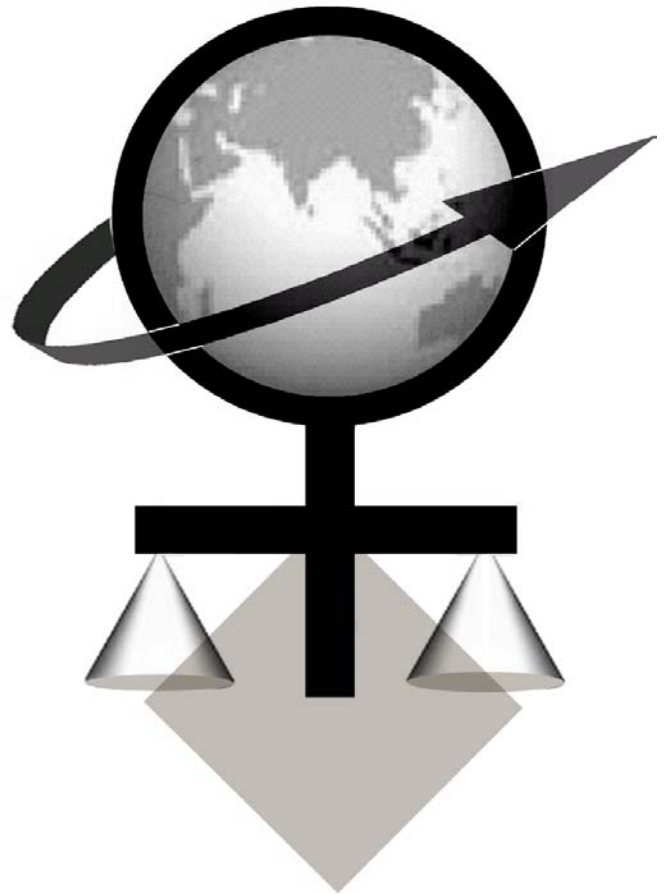


Regional Training of Trainers (ToT) Workshop:

Protecting and Promoting the Rights of Migrant Workers

Facilitator's Manual



**April 19 – 23, 2004
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**A joint project of:
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We hope that everyone who takes part in this program will feel empowered to promote and protect the rights of migrant workers.

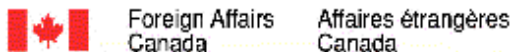
Canadian Human Rights Foundation

Ateneo Human Rights Center

Asia Pacific Forum on Women, Law and Development

Migrant Forum in Asia

April 2004



Dedication

*This program is dedicated to all those
who ensure that the rights of migrant workers are protected.*

About the Organizers

Asia Pacific Forum for Women, Law and Development: An independent, non-governmental, non-profit organization which was set up in 1988 by women's rights lawyers and activists in the region. It is committed to enabling women to use law as an instrument of social change for equality, justice and development. Its Secretariat is located in Chiangmai, Thailand.

APWLD developed from dialogues among Asia Pacific women lawyers, social scientists and activists, after the 1985 Third World Women Forum on Women, Law and Development in Nairobi, Kenya. In January 1988, the APWLD secretariat was set up in Kuala Lumpur, Malaysia. In October 1997, it relocated to Chiangmai, Thailand.

APWLD's programs and activities are focused in promoting women's rights human rights as an analytical and strategic framework of engaging with the legal system to empower women. It has engaged primarily in policy advocacy, education, training and other activities to address issues and concerns of poor and marginalized women in the region. It has lobbied at regional and international levels for the implementation of government commitments in international conventions and the integration of gender issues at regional and international fora. It has developed partnership with women's groups, human rights groups and development NGOs in the Asia Pacific region to consolidate, expand and strengthen networks working on women, law and development.

Migrant Forum in Asia: MFA is a regional network of non-government organizations (NGOs), associations and trade unions of migrant workers, and individual advocates in Asia that 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. Organized in 1994, MFA acts as a facilitator, and a regional communication and coordination point between member-organizations and advocates, forging concerted action to address discriminatory laws and policies, violence against women migrants, unjust living and working conditions, unemployment in the homeland, and other issues affecting migrant workers. Its programmes and activities include advocacy, networking, publications, and information exchange and dissemination.

MFA believes that migrants' rights are human rights. Documented or undocumented, irrespective of race, gender, class, age and religious belief, migrant workers' rights are guaranteed by the UN declaration of Human Rights and the UN Convention on the

Protection of Rights of all Migrant Workers and Members of Their Families and other international conventions. MFA is a member of the Steering Committee (SC) set up by Migrants Rights International in 1998 whose principal task was to carry out a Global Campaign to promote and monitor the ratification and entry into force of the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention came into force on the 1st of July 2003 with 25 states ratifying / acceding to the Convention to date.

Ateneo Human Rights Center: An academic institution affiliated with the Ateneo de Manila University School of Law, the Ateneo Human Rights Center is engaged in providing legal assistance, research and publication, law and policy reform advocacy, education and training, institution building, law school curriculum development and values formation. It focuses mainly on the rights of children, women, indigenous peoples and migrant workers. Through the Office of the Executive Director, it also functions as the Secretariat of the Working Group for an ASEAN Human Rights Mechanism (Working Group), which is an informal coalition of individuals and groups within the region who are working with government institutions and NGOs in the field of human rights. Its primary objective is the establishment of an intergovernmental human rights mechanism in Southeast Asia.

Canadian Human Rights Foundation: The CHRF was established as a non-profit, non-governmental organization in 1967 by a group of leading Canadian scholars, jurists and human rights advocates with a mandate to advance democracy, human development, peace and social justice through educational programs.

The CHRF works closely with the United Nations Office of the High Commissioner for Human Rights, members of the international donor community as well as international, regional and national level NGOs in Africa, Asia and Central and Eastern Europe. The CHRF's regional programs currently focus on developing knowledge, strengthening skills and promoting action around the following themes: training for NGO trainers; human rights education in the school system; training in human rights advocacy and monitoring; the protection and promotion of women's human rights; the legal protection of women migrant workers; and the creation and strengthening of independent national human rights institutions.

Introduction

The Regional Migrants Human Rights Training Program was developed to benefit migrant workers through the increased capacity of NGOs and Government Service Providers to understand their issues, monitor violations of their rights and advocate for their causes. This program aims to strengthen the capacity of Governments and non-government organizations in Asia to:

- address migrant workers' concerns using a human rights framework
- apply human rights standards to cases of abuse
- make use of existing mechanisms to protect women migrants

Regional Human Rights Training of Trainers Program

A component of the Regional Migrants Human Rights Training Program, the Regional Training of Trainers (ToT) Workshop: Protecting and Promoting the Rights of Migrant Workers is the first in a series of capacity building activities targeting Asian NGOs working on the issue of migrant workers. The ToT Workshop is a response to the need for trainers who are well versed in migrant workers' and women's issues in Asia and in the use of international human rights instruments. This core group will help ensure the sustainability of the program and be capable of meeting the training needs in the region at the conclusion of the project.

Goal of the Training of Trainers (TOT) Workshop

The goal of the workshop is to strengthen the capacity of NGOs to develop and carry out training activities focusing on the rights of migrant workers in Asia, with a particular focus on women.

Training Objectives

- To analyze issues related to the rights of migrant workers in Asia, with a particular focus on women, using a framework based on internationally accepted human rights standards and principles
- To examine international and national mechanisms for the protection and promotion of the rights of migrant workers
- To develop skills in the use of participatory training methods for the design, delivery and evaluation of human rights education activities in the area of the rights of migrant workers
- To develop a Training Session for a human rights education activity to be implemented in their local context

- To explore opportunities for networking and collaboration among participants working with labour migration issues in sending and receiving countries in Asia

Agenda

Day 1 Afternoon

MODULE 1 Building a Learning Community

		Welcome by Workshop Organizers (CHRF, MFA, AHRC, APWLD)
60 min	Activity 1	Yours Truly
30 min	Activity 2	Expectations and Resources
15 min	Activity 3	Workshop Overview

Day 2

MODULE 2 Your Human Rights Education Work

1 hr 30 min	Activity 1	Overview of the Human Rights Education (HRE) Activities of the Group
60 min	Activity 2	Developing Your Training Session — <i>Introduction</i>

MODULE 3 Current Situations of Asian Migrant Workers

1 hr 45 min	Activity 1	A Snapshot of the Human Rights Situation in South Asia
2 hrs	Activity 2	Mapping Factors Affecting Labour Migration
1 hr 30 min	Activity 3	Developing Your Training Session (1)— <i>Assessing Training Needs</i>
60 min	Activity 4	Developing Your Training Session (2)— <i>Writing a Goal and Objective</i>

MODULE 4 Gender and Labour Migration

30 min	Activity 1	Sex or Gender?
60 min	Activity 2	Gender and Labour Migration

Day 3

MODULE 5 Attitudes, Values and Human Rights

45 min	Activity 1	Individual Values and Attitudes Towards Migrant Workers
30 min	Activity 2	Thinking About Human Rights
60 min	Activity 3	Underlying Principles of Human Rights
1 hr 30 min	Activity 4	Using a Rights-Based Approach to Gender-Specific Issues
2 hrs	Activity 5	Developing Your Training Session— <i>On Content</i>

Day 4

MODULE 6 Protection and Promotion of Migrant Workers' Rights

45 min	Activity 1	Protection and Promotion Framework
1 hr 30 min	Activity 2	Working with International Instruments

MODULE 7 Protection of Migrant Workers' Rights in National Measures

1 hr 15 min	Activity 1	National Protection Measures
60 min	Activity 2	Presentations in Plenary on National Measures

Day 5

MODULE 8 Training Sessions and Follow Up

20 min	Activity 1	Developing Your Training Session (IV)— <i>Examining Logistics</i>
1 hr 40 min	Activity 2	Developing Your Training Session (V)— <i>Model for Training Session</i>
1 hr 30 min	Activity 3	Developing Your Training Session (VI)— <i>Follow Up</i>
60 min	Activity 4	Presentations of Training Session and Sharing Ideas
60 min	Activity 5	Debriefing/Final Evaluation and Closing

Module 1: Building a Learning Community

Objectives

- To have participants get to know one another.
- To examine individual expectations and available resources in the group.
- To review the workshop objectives in relation to the expectations and resources expressed.

<i>Activity</i>	
Welcome by Workshop Organizers	
Activity 1	Yours “Truly”
Activity 2	Expectations and Resources
Activity 3	Workshop Overview
Welcome Dinner	

Welcome by Workshop Organizers (CHRF, MFA, AHRC, APWLD)



15 min

Description

Workshop organizers welcome the group, introduce facilitators and resource people and briefly introduce the Workshop.

A more detailed overview of the Training of Trainers (TOT) Workshop and of the *Regional Migrants' Human Right Training Program* will be provided later on.



**Facilitator's
Notes****Activity 1**

Instructions

Yours “Truly” is intended as a fun and informal icebreaker that gives participants a first chance to share information about themselves.

Part A Work individually (5 min)

Have participants work on their statements.

Part B Small group work (35 min)

- Divide participants into 4 small groups.
- Go over the instructions with them.

Part C Group presentations (20 min)

Have each group in turn present their summaries and introduce themselves to the larger group. ■

Activity 1 Yours “Truly”

60 min

Objective

To have participants get to know one another.

Description

This activity is divided into 3 parts.

In **Part A**, participants prepare two statements about themselves.

In **Part B**, participants work in small groups to discuss their statements.

In **Part C**, each small group presents a summary to the larger group and members introduce themselves.

Continued...

Activity 1 cont'd

Part A Individual work (5 min)

1. In the space below, write two statements that describe a *unique* fact about you, one true and one false.
2. Do not tell your colleagues which one is which. Do not put them in a particular order.

e.g.:

1. *I speak six languages.*

2. *I once kept a cobra.*

1. _____

2. _____

Part B Small group work (35 min)

1. Each member of your small group takes a turn in the “spotlight”. Being in the “spotlight” means it is your turn to answer questions about each of your statements. Only one person can be in the “spotlight” at a time.
3. Sitting in a circle, select the first person for the “spotlight”.
4. As the person in the “spotlight”, briefly tell others:
 - your name
 - where you are from
 - the name of your organization
 - the two statements you have prepared
5. Going clockwise, each member of the group asks the person in the spotlight one question about each of his/her statements.
6. The person in the “spotlight” must answer each question as convincingly as possible.
7. The members of the group discuss and decide together which statement is true and which is false.

Continued...

Activity 1 cont'd

8. Once your group has decided, the person in the “spotlight” must reveal the true statement.
9. Choose a member of your group to be the recorder and reporter. He/she prepares a point-form summary on flipchart of your group’s “true” statements and then presents the summary to the other groups in Part C.

Part C Group presentations (20 min)

Groups present their summaries and then each group member briefly introduces him/herself to the large group by stating his/her name, country and organization.

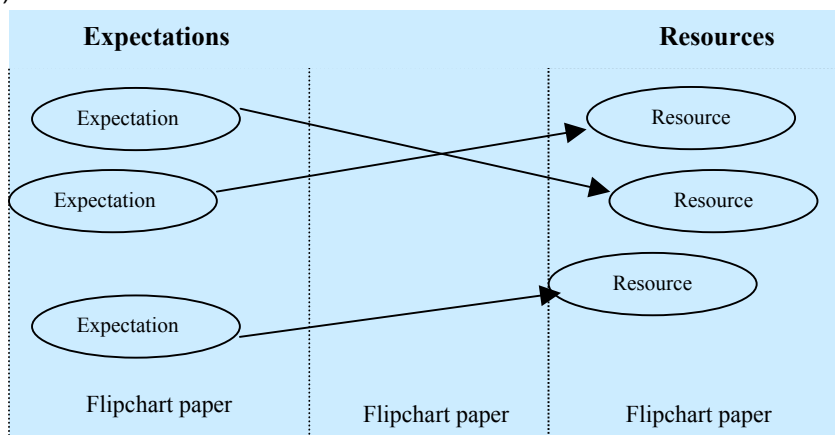
End ■

**Facilitator's
Notes****Activity 2****Prepare**

Flipchart version of expectations and resources chart (using 3 flipchart sheets) See the example below.

Instructions

- Using the information compiled from the Pre-Training Assignments (PTA) completed by participants, present on flipchart their expectations and resources. Group together similar expectations and resources.
- Review the expectations and resources named by participants and map the connections between the expectations and resources you have listed on flipchart paper. (15 min)
- Ask participants to write their names next to the expectations and resources they identify with. (5 min)
- Invite the participants to add any expectations and resources they feel are missing. (10 min)



Activity 2 Expectations and Resources

 30 min

Objective

To examine individual expectations and available resources in the group.

Description

The facilitator presents the expectations and resources you identified in your pre-training assignments and discusses them with the group.

End ■

**Facilitator's
Notes****Activity 3****Instructions**

- Provide an overview of the workshop (i.e. goals, objectives and content). Remember to refer back to the expectations and resources of participants in Activity 2.
- Also explain the role of the Workshop within the overall project to strengthen regional capacity of human rights organizations to promote and protect the rights of women migrant workers in a globalized world.
- The participatory training approach of the Workshop. (See following page)

**Activity 3 Workshop Overview**

15 min

Objective

To review the workshop objectives in relation to the expectations and resources expressed.

Description

The facilitator provides an overview of the Workshop, referring back to participants' expectations and resources expressed in Activity 2: goals, objectives, and content.

End ■

Welcome Dinner

Reference Sheet 1: Participatory Training Approach

Underlying Beliefs

People learn more effectively when:

- their own capacity and knowledge is valued
- they are able to share and analyze their experiences in a safe and collective environment
- they are active participants in the learning process

Some Assumptions About a Learning Event (program, workshop, activity)

1. Much of the content comes from the participants - the agenda or the program, provides the framework for drawing out this content
2. Participants bring analysis and experience to the program
3. Participants will take responsibility for their own learning and interaction with other participants
4. Everyone will participate fully in the sessions
5. There will be tolerance of differences in approaches and strategies

Some Assumptions About Ourselves as Educators

1. We know less than the participants to our programs, about their particular social context
2. Who we are, has been shaped by our particular knowledge, experience, perspectives
3. We bring a knowledge of theory and practice of participatory education and will contribute it as appropriate

The Curriculum Design Model

What we understand about education is reflected in how we carry out our work. The "design model", which we use in planning our programs incorporates what we know about effective adult education. This model suggests that:

1. Learning begins with the experience or knowledge of the participants
2. After the participants have shared their experience, they look for patterns or analyze that experience (what are the commonalities? what are the patterns?)
3. To avoid being limited to the knowledge and experience of the people in the room, we also collectively add (from outside sources) or create, new information or theory
4. Participants need to practice what they have learned, to practice new skills and make strategies and plan for action
5. Afterwards (usually when they are back in their organizations and daily work) they apply in action what they have learned

Reflection and evaluation are built into the program design, and are carried out throughout the entire program. They are not done just at the end.

Module 2: Your Human Rights Education Work

Objectives

- To have participants who train similar target audiences exchange information about their training activities.
- To examine the basic steps involved in developing a training session.

<i>Activity</i>	
Activity 1	Overview of the Human Rights Education (HRE) Activities of the Group
Activity 2	Developing Your Training Session – Introduction

**Facilitator's
Notes****Activity 1**

Notes

Over the next five days participants will work in their planning groups to develop the plan for a training session for their particular target audience.

The program organizers will determine the Planning Groups and you will be provided with this information before the session begins.

Composition of the groups will be determined according to the main target-training audience indicated by the participants in their pre-training assignments (e.g. participants who provide training mainly to NGOs/CBOs will be grouped together and so on).

Prepare

Prepare a flipchart version of Worksheet 1 for display in the training room. Prepare one flipchart per Planning Group. A sample is provided below.

Group 1	
<u>Target Audience: NGOs/CBOs</u>	
Participant	A -
	B -
	C -

Instructions

- Post the flipchart of the Planning Groups and explain to participants how the groups were determined.
- Verify the information with participants and ensure they are in the most appropriate group.
- Inform participants that over the next five days they will work in their Planning Groups to develop a Training Session for the “common” target audience.
- Go over the instructions for the activity with them and have them do the exercise.



Activity 1 Overview of the Human Rights Education (HRE) Activities of the Group

 1 hr 30 min

Objective

To have participants who train similar target audiences exchange information about their training activities.

Description

- Your facilitator will assign Planning Groups according to the main target audience you indicated in your pre-training assignment.
- Each member of your group will in turn describe his/her training activities and provide some details on the target audience of the training. Each participant has a maximum of 5 minutes.
- As each member of your group speaks, write the information on **Worksheet 1: Our Group's HRE Activities** so that you will have a personal record of the work of the individuals in your group. Also prepare a flipchart version of Worksheet 1 for display in the training room. **(1 hr 15 min)**
- Groups should spend the last 15 minutes viewing the work of the other groups. **(15 min)**

End ■

Worksheet 1: Our Group's HRE Activities

TARGET AUDIENCE:

Name of Participant	Organization	Details About Target Audience	Type of Training

**Facilitator's
Notes**

Activity 2

Prepare

Flipchart version of the Steps for Developing Your Training Session

Instructions

Part A Small group work (20 min)

- Have participants go into their Planning Groups as established in Activity 1.
- Go over the instructions and have participants complete the exercise on Worksheet 2: Steps for Developing a Training Session and Worksheet 3: What Steps will you use to Develop a Training Session?

Below is a suggested order for the steps. Prepare a flipchart version of the suggested order for the steps to review with participants once they have completed the exercise in their groups.

Steps for Developing a Training Session

1. Assessing participants' needs (skills, knowledge, attitude)
2. Determining program goal and objectives
3. Determining content
4. Preparing training materials
5. Conducting the program
6. Evaluation and follow-up
7. Arranging logistics (before, during and after)

Part B Large group discussion (40 min)

- Reconvene the large group and have participants compare and discuss their work.
- Post the flipchart that you have prepared and present and discuss this suggested order. Explain to participants that over the next 5 days they will work through these steps in their Planning Groups as they develop a plan for their training session. It is important to point out that the design process is not linear. Participants will be moving back and forth through the steps as they review and refine the plan for their training session.
- Invite participants to ask questions and share their comments.

NOTE: Keep the flipchart of the Planning Groups posted to remind participants for the next time.



Activity 2 Developing Your Training Session – *Introduction*

 60 min

Objective

To examine the basic steps involved in developing a training session.

Description

This activity is divided into 2 parts.

In **Part A**, participants work in their Planning Groups to discuss the steps involved in developing a plan for a training session.

In **Part B**, participants discuss these steps with the other groups.

Part A Planning group work (20 min)

1. Together with the members of your Planning Group, look at **Worksheets 2 and 3** to complete the exercise.
2. Once you have completed this task, post a flipchart version of your work on the wall.

Part B Large group discussion (40 min)

Compare and discuss the steps for developing a training session prepared by the different groups.

End ■

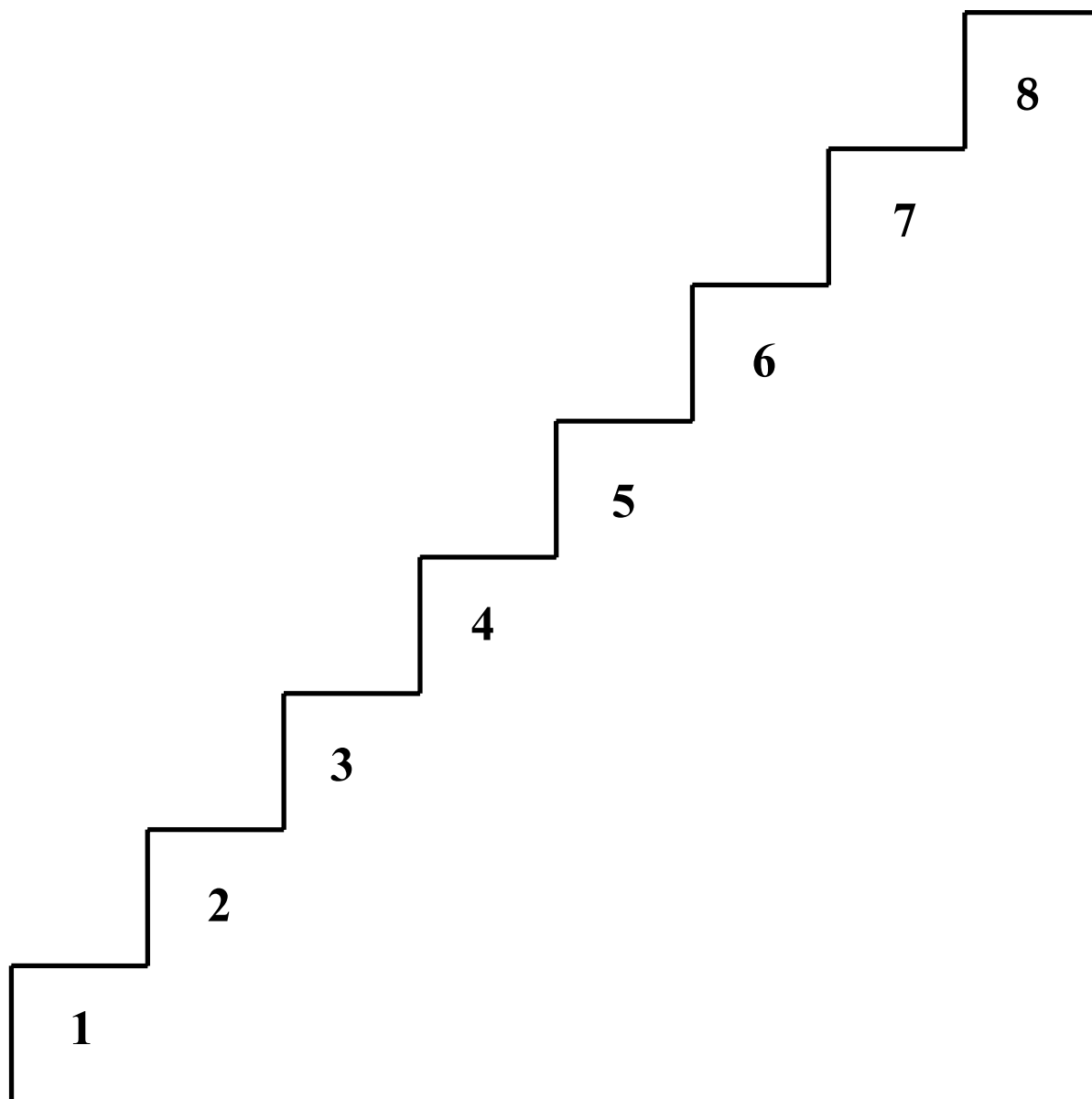
Worksheet 2: Steps for Developing Your Training Session

These are some possible steps to follow when developing a training session. Choose **steps** that you would follow in developing a training session, determine an order for the steps, and write them in the space provided on **Worksheet 3**.

Hire experts in content area of training	Conduct the training program	Analyze the characteristics of participants
Determine program goal & objectives	Calculate the cost of the training session	Determine content
Arrange logistics (before, during & after)	Assess participants' needs (skills, knowledge, attitude)	Conduct evaluation & follow-up
Prepare training materials	Examine solutions other than training	Estimate design time
	Other	

Worksheet 3: What Steps Will You Use to Develop Your Training Session?

Prepare a flipchart version of this worksheet to share the information with the other groups.



Module 3: Current Situation of Asian Migrant Workers

Objectives

- To examine the current situation of migrant workers in Asia, with a particular focus on women.
- To identify principal factors affecting labour migration in the region.
- To discuss the purpose of conducting a training needs assessment.
- To identify the training needs of your specific target audiences.
- To write a goal and objectives for your training session.

<i>Activity</i>	
Activity 1	A Snapshot of the Human Rights Situation of Asian Migrant Workers
Activity 2	Mapping Factors Affecting Labour Migration
Activity 3	Developing Your Training Session (1)— Assessing Training Needs
Activity 4	Developing Your Training Session (II)—Writing a Goal and Objectives

**Facilitator's
Notes****Activity 1**

Instructions**Part A Small group work (45 min)**

- Divide participants into groups according to the country where they work, or if there are too few participants from a particular country, divide them into regional or subregional groups. Aim for a maximum of 4 groups.
- Go over the instructions with participants and have them complete the charts on Worksheet 4: The Situation of Asian Migrant Workers.

Part B Group presentations (30 min)

- Reconvene the large group and give each subgroup 5 minutes to report. (25 min)
- Introduce the resource person who will first comment on the group reports and then summarize the common issues and trends. An important point to highlight is the increasing number of women migrant workers and health rights of migrants. (10 min)

Part C Large group discussion (30 min)

The resource person lead a large group discussion on the situation of migrant workers referring to the questions provided on Worksheet 4.



Activity 1 A Snapshot of the Human Rights Situation of Asian Migrant Workers

 1 hr 45 min

Objective

To examine the current situation of migrant workers in Asia with a particular focus on women.

Description

This activity is divided into 3 parts.

In **Part A**, participants work in groups to prepare a short description of the situation of migrant workers in those countries.

In **Part B**, participants present their description to the other groups. A resource person will comment on the presentations.

In **Part C**, a resource person leads a large group discussion.

Part A Small group work (45 min)

1. All the participants in your group are working on migrant workers issues in the same country or the same region.
2. Together with the members of your group complete the charts on **Worksheet 4: The Situation of Asian Migrant Workers** and address the questions provided in the last section of the worksheet. Prepare to give a 5-minute presentation about the situation of migrant workers in your country or region.
3. Choose a reporter to do the presentation for your group and prepare a flipchart or acetate version of **Worksheet 4**.

Continued...

*Activity 1cont'd***Part B Group presentations (30 min)**

1. Each small group reports to the large group on the situation of migrant workers. (20 min)
2. A resource person will then comment and summarize the common themes and trends, and comment on the overall situation of migrant workers in Asia. (10 min)

Part C Large group discussion (30 min)

The resource person leads a large group discussion on the situation of migrant workers referring to the questions in the last section of **Worksheet 4: The Situation of Asian Migrant Workers**.

End ■

Worksheet 4: The Situation of Asian Migrant Workers

Prepare a description of the situation of migrant workers in the country or region where you work. Use the three charts provided to record your responses.

For each of the job categories (domestic workers, factory workers and other) write the name of the host country or countries in question in the space provided. Then complete the chart as follows: list the most common types of jobs done by migrants; the migrants' country of origin; the working conditions. Then in the space provided, list the differences between male and female migrant, and comment on differences using the **discussion questions provided on the last page of Worksheet 4**. In the last column, comment on the differences using the discussion questions provided on the last page of this Worksheet.

Job Category: Domestic Workers

Receiving Country: _____

Type of Job	Migrant's Country of Origin	Working/Living Conditions	Impact of Existing Policy	List Differences (e.g., between male and female workers)
Cook/maid/ child caregiver				

Worksheet 4: Cont'd

Job Category: Factory Workers

Receiving Country: _____

Type of Job	Migrant's Country of Origin	Working/Living Conditions	Impact of Existing Policy	List Differences (e.g Between male and female workers)

Worksheet 4: Cont'd

Job Category: Other _____

Receiving Country: _____

Type of Job	Migrant's Country of Origin	Working/Living Conditions	Impact of Existing Policy	List Differences (e.g., between male and female workers)

Worksheet 4: Cont'd

To complete the last column of the chart, consider the following questions:

- How does the average salary of a woman migrant worker compare with a) the national average salary (in the host country); b) the salaries of male migrant workers?
- Is there a difference in salary between migrant workers of different nationalities, occupying the same job?
- Is there a difference in the way people from some sending countries are treated in comparison to those from other sending countries?
- Do women migrant workers face particular problems simply because they are women?
- Are undocumented/irregular migrant workers treated differently from documented migrant workers?
- What other issues are important to consider in developing a clear picture of the situation of migrant workers?
- Do migrant workers face particular forms of discrimination because of their status and/or gender?
- Do you feel that any of these practices generally discriminate against migrant workers? Against women migrant workers in particular?

**Facilitator's
Notes**

Activity 2

Prepare

- Flipchart version of Worksheet 5: Mapping Labour Migration
- At least 2 sticky notes for each participant.

Instructions

Part A Individual work (15 min)

- Explain to participants that they will use a mapping technique to identify and illustrate the impact of different factors affecting labour migration. Also explain that using this type of technique enables participants to post dozens of views on a topic in only a few minutes. It creates more opportunities for creative and critical discussion than conventional go-arounds, lectures, question and answer sessions, etc.
- Post the flip chart version of Worksheet 5 and explain the mapping diagram.
 - The left side is for factors that have a positive effect on migration.
 - The right side is for factors that have a negative effect on migration
 - The middle is for factors that could have either a positive or a negative effect on migration depending on particular circumstances.
- Provide participants with 2 sticky notes each, go over the instructions with them and have them carry out Part A.

Part B Small group work (45 min)

Divide participants into 3 groups and go over the instructions with them.

Part C Presentations and large group discussion (60 min)

- Reconvene the large group and have each group in turn present the results of their discussions. Remind participants that each group has a maximum of 5 minutes to present. (15 min)
- A resource person will summarize the information presented by the groups and comment on factors affecting labour migration raised by participants as well as respond to their questions. (45 min)



Activity 2 Mapping Factors Affecting Labour Migration

 2 hrs

Objective

To identify principal factors affecting labour migration.

Description

This activity is divided into 3 parts.

In **Part A**, participants work individually to identify factors affecting labour migration.

In **Part B**, participants work in small groups to discuss the factors.

In **Part C**, small groups present the results of their discussion and a resource person comments and addresses questions.

Part A Individual work (10 min)

Your facilitator will provide you with 2 sticky notes. On each note, write down **one** factor that affects labour migration. Then place your sticky notes in the appropriate area on the flipchart version of **Worksheet 5: Mapping Labour Migration Factors** according to the explanation provided by the facilitator.

Part B Small group work (50 min)

1. Your facilitator will divide you into three groups and assign **one** of the categories of factors affecting labour migration to each group as follows:
 - Group 1 – Economic factors
 - Group 2 – Social factors
 - Group 3 – Government policy-related factors

Continued...

Activity 2 cont'd

2. Together with the members of your group discuss the category of factors assigned to the group. Begin by reviewing the factors posted on the flipchart, then address the following questions:
 - From the factors posted for the category assigned to your group, which do you feel are the 2 or 3 key factors affecting labour migration?
 - Are there any factors that have not yet been identified in your category?
 - Are there factors that you would place differently? Which ones? Where would you place them? Why?
 - Are there any factors that you would remove altogether? Why?
3. Select one or two participants to present the results of your discussions in Part C.

Part C Presentations and large group discussion (60 min)

1. Each small group briefly presents the results of their discussion. (5 min/group)
2. A resource person comments and provides a broader overview of factors affecting migration.
3. The resource person will also address participants' questions and facilitate a discussion. (45 min)

End ■

Worksheet 5: Mapping Labour Migration Factors

Factors Affecting Labour Migration

Identify factors affecting labour migration.

Placing the factors on the line in between two categories suggests that the item could straddle both categories of factors in terms of its impact.

Economic Factors	Social Factors	Government policy-related factors

**Facilitator's
Notes**

Activity 3

Instructions

Part A Assessing Training Needs (30 min)


Read the commentary on needs assessment by J. Paul Martin from [A Handbook on Self-Help Human Rights Education](#) (1996) on the following page. Then go over the suggested questions with the participants.

Part B Planning group work (60 min)

Go over the instructions with the participants.



Activity 3 Developing Your Training Session (I) — *Assessing Training Needs*

 1 hr 30 min

Objective

- To discuss the purpose of conducting a training needs assessment.
- To identify the training needs of your specific target audiences.

Description

This activity is divided into 2 parts.

In **Part A**, participants discuss the purpose of a needs assessment.

In **Part B**, participants work in their Planning Groups to describe their target audience and assess the needs.

Part A Assessing training needs (30 min)

1. Your facilitator will discuss the commentary on needs assessment by J. Paul Martin provided below. He/she will then go over the guiding questions which focus on how to assess training needs.
2. You will then have an opportunity to ask questions before continuing your planning.

Part B Describing your target audience and assessing the needs (60 min)

1. Work in assigned Planning Groups to complete Worksheets 6 - 9.
2. Prepare a description of your target audience. (Worksheet 6)
3. Describe your perception of your target audience's training needs. (Worksheet 7)
4. Determine how you will verify your assumptions about their training needs. (Worksheet 8)
5. Overview of Your Target Audience's Needs (Worksheet 9)

Continued...

Activity 3cont'd

Needs Assessment Commentary

“Needs assessment for human rights programs tend to be intuitive, if not defined by extra-territorial institutions and interests. Needs are best defined through dialogue among 1) potential participants, 2) the front-line actors and organizers, and 3) the external forces (donors and expert trainers and educators). Too often, through lack of time and resources, this process is truncated or distorted due to the overpowering interests of one or more of the actors. The benefits of extended contact between the three cannot be over-emphasized.

Source: Martin, J. Paul, *A Handbook on Self-Help Human Rights Education*, Center for the Study of Human Rights, Columbia University 1996, p. 6

Guiding questions for the discussion on assessing training needs:

- What are the basic characteristics of the target audience? (age, education, degree of diversity, profession, gender, income, daily occupation)
- What are the human rights problems the members of the group face?
- What are the human rights problems that arise as a consequence of the target audience’s actions?
- What are the ways in which human rights problems can be alleviated as a result of this program?
- What is their learning capacity? Current level of education?
- What are their learning patterns of life which are relevant to designing a learning program?
- What is their motivation for participating?

Source: Martin, J. Paul, *A Handbook on Self-Help Human Rights Education*, Center for the Study of Human Rights, Columbia University 1996, p. 6

End ■

Worksheet 6: Description of Your Target Audience

Prepare a general description of the target audience of your training by completing the chart below.

SNAPSHOT OF YOUR TARGET AUDIENCE

Occupation(s) _____

Average age _____

Gender: Male _____ Female _____

Education level _____

Main human rights problems they face _____

Main human rights problems that arise because of target audience's actions _____

Other important facts _____

Worksheet 7: Your Perception of the Training Needs of Your Target Audience

	Actual	Ideal	How will you bridge the gap?
S K I L L S			
K N O W L E D G E			
A T T I T U D E S			

Worksheet 8: Verifying Assumptions About Training Needs

Once you have filled in the previous Worksheet as best you can, consider the following questions:

1. How will you check that your understanding of the actual and ideal situations is correct?
2. Who will you contact to verify that your information is correct?
3. What additional information do you need to develop training?
4. What techniques will you use to acquire this information?

**Facilitator's
Notes**
Activity 4

Instructions
Part A Large group discussion (20 min)

- Go over the instructions with the participants. Briefly discuss the questions provided and list participants' responses on flip chart. (15 min)
- Instruct participants to refer to Reference Sheet 2 for assistance.
- Below are some suggested comments to share with participants.

Question 1 – Answer

- Goal – broader, usually for the whole training event.
- Objective – more specific, expressed in measurable, observable terms.

Question 2 – Answer

- Explain that as trainers, setting a program goal and determining objectives helps us be clear about what we want to do. Once we have set objectives, the rest of the planning follows naturally. We have to know where we are going before we decide how to get there.
- Stating objectives for a training program assures that all efforts are directed towards achieving only the desired results. The key is to use ACTION WORDS, denoting something that can be measured or observed. For example, understanding is extremely difficult to measure. Words like state, show or solve are precise and measurable.

(From: Delivering Effective Training by Tom W. Goad, University Associates, San Diego California, 1982, pp. 63-76).

Question 3 – Answer

- Clearly stated objectives enable participants to better understand what we (the trainers, facilitators) intend to do and also what is the expected outcome for them throughout the process.

Part B Practice Writing Objectives (15 min)

Once you have gone through the questions with the participants use the remaining 15 minutes to have them:


- Think about how to change the objectives and then ask the group for their suggestions.
- Invite them to look at Reference Sheet 2 to assist them.
- Discuss the characteristics of a clear, well-defined objective.

Part C Planning group work (25 min)

Ask participants to get back into their Planning Groups to complete the activity using **Worksheet 10: Training Session Goal and Objectives** on developing goals and objectives for the Training Sessions



Activity 4 Developing Your Training Session (II) —*Writing a Goal and Objectives*

 60 min

Objective

To write a goal and objectives for your training session

Description

This activity is divided into 3 parts.

In **Part A**, participants examine the usefulness of setting goals and objectives.

In **Part B**, participants practice writing goals and objectives.

In **Part C**, participants develop goals and objectives for their training session.

Part A Large group discussion (20 min)

With your facilitator, go over the questions below focusing on goals and objectives. See **Reference Sheet 2** for assistance. (15 min)

Some questions to consider:

- What is the difference between a goal and an objective?
- How do they help us in developing our training programs?
- Why are they important for our participants?
- Your facilitator will then have you practice writing objectives in Part B.

Part B Practice Writing Objectives (15 min)

1. Rewrite the following objectives using action words and making them as clear as possible. Make your own assumptions and add information when necessary.
2. Focus on what you (the trainer) will do and what you reasonably can expect to happen as a result of the training. Use the guidelines in **Reference Sheet 2** to help you.

Continued...

Activity 4 cont'd

Objective 1. To know the stages of training needs assessment.

Objective 2. To be aware of the relationship between participatory methodology and human rights education.

Objective 3. To understand the importance of addressing learners' needs in a training program.

Part C Planning group work (25 min)

In your Planning Groups, determine your overall training goal and two main objectives for your training session. In constructing your objectives consider the following questions:

- Are the objectives realistic for the time you have?
- Is there a clear verb that suggests an activity?
- Is it appropriate to the group? i.e., could you express this objective to the group and get support for it?
- Is there a logical flow from one objective to another?
- Do the objectives address what you want people to know? (knowledge)
- Do the objectives address what you want people to be able to do? (skills)
- Do the objectives address what you want people to feel? (attitudes)

End ■

Reference Sheet 2: Guidelines for Writing Objectives

Part A

Identify what type of learning you expect to occur (knowledge, skills, attitudes)

For objectives related to learning new knowledge, information, facts, use words like:

list	name	define	review
describe	explain	indicate	report
tell	identify	recognize	

For objectives related to learning new skills, use words like:

apply	select	compare	examine
decide	develop	construct	implement
create	plan	solve	demonstrate

Objectives related to changing attitudes are difficult to teach and evaluate, so learning is often measured by observing behaviour. Use phrases that combine attitudes with actions, for example:

Demonstrate respect for people in your group by learning their names and seeking their opinions.

Avoid using words that are vague or abstract such as:

know	be familiar with
understand	think about
be aware of	

Worksheet 10: Training Session Goal and Objectives

Training Goal

Objective #1

Objective #2

Module 4: Gender and Labour Migration

Objectives

- To explore the difference between the concepts of “sex” and “gender”.
- To examine the situation of women in labour migration from a gender-specific perspective

<i>Activity</i>	
Activity 1	Sex or Gender?
Activity 2	Gender and Labour Migration

**Facilitator's
Notes****Activity 1**

Materials

Video: The Impossible Dream

Instructions**Part A Small group work (15 min)**

- Review the descriptions of the concepts of “sex” and “gender” provided.
- Divide participants into two groups and have them do the exercise. (10 min)
- Invite one group to name a difference and ask the other group to decide whether it is based on sex or gender. Disagreement will arise (e.g., is male aggressiveness socially or biologically determined?) Use the resulting discussion to help clarify the issue of gender. (10 min)
- Briefly address the questions provided. Inform participants they can continue the discussion in the next activity. (5 min)


Part B Film viewing and discussion on societal roles of women and men (15 min)

- Ask participants to take note of the main issues addressed during their viewing of the 8-minute video The Impossible Dream.
- Go over the guiding questions with participants.

NOTE: After completing Activity 1 remind participants that a gender resource “What is Gender?” can be found in the materials section at the end of this manual. ■

Activity 1 Sex or Gender?

Adapted from: Flowers, N. (1999). In Our Own Words: A Guide for Human Rights Education Facilitators. Bethesda, MD: Sisterhood is Global Institute.

 30 min

Objective

To explore the difference between the concepts of “sex” and “gender”.

Description

This activity is divided into 2 parts.

In **Part A**, participants work in small groups to discuss differences between sex and gender.

In **Part B**, participants view a short film and engage in a discussion.

Part A Small group work (15 min)

1. The facilitator will begin by briefly discussing the conceptual differences between sex and gender as outlined in the box below.
2. You will then go into your assigned group and together make a list of 3 or 4 perceived differences between men and women, some based on sex and some based on gender. Write your ideas in the chart provided on the following page. (5 min)
3. The facilitator will then ask each group to name one difference they listed at a time and the other group will be asked to decide whether the difference is based on sex or gender.
4. Then as a large group, consider the questions. (10 min)
 - Do you feel that concepts of sex and gender are in-born or learned?
 - What are the implications for men and women? In their private lives? And in the public sphere?
 - What are some of the problems/issues experienced by men and women due to social perceptions about sex and gender?

Continued...

Activity 1 cont'd

Gender-specific approach:**Concepts of sex and gender:**

The conceptual distinction between sex and gender is a useful analytical tool to clarify ideas and has now been almost universally accepted.

According to the general distinction, “**sex**” is connected with biology, whereas the “**gender**” identity of men and women in any given society is constructed; therefore it is socially and psychologically (and that means also historically and culturally) determined.

A gender-specific approach takes into account that the daily work of men and women, their access to resources, their participation in political life, their experience with violence, their capacity to **exercise their rights**, including their right to life is different, depending on whether they belong to one or the other sex.

E.g. Women can experience limited or no access to paid employment. The share of domestic work between men and women can be unequal; in certain societies, only men can serve in the armed forces; women are victims of rape and experience domestic violence more often than men.

Translated from: Callamard, Agnès, Méthodologie de recherche sexospécifique, Amnesty International and the Centre for Rights and Democracy, 1999, p. 9.

Continued...

Activity 1 *cont'd*

Perceived Differences Between Women and Men in your Society	Sex	Gender
<p>Some examples:</p> <ul style="list-style-type: none"> • Men have beards • Women live longer than men • Men are better at math • Women are timid 	<p style="text-align: center;">✓ ✓</p>	<p style="text-align: center;">✓ ✓</p>

Part B Film viewing and discussion (15 min)

1. View the short film on the impact of gender roles between men and women entitled The Impossible Dream.
2. Once you have viewed the film, answer the guiding questions below:
 - What are some of the main gender issues addressed in the film?
 - How do these issues compare with the situation in your society? With your work environment? With your personal experience?
 - How do accepted societal gender roles impact on your work with migrant workers?

End ■

**Facilitator's
Notes****Activity 2**

Instructions**Part A Small group work (45 min)**

- Divides participants into small groups and assign them 1 of the 3 scenarios in Reference Sheet 3: Scenarios on Gender Issues.
- Go over instructions with the participants.

Part B Large group discussion (30 min)

- Each group presents their results in turn.
- A resource person answers questions from the group.



Activity 2 Gender and Labour Migration

 1 hr 15 min

Objective

To examine the situation of women migrant workers from a gender perspective.

Description

Labour migration creates many conditions that increase the vulnerability of men and women migrant workers. However, women face greater risks because of their gender. Therefore, it is important to adopt a gender perspective when examining the issues faced by women migrant workers (documented or undocumented) as well as by the spouses of male migrant workers.

In traditional patriarchal contexts, men, family and society have viewed women as commodities. In the age of globalization and economic liberalization, migrant workers too have come to be viewed as mere labour commodities.

This activity is divided into 2 parts.

In **Part A**, participants work in small groups to identify gender-specific issues of labour migration that impact women and men differently.

In **Part B**, each group in turn presents the results of their work and a resource person leads a discussion on this topic.

Continued...

*Activity 2 cont'd***Part A Small group work (30 min)**

1. Each group is assigned one scenario. Begin by quickly reading over all three scenarios in **Reference Sheet 3**.
 - Scenario 1: Bini
 - Scenario 2: Kushi
 - Scenario 3: Stevens-Johnson Syndrome
2. Then, carefully read the scenario assigned to your group.
3. Together with the members of your group and with your facilitator, discuss the following questions:
 - Who are the individuals involved?
 - What is the problem?
 - What are the gender-specific issues in the case?
4. Using **Worksheet 11**, prepare a short presentation for Part B.

Part B Large group discussion (45 min)

1. Each group in turn presents the scenario assigned to their group highlighting the gender specific issues and explaining why they identified those issues in particular.
2. A resource person will take up answers from each group and lead a discussion on the issues identified and the ways in which to address them. The suggested questions below can be used to deepen the discussion:
 - How is gender experienced in the process of labour migration?
 - Are there characteristics that are assumed to be specifically male or female? What are they?

End ■

Reference Sheet 3: Scenarios on Gender Issues

SCENARIO 1: Bini

Bini, a 25 year old Indonesian woman secured a job in Singapore as a domestic worker for two years. Within 6 months of her arrival, Bini met Idaman, another Indonesian migrant worker. In spite of long working hours, Bini managed to find time to spend with Idaman. Within the first year of their relationship, Bini became pregnant. When she told Idaman about the pregnancy, he told her that he could not see her anymore and did not want her contacting him. She became very scared, as she knew that she would lose her job and be deported back to her country if it was discovered that she was pregnant. Bini faced a very serious dilemma, either to keep the baby and be deported back to Indonesia where she would have no means to support herself and her baby, or risk having an abortion illegally so that she could stay in the country. Bini also knew that having an illegal abortion carried with it the risk of unhygienic conditions resulting in severe health risks. In the end, she decided to have the illegal abortion. However, Bini was seen walking out of the doctor's office by the neighbour of her employer, and she was reported and subsequently fired. The authorities in Singapore took her into custody and deported her within 24 hrs. back to Indonesia. Upon arriving back to her country, Bini realized that she had an infection from the abortion. After a visit to her doctor, she found out that the infection was so bad that she may never be able to bear children again.

SCENARIO 2: Kushi

Kushi, a 23-year-old woman from Bangladesh heard that an employment broker was doing business in her area. She approached him to help her to find work abroad. The employment broker told her that he would be able to secure work for her in Malaysia but that she would have to travel to Malaysia via Thailand. He guaranteed that he would be responsible for securing a job for her that would earn her 1000 to 1200 ringgit per month. To get a passport, Kushi had to go to Sirajgang. There, she gave money to a worker in the passport office, to ensure that he would process the application for her passport. He promised to deliver her passport to her in one week. However, even after six different visits with him at the passport office, Kushi's passport was delayed. Kushi endured a great deal of stress and anxiety because of the demands that the worker at the passport office was making on her for more documentation and more money. With great difficulty, she was eventually able to secure the money and gather the documentation she required to get her passport.

In the meantime, in addition to the money Kushi still owed to the employment broker, he was now pressuring Kushi for sex in exchange for a secured bus ticket. He told her if she failed to meet his demands, she would not get on the bus to Malaysia.

Reference Sheet 3: Cont'd

SCENARIO 3: Stevens-Johnson Syndrome

In 1997, 15 Filipino women were struck with Stevens-Johnson Syndrome, a severe allergic reaction that causes the skin to peel off. Seven of the women died from the disease. The women had three things in common: they were all from the Philippines, they had all been sent to Taiwan as migrant workers and they had all worked for the same computer manufacturing plant in Taiwan. The computer manufacturing industry primarily employs women. It is a multinational corporation incorporated in the Netherlands.

An investigation was initiated by an NGO in the Philippines handling the case of the women in an effort to find a legal remedy.

The surviving women continue to suffer medical problems related to Stevens-Johnson Syndrome. For example, they are having problems with the menstrual cycle. The manufacturing company is now hiring migrant workers primarily from Thailand rather than the Philippines.

Worksheet 11: Scenario — Gender and Labour Migration

Scenario: _____

1. What are the gender-specific issues in the scenario? Explain why they are gender-specific.

2. What are the other issues in the case?

3. How do you know when an issue is gender-specific?

Module 5: Attitudes, Values and Human Rights

Objectives

- To reflect on personal values and attitudes towards migrant workers.
- To explore individual notions of human rights.
- To examine underlying principles of human rights.
- To practice applying a rights-based approach to gender-specific issues affecting migrant workers.
- To examine how to determine a training program
- To develop the content of your training session based on the needs, goal and objectives you identified.

<i>Activity</i>	
Activity 1	Individual Values and Attitudes Towards Migrant Workers
Activity 2	Thinking About Human Rights
Activity 3	Underlying Principles of Human Rights
Activity 4	Using a Rights-Based Approach to Gender-Specific Issues
Activity 5	Developing Your Training Session

**Facilitator's
Notes**
Activity 1

Instructions

For this activity, participants work in 3 large groups with a facilitator for each group.

Part A Small group work (15 min)

- Have participants individually complete Worksheet 12: Individual Attitudes and Values Towards Migrant Workers.
- Remind them to record their first reaction and to then comment on their responses.

Part B Large group discussion (30 min)

Facilitate a discussion, reviewing one statement at a time. Ask participants to reflect on what their responses reveal about their own concept of human rights.


Debriefing

Explain to participants the order/grouping of the statements on **Worksheet 12: Individual Attitudes and Values Towards Migrant Workers**.

- Statements (a) to (d) deal with attitudes about migrant workers.
- Statements (e) and (f) deal with attitudes about health issues affecting migrant workers.
- Statements (g) to (k) deal with government obligations to migrant workers.
- Statement (l) deals with the international system and its response to migrant workers.
- Statement (m) deals with the perception of migrant workers' by civil society.
- Statement (n) deals with personal attitudes and values.

Note: It should be made clear to participants that individual answers to this type of activity reflect personal beliefs and thus should be respected. One of the objectives of this type of training is to raise participants' awareness of human rights issues that affect migrant workers, especially women migrant workers. This type of reflection can be viewed as a starting point for raising awareness. ■

Activity 1 Individual Values and Attitudes Towards Migrant Workers

 45 min

Objective

To reflect on personal values and attitudes towards migrant workers.

Description

This activity is divided into 2 parts.

In **Part A**, participants work individually to complete the questionnaire on individual attitudes and values towards migrant workers.

In **Part B**, the facilitator leads a large group discussion.

Part A Individual work (10 min)

Complete the chart in **Worksheet 12** according to the instructions provided.

Part B Group discussion (35 min)

Together with your facilitator review the responses of the members of your groups to each of the statements. Reflect on what your responses reveal about your own concepts of human rights.

End ■

Worksheet 12: Individual Attitudes and Values Towards Migrant Workers

The statements below reflect some typical views held by individuals regarding human rights and migrant workers. Read each statement and check off whether you agree or disagree. Use the “Comments” column to briefly explain your answer. Please base your responses on your immediate feeling as you read each statement. This is the best way to determine your personal feelings.

Statements	Agree	Disagree	Comments
a) Migrant workers are well informed and prepared to cope with life and work in a foreign country.			
b) A migrant domestic worker should be allowed to work more than 16 hours per day if her/his employer requests this and she/he agrees.			
c) The increased number of women migrant workers has led to their financial empowerment and better living conditions for the whole family.			
d) After years of separation, the reunification of families is a "measure of success" in overseas work.			
e) Mandatory medical examinations for pregnancy and for communicable diseases such as HIV/AIDS, TB and sexually transmitted diseases (STDs) are to the advantage of the migrant worker.			
f) Lesbian relationships among migrant workers are tolerated as these relationships work against unwanted pregnancies (which can lead to termination of employment and deportation), while at the same time satisfy a natural need for intimacy.			
g) Governments should prohibit migrant workers from going to countries where there have been gross violations of human rights.			
h) Stricter regulations should be created to prevent recruitment agencies from exploiting migrant workers.			
i) Undocumented or irregular migrant workers do not deserve the same level of protection as documented migrant workers.			

Worksheet 12: Cont'd

j) Most migrant workers who experience human rights violations will submit complaints to their embassies or consulates.			
k) The priority for consular officials whose responsibility includes migrant workers is to generate jobs that can be filled by workers from his/her home country.			
l) The coming into force of the UN Convention on the Protection of Rights of All Migrant Workers and Members of Their Families ensures the promotion and protection of the rights of migrant workers.			
m) NGOs and other groups are best suited to respond to migrant workers' needs and complaints because consular officials such as labour attachés have so many other duties.			
n) My personal values and attitudes of officials have very little impact on how I carry out my work of in promoting and/protecting the rights of migrant workers.			

**Facilitator's
Notes****Activity 2**

Instructions**Part A Individual work (5 min)**

Ask participants to reflect on their understanding of the meaning of human rights. Then ask them to write it down in the space provided.

Part B Large group discussion (25 min)

Facilitate a discussion using the questions provided as a guide. Write down the key ideas on a flipchart paper to serve as a reference.



Activity 2 Thinking About Human Rights

 30 min

Objective

To explore individual notions of human rights.

Description

This activity is divided in 2 parts.

In **Part A**, you will reflect on the meaning of human rights.

In **Part B**, you will share your ideas with the group.

Part A Work individually (5 min)

Take a few moments to respond individually to the question below.

What do "human rights" mean to you? Give some examples. Write down 2 or 3 of your ideas in the space below.

Part B Work in a group (25 min)

Share your ideas that you wrote in Part A with the group. Consider some of these questions:

- Do you think that human rights are universal? Why or why not?
- Which of the rights contained in the Universal Declaration of Human Rights seem most important to you? (see the Materials Section)
- Do you feel that the group shares a common concept of human rights?

End ■

**Facilitator's
Notes****Activity 3**

Instructions**Part A Small group work (20 min)**

- Go over the instructions with the participants.
- Divide the participants into 4 groups and assign 2 terms to each group.
- Have the groups discuss their terms and then in turn present the information from their discussion to the larger group.
- List the terms on flipchart for quick reference by the groups.

Part B Large group discussion (40 min)

The questions are meant to have participants provide examples from their own contexts.



Activity 3 Underlying Principles of Human Rights

 60 min

Objective

To examine underlying principles of human rights

Description

This activity is divided into 2 parts.

In **Part A**, participants work in small groups to reflect on some of the basic human rights principles which inform the Universal Declaration of Human Rights and then present the information to the larger group.

In **Part B**, participants address some questions as a large group.

Part A Work in a group (20 min)

1. The facilitator assigns your group two of the human rights principles listed below. Your group will give a 5-minute presentation on the principles you have been assigned.
2. Go over the descriptions of the principles provided in **Reference Sheet 4: Principles of Human Rights** and add your own ideas. Prepare to explain the terms to the larger group.

Human Rights Principles	
Equality	Indivisibility
Universality	Interdependency
Human dignity	Inalienability
Non-discrimination	Responsibility

Continued...

*Activity 3 cont'd***Part B Large group Work (40 min)**

1. The small groups report on the principles they have been assigned.
2. The facilitator will lead a class discussion on the interpretations and applications of the terms.
3. Reflect on the information provided in **Part A** and address the following questions:
 - What do these principles mean in your context?
 - How are they applied?
 - What are some barriers to their full application?

End ■

Reference Sheet 4: Principles of Human Rights

Underlying Principles of Human Rights	
<p>Equality</p> <p>The equality concept expresses the notion of respect for the inherent dignity of all human beings. As specified in Article 1 of the Universal Declaration of Human Rights, it is the basis of human rights: “All human beings are born free and equal in dignity and rights.”</p> <p>Universality</p> <p>Certain moral and ethical values are shared in all regions of the world, and governments and communities should recognize and uphold them. The universality of rights does not mean, however, that the rights cannot change or that they are experienced in the same manner by all people.</p> <p>Human dignity</p> <p>The principles of human rights are founded on the notion that each individual, regardless of age, culture, faith, ethnicity, race, gender, sexual orientation, language, disability or social class, deserves to be honoured or esteemed.</p> <p>Non-discrimination</p> <p>Non-discrimination is integral to the concept of equality. It ensures that no one is denied the protection of their human rights based on some external factors. Reference to some factors that contribute to discrimination contained in International human rights treaties include: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. The criteria identified in the treaties, however, are only examples, it does not mean that discrimination is allowed on other grounds.</p>	<p>Indivisibility</p> <p>Human rights should be addressed as an indivisible body, including civil, political, social, economic, cultural, and collective rights.</p> <p>Interdependency</p> <p>Human rights concerns appear in all spheres of life - - home, school, workplace, courts, markets -- everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights.</p> <p>Inalienability</p> <p>The rights that individuals have cannot be taken away, surrendered, or transferred.</p> <p>Responsibility</p> <p><i>Government responsibility:</i> Human rights are not gifts bestowed at the pleasure of governments. Nor should governments withhold them or apply them to some people but not to others. When they do so, they must be held accountable.</p> <p><i>Individual responsibility:</i> Every individual has a responsibility to teach human rights, to respect human rights, and to challenge institutions and individuals that abuse them.</p> <p><i>Other responsible entities:</i> Every organ of society, including corporations, non-governmental organizations, foundations, and educational institutions, also shares responsibility for the promotion and protection of human rights.</p>

Source: Flowers, N. (2000). *The Human rights education handbook: Effective practices for learning, action, and change*. Minneapolis, MN: University of Minnesota.

Ravindran, D. J. (1998). *Human rights praxis: A resource book for study, action and reflection*. Bangkok, Thailand: The Asia Forum for Human Rights and Development.

**Facilitator's
Notes****Activity 4**

Instructions**Part A Large group discussion (20 min)**

Lead a brainstorming session on what a rights-based approach means to participants. Refer to **Reference Sheets 5 and 6**.

Part B Case Study Analysis (30 min)

- Divide participants into small groups to determine what is involved when discussing a particular case from a rights-based approach. (Groups do not need to be based on region.)
- Go over the instructions with the participants.

Part C Group Presentations (40 min)

Have each group in turn present the results of their discussion to the other groups. Synthesize and comment on the ideas presented by the small groups. ■

Activity 4 Using a Rights-Based Approach to Gender-Specific Issues

 1 hr 30 min

Objective

To practice applying a rights-based approach to gender-specific issues affecting migrant workers.

Description

This activity is divided into 3 parts.

In **Part A**, participants engage in a brainstorming session.

In **Part B**, participants work in small groups on a case study.

In **Part C**, participants present the work they did on the case study.

Part A Large group discussion (20 min)

The facilitator leads a brainstorming session on what is a rights-based approach to gender-specific issues.

Part B Case Study (30 min)

1. Working in your small group, read over the case study in **Worksheet 13: The Ban on Women Migrant Workers**. Use Reference Sheets 5 to assist you.
2. Together with the members of your group, analyze the issues in the case by addressing the questions provided. Prepare a flipchart to present your ideas to the other groups in Part C. Your presentation should not exceed 5 minutes.
3. Select a reporter to present the ideas of the group.

Part C Group Presentations (40 min)

Each group in turn presents the results of their discussion to the other groups. The facilitator synthesizes and comments on the ideas presented by the small groups.

End ■

Reference Sheet 5: A Rights-Based Approach

A RIGHTS-BASED APPROACH:

- **IS** a conceptual framework grounded in values and principles of human rights. It is based on the premise that every human being, by virtue of being human, is a holder of rights.
- **PRESUPPOSES** that a **right is different from a need**. Human rights are an entitlement of every man, women and child. A need is an aspiration. A **need** can be legitimate, but satisfying a need cannot be enforced, as it is not necessarily associated with a State obligation.
- **ASSUMES** that all human beings should have equal opportunity to realize their full developmental potential.
- **INCLUDES** the principles of equality, equity, empowerment and participation.
- **INVOLVES** a process of empowering those who do not enjoy their rights to claim their rights. It does not involve charity or simple economic development.
- **INTEGRATES** the norms, standards and principles of the international human rights system into the plans, policies and processes of development programs, social programs and other programs.
- **STRENGTHENS** the rationale for participatory, people-centred sustainable human development and provides additional tools for reaching this goal. It is an approach that is relevant in all countries, cultural contexts and situations.
- **REQUIRES** the creation of an enabling environment in which human rights can be enjoyed by all.

A RIGHTS-BASED APPROACH TO GENDER EQUALITY INCLUDES:

DIRECT LINKS TO RIGHTS

A **rights-based approach establishes** direct links to international, regional and national human rights instruments.

Reference Sheet 5: Cont'd

A rights-based approach to gender equality “considers the full range of indivisible, interdependent and interrelated rights and allows for holistic attention to women's civil, cultural, economic, political and social rights.”

“Since achievement of gender equality is a critical aspect of any human rights agenda, opportunities for mutual reinforcement need to be clearly understood so that the two agendas can be pursued in tandem.”

The rights to equality and non-discrimination on the basis of sex are at the core of human rights discourse and standards:

- “The principle of the equal rights of women and men is contained in the Charter of the United Nations, the Universal Declaration of Human Rights and all subsequent major international human rights instruments.”
- “The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), [most comprehensively] elaborates women's right to non-discrimination in the “political, economic, social, cultural, civil and any other field”.”
- [CEDAW] ... “codifies women's rights to non-discrimination on the basis of sex, and to equality as self-standing norms in international law. It also establishes that women and men are entitled, on a basis of equality, to the enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and thus moves beyond the two Covenants by incorporating both families of rights in one instrument, establishing them as mutually reinforcing.”
- “The Vienna Declaration and Programme of Action (1993) emphasized the human rights of women. Succeeding global conference documents, culminating in the Beijing Platform for Action (1995), strengthened the emphasis on the human rights of women and girls.”
- “In instances where the CEDAW Convention is less specific than other instruments, or does not address certain rights explicitly, such gaps can be filled by reference to the general non-discrimination clause of other instruments, and/or their provisions of particular relevance to women, such as articles 3 of the ICESCR and ICCPR.”

Reference Sheet 5: Cont'd

- ILO Conventions on the protection of women workers are also important for realizing gender equality, non-discrimination and protection from gender based exploitation, harassment and violence in the world of work. In addition to creating legal obligations for States parties, they provide essential guidance in programming for particular situations of working women.

INCREASED LEVELS OF ACCOUNTABILITY

A rights-based approach:

- Identifies claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).
- Identifies the positive obligations of duty-holders (to protect, promote and fulfill) and their negative obligations (to abstain from violations). Specifically:
 - A) STATE OBLIGATIONS** require governments to respect, promote, protect and fulfill human rights:
 - Through legislation and policy
 - By taking action to prevent violations of rights
 - By taking necessary measures, including allocating sufficient resources
 - B) INDIVIDUALS** in society have the responsibility to ensure that they respect, promote, protect and fulfill these rights through actions in their daily lives.

MOVE FROM DEPENDENCY TO EMPOWERMENT

A rights-based approach:

- Focuses on beneficiaries as the owners of rights and the directors of development instead of the objects of programs and actions to address their needs: "...provides a framework that encourages programming which takes account of the dynamics of civil and political, and socio-economic rights, and the need to find solutions that strike a balance so as to achieve the overall objectives of realising human rights." (S.Goonesekere)

Reference Sheet 5: Cont'd

- Gives people (men, women and children) the power, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies. Places a higher emphasis on the strengths of individuals and communities including children to play a more active part in the societies in which they live.

PARTICIPATION

Aims for a high degree of participation, from communities, civil society, minorities, indigenous peoples, women, children and others.

- Sees women as active participants in finding constructive solutions: “The recognition of the status of civil society in monitoring the implementation of human rights reinforces the understanding of individuals as rights-holders. This includes their right to participate actively, freely and meaningfully in the formulation of national human rights and development policies. The right to participation takes on particular force for those who remain, or have historically been marginalized. Indeed the general human rights norms relating to freedom of association and freedom of speech are critical for the women's human rights agenda so as to strengthen their ability to participate freely and meaningfully in the decisions that affect their enjoyment of all their human rights.” (S. Goonesekere)

NON-DISCRIMINATION

A Rights-Based Approach:

- Focuses particular attention to discrimination, equality, equity and marginalized groups. For example, women, migrant workers, indigenous peoples and minorities.
- Requires that the question of who is marginalized here and now be answered locally: “...[It] encourages people-centred and sustainable development approaches to planning and decision making, on the assumption that respect for individual human rights, dignity and gender equality must be the foundation of any civil, political, social and economic agenda.”

Reference Sheet 5: Cont'd

A RIGHTS-BASED APPROACH relies on HUMAN RIGHTS EDUCATION as a fundamental element to transform this conceptual framework into practice. The elements of a rights-based approach should guide the content and practice of human rights education. Two essential objectives of human rights education are:

- Learning *about* human rights (i.e., human rights history, documents, implementation mechanisms).
- Learning *for* human rights (i.e., understanding and embracing the principles of human equality and dignity and the commitment to respect and protect the rights of all people). It includes values clarification, attitude change, development of solidarity and the skills for advocacy and action.

HUMAN RIGHTS EDUCATION is required for the implementation of a rights-based approach to gender equality to strengthen:

- "...the process of implementation of gender equality rights through international complaints procedures, and national laws and a Court system.
- ...monitoring violations through national and international processes."
- "...[T]he development of human rights action plans [include human rights education] and strategies covering all areas of national development, and the allocation of human and financial resources."
- "...gender-sensitization at all levels ... This is perhaps the easiest aspect of a rights-based approach, since there are many partners in the human rights arena...gender-sensitization programmes [can be] linked to human rights education... Women's groups therefore need to network and make these connections so as to strengthen their own capacity and also impact on the wide range of State and private actors who can be catalysts for creating an environment conducive to realizing gender equality."

Challenges of a rights-based approach to gender equality:

- includes the "...**structure of international human rights law** as it addresses mainly relations between the individual and the State and its agents, rather than relations among individuals."

Reference Sheet 5: Cont'd

- “Many violations of the rights of women occur in situations that remain outside the regulatory framework of the State, [...e.g.] the family, or the existence of religious law, as well as traditional and customary law... many economic activities performed predominantly by women are not regulated by the State, such as work in family farms or businesses, caring work and work in the informal sector, and are thus not subject to regulations concerning social security, health and safety standards, minimum pay or protection against exploitation.”
- “As human rights continue to be perceived in international law as rights enforceable only against the State or its agents, a large area of gender discrimination and gender-based violence will continue to fall outside the area of effective enforcement. Increasingly, infringements of human rights take place because of the actions of non-State actors. Gender-based violence occurs in the family and in the community, and the perpetrators are often non-State actors or private individuals. Economic policies have resulted in increased privatization in both developed and developing countries”
- Gender equality and human rights ... must be respected, protected and fulfilled in both the public and the private realm. The distinction [between the two] in international human rights law has been criticized, and there have been efforts to shift towards recognition of responsibility and accountability for private action.”
- “...lies in the fact that [the] realization of various equally valid rights inevitably creates situations of conflicts between them.”
- “A legal norm or policy is rarely absolute. Consequently the existence of the prospect of conflicting human rights should not be a reason for rejecting the rights-based approach. Rather, efforts are needed to understand the potential for conflict, and a commitment to developing strategies for resolving them so as not to undermine the core agenda of gender equality and non-discrimination.”

Reference Sheet 5: Cont'd

- “A legal norm or policy is rarely absolute. Consequently the existence of the prospect of conflicting human rights should not be a reason for rejecting the rights-based approach. Rather, efforts are needed to understand the potential for conflict, and a commitment to developing strategies for resolving them so as not to undermine the core agenda of gender equality and non-discrimination.”
- “Gender-equality rights compete for recognition with a number of other, equally valid, human rights. ...[C]ustom or religion may therefore have to be interpreted not absolutely, but so as to strike a balance, and achieve the norms of gender justice.”

Sources Adapted and/or Taken from:

- Goonesekere, Vitri, *A Rights-Based Approach to Realizing Gender Equality*, Taken from: Website: <http://www.un.org/womenwatch/daw/news/savitri.htm>
- World Health Organization, *25 Questions & Answers on Health & Human Rights*, Health & Human Rights Publication Series, Issue No. 1, July 2002.
- UNHCR website, <http://www.unhcr.ch/development/approaches-04.html>
- *Workshop United Nations Inter-agency Committee on Women and Gender Equality*, OECD/DAC Working Party on Gender Equality, 5 - 7 October 1998 Final Communiqué
- UN website: <http://www.un.org/womenwatch/daw/news/communique.htm>

Worksheet 13: The Ban on Women Migrant Workers

CASE STUDY

In 1998, the government of Bangladesh imposed a ban on sending women abroad to work as domestic workers. The ban was imposed following widespread reports of physical and sexual abuse of domestic workers in Middle Eastern countries, where most of the 3.2 million Bangladeshi migrant workers are found.

Some labour recruitment officials have said that restrictions on the export of female workers are not really effective since a total ban cannot be enforced and this only encourages irregular migration. Moreover, stopping the legal flow will only increase trafficking in women.

In fact, as reported by an unnamed official at the Bureau of Manpower, Employment and Training, despite the official ban, approximately 45 000 women have left Bangladesh to work illegally in the Persian Gulf countries since 1998. This compares to 14 000 Bangladeshi women who were legally employed in foreign countries between 1991-1998.

Extremely difficult economic conditions and lack of job opportunities at home continue to drive many poor people, including women to seek a better life in other countries. As a human rights activist rightly stated, “when women are deprived of their basic rights and reel under dehumanizing poverty, they opt for leaving their motherland under any conditions, right or wrong, moral or immoral, safe or dangerous.”

Bangladesh's recent decision to relax the restrictions on women seeking work abroad has rekindled a debate on the government's policies on women's rights, labour export, and its ability to protect its migrant workers. The government has looked at bans, of which Dhaka has had several in the past, as a way of curbing abuses in the main labour market of the Middle East, where workers from Asia make up the bulk of domestic help.

For information on the advantages and disadvantages of using a case study, please see page 93.

Stories: *Government Mulls Lifting Ban on Domestic Workers* by Tabibul Islam, Bangladesh AND *Ban or No Ban, Women Leave Home* by Tabibul Islam, Bangladesh

Adapted from: IPS Asian Migrant Trail: www.ipsnews.net/migration/

All case studies are taken from actual situations that have been reported; they are not intended to discriminate against one particular group over another.

Worksheet 13: Cont'd

GUIDING QUESTIONS TO CONSIDER

<p>Questions to address about the situation: What are the main issues in this case? Who are the stakeholders? Which rights are violated? What are the consequences of the ban? In what ways might women experience this situation differently from men?</p>	
<p>Questions about the approach: What strategies would you use to address the situation? How do you ensure:</p> <ul style="list-style-type: none"> ○ Accountability ○ Empowerment ○ Participation ○ Non-discrimination 	

The Case Study

The case study is an ideal technique when a holistic, in-depth investigation is needed for an issue. It is designed to develop problem-solving and decision-making skills and to encourage multiple perspective-taking in an objective manner.

Some of the main **advantages** and features of a case study are:

Authentic. This is not to say that cases must be literal accounts of actual incidents, though they might be; it means that the characters, situations and dilemmas described must seem true.

Concrete. Concreteness helps create authenticity. It's the capacity of cases to represent the particulars of the situation/incident that makes them powerful in raising a variety of issues.

Narrative. Cases engage our attention for some of the same reasons a piece of fiction does: we read to watch the action unfold, to find out what happens next, often identifying with the actors, feeling personally involved in their choices and playing out the consequences.

Open-Ended. Complex and information-rich cases depict incidents that are deliberately open to interpretation - raising questions rather than answering them, encouraging problem solving, calling forth collective intelligence and varied perspectives, and promoting more reflective practice.

The case study focuses on the development of skills:

- In analysis and decision making rather than on the acquisition of knowledge
- In thinking of and appraising alternative courses of action, reaching a reasonable decision among them, and in planning to make the decisions effective
- In oral communication and persuasion
- In dealing with multi-dimensional issues, formulating appropriate action plans, and managing time

This technique does have some **disadvantages**:

It does not actually provide real experience. Facts are presented; readers get little practice in seeking and recognizing facts and relationships; the situation may be oversimplified. As well, the case study doesn't convey many subtle but important overtones of human personality and conduct. In addition, it is incomplete, as it does not include the process of carrying out the decisions and checking on the results. The case study is not useful if the primary objective is to transmit facts and can be a waste of time and effort if not used properly.

Source: Etington, J.E. (1996). The Winning Trainer, 3rd Ed. Houston: Texas, Gulf Publishing Company.

Instructions**Part A Reviewing content of the ToT (30 min)**

Go over the instructions with the participants. Briefly discuss the questions below that you pre-prepared on flipchart and list participants' responses on the same flipchart.

Questions and Answer Key:**Question 1**

When we talk about program content, what does this include?

Content may include topics, themes, issues, and information to be covered. In terms of this program, this includes general topics such as:

- certain theories of participatory methodology; adult learning; and human rights education
- practical skills in the design of a training session, and facilitation techniques

Question 2

What factors did the developers of this Training of Trainers Program take into consideration when they selected the content?

Some factors that impact on choice of content are:

- Who your target audience is, i.e., trainers from Asian NGOs working with human rights of migrant workers, in particular women.
- What their needs are in terms of knowledge, skills and attitudes. i.e.:
 - Knowledge: principles of adult education, participatory methodology and human rights education
 - Skills: design techniques and facilitation techniques
 - Attitudes: an understanding of the importance of the participatory methodology and instructional design for human rights training
- What learning goals and objectives have we set for the program?
 - To learn about participatory methodology by experiencing it
 - To apply principles of adult education and participant-centered training to human rights training programs
 - To design training activities using participant-centered techniques
 - To develop skills in the use of participative training methods.
- What is the time frame of the program?
 - Is what we are proposing to cover realistic, given the amount of time we have, i.e., for this program 5 days?

Facilitator's notes cont'd...

Question 3

- Do you feel they were successful? Why or why not?

Some other questions:

- Have participants reflect on their needs with respect to the program. Has the content addressed these needs?
- What else should be added? What could be removed?

Part B Planning group work (60 min)

- Ask participants to go into their Planning Groups and work on this part of the activity for about one hour.
- Remind them to refer back to the work they have already completed and to keep the discussion from Part A in mind as they complete the worksheets for this activity.
- Re: Question 4, Worksheet 14 participants should give some thought to the techniques they might use, in general terms. It will be dealt with in greater detail on the last day of their planning.

NOTE: Direct participants to the Content Checklist when they work in their planning groups.

Part C Planning group presentations (30 min)

Have each group present to the larger group using a flipchart version of Worksheet 15. ■

Activity 5 Developing Your Training Session (III) — *On Content*

 2 hrs

Objectives

- To examine how to determine the content of a training program
- To develop the content of your training session based on the needs, goal and objectives you identified

Description

This activity is divided into 3 parts.

In **Part A**, the facilitator leads the participants in a discussion about content.

In **Part B**, participants work in the Planning Groups.

In **Part C**, planning groups present their work.

Part A Reviewing content of the ToT (30 min)

Using this "Training of Trainers" Workshop as an example, discuss some of the issues regarding selection of program content by addressing the questions listed below:

- When we talk about program content, what does this include?
- What factors did the developers of this Training of Trainers Program take into consideration when they selected the content?
- Do you feel they were successful? Why or why not?

Part B Planning group work on content for your training session (60 min)

Based on the training needs of your target audience and the goal and objectives you have set for your training session, determine what the content of the session should include.

Continued...

Activity 5 cont'd

Steps to follow

Begin by reviewing the information below (Checklist of Human Rights Content) regarding types of content for learning about human rights:

- Information about human rights
- Values and attitudes
- Skills for taking action

Then refer back to:

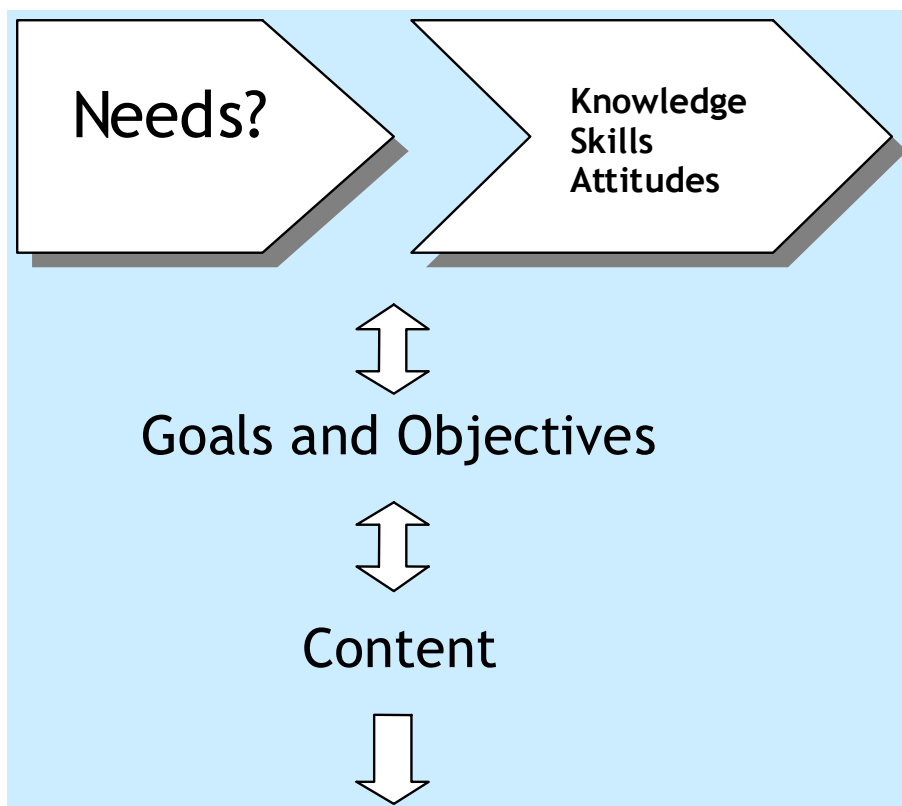
- 1) The needs you identified (**see Worksheet 9**) and the goal and objectives you have set for the session (**see Worksheet 8**)
- 2) Keeping this information in mind, decide on the content of your Training Session by addressing the questions on **Worksheet 14**.
- 3) Prepare to present this information to the other groups by completing **Worksheet 15**. Prepare a flip chart version of this worksheet for your presentation.

Part C Planning group presentations (30 min)

Present the information about your target audience's needs using the flip chart version of **Worksheet 15**.

End ■

Worksheet 14: Choosing the Content for Your Training Session



Based on the needs you have identified as well as the goal and objectives you have set to meet these needs:

1. What topics, themes, issues, and information will you include?
2. How much content will come from the outside, i.e., presentations, texts?
3. How much content do you expect to come from the participants?
4. What techniques do you plan to use?

Time frame:

5. What is the time frame of the session? Number of days? Number of hours per day?
6. Does the amount of material you are planning to cover seem realistic given the time frame of the session?

Worksheet 15: Presentation of the Proposed Content for Our Training Session

1. Our target audience: _____

2. Time frame: _____

3. Content we plan to include and some techniques we are thinking of using:

Checklist of Human Rights Content

Human Rights Information	Human Rights Values & Attitudes	Human Rights Skills for Taking Action
<ul style="list-style-type: none"> • Concepts & principles • Historical developments • Human rights documents • Human rights violations • Human rights law and its enforcement • People & agencies responsible for promoting and protecting human rights • Human rights terminology 	<ul style="list-style-type: none"> • Developing a sense of empowerment • Appreciating the rights of others • Developing an acceptance of others • Showing empathy for those who are denied rights • Understanding the relationship between rights and responsibilities • Recognizing our own biases • Examining how our actions impact on the rights of others • Taking responsibility for defending the rights of others 	<ul style="list-style-type: none"> • Developing critical thinking skills • Developing strategic action plans • Analyzing situations at a macro and micro level to determine cause and effect factors • Adopting methods of peaceful conflict resolution • Analyzing factors that cause human rights violations • Practising participatory decision-making • Applying human rights instruments and mechanisms

Module 6: Protection and Promotion of Migrant Workers' Rights

Objectives

- To explore a protection and promotion framework based on international human rights standards
- To examine international instruments particularly relevant to the protection of the rights of migrant workers.

<i>Activity</i>	
Activity 1	Protection and Promotion Framework
Activity 2	Working with International Instruments

**Facilitator's
Notes****Activity 1**

Prepare

Pre-prepare a flipchart version of Reference Sheet 6 on the next page.

Instructions

- Go over the instructions with the participants.
- Present the framework, explaining the different elements and the dynamic interaction among them.

The main points to address include:

- The human rights context (of migrant workers) is shaped by individual/community values, attitudes, beliefs; gender relations, the socio-economic and the political environment at the national and international levels.
 - International human rights standards form the basis of reference points for the human rights protection and promotion framework.
 - A **rights-based approach** establishes direct links to relevant international, regional human rights instruments
 - Systematic monitoring of the human rights context as well as individual cases is an essential component in this framework.
 - **Monitoring** involves determining a clear focus, investigation, documentation, and communication of results/reporting
 - **Advocacy/Action in the framework** include: Providing immediate assistance/intervention; litigation; lobbying law makers and policy decision makers, submissions to international mechanisms and submissions to national mechanisms; and, human rights education, capacity building at societal, institutional and individual levels and public awareness campaigning/mobilization
 - Human rights education needs to be an ongoing process to ensure that rights are respected.
-

Activity 1 Protection and Promotion Framework



45 min

Objective

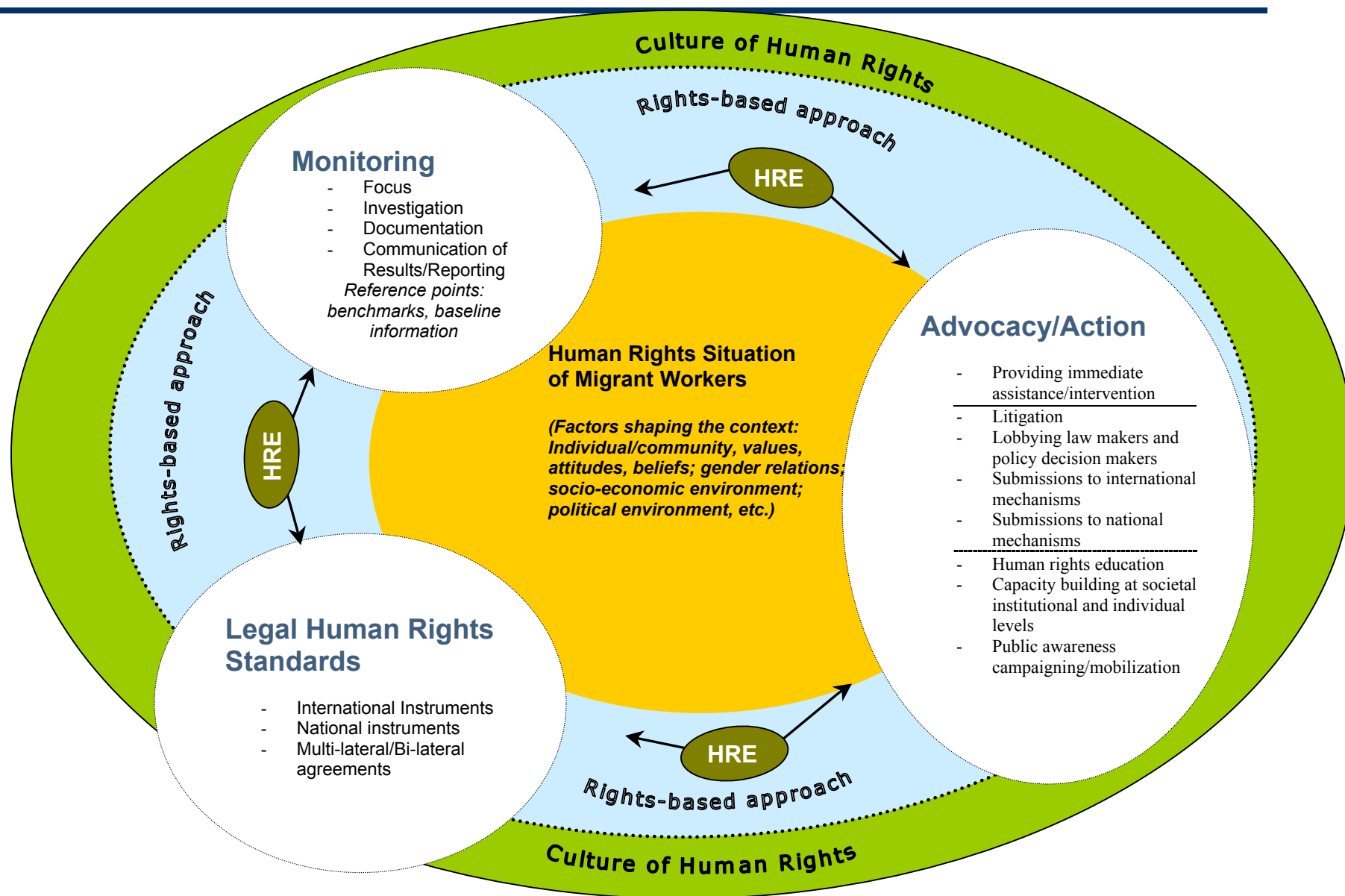
To explore a protection and promotion framework based on international human rights standards.

Description

The facilitator outlines the protection and promotion framework and how it is used. (See Materials Section for detailed explanation.)

End ■

Reference Sheet 6: Promotion and Protection Framework



**Facilitator's
Notes**

Activity 2

Prepare


- Assign participants by a random method to work on the preparation of a presentation on 1 (one) of four instruments: ILO Conventions 97 and 143, CEDAW or the UN Migrants Conventions.

Instructions

Part A Small group work (50 min)

- Go over the instructions with the participants.
- Ensure that participants have the relevant documents to prepare their presentations.
- Participants have 1 hr 30 min to prepare their presentations. Encourage participants to work efficiently. They can divide up into sub-groups and work on different parts of the presentation.
- They should spend no more that 40 minutes researching and gathering the information.
- The rest of the time should be spent preparing the presentation. One resource person will stay with each group to provide clarifications and answer questions. Have participants use Worksheet 16 for their presentations.

Part B Presentations and discussion (40min)

- The facilitator has each group in turn do their presentations.
 - A resource person comments and addresses questions
- 

Worksheet 16: How do International Human Rights Instruments Address Different Issues?

Name of Instrument: _____

Date of Entry into Force: _____

Number of State Parties: _____

Issues	Relevant Articles	Comments
Discrimination		
Recruitment Violations		
Employment Contract Violations		

Worksheet 16: Cont'd

Issues	Relevant Articles	Comments
Exploitation of working conditions		
Violence against women		
Denial of Due Process		

Module 7: Protection of Migrant Workers' Rights in National Measures

Objective

- To examine how national measures can be used in the protection of migrant workers and in particular women migrant workers

<i>Activity</i>	
Activity 1	National Protection Measures
Activity 2	Presentations in Plenary on National Measures

**Facilitator's
Notes****Activity 1**


Grouping:

- Divide participants into 2 groups.
 - Group 1: Participants working in sending countries
 - Group 2: Participants working in receiving countries
- Have participants work in sub-groups by country within their larger group if possible, otherwise divide them by sub-region.

Instructions**Part A Country group work (30 min)**

- Go over the instructions and Worksheet 17 with participants.
- Have participants complete Part A.

Part B Larger group work (45 min)

- Reconvene the groups into their larger groups (i.e. all sending country groups together and all receiving country groups together).
 - Have the participants put together the information from their country group discussions into sending countries or receiving countries group report. (see Worksheet 17)
- 

Activity 1 National Protection Measures



1 hr 15 min

Objective

To examine how national measures are used in the protection of migrant workers and in particular the protection of women migrant workers.

Description

This activity is divided into 2 parts.

In **Part A**, participants will work in groups to examine how national measures are used in the protection of migrant workers.

In **Part B**, participants present the results of their discussion to the larger group.

Part A Country group work (30 min)

1. You will be assigned to one of two groups:
 - Sending country group
 - Receiving country group
2. You will then sub-divide according to individual countries within each of the two groups.
3. Together with the members of your group:
 - Examine the national measures that exist for the protection of migrant workers
 - Determine whether the measures address the 6 main issues affecting migrant workers:
 1. Discrimination
 2. Recruitment violations
 3. Employment contract violations
 4. Exploitative working conditions
 5. Violence
 6. Denial of due process

Continued...

Activity 1cont'd

4. Record your information on a flipchart version of **Worksheet 17**.

Questions to address in your discussion:

- What national measures exist in the receiving country/sending country for the protection of migrant workers?
- How do these measures protect the rights of migrant workers, especially women? At home (i.e., during pre-departure and reintegration phases)? In their country of assignment?
- Do these measures apply equally to documented and undocumented workers?

Part B Larger group work (45 min)

1. Reconvene into your larger group (i.e. all sending country group members together, all receiving country group members together).
2. Prepare your presentation on national measures by putting together the information from your country group discussions into a report. Use the flipchart version of **Worksheet 17**, which will be presented during the next activity.
3. Select a reporter to present your group's work. The focus of your presentation should be on best practices from each country.

End ■

Worksheet 17: National Measures and Best Practices

ISSUES	NATIONAL MEASURES – BEST PRACTICES
Discrimination	
Recruitment violations	
Employment contract violations	
Exploitative working conditions	
Violence against women	
Denial of due process	

**Facilitator's
Notes****Activity 2****Instructions**

Invite each group to present their report on the national measures. Remind each group that they have 10 minutes to present. ■

Activity 2 Presentations in Plenary on National Measures

60 min

Objective

To have participants present in sending and receiving groups on national measures and different best practices.

Description

Each group has 10 minutes to report to the large group on national measures and best practices for addressing issues of human rights of migrant workers, in particular women.

A resource person leads an open forum discussion.

Some questions to consider:

- What is the impact of these national protection measures on your daily work?
- What constraints do you face as a human rights worker for migrant workers in implementing these measures?
- How does a human rights worker for migrant workers reconcile the different sets of regulations (those of the sending country and those of the receiving country)?
- If a migrant worker is criminally charged, how does a human rights worker for migrant workers handle the case presented.

End ■

**Facilitator's
Notes****Activity 1****Instructions**

- Go over the list of logistics on Worksheet 18 on the next page with participants.
- Discuss factors to consider when arranging logistics.

**Activity 1** **Developing a Training Session (IV) — *Examining Logistics***

20 min

Objective

To examine the role of logistics in implementing a successful Training Session.

Description

1. Go into your planning group to complete this exercise.
2. Discuss the list of logistics on **Worksheet 18**. Consider what factors influence your decisions and add these to the list.

End ■

Worksheet 18: Logistics

Before	Answer Key
Main Issues	Examples of Factors to Consider
1. Setting the date	Availability of parties involved Weather Holidays Workload Budget
2. Choosing an appropriate site	Budget Type of program Location
3. Participants	Selection process Invitations Travel arrangements Accommodations
4. Facilitators	Selection Hiring
5. Materials and equipment	Manuals: transportation, photocopying, translation Equipment: flip charts, markers, audio-visual equipment
On Site	Answer Key
Main Issues	Examples of Factors to Consider
1. Registration	Distribution of course materials, information packages Name tags
2. Signage	Posting signs Banners
3. Setting up rooms	Tables, chairs Flip chart stands Equipment
4. Checking, checking, checking	Everything!

**Facilitator's
Notes****Activity 2****Instructions**

- Go over the instructions and Worksheets 19 on the next page with participants.
- Have participants go into their planning groups to work on the model for their training session.



Activity 2 Developing a Training Session (V) — *Model for Training Session*



1 hr 40 min

Objective

To develop a complete model or plan for your training session based on the week's work.

Description

You will now develop a complete model for your Training Session by bringing together all the work you have done over the last 4 days. This model should help you design and implement training activities that are more participatory.

A format is provided on **Worksheets 19** to guide you through the process. Refer back to the Training Session worksheets from the previous days. Review the information and transfer it onto **Worksheet 19**, making any necessary changes.

Prepare to present this information to the other groups. Prepare a flip chart version of these worksheets for your presentation.

NOTE: **Section 6 on Worksheet 19** is to be completed following the next activity.

End ■

Worksheet 19: Training Session Template

1. Target audience

Refer back to:
Worksheet 6

2. Goal & Objectives (based on needs)

Refer back to:
Worksheet 10

Worksheet 19: Cont'd

3. Content	What topics, themes, issues, and information will you include?	Refer back to: Worksheet 7
<p style="text-align: center;">K N O W L E D G E</p>		
<p style="text-align: center;">S K I L L S</p>		
<p style="text-align: center;">A T T I T U D E S</p>		

Worksheet 19: Cont'd

4. Training Materials	Materials to Create
	Existing Materials
	Readings

Worksheet 19: Cont'd

5. Logistics		Refer back to: Worksheet 18
6. Evaluation & Follow-Up		

**Facilitator's
Notes**

Activity 3

Instructions

Part A Effective follow up (30 min)

- Go over the activity with the participants.
- Have participants review and discuss the planned follow-up activities. Record their comments and suggestions.

Part B Program evaluation (60 min)

- Go over the instructions with the participants.
- Keep a record of the participants' answers. They will be useful in developing the follow-up activities. (15 min)
- Distribute and explain the evaluation questionnaire. (45 min)



Activity 3 Developing a Training Session (VI) — *Follow Up*

 1 hr 30 min

Objective

To identify follow-up activities, which will enhance the learning process initiated during this Workshop.

Description

This activity is divided into 2 parts.

In **Part A**, participants work in their planning groups to discuss follow up activities.

In **Part B**, participants will discuss and practice evaluation.

Part A Planning group work on follow up (30 min)

Well-planned follow-up activities are essential to helping you retain and put into practice what you have learned during this or any other training session.

During this exercise, participants have an opportunity to explore possible joint initiatives.

Based on what you have learned during this ToT Workshop, explore opportunities for supporting each other in your human rights education activities (e.g., sharing best practices from your training session).

Part B Program Evaluation (60 min)

1. To help you reflect on the week's learning experience, answer the following questions for yourself, then discuss your answers with your planning group. (15 min.)
 - What was my greatest learning during this program?
 - What was my greatest contribution?
 - Will the training I do change as a result of this program?

Continued...

Activity 3 cont'd

2. Complete the Evaluation Questionnaire distributed by the facilitator. (45 min)

Examples of Planned Follow-Up Activities for Training of Trainers

- On-going communications among participants from your Planning Groups on topics related to the training session you prepared during the Workshop.
- Sharing materials produced as a result of this workshop.
- Participation
- Distribution, by the ToT organizers, of the Evaluation Report for this program to all participants.
- A follow-up questionnaire (prepared by the organizers and completed by all participants) to evaluate your success in using the concepts and skills learned during the program.
- Other...

End ■

**Facilitator's
Notes****Activity 4****Prepare**

Flipchart version of the model Training Sessions.

Instructions

Have participants in turn present their model-Training Sessions.



Activity 4 Presentations of Training Sessions and Sharing Ideas



60 min

Objectives

To present a complete model-Training Session based on their work over the last 4 days.

Description

Present your model-Training Session using the flipchart version of the worksheets.

End ■

Activity 5 Debriefing / Final Evaluation and Closing



60 min

Description

Complete the Final Evaluation Questionnaire for the Workshop handed out by the facilitator.

End ■

Materials Section

Module 4: Gender and Labour Migration: *What is Gender?*

Williams, S. (1994). The OXFAM gender training manual. United Kingdom, Oxfam UK and Ireland.

On the road to social equity, gender is the last barrier, because it involves transformation of attitudes and practice in all societies, for all people: it touches all of us, all the way to our most intimate relationships. For this reason it arouses very strong feelings among both women and men, and gender awareness training often brings about these feelings.

The conceptual distinction between sex and gender is a useful analytical tool to clarify ideas and has now been almost universally taken up. According to the general distinction, it is accepted that sex is connected with biology, whereas the gender identity of men and women in any given society is socially and psychologically (and that means also historically and culturally) determined.

Biological and physical conditions (chromosomes, external and internal genitalia, hormonal state and secondary sex characteristics) lead to the determination of male or female sex. To determine gender, however, social and cultural perceptions of masculine and feminine traits and roles must be taken into account.

Gender is learnt through a process of socialisation and through the culture of the particular society concerned. In many cultures boys are encouraged in the acts considered to display male traits (and girls vice-versa) through the toys given to children (guns for boys and dolls for girls), the kind of discipline meted out, the jobs or careers to which they might aspire to and the portrayal of men and women in the media. Children learn their gender from birth. They learn how they should behave in order to be perceived by others and themselves as either masculine or feminine. Throughout their lives this is reinforced by parents, teachers, peers, their culture and society.

Every society uses biological sex as one criterion for describing gender but beyond that simple starting point, no two cultures would completely agree on what distinguishes one gender from another. Therefore, there is considerable variation in gender roles between cultures.

Continued...

Gender is a dynamic concept: gender roles for women and men vary greatly from one culture to another and from one social group to another within the same culture. Race, class, economic circumstances, age – all of these influence what is considered appropriate for women and men. Furthermore, as culture is dynamic, and socio-economic conditions change over time, so gender patterns change with them.

Sudden crises, like war or famine, can radically and rapidly change what men and women do – although sometimes (as women ex-combatants in liberation struggles have found) after the crisis the old attitudes may return. But sometimes the changes have a permanent impact.

Gender helps us to understand other differences: understanding gender differentiation and gender discrimination helps us to understand differentiation and discrimination on other grounds. Different roles and characteristics are assigned to people not only on the basis of their gender but also of their race, caste, class, ethnic background and age. Our social analysis becomes finer, our social interventions more finely tuned, when we are aware of all the complex ways in which society slots people into different categories and roles and of the ways these roles can be the basis of both cooperation and conflict. Neither women nor men form a homogenous group in any society. Women may come into conflict with each other because of racial difference, or women of different nationalities or class groups may find solidarity in their gender identity.

Aspects of gender differentiation

The social construct of gender differentiation has profound implications for women and men:

In relation to work: both women and men have roles in the spheres of production (of good and services) and public life, from the community to the governmental level. However, the tasks associated with the reproduction of society (ensuring basic needs at family and household level are met, homes and children are maintained and cared for) fall almost entirely on women's shoulders. One of the reasons for this is that, throughout the world women have longer working days than men.

Continued...

Another key issue is the way work is valued. For all its enormous importance, reproductive work is undervalued – its lack of value is expressed by the failure to recognise that it is “real” work. Women who labour in the home commonly say ‘oh, I don’t work’, because their work is not recognised and remunerated. In the UK for example, if the reproductive (or domestic) work of women was valued at current market rates, women would earn in the region of £12,000.00 to £15,000.00 a year for it.

The productive work of women is often seen as an extension of their reproductive work – and likewise undervalued. While men’s agricultural work is often cultivating cash crops, for example, women’s food production for family consumption is unpaid and taken for granted. Women, effectively, pay themselves through self-provisioning. But their work is often not considered by themselves as well as others to be “real work”.

In the public sphere, at all levels, with a few notable exceptions, it is men who hold the high-status positions and have decision-making power: women tend to fill the roles of support person and organizer. While men’s work in this sphere is highly rewarded, women’s work is often under-valued.

In relation to sharing the world’s resources and benefits: gender inequality is very evident. The often quoted UN statistics still hold true:

- women perform 2/3 of the world’s work;
- women earn 1/10 of the world’s income
- women are 2/3 of the world’s illiterates
- women own less than 1/100 of the world’s property

Access to resources and benefits, and control over them is allocated according to gender, in both obvious and quiet subtle ways. In some societies, for example, women may not own land, and their access to it for growing food may depend on a male relative or husband. In other cases, there may be no explicit reason why women should not attend, say, literacy classes – but their access will be limited by their workload and lack of extra hours or energy to take advantage of so-called equal opportunities.

Continued...

In relation to human rights: the world over, women are denied their human rights. Gender differentiation is about inequality and about power relations between men and women. Half the world's people are subordinate to the other half, in thousands of different ways, because of the sex they are born with.

Despite international human rights law which guarantees all people equal rights, irrespective of sex, race, caste and so on, women are denied equal rights with men to land, property, mobility, education, employment opportunities, shelter, food, worship and over the lives of their children. Women are denied the right even to manage, control and care for the health of their own bodies and reproductive functions.

In many cultures women's bodies are ritually maimed and mutilated, and women are routinely beaten and even murdered in the name of cultural tradition, despite the fact that international human rights law prohibits cultural practices that are damaging to women. Violence against women is an abuse of women's rights.

In relation to culture and religion: women face the same discrimination as they do in other spheres, and both religion and cultures are sources of gender oppression and inequality. While religion may teach equality between people, in practice women usually have a subordinate role and may be excluded altogether from the religious hierarchy. Different interpretations of religious texts, and different religious traditions within the Christian church, for example, have different implications for women. Religion, nevertheless holds out the promise of equality and justice, and this is why, despite its role as a powerful form of male control over the lives of women, it continues to be a source of hope and support to many. There are many culturally sanctioned practices – such as genital mutilation and preferential feeding of boys – which damage women and make their lives more difficult and painful.

Culture, however, like religion, can also be the source of cohesion and solidarity amongst women and amongst women and men.

Gender oppression takes a multitude of forms, and is an added dimension of oppression based on race, ethnic identity, class and caste. Its form also varies with these factors, and we should never make assumptions about forms of gender oppression in cultures or social groups, we do not fully understand. However, it is universal that women's experiences of male domination is felt by them in every sphere of life - in political office, the courts and judicial system, the marketplace, the classroom, the clinic, the trade union, the community organization, the household and the bedroom.

Continued ...

Gender cannot simply be **stitched on** to existing development models, nor added into development and relief programs as an extra component. Gender awareness is not a separate or additional issue to be addressed; it is a way of seeing, a perspective, or a set of insights, which informs our understanding of people and society. Gender is at the heart of human identity and all-human attitudes, beliefs and action. We take it for granted. When we begin to look into it and question our assumptions, we find that the world looks different.

Gender awareness means looking with new eyes, in a way which is constantly open to learning more. Looking into development and relief work with these new eyes reveals what is now well-documented in countless examples from all over the world: that women's needs, as distinct from men's, have been invisible in most agency planning until very recently, with the result that many development and relief programs have not only failed to bring any improvement to women's lives but have made them worse. It was this realisation which led to the closer examination of the impact of development on women and to the beginnings of gender analysis.

Module 5 Activity 3 Underlying Principles of Human Rights

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance,

both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or

religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Module 6 Activity 1 Protection and Promotion Framework

An Explanation of the International Framework for The Promotion and Protection of the Human Rights Of Migrant Workers¹ **Gilbert V. Sembrano, B.A., J.D., LIM.**

I. INTRODUCTION

Efforts towards the promotion and protection of “Human Rights” should be made in all possible fora. Ideally, they should start at the domestic level. The international mechanisms exist only to supplement the local efforts and mechanisms. However, it is important to understand the context within which local efforts toward the promotion and protection of human rights exists vis-à-vis the international framework. The international law and mechanisms relating to human rights provide important standards against which domestic law and mechanisms can be gauged. The duty to protect and promote human rights primarily rests on states. However, non-state actors also have important roles to play. Individuals, grass roots movements, non-governmental organizations, intergovernmental organizations and even transnational corporations need to contribute towards the fulfillment and full enjoyment of human rights. This is particularly more pronounced in relation to the plight of migrant workers as their situations are affected not only by the domestic socio-economic, cultural and political set-up but equally by trans-border regimes.

The following is a brief presentation of a suggested framework for the protection and promotion of the human rights of migrant workers at different levels from the domestic, to the regional and the international levels based on international human rights standards.² The framework can be used both by states/governments and non-government organizations including by the grassroots movements.

II. CONTEXT OF MIGRANT WORKERS: A STARTING POINT

The starting point of this framework is be the migrant workers themselves. They should be the main focus of consideration. Thus, factors that shape their context or environment need to be examined. Therefore, individual and community values, attitudes, beliefs and gender relations need to be considered. Their socio-economic

¹ Presented during the Regional Trainers’ Training for Migrant Workers NGOs held in Manila from April 18-23, 2004 organized by the Canadian Human Rights Foundation, Ateneo Human Rights Center, Migrants Forum in Asia and Asia Pacific Forum for Women, Law and Development.

² The framework being adopted is the basic framework proposed by the Canadian Human Rights Foundation. See, Training Manual, Module 6, Regional Trainer’s Training, April 18-23, Manila, Philippines.

environment, political environment and cultural environment need to be understood as well, not only in the country of origin but in the country of destination too. This has to be informed by an understanding of the different currently pervading phenomena that affect them such as globalization, feminization of migrant labor.

III. LEGAL FRAMEWORK FOR HUMAN RIGHTS

The legal framework towards the promotion and protection of human rights can be conceptualized in different levels. They could be international legal framework, domestic or national framework, multi-lateral and bi-lateral legal framework.

Indeed, it is most important that the domestic standards, efforts, systems and mechanisms towards the promotion and protection of human rights be fully developed and strengthened. However, these have to be based on some norms acceptable to the international community. Thus, it is basic that a viable framework should start with accepted international human rights standards as they provide, define and articulate what human rights are. In short, they define the normative content of human rights.

At the international level, there are seven (7) major human rights conventions or instruments that serve as the benchmarks against which domestic and regional human rights standards, mechanisms and efforts towards their full realization can be measured against. These seven instruments are:

1. International Covenant on Civil and Political Rights;³
2. International Covenant on Economic Social and Cultural Rights;⁴
3. Convention of the Rights of the Child;⁵
4. Convention for the Elimination of All Forms of Discrimination Against Women;⁶
5. Convention Against Torture and other Inhuman or Degrading Treatment or Punishment;⁷
6. International Convention for the Elimination of All forms of Racial Discrimination;⁸ and most recently the
7. International Convention for the Protection of the Rights of Migrant Workers and Their Families.⁹

³ 999 U.N.T.S. 171 (1976).

⁴ 993 U.N.T.S. 3 (1976).

⁵ 44 U.N. GAOR, Supp. (No. 49), UN Doc. A/44/49, AT 166 (1989).

⁶ G.A. Res. 34/180, 34 UN GAOR, Supp (No. 46), UN Doc A/34/46, at 193 (1979).

⁷ G.A. Res. 39/46, 39 UN GAOR, Supp. (No. 51), UN Doc. A/36/51, at 171 (1981).

⁸ 660 U.N.T.S. 195.

⁹ G.A. Res. 45/158 (1990).

There are a number of other international instruments that are separately classified but are actually geared towards the promotion and protection of human rights, as well. Examples of these include the Refugee Convention,¹⁰ the Conventions and Protocols relating to International Humanitarian Law of Armed Conflict,¹¹ the Genocide Convention,¹² among others.

As stated above, these instruments provide the standards against which domestic and regional human rights laws, initiatives or efforts should be measured. They articulate the normative content of the particular right in focus in the instruments. The Regional, bilateral/multi-lateral and Domestic systems and agreements on human rights should conform at least to the minimum provided for in these instruments.

IV. MONITORING

How would one know that the domestic, regional and international efforts, initiatives, and systems conform to these established standards? The next step to embark on is to monitor compliance with these instruments.

The initial step in Monitoring is to establish or determine what it is that needs to be monitored. This would include defining the issues and determining the different factors that need to be considered. Then, an investigation may be commenced. The investigation process necessarily involves the process of documentation followed by writing and analysis of the findings. Finally, these findings and analysis need to be communicated/shared or reported so as to be able to come up with possible strategies to address or respond to the issues that may arise from the entire process of monitoring.

¹⁰ Convention Relating to the Status of Refugees 189 U.N.T.S. 137 (1951).

¹¹ Geneva Conventions of 1949: Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the field, 75 U.N.T.S. 31 (1950); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 75 U.N.T.S. 85 (1950); Geneva Convention Relative to the Treatment of Prisoners of War 75 U.N.T.S. 135 (1950); Geneva Convention Relative to the Protection of Civilian Person in Time of War, 75 U.N.T.S. 287 (1950); Protocol II Additional to the Geneva Conventions of August 12 1949 and relating to the Protection of Victims of Non-International Armed Conflicts, 1124 U.N.T.S. 609 (1978).

¹² Convention on the Prevention and Punishment of the Crime of Genocide 78 U.N.T.S. 277 (1951).

V. **ADVOCACY/ACTION/STRATEGIES**

After the report, any gaps between the standards as set in the legal framework and the result of the monitoring process need to be addressed. There are different levels of intervention.

- A. Quick Reaction/Response** - This involves the immediate provision of assistance or intervention. Examples of this type of direct service are counseling, financial assistance, etc.;
- B. Litigation** - This involves the actual handling of cases in courts of law. This form of intervention is important but must not be made in isolation. This is resorted to in conjunction with the other strategies so as to be able to address not only the aftermath or result of any human rights violation perpetrated but also the root causes of these violations;
- C. Lobbying** - This refers to lobbying or advocacy with the policy-decision makers as well, as lawmakers (e.g., members of Congress or Parliament) so as to be able to address the gaps discovered. This creative form of engaging the government should be planned and coordinated not just with the activists lobbying but more importantly with the stakeholders themselves;
- D. Submissions/Accessing International and National Human Rights Mechanisms apart from the ordinary judicial mechanism** – This involves international and national human rights institutions such as the treaty monitoring bodies established under the different human rights instruments. These bodies are primarily tasked to monitor compliance with the provisions of the relevant convention.

What are the different means and ways or systems enshrined in international law to ensure the promotion and protection of human rights?

The mechanism for the promotion and protection of human rights can be divided generally into INTERNATIONAL AND NATIONAL MECHANISMS. Under the INTERNATIONAL MECHANISM, recourse to either inter-governmental or non-governmental mechanism can be made. Furthermore, under inter-governmental

mechanism, one can resort to either the United Nations Human Rights System or the Regional Human Rights Mechanisms.

The U.N. Human Rights Mechanisms can be further subdivided into Mechanisms Under the Specialized Agencies of the U.N. (such as the ILO, UNICEF, etc.), Treaty-based Mechanisms, and Charter-based Mechanisms.

a. TREATY-BASED MONITORING BODIES

1. Reporting Mechanism

The seven major U.N. Human Rights Treaties mentioned above each has a Committee that monitors the compliance of states-parties to the relevant convention. These committees are the treaty-based bodies. The Committees have the function and power to receive country reports. The members of the committees composed of experts from different countries then scrutinize these reports and interrogate the proponents. Non-government organizations may participate either directly (if allowed by the Committee's rules) or indirectly (e.g., by submission of a shadow report/alternative country report). At the end of the process the Committee will come out with a Concluding Observations outlining the positive and negative aspects of a country's compliance with the relevant convention.

The different Committees also issue General Recommendations which are interpretative documents to the different provisions of the relevant convention. These are considered authoritative interpretations of the normative content of the human rights instrument being referred to in the recommendation. A case in point is General Recommendation No. 19 by the Women's Committee under the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW does not categorically state that violence against women is a form of discrimination against women. However, the Committee pronounced under the said General Recommendation that indeed, violence is a form of discrimination against women.

2. Individual Complaint Mechanisms

Some Committees also have the power to receive individual complaints. Under the traditional conception of international law, individuals are mere objects. However, with the advent of human rights, the modern definition of international law now includes the individual person as a subject of international law. Hence, she/he has some personality under international legal processes. The individual complaint mechanism is one tangible manifestation of this recognition of the status of the individual in international law.

Under this mechanism, an individual may file complaints for violations of human rights directly to the Committee concerned after exhausting all domestic remedies.

She/he does not need to be represented by his/her country of citizenship to be recognized as having legal personality to file the complaint.

3. Interstate Complaint Mechanism

Some conventions also have what is called the inter-state complaint mechanism where a state-party may lodge a complaint against another state-party which violate provisions of the convention provided certain requisites will be complied with.

B. CHARTER-BASED BODIES AND MECHANISM

Charter-based bodies are termed as such because they have been created either directly under the Charter of the United Nations or by a body created under the Charter of the United Nations. The main body involved in the promotion and protection of human rights is the Human Rights Commission. It is under the Economic and Social Council. Working under the Commission on Human Rights is the Sub-Commission on Human Rights. The Commission and the Sub Commission also work closely with Special Rapporteurs and Working Groups. These are experts in the relevant field of human rights who are given specific mandates to look into issues affecting human rights. The appointment of the Special Rapporteurs and Working Group could either be country-specific or thematic. In country specific, the mandate is to find out whether a particular country is in violation of international norms relating to human rights. A thematic mandate seeks to probe into specific issues centered on a particular theme e.g., right to development or torture.

There are also two complaint or investigative procedures that can be resorted to under the Charter these are Procedures 1503¹³ and 1235.¹⁴ The former is what is called a confidential procedure and the latter is the public procedure. Under Procedure 1503, the complainant (individuals or non-government organizations) can file a complaint on “situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights.”¹⁵ The Commission and the Sub Commission will discuss the issue internally and will be dealt with in confidence. The complainant will not even be informed of the outcome of their investigations. That is why it is called a confidential procedure. Under the public procedure or Procedure 1235, the Commission puts into its regular agenda complaints relating to human rights violations.

¹³ ECOSOC Resolution 1503 (XLVIII), 1970.

¹⁴ ECOSOC Resolution 1235 (XLII), 1967.

¹⁵ Hurst Hannum, GUIDE TO INTERNATIONAL HUMAN RIGHTS PRACTICE (3rd Ed.) 1999, at 65.

- E. Human Rights Education** - This includes basic grassroots awareness campaign, and mobilization. It also covers capacity building either individual or institutional, and strengthening exercises.

VI. HUMAN RIGHTS EDUCATION AND THE RIGHTS BASED-APPROACH

In every step of the way – from considering the Legal Framework to Monitoring to Advocacy/Action, the vital role of Human Rights Education cannot be discounted. This ensures an increasing awareness on the issues especially by the people from the grassroots, the stakeholders themselves. This, in turn, will encourage greater and more direct participation from them that will make the advocacy and action stronger. For instance, the widespread awareness campaign on the Convention on the Rights of Migrant Workers and their Families created a mass based support that helped in the lobbying of governments to ratify the convention.

The researches, studies, documentation and reports on the violence against women increased awareness on the issue that led to the appointment of a special rapporteur and eventually the issuance of General Recommendation 1916 by the Women's Committee defining violence against women as a form of discrimination against women.

Human rights education therefore, is an on-going process that must be part of any plan towards the promotion and protection of human rights.

All the foregoing should involve a process that is rights-based. A rights-based approach (RBA) views the enjoyment and access to rights as a matter of entitlement and not based on the whims of the duty-holders. The entire process should be participatory and empowering to the stakeholders. Issues of accountability and non-discrimination should also be fully addressed using the rights-based framework.

VII GOAL: TO DEVELOP A CULTURE OF HUMAN RIGHTS

The over-arching goal of all the efforts towards full enjoyment of human rights is to develop a culture where human rights is respected, protected and promoted. A culture of human rights means a culture where everybody respects everyone's rights. It is a culture where individual would not have to fight to claim his/her rights but simply to be freely provided to them by the duty-holder (e.g., states).

¹⁶ General Recommendation No. 19, 11th Session, 1992.

Module 6 Activity 2 Working With International Instruments Info-packs:

C97 Migration for Employment Convention (Revised), 1949

Canadian International Development Agency <http://www.acdi-cida.gc.ca/xpress/dex/dex9805.htm>

International Labour Office. The Second Session of the Permanent Migration Committee. Geneva, 1948. International Labour Organization.

Website: <http://ilolex.ilo.ch:1567/public/english/docs/convdisp.htm>

C143 Migrant Workers (Supplementary Provisions) Convention, 1975

International Labour Organization.

Website: <http://ilolex.ilo.ch:1567/public/english/docs/convdisp.htm>

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Ravindran, D. J. (1998). Human rights praxis: A resource book for study, action and reflection. Bangkok, Thailand: The Asia Forum for Human Rights and Development.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

International Migrant rights Watch Committee. Achieving Dignity - Campaigner's Handbook for the Migrants Rights Convention. 1998, 11-19.

Ravindran, D. J. (1998). Human rights praxis: A resource book for study, action and reflection. Bangkok, Thailand: The Asia Forum for Human Rights and Development.

Website: http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm

C97 Migration for Employment Convention (Revised), 1949

(A Summary of Key Articles)

Convention concerning migration for employment (Revised 1949)

(Date of coming into force: 22 January 1962)

Historical summary

The ILO convention C66 “Migration for Employment Convention (1939)” was revised in 1949 to better address emergent migration issues. Two reasons, among others, were to: 1) extend the definition of “migrants” to include refugees and displaced persons, and 2) provide a process for governments to enter into bilateral agreements for facilitating movement of peoples.

The 1939 convention did not adequately deal with the post-war issue of displaced persons and refugees. During and after the Second World War, refugee movements of displaced persons - within Europe, or to North America and Australia - became a significant feature of international migration. About 5 million Japanese were repatriated after the war, and even larger exchanges followed the 1947 partition of India and Pakistan (6-7 million each way). From 1951-1961, millions of Germans moved, with West Germany gaining 2.3 million people. Prior to the revision in 1949, the convention was of no practical value to protecting “migrants” because its working definition did not extend to displaced persons and refugees.

The revised convention also adopted a model agreement to serve as a basis for bilateral arrangements on the subject. Pre-war experience showed the negative results of not addressing the interests of migrants and the workers already living in the country of immigration: governments would stop the emigration of their own nationals or prevent the immigration of foreign nationals. Overall, the 1949 revisions to C66 reflected an increased agreement between sending and receiving countries on the “final assimilation of...migrants in their new community...and full equality of treatment as between migrant and national workers,” better protecting the future of international migration movements.

Definition of “Migrant for Employment”.

Under this Convention, the term migrant for employment refers to "a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment." This Convention does not apply to frontier workers, short-term entry of members of the liberal professions and artistes, and seamen. (Article 11)

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Provisions

The convention consists of 23 articles and 3 Annexes.

Annex 1: Recruitment, placing and conditions of labour of migrants for employment recruited outside government-sponsored arrangement for group transfer.

Annex II: Recruitment, placing and conditions of labour of migrants for employment recruited under government-sponsored arrangement for group transfer.

Annex III: Importation of the personal effects, tools and equipment of migrants for employment.

Article 2 requires Member States to maintain adequate and free service to provide migrants with accurate information to assist for gaining employment.

Article 3 requires Member States to take all appropriate steps against misleading propaganda relating to emigration and immigration. These steps will take place in co-operation with other Members concerned, where appropriate.

Article 4 requires that Member States facilitate the departure, journey and reception of migrants for employment within their jurisdiction.

Article 6 requires that Member States do not discriminate and treat migrant workers no less favourably than it would its own nationals in respect to law, remuneration, membership of trade unions and enjoyment of the benefits of collective bargaining, accommodation, social security, maintenance of acquired rights and other areas.

Article 7 requires that Member States' employment service and related services co-operate with the corresponding services of other Member States.

Article 8 states that migrant workers who have been admitted on a permanent basis and members of their families shall not be returned to their territory of origin because the migrant is not able to follow his occupation because of illness or injury sustained, unless the person concerned so desires.

Continued...

ANNEX I

Article 4 requires that each Member State ensure that its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free.

Article 5 requires that each Member State maintain a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment.

Article 8 states that any person who promotes covert or illegal immigration shall be subject to appropriate penalties.

ANNEX II

Article 7 states that the measures taken under Article 4 of this Convention should include the simplification of administrative formalities and include interpretation services as well as any necessary assistance during an initial period in the settlement of the migrants and members of their families authorized to accompany or join them.

Article 9 states that if a migrant fails to secure employment for reasons beyond his control, the cost of his return and that of the members of his family who have been authorized to accompany or join him shall not fall upon the migrant worker.

Article 10 states that if the authority of the territory of immigration considers that the employment for which a migrant for employment was recruited has been found to be unsuitable, it shall take appropriate measures to assist him in finding suitable employment. This suitable employment cannot prejudice national workers in ensuring his maintenance until his return to the area of recruitment or his resettlement elsewhere.

ANNEX III

Article 2 states that personal effects and portable tool for employment are exempt from customs duties on the return to their country of origin if such persons have retained the nationality of that country at the time of their return.

C143 Migrant Workers (Supplementary Provisions) Convention, 1975

(A Summary of Key Articles)

Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

(Date of coming into force: 09 December 1978)

Provisions

The convention consists of 24 articles divided into 3 parts.

Part I (Articles 1 - 9): Migrants in Abusive Conditions

Part II (Articles 10 -14): Equality of Opportunity and Treatment

Part III (Articles 15 - 24): Final Provisions

Article 1 requires that Member States undertake to respect the basic human rights of all migrant workers.

Article 2 requires that Member States systematically seek to determine whether: a) there are illegally employed migrant workers on its territory and b) migrants moving through its territory are exposed to employment conditions contravening any international instruments or agreements, or national laws or regulations.

Articles 3 to 5 state that Member States shall adopt and take all necessary and appropriate measures to suppress clandestine movements of migrants for employment and illegal employment of migrants.

Article 6 states that provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions.

Article 7 states that representative organizations of employers and workers are to be consulted in regard to the laws and regulations and other measures designed to prevent and eliminate the abuses referred to above.

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Article 8 states that if a migrant has resided legally in the territory for the purpose of employment, he shall not be regarded as an illegal by loss of his employment. Loss of employment does not imply the withdrawal of his authorization of residence or work permit.

Article 9 provides for the rights of migrant workers and members of their families in cases where the laws and regulations have not been respected and in which his/her position cannot be regularised.

Part II. Equality of Opportunity and Treatment

Article 10 requires that Member States undertake to declare and pursue a national policy designed to promote and to guarantee equality of opportunity and treatment in respect of employment and occupation, social security, trade union and cultural rights and of individual and collective freedoms for migrant workers lawfully within its territory.

Article 12 states that Member States shall use appropriate methods in promoting the acceptance and observance of the policy provided for in Article 10 of this Convention. In addition, Member States will enact legislation and promote educational programmes to secure the acceptance and observance of the policy. These measures should aim to at acquainting migrant workers as fully as possible with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and for their protection. A full list of these rights appear in the Convention.

Article 13 requires that Member States may take all necessary measures with other Members to facilitate the reunification of the families of all migrant workers legally residing in its territory.

Article 14 states that Member States may make the free choice of employment, while assuring migrant workers the right to geographical mobility, as long as the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract.

(CEDAW) Convention on the Elimination of All Forms of Discrimination Against Women

Overview

The Convention on the Elimination of All Forms of Discrimination Against Women is perhaps best described as an international bill of rights for women as it sets out in detail both what is to be regarded as discrimination against women and the measures that have to be taken in order to eliminate this discrimination. Women's rights are conceptualised as human rights and a "non-discrimination" model is adopted, so that women's rights are seen to be violated if women are denied the same rights as men.'

The Convention was adopted by the General Assembly of the United Nations on 18 December 1979. It entered into force on 3 September 1981. As of May 7, 2001, 167 States have become parties to the Convention. The Convention has one Optional Protocol.

The preamble recalls that the elimination of discrimination against women and the promotion of equality between women and men are central principles of the United Nations Charter and constitute binding obligation under it. It further states that discrimination against women violates the principles of equality and obstructs women's participation, on equal terms with men, in the political, social, economic and cultural life of their countries.

Monitoring Mechanism

Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women establishes the Committee on the Elimination of Discrimination against Women to oversee the implementation of its provisions. The Committee is composed of 23 experts and has since its inception, with only one exception, been composed entirely of women.

Under article 18 of the Convention, States parties are required to submit reports every four years to the Secretary-General of the United Nations on legislative, judicial and other measures which they have taken in accordance with the provisions of the Convention.

These reports are for consideration by the Committee. The Committee has developed two sets of general guidelines for reporting in an effort to provide practical technical assistance to States parties.

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Provisions

The provisions of the Convention are divided into six parts. The first four deal with substantive rights.

Part I

Articles 1- 6 include the definition of discrimination against women. In addition, they also include legal, administrative and other measures that should be taken by State parties under the Convention.

Part II

Articles 7 - 9 contain obligation of States regarding the protection of women's rights in political and public life.

Part III

Articles 10 -14 contain provisions regarding elimination of discrimination against women in the field of education, employment, health, and economic, social and cultural life. This part also includes obligation of States regarding special problems of rural women.

Part IV

Articles 15 -16 contains provisions regarding affording equality of women with men before the law, in the exercise of their legal rights, and in marriage and family law.

Part V

Articles 17 - 22 deals with the establishment of a Committee on the Elimination of Discrimination Against Women to monitor the progress of the implementation of the Convention by State parties.

The Part VI

Articles 23 - 30 deals with other procedural issues including provision for making reservation while ratifying or acceding to the Convention.

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ARTICLE 1: Definition of Discrimination Against Women

Article 1 defines what constitutes "discrimination against women". The Convention defines discrimination against women broadly. Under the Convention "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of hampering the enjoyment by women of their human rights. The right enshrined in the Convention applies to all women, irrespective of their marital status. It prohibits discrimination in "political, economic, social, cultural, civil or any other" fields. More important, it covers discrimination in public and private ("or any other") actions. The Convention prohibits intentional and unintentional discrimination.

ARTICLE 2: Obligations of State Parties to the Convention

Article 2 requires that State parties take appropriate constitutional, legal and administrative measures to guarantee equality. They also have an obligation to provide remedies and sanctions for public and private acts of discrimination and to repeal discriminatory laws. The States parties must take measures to eliminate practices that either risks threatening or actually threatens the enjoyments of the rights contained in the Convention.

ARTICLE 3: Obligation to Take Measures for Ensuring Equality Between Men and Women

Article 3 provides for equality between men and women which is a precondition for women's full enjoyment of human rights. The obligations of States parties includes development of appropriate programmes and measures to advance the status of women so that they can enjoy human rights on a basis of equality with men.

ARTICLE 4: Obligation to Take Positive Measures

Article 4 recognizes that State parties besides removing discriminatory practices should also take positive action to promote equality. Thus, it acknowledges that to ensure de facto equality, it may be necessary to take measures that discriminate in a positive way. The article also specifies that the adoption of special measures aiming at the protection of maternity shall not considered discriminatory

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The Committee in its general recommendation no. 5, stated that, States parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, economy, politics and employment".

ARTICLE 5: Obligation to Take Measures for Elimination of Prejudices and Stereotyping of Sex Roles

The purpose of article 5 is to ensure that States parties take steps to modify social and cultural patterns of conduct elimination of prejudices based on the inferiority or superiority of either of the sexes and stereotyping of sex roles.

Article 5(b) recognizes that maternity has a social function. It states that men and women have a common responsibility in the upbringing of their children. The interest of the child should be fundamental in all actions taken by parents.

programmes, which will help eliminate prejudices and current practices that hinder the full operation of principle of the social equality of women'.

The Committee in its General Recommendation no. 3, stated that,

The Committee based on the reports submitted by State parties has stated that the reports show existence of varying degrees of stereotyped conceptions of women. The Committee has urged, 'all States parties effectively to adopt education and public information **ARTICLE 6: Suppression of All Forms of Trafficking and Exploitation of Women**

This article obligates State parties to take measures to suppress all forms of trafficking in women. It also calls action against those who profit from the exploitation of women, including the exploitation of girls.

The Committee in its General Recommendation No. 19 dealing with violence against women has stated that poverty and unemployment increase opportunities for trafficking in women. The Committee has also stated that, ' in addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity'.

Optional Protocol

Under the Optional Protocol to the Convention, the Committee on the Elimination of Discrimination against Women is authorized to receive complaints from individuals claiming to be victims of violations of rights contained in the Convention.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Overview

Today, migrant workers and their families are often disregarded by their countries of origin, exploited by individuals, and have limited rights in States of employment where they are non-nationals. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families identifies migrant workers and members of their families as vulnerable persons in a global situation who are in need of the protection of their human rights and are entitled to the enjoyment of such rights regardless of their legal status. It extends human rights law to a specific category of individuals who currently lack protection. In addition, its provisions would extend a measure of human rights protection to other categories of vulnerable migrants as well.

The Convention is the most comprehensive international instrument to date on migrant workers. It provides a set of international standards to address: (a) the treatment, welfare and rights of migrant workers and members of their families and (b) the obligations and responsibilities of States involved. These include sending States, States of transit, and host States, all of which benefit from the international migration of workers. Bilateral and regional agreements are important, but insufficient in addressing this global matter.

The Convention applies to the entire migration process of migrant workers and members of their families. It extends them rights and protection at all stages of migration: preparation, recruitment, departure and transit; stay in States of employment; and their return to and resettlement in original homelands or States of residence (Art. 1).

The Convention was adopted by the General Assembly of the United Nations resolution 45/158 on 18 December 1990 (not in force). This Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession. Sixteen States have signed the Convention as of August 22, 2001.

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Definition of Migrant Workers Under the Convention

Not all migrants are migrant workers. For the first time in an international instrument, the Convention provides a definition of a migrant worker centered on engagement in a "remunerated activity." This definition is broad and includes protection for those who are planning to become migrant workers, those actually working outside their own country, or those ending work abroad and returning to their homelands. Article 2 of the Convention defines a migrant worker as "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."

In addition to a general definition of migrant worker status, the Convention recognizes the complexity of the migrant worker situation in the contemporary world.

It also provides definitions for specific categories of migrant workers, such as (a) frontier worker, (b) seasonal worker, (c) seafarers employed on vessels registered in a State other than their own, (d) workers on offshore installations which are under the jurisdiction of a State other than their own, (e) project-tied workers, and (f) self-employed workers.

Who is a family member of a migrant worker? In a forward step in human rights legislation, the Convention considers migrant workers social entities as well as economic entities and favors the reunification of families of migrant workers. It defines "members of the family" as "persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage," and their dependants as recognized by the legislation of States concerned (Art. 4). This terminology takes into global consideration the different forms of family relations. It also elaborates rights and protection to family members in a range of situations, especially in the host country with the migrant workers.

Rights Enshrined in the Convention

The Convention defines the rights of migrant workers under two main headings: the human rights of migrant workers and members of their families (Articles 8 - 35 under Part III) and other rights of migrant workers (Articles 36 -56 under Part IV).

The human rights (Part III) are applicable to all migrant workers irrespective of their legal status. These include:

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Basic freedoms. Applying these fundamental rights to migrant workers and members of their families, the Convention provides for their right to leave and enter the State of origin (Art. I). The inhumane living and working conditions and physical (and sexual) abuse that many migrant workers must endure are covered by the reaffirmation of their right to life (Art. 9) and prohibition against cruel, inhuman or degrading treatment or punishment (Art. 10) as well as slavery or servitude and forced or compulsory labor (Art. 11). Migrant workers are also entitled to basic freedoms like the freedom of thought, conscience and religion (Art. 12), and the right to hold and express opinions (Art. 13). Their property should not be confiscated arbitrarily (Art. 15).

Due process. The Convention then goes on to explain in detail the need to ensure due process for migrant workers and members of their families (Art. 16 - 20). Investigations, arrests and detentions are to be carried out in accordance with established procedures. Their right to equality with nationals of the State before the courts and tribunals must be respected. They must be provided with necessary legal assistance, interpreters and information in a language understood by them. When imposing a sentence, humanitarian considerations regarding the person's migrant status should be taken into account. The arbitrary expulsion of migrant workers is prohibited (Art. 22).

Right to privacy. A migrant worker is entitled to his or her honor and reputation and also to privacy, which extends to one's home, family and all communications (Art. 14).

Equality with nationals. Migrant workers are to be treated as equal to the nationals of the host country in respect of remuneration and conditions of work [overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of work contract, minimum wage, restrictions on home work, etc. (Art. 25)]. Equality with nationals extends also to social security benefits (Art. 27) and emergency medical care (Art. 28).

Transfer of earnings. On completion of their term of employment, migrant workers have the right to transfer their earnings and savings as well as their personal effects and belongings (Art. 32).

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Right to information. They have the right to be informed by the States concerned about their rights arising from the present Convention as well as the conditions of their admission, and their rights and obligations in those States. Such information should be made available to migrant workers free of charge and in a language understood by them (Art. 33).

The other rights of migrant workers (Part IV) are applicable only to migrant workers who are documented or in a regular situation. By providing for additional rights for migrant workers and members of their families in a regular situation, the Convention seeks to discourage illegal labor migration. Improvements in the situation of legal migrant workers would be an incentive for persons seeking overseas employment to enter the overseas labor market legally.

Right to be temporarily absent. Migrant workers should be allowed to be temporarily absent, for reasons of family needs and obligations, without effect on their authorization to stay or work.

Freedom of movement. They have the right to move freely in the territory of the State of employment and also to choose where they wish to reside (Art. 39).

Equality with nationals for access to educational, vocational and social services. In addition to the areas mentioned in Article 25, migrant workers and members of their families shall enjoy equality with nationals of the State of employment in the following areas: access to education, vocational guidance and placement services, vocational training, retraining, housing including social housing schemes, protection against exploitation in respect of rents, social and health services, cooperatives and self-managed enterprises, access to and participation in cultural life (Art. 43). Members of the families of migrant workers also shall enjoy equality with national of States of employment in having access to these services (Art. 45). Migrant workers shall enjoy equality of treatment in respect of protection against dismissal, unemployment benefits, access to public work schemes intended to combat unemployment and access to alternative employment in the event of loss of work or termination of other remunerated activity (Art. 54).

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Employment contract violations. When work contracts are violated by the employer, the migrant worker has the right to address his or her case to the competent authorities in the State of employment (Art. 54 (d)). And they shall have the right to equal treatment with nationals and be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (Art. 18.1).

Rights of irregular ('illegal') workers. The Convention recognizes that "the human problems involved in migration are even more serious in the case of irregular migration" and the need to encourage appropriate action "to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental rights" (Preamble). As measures for preventing and eliminating illegal labor migration, the Convention proposes that the States concerned should collaborate in taking appropriate actions against the dissemination of misleading information relating to emigration and immigration, to detect and eradicate illegal or clandestine movements of migrant workers and impose sanctions on those who are responsible for organizing and operating such movements as well as employers of illegal migrant workers (Art. 68). However, the fundamental rights of undocumented migrant workers are protected by the Convention (Art. 8 - 35).

Monitoring Mechanism

Article 72 of the Convention provides for the establishment of a committee to review the implementation of the Convention by State parties to the Convention. After ratification by 20 State parties, the Committee would consist of 10 independent members. This would be increased to 14 members when 41 ratifications have been made to the Convention.

The States concerned are required to submit a report to the Committee on the Protection of the Rights of Migrant Workers and Members of their Families (2), within one year after the Convention enters into force, on the legislative, judicial, administrative and other measures they have taken to implement the provisions of the Convention. Thereafter, reports must be submitted every five years or whenever the Committee so requests (Art. 73).

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The convention contains a provision for the Committee to receive communications (complaints) from one State party against another and complaints from individuals of a State claiming violation of rights enshrined under the Convention. However, the Committee can receive complaints against a State only when that State party accepts the jurisdiction of the Committee to receive such complaints.

Provisions

The convention consists of 93 articles divided into 9 parts preceded by a preamble. The preamble identifies the need and purpose of the Convention.

Part I (Articles 1 - 6): Scope and definitions.

Part II (Article 7): Non-discrimination with respect to rights.

Part III (Articles 8 - 35): Human rights of all migrant workers and members of their families.

Part IV (Articles 36 - 56): Other rights of migrant workers and members of their families who are documented or in a regular situation.

Part V (Articles 57 - 63): Provisions applicable to particular categories of migrant workers and members of their families.

Part VI (Articles 64 -71): Provision of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families.

Part VII (Articles 72 - 78): Application of the Convention.

Part VIII (Articles 79 - 84): General provisions.

Part IX (Articles 79 - 84): Final provisions.

Refer to the Readings Manual for a cross-referencing of human rights of migrant workers and members of their families in selected UN documents.