



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

Distr.: General
12 November 2014
English
Original: French

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Twenty-first session

Summary record of the 266th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 September 2014, at 10 a.m.

Chairperson: Mr. Carrión Mena

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

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Initial report of Ghana (continued) (CMW/C/GHA/1)

1. *At the invitation of the Chairperson, the delegation of Ghana took places at the Committee table.*
2. **The Chairperson** invited the delegation of Ghana to reply to questions asked at the previous meeting.
3. **Mr. Asima** (Ghana) said that the goods brought in by members of the Ghanaian diaspora in Mali were exempt from customs duty. Ghana was currently developing a policy concerning Ghanaians living abroad. In addition, the final version of the migration policy should be completed shortly and enter into force by 2015. There were indeed more Ghanaian doctors in the United Kingdom than in Ghana, as the lack of infrastructure and inadequacy of training opportunities encouraged them to emigrate. To remedy that problem, Ghana was building hospitals and modernizing hospital infrastructure, and granted various incentives to health professionals, including housing loans. Furthermore, the State financed training for Ghanaian doctors abroad in order to encourage them to return to Ghana to practise there.
4. As migration was due mainly to the economic situation, Ghana was working to improve the living conditions of the population by such means as creating jobs in the public sector, facilitating the setting-up of enterprises, and offering loans to young people for the development of professional projects. Microfinancing programmes were being implemented for potential migrants, in the north and south of the country.
5. Regarding trade union activities, he said that all workers were entitled to join a trade union. They could also contribute to the social security scheme, regardless of their nationality, and had the right to a retirement pension. There was no specific agency for reintegration and much remained to be done in that area. However, the National Disaster Management Organization helped Ghanaians returning from Libya and other countries to find work in Ghana.
6. In order to improve the situation at the borders, Ghana had established binational border patrols with Burkina Faso, Côte d'Ivoire and Togo. In accordance with recommendations from the Economic Community of West African States (ECOWAS), it would also establish joint border crossings with Burkina Faso, Côte d'Ivoire and Togo. Regular meetings concerning border security were held between Ghanaian officials and their Ivorian and Togolese counterparts. Movement by the many ethnic groups who lived either side of the borders between Ghana and other countries was not restricted. Furthermore, the law on migration recognized the status of cross-border workers and entitled them to pass freely from one country to another.
7. **Mr. Appreku** (Ghana) said that, having been called back to Ghana, the head of delegation regretted that he could not be present. Ghanaian embassies and consular services maintained regular contact with Ghanaian nationals living abroad, assisted them with administrative procedures, urged them to respect the law, informed them of their rights and encouraged them to form associations. Particularly concerned by the risks (accidents, murders, wild animal attacks) taken by people who migrated by crossing the desert, the Ghanaian authorities took numerous measures to try to deter them from doing so. Ghana had concluded agreements with the United Kingdom to avoid double taxation of Ghanaian migrants. A unit of the police force specialized in dealing with all persons who were victims of violence, whether or not they were Ghanaian. Ghana had not restricted travel on

account of the Ebola epidemic. On the contrary, it had ordered its army to be on standby to assist the countries affected by the virus and took in sick Liberians and Guineans to treat them.

8. **Mr. El-Borai** asked whether migrant workers had the right to establish and head a trade union and whether the Ghanaian social security scheme provided for the payment of a pension to migrant workers who returned to their country upon retirement.

9. **Ms. Castellanos Delgado** said that information would be appreciated on migrants in an irregular situation who had died while trying to cross the desert. She asked whether the Ghanaian authorities had concluded agreements with the countries that those people had to cross for the location, identification and repatriation of the bodies of migrants who had died.

10. **Ms. Ladjel** (Country Rapporteur) enquired whether there was a forum for dialogue and exchanges which enabled Ghanaian nationals living abroad to contribute, through their comments and interventions, to the economic development of their country, beyond the remittance of funds. She asked how the participation of non-governmental organizations (NGOs) in the implementation of the Convention, within the framework of the intersectoral committee for migration, was organized and how NGOs transmitted the relevant information to migrant workers, be they Ghanaians or foreign nationals. She also asked whether the media were used to broadcast useful information to persons concerned by the issue of migration. In addition, she would like to know whether Ghana had protection centres that could take in former street children and children who had fled from networks which exposed them to labour exploitation if they had no family.

11. **Mr. Ceriani Cernadas** asked which statistics on migration were up-to-date given that, according to the Ghanaian delegation, those drawn up by the International Organization for Migration (IOM) in cooperation with the Ghanaian Government were not reliable. He would like to know whether the reports of an increase in deportations of Chinese migrants in 2012 and deportations of migrants from ECOWAS member States were accurate. He also invited the delegation to indicate the number of migrants who had been arrested, placed in detention and deported, specifying the regulations governing those procedures.

12. **Mr. Brillantes** asked how many migrant workers were in an irregular situation in Ghana.

13. **Mr. Kariyawasam** asked whether Ghanaian civil society organizations focused their activities on the situation of migrant workers and whether the Ghanaian Government cooperated with the local associations and international organizations dealing with migrants. He would also like to know what action had been taken on the issue of the right to vote of migrant workers and the Ghanaians of the diaspora.

14. **Mr. Tall** asked whether Ghanaian NGOs had participated in the preparation of the initial report of Ghana and whether it had been examined by different State bodies before being adopted. He invited the delegation to describe the specific measures which had been taken to facilitate the implementation of the Convention. He would like to know which procedures foreign migrants had to complete in order to regularize their migratory status in Ghana; whether migrants in an irregular situation, particularly those from ECOWAS countries, had the right to work; and what specific arrangements had been made to enable all migrants living in Ghana to benefit from health services. The delegation might also describe in detail the services provided by Ghanaian embassies and consulates to their nationals abroad. He asked how many migrants in an irregular situation were currently detained in Ghana; where relevant, whether they were detained separately from ordinary detainees; and whether women were separated from men, and adults from children. He would also like to know whether any acts of corruption had been noted, particularly at the

borders; whether they had resulted in prosecutions; and whether migrants had brought cases before the courts.

15. **The Chairperson**, speaking in his capacity as expert, asked how migrants who practised a different religion from the religions in Ghana were treated. He would also like to know why so many Ghanaians emigrated to Libya when that meant crossing numerous borders and thereby exposing themselves to considerable risk. He asked the delegation to state the position of Ghana regarding technical assistance in preparing periodic reports that could be provided to States parties by the Committee.

The meeting was suspended at 10.50 a.m. and resumed at 11.30 a.m.

16. **Mr. Kugblenu** (Ghana) said that the Ghanaian Constitution guaranteed freedom of association to all workers, without discrimination. With regard to street children, the Department of Social Affairs undertook to remedy their situation by placing them in reception centres, providing medical check-ups or granting microcredits to their parents.

17. **Mr. Asima** (Ghana) said that many Ghanaian expatriates had bank accounts abroad that supplemented their pensions when they returned to the country. A thornier issue was that of pensions in the case of less qualified workers. One of the objectives of the new migration policy would be to guarantee a retirement pension to all workers. Statistics concerning qualified Ghanaian workers were difficult to establish, but a forthcoming change in methodology should allow more reliable data to be collected on their destination countries. The contributions of the diaspora to the development of Ghana were numerous. Expatriates remitted funds to their families and, upon their return to the country, set up businesses and allowed their compatriots to benefit from the culture and knowledge gained abroad. Owing to its multisectoral nature, the issue of migration involved NGOs from various areas of competence such as the Assemblies of God Relief and Development Services, ActionAid or Ark Foundation. The association for the reintegration of expatriates participated in Government-organized campaigns with a view to raising awareness among secondary school pupils of the dangers of irregular emigration. In parallel with that cooperation with NGOs, the Government also made considerable use of the media to disseminate information on irregular emigration and prospects offered by Ghana.

18. Migrants detained in Ghana were held in specific centres, in which men and women were separated. In 2011, Ghana had deported a large number of illegal Chinese immigrants who were illicitly exploiting mineral resources. With regard to ECOWAS nationals, protocol A/P1/5/79 recognized their rights of entry, residence and establishment in ECOWAS member States. In Ghana, a person who registered a business automatically acquired the right to reside in the country, which entailed the right to work there. ECOWAS nationals could be deported from Ghana if they did not regularize their situation within the maximum authorized time limit of 90 days. However, the regularization procedures did not pose any particular problem given the many foreign missions in Ghana and the excellent relations maintained with their consular staff. Deportation procedures were handled by the immigration service following a court decision. Regarding the statistics on the subject, he considered that the IOM data were unclear and not very reliable and should undoubtedly be updated. Recognizing the importance of having accurate and up-to-date data in order to design an effective migration policy, Ghana would soon put in place a national database.

19. Regarding the process of preparing the report, the document submitted to the Committee was the result of a cooperative effort among the immigration service, the Ministry of Labour, the Ministry of the Interior, the Ministry of Foreign Affairs, and the services of the IOM in Ghana. With regard to the implementation of the Convention, Ghana had not taken any specific measures. It had focused on making young people and the media aware of the different aspects of migration under the Convention, such as the trafficking of migrants, and familiarizing magistrates with the amended law against illegal trafficking,

with the support of the United Nations Office on Drugs and Crime. Regarding the problem of corruption, all border police officers had to wear a badge with their name in order to be easily identifiable, failing which they incurred administrative penalties. They were also placed under the supervision of the “police of the police”, the Professional Standards Unit.

20. **Mr. Appreku** (Ghana) said he believed that the application of the Convention suffered from a lack of interest from developed countries, but benefited from action carried out by various NGOs in areas related to migration. Technical assistance was essential, particularly for the preparation of reports, since the national administrative bodies were understaffed and Ghana had an obligation to present reports to several committees whose sessions took place at the same time. If the new migration policy was adopted, a commission would be given specific responsibility for the application of the Convention, which would in particular allow the reporting deadlines to be met. In addition, if the national plan against corruption recently adopted by Parliament was a success, Ghana would be able to dispense with 70 per cent of the assistance currently provided to it.

21. The diaspora contribution to the development of Ghana involved not only the remittance of funds, investments in homes for the elderly or donations of ambulances; it also had a democratic and political dimension. For example, the provisions on dual citizenship allowed Ghanaians living abroad to vote in Ghanaian elections. The Diaspora Affairs Bureau also facilitated cooperation between the Ghanaian Government and Ghanaians living abroad. Migrants living on Ghanaian territory could exercise freedom of association, but that was generally within the framework of associations established according to their country of origin rather than their professional activity. The embassies of Ghana should be considered open spaces, whose mission was to provide assistance to all Ghanaians living abroad, for example by issuing identity documents to them or meeting hospital costs if they could not afford to do so. In cases of death of migrants living abroad, the embassies could also be called upon to help finance the repatriation of the body, but the Ghanaian authorities’ role was generally limited to contacting the families, directly or through the media.

22. The Ghanaian Government was endeavouring to make the country’s population more aware of the dangers of travelling abroad with the aim of avoiding a repetition of the situations already described. He said that 15,000 to 20,000 Ghanaian nationals were in Libya, where they were employed in the oil sector or used Libya as a country for transit towards Italy. Those persons were encouraged to register with the Ghanaian mission so that it was informed of their presence there and could organize their evacuation if necessary. The Ghanaians who had been repatriated had been deterred from returning to Libya by the risks they faced, especially since the Ghanaian mission had been moved to Malta.

23. Many NGOs took care of migrant workers in Ghana, even if that was not their main responsibility, such as the NGOs which were active in combating trafficking in persons or the International Federation of Women Lawyers, which provided legal assistance to all persons in Ghana, irrespective of their nationality. The centre for migration studies, which was an academic institution, coordinated the activities of civil society and NGOs. Certain NGOs participated in the development of migration policy and were responsible for the reintegration of Ghanaian migrants in their region of origin. The majority of Ghanaian migrants came from the north and west of the country, where work to prevent irregular migration was carried out.

24. He stated that there was no discrimination on the basis of religion in Ghana, which was a secular State. Christians formed the largest religious community in the country, followed by Muslims; the Ghanaian Government had never persecuted a religious group.

25. **Ms. Dicko** asked whether migrant workers could freely exercise their right to join a trade union of their choice and be part of its leadership.

26. **Mr. Taghizade** asked whether migrant workers who worked in Ghana were entitled to a retirement pension and whether that right was guaranteed by a pension fund, the Ministry of Labour or other institutions. He would like to know whether a pension or disability benefit could be paid abroad.

27. **The Chairperson**, speaking in his capacity as expert, enquired about the efforts of the Ghanaian Government to issue certificates of qualification to migrant workers and members of their families so that they could more easily find work.

28. **Mr. Kugblenu** (Ghana) said that migrant workers were free to join a trade union. That right was guaranteed by the Constitution and by the law on trade unions. In addition, the right to work provided for the payment of benefits in case of disability resulting from an occupational accident.

29. **Mr. Asima** (Ghana) said that the Ghanaian Government recognized the certificates of foreign migrant workers and that they were provided with a certificate of equivalency by the National Accreditation Board. On that basis, a work permit was granted to them. A committee responsible for quotas set the number of foreign nationals who could occupy a post in Ghana, by sector. The diplomas and certificates of Ghanaians who returned from abroad were also recognized.

30. **Mr. Appreku** (Ghana) said that it was Ghana's policy to encourage its nationals to work in international organizations, especially those which provided technical assistance to Ghana. The Ghanaian Public Services Commission had an office in London, which advertised job vacancies to qualified Ghanaians living abroad so that those people could contribute to the country's development.

31. Under Ghanaian law, all workers could join or form a trade union. However, while migrant workers were free to apply for a leadership position in trade unions, they were poorly represented as they came up against competition from Ghanaians. The law also permitted migrant workers to create associations and NGOs but, in practice, interested parties were too few or were misinformed and rarely exercised that right. Migrant workers benefited from the contributory pension and social security schemes. At the end of their period of professional activity, they received a lump sum or could opt for a monthly pension payment. Ghanaian currency was not convertible but the exchange rate regime had been liberalized and foreign currency accounts could be opened in Ghana. Migrant workers could thus draw their pensions after leaving Ghana. The Ministry of Foreign Affairs could step in if there was any malfunctioning in that procedure. He recalled that, since 1992, Ghana had been a constitutional democracy founded on the rule of law and that migrant workers who were not satisfied with the pension paid to them could apply to the courts for compensation.

32. In conclusion, he said that the spirit of dialogue which had characterized the discussions with the Committee had exceeded his expectations. Some of the concerns which had been raised would be taken into account in future legislation and policies. For example, the draft national migration policy, once implemented, would strengthen Ghana's capacity to collect more reliable data and guarantee more effective implementation of the Convention. The Ghanaian Government was willing to provide the Committee members with any additional information they would like. Ghana's policy regarding migrant workers was guided by the principle that they should be treated as it would wish Ghanaian nationals to be treated abroad. Any person who considered him or herself to be a victim of discrimination, including on the basis of nationality or personal status, or who considered that his or her fundamental rights had been violated, could apply to the human rights court. Ghana took its commitments under the Convention very seriously and encouraged neighbouring countries and partners to ratify it. He noted that the term "migrant" referred not only to workers who were unqualified or from developing countries. He called upon

citizens of all nations to combat xenophobic tendencies, including in the realm of sport. Ghana would continue to speak out for the protection of migrant rights, at the Human Rights Council and other bodies, and hoped that the rights of migrants and the link between migration and development would be included in the post-2015 development agenda. Ghana would take due account of the Committee's concluding observations and would submit its next report within the established time limit.

33. **Ms. Ladjel** (Country Rapporteur) congratulated the delegation of Ghana on the candour it had shown during the discussion and expressed the hope that the next report would enable the Committee to assess the progress made in the implementation of the Convention.

The meeting rose at 1 p.m.