



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 204th meeting

Held at the Palais Wilson, Geneva, on Monday, 10 September 2012, at 10 a.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 10 a.m.

Opening of the session

1. **The Chairperson** declared open the seventeenth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Opening address by the Chief of the Americas Section, Field Operations and Technical Cooperation Division, Office of the United Nations High Commissioner for Human Rights

2. **Ms. Martin** (Chief, Americas Section, Field Operations and Technical Cooperation Division, Office of the United Nations High Commissioner for Human Rights – OHCHR) welcomed the participants on behalf of the High Commissioner.

3. Noting the importance to the Americas of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, she said that the cooperation that had developed between the Committee on Migrant Workers and the Americas Section of OHCHR had been outstanding. With the help of the field offices, the Section had worked hard to follow up the Committee's recommendations and to provide it with the information it needed to maximize the impact of its work in the region.

4. Since the Committee's previous session, Indonesia had ratified the Convention in April 2012, bringing the number of States parties to 46, more than one third of which were in the Americas. Sixteen States had signed the Convention but not yet ratified it. Universal ratification of the international human rights instruments was among the primary goals of OHCHR and one of its six thematic priorities was migration. The High Commissioner's Office was working to mainstream migrants' rights within the entire United Nations system, for example by participating in the forthcoming Global Forum on Migration and Development to be held in Mauritius in November 2012.

5. The Field Operations and Technical Cooperation Division of OHCHR was responsible for implementing subprogramme 3 of the Secretary-General's Strategic Framework, entitled "Advisory services, technical cooperation and field activities". As an operational division, it supported human rights field presences and led dialogue and activities related to human rights at the national, regional and subregional levels. Its objectives were to strengthen protection mechanisms, to enhance the implementation of international human rights norms, and to prevent and reduce human rights violations.

6. Through the Division, OHCHR had built ever-stronger partnerships throughout the world in the areas of development, humanitarian assistance, and peace and security, for the purpose of promoting and protecting human rights while respecting international law. The Division provided strategic advice to senior United Nations officials, in particular the High Commissioner for Human Rights; its priority focus was on working with the human rights treaty bodies. The Division's desk officers and their colleagues in field offices closely monitored the implementation, by the States parties concerned, of the recommendations made by treaty bodies.

7. In the Americas, in particular Central America and Mexico, the human rights situation of migrants was deteriorating — especially for migrants in an irregular situation and members of their families — due to the surge in violence from organized criminal groups. Given its lack of resources, the Division was concentrating its efforts on regions in particularly difficult circumstances. It based its activities on the Committee's concluding observations, and had therefore been able to develop closer ties with organizations working to defend the human rights of migrants. On the recommendation of the Committee, for example, the OHCHR bureau in Mexico had decided to focus on working together with the National Institute of Migration, and was using its own indicators to evaluate the Institute's

human rights staff training programmes. That approach would allow it to determine to what extent training led to improved enjoyment of human rights by migrants and their families. Working with the Committee, the Division was helping to protect defenders of migrants' rights, who were in a very vulnerable situation in many countries.

8. In June 2012, after three years of consultations with treaty body experts, States parties, United Nations entities, civil society organizations, national institutions and others, the High Commissioner for Human Rights had submitted to the United Nations General Assembly a report on strengthening the treaty body system, which included a compilation of key proposals by stakeholders.

9. The Committee on Migrant Workers had anticipated some of the High Commissioner's proposals, approving a reporting calendar, so that States parties could comply with their obligations on an equal basis, and adopting lists of issues prior to reporting in order to simplify the reporting procedure. The High Commissioner also proposed making the treaty body system more accessible and its work more visible by webcasting public meetings; by aligning methods of work, while respecting the specific requirements of each treaty; by harmonizing procedures for adopting general comments; and by standardizing interaction with non-governmental organizations (NGOs) and other stakeholders. Each proposal was accompanied by a cost estimate.

10. The twenty-fourth annual Meeting of Chairpersons of Human Rights Treaty Bodies, held at Addis Ababa in June 2012 and presided over by the Chairperson of the Committee on Migrant Workers had endorsed the proposals of the High Commissioner for Human Rights and recommended that each treaty body should carefully review the recommendations in relation to its current working methods, so as to determine the steps needed to carry them out; each treaty body should also keep the Meeting of Chairpersons informed on a biennial basis of progress made. The secretariat had also been asked to prepare an implementation report.

11. On that occasion, the Chairpersons had organized a videoconference with the two co-facilitators of the process on strengthening and enhancing the effective functioning of the human rights treaty body system established in General Assembly resolution 66/254. During the videoconference, they had stressed that treaty body members should participate in the deliberations as resource persons. The Chairperson and Vice-Chairperson of the twenty-fourth Meeting had therefore taken part in the informal meeting of the intergovernmental process held in New York from 16 to 18 July 2012.

12. At the Addis Ababa meeting, the Chairpersons had also endorsed the Guidelines on independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines"), which they strongly recommended for prompt adoption by the respective treaty bodies, inter alia, through inclusion, in an appropriate manner, in their rules of procedure. Those guidelines had been studied by the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, and the latter two had adopted relevant resolutions.

13. She assured the Committee that the Field Operations and Technical Cooperation Division, and in particular the field offices, would participate in the important process of drafting the landmark statement on the human rights of migrants in an irregular situation, led by OHCHR, as soon as the Committee had held consultations on that matter.

Adoption of the agenda (CMW/C/17/1)

14. *The agenda was adopted.*

Promotion of the Convention

15. **The Chairperson** welcomed the important work carried out by OHCHR in the areas of migration and treaty-body capacity-building. The Committee had already begun to apply some of the recommendations of the High Commissioner for Human Rights for the treaty bodies. The Global Forum on Migration and Development would be held in Mauritius in November 2012, and a high-level debate would be arranged in 2013. At the Forum, the Committee and its partners, especially civil society organizations and United Nations bodies, would have a significant role to play in ensuring that law would be a major pillar of all migration policy, whether at the local, regional or international levels.

16. The fact that the Committee was chairing the Meeting of Chairpersons for one year allowed it to play a particularly active role with all its partners. The chairmanship had allowed it to hold consultations with the 193 United Nations Member States on the subject of treaty-body capacity-building. Not held in Geneva because of the decision to schedule one in every two meetings elsewhere, the meeting in Addis Ababa had allowed the Chairpersons not only to consider the report of the High Commissioner for Human Rights, but also to meet with regional participants and thus directly assess the impact of the treaty body recommendations. A cooperation protocol had been drawn up for the regional bodies, with arrangements being made for the treaty bodies to have a common secretariat. In Africa, that would be the secretariat of the African Commission on Human and Peoples' Rights. The objectives were to encourage cooperation and to find common tools for giving greater impact to the recommendations of the treaty bodies.

17. **Mr. Carrión Mena** explained that he had participated, as a professor and coordinator of international academic questions for the Facultad Latinoamericana de Ciencias Sociales (FLACSO), in various conferences, seminars and academic meetings, in particular in Ecuador and Mexico, where he had described the work of the Committee and helped to make the values and principles enshrined in the Convention better known.

18. **Mr. Plaetevoet** (December 18) suggested that the Committee share its work with civil society and with other interested parties on the occasion of the tenth anniversary of the entry into force of the Convention, in 2013, and of the tenth anniversary of the founding of the Committee, in 2014. That could take place in the context of a United Nations road map on the protection of the rights of migrant workers and members of their families, the first part of which might be devoted to the Convention and the work of the Committee. He called for the establishment in 2013, with the participation of the Committee, international organizations and NGOs, of an electronic interactive tool for viewing audiovisual files in which Committee members, public institutions, civil society organizations and international organizations would expound on their work, describing best practices, results obtained and difficulties encountered. Some case studies might also be included, relating, for instance, to Mexico or the Philippines.

19. In 10 years, the Committee had completed a full cycle, having already begun to examine the second periodic reports of some States parties. It was therefore time to update the information provided to NGOs even before the Committee had been set up. He hoped that such a project might bring together all treaty bodies concerned by the protection of the rights of migrant workers and members of their families, as well as incorporating the universal periodic review and the special procedures of the Human Rights Council; he also hoped that the number of States parties to the Convention would reach the goal of 50 in 2014.

20. **The Chairperson** said that the Committee would be in favour of such an initiative.

21. **Mr. Kariyawasam** recalled that the Committee's early efforts had focused on integrating the Convention into the treaty body system, and that in 2004 its members had faced a major challenge, with scant resources and for the most part little experience. Ten

years later, although the High Commissioner for Human Rights had made migration one of the six priorities of her Office, there were still too few resources allocated for measures to promote ratification of the Convention and its incorporation in the treaty body system. Ways must be found to publicize the Convention, even if donor countries did not provide enough funds for the purpose. During the current session, the Committee should reflect on ways to improve its cooperation with OHCHR and the NGO community, such that, in 2014, public opinion could be mobilized and some pressure brought to bear on States that were not yet parties to the Convention. The Committee supported any initiatives that would increase the number of ratifications, since that would also bolster its work.

22. **The Chairperson** said that the Committee would hold its first meeting with representatives of the International Trade Union Confederation during the current session, to follow up on the agreement-in-principle concluded in 2011 on the establishment of a trade union platform to assist the Committee in its work, modelled on the NGO platform that had been in existence since 2003. The principal purpose of the meeting was to address the situation of migrant workers in Qatar, in the context of the 2022 World Cup that Qatar would be hosting.

23. **Ms. Martín** (Chief, Americas Section, Field Operations and Technical Cooperation Division, OHCHR) said that she supported the idea of a road map, and that the Division would share any related information it had with the Committee. Referring to the links between organized crime and migration, which called for special protection for migrants, particularly in the Americas, she noted that the High Commissioner for Human Rights consistently defended the rights of migrant workers in an irregular situation, particularly in Mexico.

24. **Mr. David** (Chief, Capacity-Building and Harmonization Section, Human Rights Treaties Division, OHCHR) pointed out that OHCHR, and in particular the Human Rights Treaties Division, had for several years refused to allow extrabudgetary funds to be earmarked. Member States were limited to expressing a preference as to the use of the funds they contributed (which represented one third of the treaty bodies' operating budget, shared equitably among the 10 treaty bodies). Promoting the Convention fell under the funding of OHCHR field presences; the treaties were promoted at the national level in countries that had not yet ratified them.

25. **Mr. Núñez-Melgar Maguiña** said he wondered whether it might be feasible for a member of the Committee to take part in the process of preparing the global forums on migration, as well as regional meetings on that topic, which could help to promote the Convention and its ratification.

26. **Mr. Taghizade** said that he would like to bring to the attention of the General Assembly the issue of the non-ratification of the Convention by the principal donor States, and to evaluate the reasons for their reluctance. Studying the prevalence of corruption and employment of migrant workers in the informal sector could identify problems faced by migrants and the economic interests of States that had not signed the Convention. The defence of migrant children and women would require implementation of the provisions of the Convention.

27. At the very beginning of the Committee's work, members had predicted that globalization would lead to a growth in migration. It was now clear that the proliferation of unstable areas had been accompanied by a rise in the number of vulnerable migrant workers, raising fears that acts of cruelty and violence against them would also increase. Since it was very likely that migration flows would expand in the coming decade, particularly because of economic or environmental problems, it would be appropriate to study the situation and assess future prospects.

28. **The Chairperson** reviewed the major upcoming migration-related events throughout the world: the African Civil Society Forum on Migration, Development and Human Rights, to be held in Accra on 12 and 13 September 2012, in which he would take part via videoconference; the presentation, on 25 October 2012, of the Committee's annual report to the Third Committee of the General Assembly, with a parallel event on the human rights of migrants at border crossings, in which the Special Rapporteur on the human rights of migrants and the Under-Secretary-General for Human Rights would take part, along with the High Commissioner for Human Rights; the Global Forum on Migration and Development, to be held in Mauritius in November 2012, which would focus on assessing the Global Forums on Migration and Development held since 2006 and on shaping the United Nations approach to the migration question; and lastly, also in November 2012, the Migrant Forum in Asia, to be held in Manila. He noted that, at its sixty-first session, the Committee on the Rights of the Child would hold a day of general discussion on the rights of all children in the context of international migration, in which Mr. Sevim would take part.

The discussion covered in the summary record ended at 11.10 a.m.