004

Identification of the Obstacles to the Signing and Ratification of the UN Convention on the
Protection of the Rights of Migrant Workers: The Asia Pacific Perspective Iredale R and Piper
N UNESCO International Migration and Multicultural Policies Section October 2003

Migration, Human Rights and the United Nations An Investigation of the obstacles to the UN
Convention on Migrant Workers Rights Pecoud A and de Guchteneire P Global Migration
Perspectives No. 3 Global Commission on International Migration August 2004

UN Roadmap on the Rights of Migrant Workers, Canadian Human Rights Foundation