



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

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-fourth session

Summary record (partial)* of the 473rd meeting

Held at the Palais Wilson, Geneva, on Monday, 28 March 2022, at 10 a.m.

Chair: Mr. Ünver

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Chair** declared open the thirty-fourth session of the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families.

2. He congratulated the seven Committee members who had been elected or re-elected, in accordance with article 72 of the Convention, by the tenth meeting of States parties held in New York on 29 June 2021.

Opening statement by the representative of the United Nations High Commissioner for Human Rights

3. **Mr. Cissé-Gouro** (Office of the United Nations High Commissioner for Human Rights) also congratulated the seven members who had been elected or re-elected and welcomed the increase in the number of women Committee members to three from 1 January 2022.

4. During its thirty-fourth session, the Committee would consider the second periodic reports of Burkina Faso and Paraguay and the combined initial to third reports of Cabo Verde. It would also adopt a list of issues for the second periodic report of Uruguay and lists of issues prior to reporting under the simplified reporting procedure for the second periodic reports of Kyrgyzstan and Peru.

5. The vulnerable situations currently faced by migrants stemmed from a range of factors that frequently intersected, were mutually exacerbating and evolved over time as circumstances changed. With a view to ensuring appropriate protection of the rights of all migrants, it was essential to assess the situation of each individual. The Office of the United Nations High Commissioner for Human Rights (OHCHR), working with other United Nations partners, had developed a set of Principles and Guidelines on the human rights protection of migrants in vulnerable situations. Thousands of migrants went missing or died each year along migration routes. United Nations Member States had undertaken in 2018 to save lives and establish coordinated international efforts on missing migrants by adopting the Global Compact for Safe, Orderly and Regular Migration.

6. In a public statement issued on 7 March 2022, the members of the Executive Committee of the United Nations Network on Migration, including representatives of OHCHR, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and the International Commission on Missing Persons, had called on States to urgently assume collective responsibility to save lives and prevent migrants from going missing or dying along migration routes, to search for and identify those who had gone missing and to assist their families. The members were particularly alarmed about the growing tendency to criminalize or obstruct efforts to provide life-saving humanitarian assistance, including search and rescue efforts and provision of medical care to migrants in need. Such actions ran counter to objective 8 of the Global Compact.

7. He wished to recall the importance of the effective participation of United Nations human rights mechanisms in the International Migration Review Forum created by the Global Compact. By resolution 73/326 of 19 July 2019, the General Assembly of the United Nations had regulated the modalities of the Forum and requested the Secretary-General to ensure that the expertise of the United Nations system, including that of relevant treaty bodies and relevant special procedures mandate holders, was coordinated to support State-led forums and to facilitate their participation therein.

8. The first International Migration Review Forum, which would be held from 17 to 20 May 2022, was a global intergovernmental platform that would enable member States and stakeholders to share the progress made in implementing all components of the Global Compact for Safe, Orderly and Regular Migration. It also provided a unique opportunity to demonstrate the collective commitment of the United Nations Network on Migration to the ambitious and effective implementation of the Global Compact, using a human-rights-based approach. With that end in view, the Network had launched an initiative calling on States and stakeholders to assume an unwavering commitment to implementing the Compact. In the same context, OHCHR was committed to combating all forms of discrimination, including

hate speech, racism, racial discrimination, xenophobia and related intolerance. It opposed scaremongering, hatred and discord, primarily by promoting changes in attitudes through the #StandUp4Migrants campaign and toolbox launched in 2020.

9. The Chair of the Committee on the Rights of Persons with Disabilities had chaired the thirty-third annual meeting of Chairs of human rights treaty bodies from 7 to 11 June 2021. The Chairs had discussed critical issues as well as procedures for converting their vision into tangible actions, in the light of the report of the co-facilitators on the 2020 treaty body review. They had discussed proposals to develop a predictable calendar of review cycles that maximized synergies and ensured complementarity among treaty bodies, to harmonize working methods, and to increase the efficiency, transparency and accessibility of the system through new technological developments. The 10 committees had been invited to consider the proposals and to comment on the various recommendations. OHCHR had held informal consultations with the Chairs and treaty body experts on 23 and 24 March to discuss the various contributions received by the committees.

10. The recent ratification of the Convention by Togo and Chad had increased the number of States parties to 57. It was to be hoped that the Committee's partnership with States that promoted the Global Compact would lead to a further increase in States parties. He encouraged the Committee to continue its active engagement with the United Nations Network on Migration to achieve that objective.

Solemn declaration by the newly elected members of the Committee under rule 11 of the rules of procedure

11. *Mr. Ceriani Cernadas, Ms. Dzumhur and Mr. Zounmatoun made the solemn declaration provided for in rule 11 of the Committee's rules of procedure.*

The discussion covered in the summary record was suspended at 10.20 a.m. and resumed at 11.40 a.m.

Adoption of the agenda (CMW/C/34/1)

12. *The agenda was adopted.*

Promotion of the Convention

Informal meeting with non-governmental organizations and national human rights institutions

13. **Ms. Abramenko** (Anti-Discrimination Centre Memorial), speaking via video link, said that the economy of Kyrgyzstan was highly dependent on the remittances of Kyrgyz migrant workers, 95 per cent of whom – more than 1 million people – were in the Russian Federation. Just as the country was overcoming the worst of the coronavirus disease (COVID-19) pandemic, the war of the Russian Federation against Ukraine had triggered a catastrophic economic crisis across the region, compounded by the risk of martial law and renewed border closures. In addition, the military propaganda of the Russian Federation provoked xenophobic sentiments, causing greater risk for labour migrants from Central Asia. It was therefore imperative that Kyrgyzstan emphasized the need for the rights of its citizens to be respected, even in countries that had not ratified the Convention.

14. To that end, Anti-Discrimination Centre Memorial suggested that the Committee should ask the Government of Kyrgyzstan whether it planned to strengthen its protection of the rights of migrants abroad, to call for general improvements to migration laws and policies in destination countries and to require cases of police and judicial arbitrariness and hate crimes against migrant workers to be effectively investigated; what lessons the authorities had learned from the COVID-19 pandemic in terms of safe and rapid repatriation of citizens and the provision of economic support; and how the Government was preventing the use of Kyrgyz migrant workers in the military aggression against Ukraine.

15. The Committee could also ask what measures the Government of Kyrgyzstan was taking to protect migrant women from discrimination abroad and stigmatization at home, to reduce the health risks they faced as migrants and to protect the rights of girls forced to work abroad; whether gender-sensitive provisions were being introduced in migration legislation

and practices; whether there were plans to bring legislation and practices on the repatriation of children into line with modern international human rights standards; and how the Government was enabling human rights organizations to work independently and effectively.

16. **Ms. Guerra Vilcapoma** (Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos), speaking via video link, said that the situation of sexual and reproductive rights in Peru was serious for migrants in an irregular situation, especially those belonging to a vulnerable group. Indeed, over 90 per cent of Venezuelans in Peru had no health insurance. No disaggregated data were available to measure access to sexual and reproductive health services, which, moreover, had been suspended during the COVID-19 crisis.

17. The pregnancy rate among girls under 15 remained high and had increased in 2021. Not only was forced motherhood a risk to girls' health, it also led to many suicides. Despite the recommendation by the Committee on the Elimination of Discrimination against Women to decriminalize abortion in additional contexts, abortion remained permitted in Peru only when there was a serious and permanent risk to the mother's health or life. Between 2018 and 2020, 512 cases had been brought against women for the offence of abortion. Though the penalty for undergoing an illegal abortion was symbolic, the clandestine procedure remained very risky, and medical professionals who suspected that a girl or woman had undergone one were required by law to report the case. Furthermore, people had been prosecuted for distributing emergency oral contraceptives and information on accessing medical abortions, and bills had been drafted to remove sex education from school curricula.

18. In the light of the above, she would request the Committee to ask the Government of Peru how it intended to reduce the high rate of pregnancy among migrant girls and to ensure nationwide access to sexual and reproductive health services, including contraceptives and abortions; how many migrant women and girls had been prosecuted for undergoing an abortion and what penalties had been imposed; why the State party had not adopted a differentiated protocol to ensure effective access to abortion for girls under 15; and why it had not decriminalized abortion in cases of rape and fetal abnormalities incompatible with life outside the womb.

19. **Mr. Guido** (Global Detention Project), speaking via video link, said that military and police forces had been deployed on the Peruvian border with Ecuador since January 2021 to control entries. There had been reports of violence at the border and of shots being fired to dissuade migrants, including children, from crossing. Furthermore, at least six collective expulsions had been reported since 2019, and drinking alcohol on public roads had been introduced as grounds for expulsion.

20. On a positive note, steps had been taken in recent months to allow migrants to obtain a temporary residence permit. The Ombudsman had reported that there had been no migration-related detentions during the COVID-19 pandemic, although no information was available on the number of deportation orders that had been issued since the lifting of the suspension of administrative sanctions announced at the onset of the pandemic.

21. The Global Detention Project would suggest that the Committee should request the Government of Peru to provide information about the militarization of the State party's border and associated violent incidents; an update on the new immigration regularization decree; information on the number of undocumented migrants who had obtained a temporary residence permit; disaggregated data on the number of migrants detained and deported for migration-related reasons; and a list of the facilities used for immigration detention purposes.

22. **Ms. Morais de Freitas** (National Commission for Human Rights and Citizenship of Cabo Verde) said that the National Commission welcomed the Government's efforts to improve the situation of migrants in Cabo Verde, in particular the adoption of the second Immigration and Social Inclusion Action Plan, the establishment of the High Authority for Immigration, and the adoption of Decree-Law No. 72/2021 of 18 October 2021 on the regularization of migrants.

23. However, challenges remained in the realization of the rights enshrined in the Convention. For instance, limited data collection and processing capacity made it difficult to set policy in the area of migration. To offset the lack of comprehensive anti-discrimination legislation, the National Commission had drafted a bill to prevent and punish all forms of

discrimination, which it hoped would be passed by the parliament that year. Contrary to the law, the National Commission was not systematically notified when foreign nationals were deported. During its visits of the detention area at Praia airport in its capacity as the national preventive mechanism for the prevention of torture, the National Commission had observed that foreign nationals experienced various difficulties, such as language barriers, the absence of consular assistance and a lack of access to their personal effects. Insufficient funding was jeopardizing the voluntary return programme.

24. The COVID-19 pandemic had had a severe impact on migrants, particularly those who worked in the restaurant and hospitality industry. Although the Government had introduced social measures to safeguard the income of people working in the informal sector, it was unclear whether migrants had benefited from them.

25. Eleven per cent of the complaints that the National Commission received were lodged by migrants, mostly from African countries, and related to difficulties concerning regularization, residence permits, expulsion, health care and social security, discrimination, breaches of labour law, police brutality and access to justice.

26. The National Commission was alarmed at the Government's plans to shut it down and transfer its functions to the Ombudsman's Office. It therefore wished the Committee to include a recommendation that the State party should take steps to maintain a strong, independent and appropriately resourced national human rights institution.

27. **Mr. Taghi-Zada** said that he would appreciate more detailed information on the situation of Kyrgyz migrant workers in the Russian Federation, including how their numbers had changed over recent years, what consular services were available to them, any cases of xenophobia and the authorities' response to those cases. It would be interesting to know the situation of Kyrgyz migrant workers in Kazakhstan.

28. **Ms. Diallo** asked what procedure was in place to enable the involvement of the National Commission for Human Rights and Citizenship of Cabo Verde in expulsion proceedings.

29. **Mr. Oumaria**, noting that disseminating the reports of the National Commission for Human Rights and Citizenship more broadly, including by submitting them to the President and the media, could help raise its profile and consequently increase its involvement in decision-making, said that the Committee would consider making a recommendation to the State party in that regard.

30. **Mr. Babacar** said that he wished to know more about how the National Commission for Human Rights and Citizenship processed the complaints it received from migrants.

31. **Mr. Ceriani Cernadas** said that he would welcome more details about the policy of the Government of Kyrgyzstan regarding the provision of consular assistance to its nationals abroad. In relation to Peru, he wished to know whether migrant women were treated differently from Peruvian women in terms of access to sexual and reproductive health services and what impact the militarization of the border had had on migrants. Lastly, concerning Cabo Verde, more information on the detention of migrants at the airport and the application of income support measures to migrants during the COVID-19 pandemic would be appreciated.

32. **Ms. Dzumhur** said that it would be useful to learn more about the diplomatic efforts of Kyrgyzstan, given that the Russian Federation was not a party to the Convention, and about any difficulties that migrants experienced in transferring remittances, as well as to understand what their voting rights were. As for Peru, she wished to know whether there was a general law on gender equality, how migrants could register the birth of children and whether pregnant adolescents could request assistance from the national human rights institution.

33. **Mr. Corzo Sosa** asked to what extent Venezuelan migrants in Peru enjoyed access to health-care and social services, whether migrants were detained as a last resort and whether the military was involved in detentions at the border.

34. **Mr. Soualem** asked whether the National Commission for Human Rights and Citizenship of Cabo Verde had been consulted on the drafting of the new law on nationality and what the reason was for the delay in adopting the law.

35. **Mr. Frasher** asked whether any efforts to protect Kyrgyz migrant workers were being made at the regional or bilateral level.

36. **Ms. Abramenko** (Anti-Discrimination Centre Memorial) said that 97 per cent of remittances to Kyrgyzstan, some \$2.7 billion, came from migrant workers in the Russian Federation and that there were 30,000 Kyrgyz workers in Kazakhstan. There had been reports of ethnic profiling by police against Kyrgyz migrants and a lack of knowledge among justice officials of the privileges afforded to Kyrgyz migrants in certain countries. The consular and diplomatic missions of Kyrgyzstan intervened on a case-by-case basis, not at the policy level, thus leaving the way open for mass detention and expulsion. There were two confirmed cases of young men from Kyrgyzstan who, having obtained Russian citizenship while working abroad, had been killed in Ukraine performing mandatory military service.

37. **Ms. Guerra Vilcapoma** (Centro de Promoción y Defensa de los Derechos Sexuales y Reproductivos) said that, while accessing sexual and reproductive health services was challenging for everyone in Peru, it was even more so for migrants because in many situations access, including to emergency contraceptives, was contingent on a court decision. A national gender equality policy had been adopted in 2019, along with numerous plans, but the problem lay with implementation.

38. **Mr. Guido** (Global Detention Project), noting that more detailed replies to the Committee's questions would be provided in writing, said that the effects of the militarization of the borders of Peru included cases of pushbacks and the takeover of certain administrative responsibilities by the military.

39. **Ms. Morais de Freitas** (National Commission for Human Rights and Citizenship of Cabo Verde) said that the National Commission published its reports online and, although it was not mandated to do so, it also submitted them to the parliament and the judicial authorities. The National Commission, together with the High Authority for Immigration, was part of the team that reviewed applications for voluntary return. Individuals could submit their complaints to the National Commission via a helpline or social media, electronically or in person. Complaints were examined by a team of human rights experts, who also coordinated with the relevant bodies. Again, the greater difficulty was with implementation, as the National Commission's recommendations were not binding. The National Commission had been involved in drafting the new law on nationality, but its debate in the parliament would depend on the legislature's order of business.

40. The free movement agreement with the Economic Community of West African States had not lifted all entry requirements, a fact of which travellers were not always adequately informed prior to leaving. The airport did not have a detention centre per se, only an area designated for that purpose. The issue was that people, including children, were not always returned to their country of origin on the next available flight and therefore stayed in that area without their belongings for extended periods of time.

41. **Mr. Oumaria** asked whether any non-governmental organizations (NGOs) from Burkina Faso would be represented and whether any alternative reports for that country had been received.

42. **Mr. Kane** (Secretary of the Committee) said that, owing to time constraints and the specific context of Burkina Faso, there had been no submissions by NGOs or the national human rights institution, but some had been received from the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees.

The meeting rose at 1 p.m.