



**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
Seventeenth session**

Summary record (partial)* of the 209th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 September 2012, at 3 p.m.

Chairperson: Mr. El Jamri

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.15 p.m.

Meeting with States parties

1. **The Chairperson** said that the Committee had been very active in the treaty body strengthening process and had already adopted some of the proposals made with regard to new working methods. Those changes included: the adoption of a comprehensive reporting calendar; a new procedure for consideration of second and subsequent periodic reports; and a procedure for consideration of the implementation of the Convention in a State party in the absence of a report. The current meeting was an important opportunity for the Committee to explain the changes to States parties and discuss ways to promote ratification of the Convention, as well as for States parties to raise any issues that they had.

2. Only 16 per cent of States parties to the Convention had fulfilled their reporting obligations, which meant that the Committee, like other treaty bodies, was behind in its consideration of State party reports. As things stood, if a State party submitted a report, it would be seven years before the Committee was able to examine it. Therefore, it had been decided to adopt a comprehensive calendar whereby the Committee would consider nine reports per year, meaning that over five years the situation in all States that had ratified the Convention would be examined. That would eliminate the Committee's current backlog. Although the decision might cause difficulties for those States parties that had yet to submit their initial reports, the procedure should be introduced as soon as possible in order to advance the work of the Committee. If more States became parties to the Convention, steps would be taken to make extra time available for consideration of their reports.

3. **Ms. Poussi** explained that the new procedure adopted for consideration of all reports other than initial ones was that the Committee would draw up a list of issues prior to submission of the report. The list would be sent to the State party concerned, which would subsequently submit a report based on and responding to that list of issues. The aim of the new procedure was to make the submission process easier for States parties and to enable them to produce a more focused report with less extraneous information. It would also lead to fewer requests for additional information prior to the Committee's consideration of the report. However, the new procedure was optional; States parties could decide to submit their reports following the traditional procedure.

4. **The Chairperson** said that the new procedure would enable the Committee to ask more focused questions and request additional information on priority areas.

5. **Mr. Tall** said that 20 States parties had yet to submit their initial reports, some of which had been due as far back as 2004. Seven second periodic reports from States parties were also outstanding. The Committee had decided at its sixteenth session to amend its rules of procedure and insert a new rule 31 bis to allow a review of States parties in the absence of a report. That change was vital in order to fulfil the requirements of the comprehensive reporting calendar, and would also enable the Committee to effectively examine the implementation of the Convention. In the absence of a report, the Committee, through the United Nations Secretary-General, would submit to the State party a list of issues to be examined and explain that the Committee planned to examine the implementation of the Convention in the absence of a report at a particular session. The State party would be invited to attend the meeting and engage in dialogue with the Committee. The Committee would then discuss the situation in the country in question regardless of whether the State party sent a delegation, on the basis of the available information. Concluding observations would be drafted and sent to the State party in accordance with the standard procedure.

6. **Mr. Kariyawasam** said that the Committee, the Office of the United Nations High Commissioner for Human Rights, and States parties needed to work together in a

constructive and supportive manner in order to ensure effective implementation of the Convention. Currently, the Committee met twice a year, with one session of two weeks and a second session of one week. The new procedures, together with the fact that the Committee had started to issue general comments, meant that the Committee's workload was increasing. The Committee therefore intended to request the United Nations General Assembly for funding for an additional week of meetings per year. It was expected that the request would be considered by the Third Committee and the Fifth Committee at the sixty-eighth session of the General Assembly in 2013. The active support of States parties would be welcome and would be instrumental in securing the additional funding.

7. **Mr. Carrión Mena** urged the States parties to the Convention to encourage the 34 States that had signed but not ratified it to proceed with ratification. He said that a number of destination countries in the developed world had declined, for political and economic reasons, to sign the Convention, which was paradoxical, given that many of the principles and rights enshrined in it were part of other international instruments to which they were a party. It was incumbent on States parties to bring pressure to bear on them. The United Nations also had a role to play, although the organization's support for the Convention had appeared half-hearted in the past.

8. **Mr. Wieland** (Peru) expressed the hope that States parties would be able to meet the requirements of the comprehensive reporting calendar. He asked whether States parties would be permitted to provide extra information over and above the answers required to the proposed list of issues prior to reporting. Noting that work on the preparation of the initial report of Peru was well advanced, he asked how long States parties would have to respond to lists of issues transmitted as a result of a State party's failure to submit a report. Peru was sympathetic to the Committee's request for an extra week of meeting time per year and agreed that no efforts should be spared to encourage more States to ratify the Convention.

9. **The Chairperson** said that the Committee would welcome any extra information States parties chose to include in their responses to lists of issues prior to reporting. As a rule, States parties that the Committee decided to examine in the absence of a report would be granted up to 12 months to respond to a list of issues. Extensions could be granted upon request.

10. **Mr. Morales** (Ecuador) said that efforts to convince more States to sign and ratify the Convention should be at the heart of States parties' migration policy. To that end a coordinated approach was needed. The principal concern of the States parties to the Convention was to combat the criminal elements that affected migrant workers.

11. **The Chairperson** said that the High-level Dialogue on International Migration and Development planned for 2013 would provide an excellent opportunity to renew efforts to campaign for the recognition of the human rights of migrant workers and their families. The first such debate, which had taken place in 2006, had highlighted the considerable differences between States in favour of recognizing the rights of migrant workers, whether or not they were in an irregular situation, and those that opposed such a development.

12. **Mr. Martínez** (Paraguay) said that his Government would like to receive a detailed written summary from the Committee of the new procedures under discussion. He would also like to know whether the mechanism for considering the implementation of the Convention by a State party that had failed to submit a report applied only to initial reports.

13. **The Chairperson** said that the mechanism applied to initial and periodic reports, and also in cases where a State party failed to respond to lists of issues prior to reporting.

14. **Mr. Tall** said that rule 31 bis of the amended rules of procedure was designed to deal with the backlog of all reports.

15. **Mr. Da Fojela** (Timor-Leste) asked what procedure the Committee would follow in order to request funding for an extra week of annual meeting time.

16. **The Chairperson** said that the Committee would adopt a draft proposal by the end of the current session for inclusion in its annual report to the General Assembly, which would be submitted on 25 October 2012. The comprehensive reporting calendar proposed by the Office of the United Nations High Commissioner for Human Rights and other proposals for strengthening the treaty body system would initially require an increase in funding, but that the proposals would lead to cost savings in the long term. For instance, the volume and therefore cost of translation would decrease.

17. **Mr. Schneider** (Secretary of the Committee) drew attention to the report of the Committee on its fifteenth and sixteenth sessions (A/67/48). Information on its new procedures appeared in paragraphs 25–26. The Committee’s resolution requesting an extra week of annual meeting time would be submitted to the secretariat of the General Assembly in 2012 but would probably not be considered until 2013. As a result, the matter would be taken up again in the Committee’s report on its seventeenth and eighteenth sessions.

The discussion covered in the summary record ended at 4.20 p.m.