



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

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Meeting of the States Parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Ninth meeting

Summary record of the 9th meeting

Held at Headquarters, New York, on Monday, 10 June 2019, at 10 a.m.

Temporary Chair: Mr. Mokhiber (Representative of the Secretary-General)

Chair: Mr. Denktaş (Turkey)

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The meeting was called to order at 10.10 a.m.

Opening of the Meeting by the representative of the Secretary-General

1. **The Temporary Chair**, speaking on behalf of the Secretary-General, said that he was grateful to States parties for their commitment to implementing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and commended those States parties that had voted for the Global Compact for Safe, Orderly and Regular Migration in the General Assembly in December 2018. Those instruments, rooted both in principles and applicable practice, constituted the most comprehensive framework for policies and action in the area of migration.

2. The Global Compact, the first intergovernmentally negotiated agreement prepared under the auspices of the United Nations that covered all dimensions of international migration, provided an opportunity to improve the governance of migration; address the challenges associated with contemporary migration; strengthen the contribution of migrants and migration to sustainable development; and enhance international cooperation. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, together with the Office of the United Nations High Commissioner for Human Rights (OHCHR), other United Nations entities, United Nations human rights mechanisms and civil society, had advocated tirelessly the adoption of a global compact that was gender-responsive, child-sensitive and firmly based on the international human rights framework. At the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, held in Marrakesh in December 2018, which had coincided with the seventieth anniversary of the Universal Declaration of Human Rights, the United Nations High Commissioner for Human Rights had praised the Global Compact as an essential global commitment to human dignity and human rights, demonstrating the importance of multilateral cooperation in transcending isolationism and disdain for others and in promoting respect for the human rights of all migrants, particularly at a time when some used migrants as scapegoats for political gain.

3. Forced migration was often caused by violence, oppression, social and economic exclusion, poverty, lack of access to basic services, inequality of opportunities and other forms of discrimination. In particular, global migration patterns reflected the emergence of violence against women and girls as a transnational human rights concern. Almost half of the world's 258 million migrants were women and about

50 million were children. Although women and children migrated in order to work, escape violence and deprivation, reunite with their families or pursue a better future, they were often subjected to human rights violations, such as human trafficking and other forms of exploitation. The joint general comments of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, adopted in 2017, provided guidance and recommendations for addressing such violations.

4. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, including in its concluding observations, encouraged States parties to implement the Global Compact while fully complying with the Convention. At its thirtieth session, the Committee had established a working group focusing on the complementarity of the Convention and the Global Compact which, as part of its activities, would conduct a cross-reading of those instruments, potentially with a view to developing a general comment. OHCHR was committed to supporting all Member States in that endeavour, including through the United Nations Network on Migration.

5. Momentum had been building to increase the number of States parties to the Convention. Indeed, since the Eighth Meeting of the States parties, Benin, the Gambia and Guinea Bissau had ratified the Convention, bringing the total number of States parties to 54. Furthermore, Ecuador had declared, under articles 76 and 77 of the Convention, that it recognized the Committee's competence to receive and consider inter-State communications and communications submitted by or on behalf of individuals concerning alleged violations of the Convention; and Guinea Bissau had declared, under article 76 of the Convention, that it recognized the Committee's competence to receive and consider inter-State communications concerning such violations. However, five declarations were still required for the individual communications procedure to enter into force, and six declarations were still required for the inter-State communications procedure to enter into force. In addition, more needed to be done to engage receiving States by helping them to recognize the potential role of the Convention in addressing misunderstandings between sending States, States of transit and receiving States.

6. The limited number of States parties to the Convention and the non-operationality of the inter-State and individual communications procedures remained the most significant challenges faced by the Committee.

OHCHR had continued to promote the ratification of the Convention by communicating with States, particularly signatory States, at Headquarters and in capitals; organizing and facilitating the participation of Committee members in regional and bilateral meetings and workshops; liaising with civil society; and following up with States parties and field offices on the recommendations made during the universal periodic review.

7. In view of the Organization's financial situation, some sessions of United Nations human rights treaty bodies scheduled to be held in the second half of 2019 might need to be postponed or cancelled if the required resources were not made available in a timely manner. The 25-per-cent reduction in the budget for travel of high-level experts, as well as the cash-flow problems facing the United Nations, could adversely affect the work of the treaty bodies and, by extension, those whose rights they were mandated to protect. Member States should capitalize on the review of the treaty body system scheduled to take place in 2020 in order to ensure that treaty bodies had the capacity and resources needed to fulfil their mandates. As treaties were the foundation of the human rights system, the weakening of the treaty body system would undermine the entire human rights architecture. The Organization's budgetary situation posed an unprecedented threat to that system in a global context characterized by the erosion of human rights protection.

8. Since the Eighth Meeting of the States parties, the Committee had considered 12 reports of States parties, adopting in each case concluding observations and recommendations aimed at the effective implementation of the Convention at the national level. The Committee had also adopted six lists of issues based on reports submitted to it, as well as nine lists of issues prior to reporting under the simplified reporting procedure. In addition, it had updated its rules of procedure and consolidated them into a single document.

9. At its twenty-ninth session, the Committee had held a meeting with representatives of 32 Member States, including States parties and States not yet parties to the Convention, as well as other stakeholders. During the meeting, participants had been provided with an overview of the status of ratification of, and reporting under, the Convention; of the meeting of the Chairs of the human rights treaty bodies held in June 2018; of general comments issued by the Committee; of cooperation between the Committee and its partners; and of initiatives undertaken by the Committee to encourage ratification of the Convention and to promote the Global Compact.

10. At its thirtieth session, the Committee had adopted a communication strategy providing for the implementation, in States parties and Member States that had not yet ratified or acceded to the Convention, of information-sharing and awareness-raising initiatives to encourage ratification. Those initiatives would be primarily targeted at government bodies, political parties, trade unions, the United Nations and other international and regional organizations, civil society organizations, academia, the media and the general public. Committee members had participated in international forums, conferences and meetings such as the Global Forum on Migration and Development and the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration. The Committee also continued to engage with relevant United Nations specialized agencies, international and regional bodies, national human rights institutions and civil society organizations. In addition, it had participated in promotional activities, including academic events, and had issued press releases on the human rights of migrants and members of their families, often jointly with the Chairs of other treaty bodies and special procedures mandate holders of the Human Rights Council.

11. The Committee was developing a general comment on migrants' rights to liberty and freedom from arbitrary detention and, after its thirty-first session, would hold an informal meeting in Baku, Azerbaijan, at the invitation of the Government. That meeting, which would comprise high-level discussions with representatives of the Government of Azerbaijan, the diplomatic community, United Nations organizations and entities, national institutions and non-governmental organizations, would provide an opportunity to reflect on the promotion of the implementation and ratification of the Convention, including by analysing regional trends in that regard.

12. The nomination and election of members of treaty bodies was of paramount importance for the expertise and efficiency of each treaty body, and for the reputation of the entire system. States parties should thus adopt carefully considered national policies and processes for the nomination of experts on the basis of open and transparent selection processes from among persons with a proven record of expertise in the relevant area and the willingness to assume the full range of responsibilities related to the mandate of a treaty body member. Open public spaces should also be established for all States parties to present their potential candidates for treaty body membership. Moreover, there was a need to avoid nominating or electing candidates while they were holding government positions or any other positions that might expose them to pressure and

conflicts of interest, or create a real or perceived lack of independence. In order to ensure the renewal and diversity of the membership of treaty bodies, the terms of service of experts should, as a general rule, be limited to a maximum of two terms, without prejudice to the mandates of the current members of those bodies.

Election of the Chair

13. **Ms. Edwards** (Guyana) nominated Mr. Denктаş (Turkey) for the office of Chair of the Meeting. The nomination had been endorsed by the Group of Western European and Other States.

14. *Mr. Denктаş (Turkey) was elected Chair by acclamation.*

15. *Mr. Denктаş (Turkey) took the Chair.*

Adoption of the agenda (CMW/SP/18)

16. *The agenda was adopted.*

17. **The Chair** drew attention to rules 2 and 3 of the rules of procedure (CMW/SP/3). Rule 2 provided that the credentials of representatives and the names of members of delegations should be submitted to the Secretary-General not less than one week before the date of the opening of the Meeting, and that such credentials should be issued by the Head of State or Government or by the Minister for Foreign Affairs. In his note verbale of 6 May 2019, the Secretary-General had invited the States parties to be represented at the Meeting and to forward to him the credentials of their representatives. The Secretary-General was required under Rule 2 to report to the Meeting on the credentials of the representatives. As the Secretary-General had yet to receive proper credentials from some of the States parties represented at the Meeting, the Chair suggested that, in accordance with rule 3, the representatives of those States parties should be permitted to participate in the Meeting provisionally and urged them to submit their credentials as soon as possible.

18. *It was so decided.*

Election of other officers of the Meeting

19. *Mr. Mohammed Toufiq-Ur Rahman (Bangladesh) was elected Vice-Chair by acclamation.*

Election of seven members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW/SP/19 and CMW/SP/19/Add.1)

20. **The Chair** invited the States parties to elect, in accordance with article 72 of the Convention, seven

members of the Committee to replace those whose terms of office would expire on 31 December 2019. A list of eight candidates for whom nominations had been submitted by the deadline of 31 March 2019 established by the Secretary-General in accordance with the procedure set out in article 72 of the Convention, together with their curricula vitae, had been provided in document CMW/SP/19. A list of two additional candidates for whom nominations had been submitted after that deadline, together with their curricula vitae, had been provided in document CMW/SP/19/Add.1. He suggested that all 10 candidates be deemed eligible for election to the Committee.

21. *It was so decided.*

22. *At the invitation of the Chair, Ms. Mehdiyeva (Azerbaijan), Mr. Bakhtiyorzoda (Tajikistan), Ms. Siswawaluyo (Indonesia) and Mr. Gnecco Daza (Colombia) acted as tellers.*

23. *A vote was taken by secret ballot.*

<i>Number of ballot papers:</i>	53
<i>Number of valid ballots:</i>	53
<i>Number of members voting:</i>	53
<i>Required majority:</i>	27
<i>Number of votes obtained:</i>	
Mr. Charef (Morocco)	46
Mr. Soualem (Algeria)	43
Mr. García Sáenz (Guatemala)	39
Mr. Ünver (Turkey)	39
Mr. Corzo Sosa (Mexico)	37
Mr. Babacar (Mauritania)	33
Ms. Poussi (Burkina Faso)	31
Mr. Carrión Mena (Ecuador)	26
Mr. Bustamante Llosa (Peru)	25
Mr. Sandoval Góchez (El Salvador)	14

24. *Having obtained the required majority, Mr. Charef (Morocco), Mr. Soualem (Algeria), Mr. García Sáenz (Guatemala), Mr. Ünver (Turkey), Mr. Corzo Sosa (Mexico), Mr. Babacar (Mauritania) and Ms. Poussi (Burkina Faso) were elected members of the Committee for a four-year term beginning on 1 January 2020.*

Closure of the meeting

25. **The Chair** declared closed the Ninth Meeting of the States Parties to the Convention.

The meeting rose at 11.25 a.m.