



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 Twenty-first session

Summary record of the first part (public)* of the 262nd meeting

Held at the Palais Wilson, Geneva, on Monday, 1 September 2014, at 10 a.m.

Chairperson: Mr. Carrión Mena

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* No summary record was prepared for the second part (closed) of the meeting.

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

Opening of the session

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

Introductory statement by the Representative of the United Nations High Commissioner for Human Rights

2. **Ms. Ray** (Chief of the Civil Society Section, Office of the United Nations High Commissioner for Human Rights (OHCHR)) welcomed the Committee members on behalf of the new High Commissioner, Mr. Zeid Ra'ad Al Hussein, who had taken office that day, and said that her statement would focus on five points. First, General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system had entered the implementation phase. As a result, the Committee had been granted three extra days of plenary time, starting in September 2015, in order to consider more State party reports.

3. Second, it was vital that migration issues were given greater attention in the post-2015 development agenda, currently being drafted. Although the revised draft released in June by the Open Working Group of the General Assembly on Sustainable Development Goals included migrant worker rights among the goals, it did not go far enough. In his opening remarks to the seventh Global Forum on Migration and Development, the Secretary-General of the United Nations had called for the establishment of regular, safe and orderly channels of migration and for a human rights based approach to migration policies and practices as part of the post-2015 development agenda. He had also called upon States to ratify the Convention. A thematic note on incorporating migration into the post-2015 development agenda had been drafted by the working group on human rights and gender equality of the Global Migration Group, which was headed by the United Nations Children's Fund (UNICEF), UN-Women and OHCHR.

4. Third, at its twenty-sixth session, the Human Rights Council had adopted a resolution (A/HRC/26/L.30) on the promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health, in which the Council "[reaffirmed] the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants" and "[called] upon States that [had] not yet done so to consider signing and ratifying ... the Convention". In addition, Mr. Crépeau, the Special Rapporteur on the human rights of migrants, had presented his report on the labour exploitation of migrants (A/HRC/26/35), which revealed that many migrants did not have access to justice and that sanctioning exploitative employers would reduce the size of underground labour markets, thereby limiting irregular migration. The Working Group on Arbitrary Detention had devoted a section of its report (A/HRC/27/47) to vulnerable groups, including migrants.

5. Fourth, it was essential to maintain the synergy between the treaty bodies and civil society in order to advance the United Nations human rights agenda. One of the six priorities of the Office of the High Commissioner was to widen democratic space, to which end the Civil Society Section was providing guidance and services to civil society organizations.

6. Fifth, the Office of the High Commissioner was involved in various other initiatives related to migrant workers, including a film and publication as part of the International Labour Organization's (ILO) Global Action Programme on Migrant Domestic Workers, a paper on recommended principles and guidelines on human rights at international borders and the International Trade Union Confederation World Congress.

7. **Mr. Brillantes** asked whether it might not be more effective for the Committee to suggest tailored, tangible actions rather than simply noting the States parties' shortcomings and issuing general recommendations.
8. **Mr. Kariyawasam** commended Ms. Pillay's achievements and welcomed the new High Commissioner. He expressed the hope that Mr. Al Hussein would be able to expand the scope, and thus the effectiveness, of the Convention by persuading a large number of host countries to ratify it.
9. **Mr. Taghizade**, placing migrant issues and host countries' lack of interest in the Convention in the context of global problems that required prompt solutions, such as demographic growth and climate change, said he hoped that the Committee members would be able to discuss those matters with the High Commissioner in the near future.
10. **The Chairperson**, speaking as a Committee member, pointed out that the Convention had been showcased at a number of international events, but always through the Special Rapporteur on the human rights of migrants. In fact the role of ambassador ought to be played by a Committee member, for, as the world lost count of the tragedies in the Mediterranean, in Ceuta and Melilla and on the United States border with Mexico, a Committee member could help dispel misconceptions regarding the Convention and convince other States, especially emerging regional powers such as Brazil and South Africa, to ratify it.
11. **Ms. Ray** (Chief of the Civil Society Section, OHCHR) assured the Committee members that their message would be conveyed to the new High Commissioner. Increasing the number of ratifications of the Convention was also a priority for the Office of the High Commissioner. She said that, although migration itself was not a thematic priority for OHCHR, it was key to the fight against discrimination, which was one of its focus areas. She agreed with the Committee members that the implementation of treaty body decisions and recommendations was fundamental and that discussions should be held on ways of ensuring that they were actually implemented.
12. **Mr. Smith** (Secretary of the Committee) said that a template list of issues prior to reporting had been completed and that a similar template was being prepared for concluding observations, based on the one developed by the Committee on the Rights of the Child. Once the definitive English version was completed, the template would then be translated into the other languages. The Office of the High Commissioner, in close cooperation with the International Trade Union Confederation and the International Labour Organization, had carried out a campaign for the ratification of the Convention, which had led South Africa to commit to ratifying it. Brazil had also expressed its intention to launch the ratification process.
13. **Ms. Ray** (Chief of the Civil Society Section, OHCHR) said that her Section had published many guides for civil society, including a manual for organizations cooperating with United Nations human rights mechanisms and mandates and a guide on implementing those entities' recommendations. Civil society organizations could also subscribe to an online information service where they could find up-to-date information on the activities of the special rapporteurs and the treaty bodies.

Adoption of the agenda (CMW/C/21/1)

14. **Mr. Smith** (Secretary of the Committee) said that the agenda had been amended given that the Government of Belize had not submitted replies to the list of issues adopted at the eighteenth session or replied to the invitation to send representatives to the current session or to the secretariat's various e-mails, notes verbales and telephone calls. In accordance with rule 31 bis of its rules of procedure, the Committee had decided to consider the situation in Belize in the absence of a report or a delegation. The Human

Rights Committee and the Committee for the Elimination of Racial Discrimination had done the same in 2013 and the Committee on Migrant Workers would follow the practice adopted then: consideration of the report would take place in a public meeting, the country rapporteurs would report to the Committee on the implementation of the Convention by Belize and the Committee members would be able to ask questions and make comments. Replying to a question from Mr. Brillantes, he said that the Committee had a copy of the concluding observations issued by the two other treaty bodies that had considered the situation in Belize in the absence of a report, on which it was free to base itself.

15. *The agenda, as amended, was adopted.*

Organizational matters

16. **The Chairperson** said that, to date, there were 47 States parties to the Convention and 18 signatory States. Three States had accepted the individual complaint procedure. The secretariat had not received any reports since the last session and had sent reminders to the countries whose reports were overdue. Senegal had sent a note verbale to the secretariat, stating that it accepted the new simplified reporting procedure. The reports of the following countries would be considered under the new simplified procedure: Cabo Verde, Guinea, Kyrgyzstan, Seychelles, Sri Lanka, Uganda and Timor-Leste.

17. At the meeting of chairpersons of human rights treaty bodies, held from 23 to 27 June 2014, the discussion had focused on the role of chairpersons in achieving the goals set by the General Assembly in resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, and on the harmonization of treaty body working methods. Some treaty bodies were having difficulties adapting to the new methods, but the Committee on Migrant Workers already functioned in line with the provisions of resolution 68/268 and very few changes would have to be made to its working methods. Another meeting of chairpersons would be held shortly in order to adopt all the terms set forth in the resolution.

18. Concerning the promotion of the Convention, he, along with the chairpersons of the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination, had issued a joint press release on the tragic situation of unaccompanied children and adolescents arriving at the border between the United States of America and Mexico; it had had quite an impact. He was hoping to travel to Brazil to further discuss that country's ratification of the Convention, but it had not yet been possible to do so. He had organized a seminar at the Ecuador Faculty of Social Sciences on the issue of unaccompanied minors on the United States-Mexico border. He had also given three lectures in Ecuador on the Committee's activities and had participated in press conferences to promote the Convention and its ratification by developed host countries.

19. Three days would be added to the Committee's September 2015 session, enabling it to consider a greater number of reports. He recalled that, at its current session, the Committee would have to adopt the list of issues for the initial report of Peru. In accordance with the simplified reporting procedure, the Committee would adopt lists of issues prior to reporting for Lesotho and Mauritania. The Committee would also discuss the implementation of resolution 68/268 with the Director of the Human Rights Treaties Division as well as the drafting of a new general comment on children in the context of migration, which would be presented by Mr. Ceriani Cernadas.

20. **Mr. Tall** pointed out that communication between the Committee and States parties should be improved so that the latter obtained information relevant to the Committee's work in a timely manner. He mentioned the example of Senegal, which had only recently accepted the simplified reporting procedure simply because it had not been aware of its existence before then.

21. **Mr. Ceriani Cernadas** said that the Congress of Brazil was preparing to ratify the Convention and had invited the Committee to visit. The visit would probably not take place until after the October 2014 elections and no date had been confirmed. In July 2014, he had participated in a meeting organized by the Uruguayan Government and civil society regarding the follow-up and implementation of the Committee's recommendations by the State party.

22. **Ms. Ladjel** noted that the Committee had discussed the issue of migrant children on the United States-Mexico border on numerous occasions, but that similar problems arose in other regions of the world, such as in Africa, where many children found themselves alone, were not always assisted by the State and sometimes fell victim to economic exploitation rings. She recalled that the Committee had considered collaborating on this issue with the Committee on the Rights of the Child. The Committee should formulate a consistent and pragmatic strategy for the promotion of the Convention, involving all relevant actors, including civil society and the media.

23. **Ms. Castellanos Delgado** stressed that the situation of migrant children was increasingly acute and was an absolute tragedy. The Committee should do all it could to convince countries who had not yet done so to ratify the Convention, given that migration issues affected all countries in the world.

24. **Ms. Dicko** suggested that, in order to improve communication between the Committee and States parties, the Committee should send the States copies of its correspondence with diplomatic missions. The governments would convey them to the relevant ministry and bodies, which could then follow the Committee's work more closely. Regarding the promotion of the Convention, she pointed out that the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), in which a former secretary of the Committee was working, had organized in August 2014 a workshop on reporting to United Nations human rights treaty bodies. Two Committee members had taken part and had provided guidance on reports to the Committee.

25. **Mr. Pime** welcomed the idea of a general comment on children's rights in the context of migration because it was an issue that affected all the regions of the world. He had recently met with a representative of the Council of Europe Commissioner for Human Rights, who had said that the Commissioner was particularly interested in the subject of migrants. The speaker suggested that the Committee should look into ways of collaborating with the Council of Europe on promoting the Convention. He recalled that the Committee had decided at its previous session that it would prepare a programme of activities, complete with goals and time frames, for the promotion of the Convention.

26. **Mr. El-Borai** said that communication and information efforts should be geared toward migrant workers themselves. He noted that, in Arab countries, migrant workers were especially affected by problems stemming from conflict, such as on the Libyan borders with Egypt and Tunisia, given that many Egyptian and Tunisian nationals worked in Libya. He asked whether the Committee could find a way to respond when a regime violated the rights of migrant workers. The Convention was still being disseminated in Egypt, including in universities, and that had led to a recent advance, namely that the Constitution of 2014 guaranteed migrant workers the right to vote and to run in national elections.

27. **Mr. Kariyawasam** said that the Committee should focus its efforts more on issues directly relevant to its mandate and avoid spreading itself too thin by addressing related issues such as the fate of refugees or migrants in an irregular situation. He suggested that the Committee should hold an informal discussion on that matter in a closed meeting.

28. **The Chairperson** invited the NGO representatives to take the floor.

29. **Ms. Simeone** (Global Migration Policy Associates), presenting elements of her work on the rights of migrant workers in Mauritania and Lesotho, said that Mauritania was now host to some 300,000 migrants, most of whom worked in the informal economy and were in an irregular situation. The main issues connected with that situation were the recruitment of irregular migrants, trafficking, forced labour, deprivation of liberty, insecurity and mass expulsions. In Lesotho, the growth in the number of migrants over the past few years had sparked a rise in xenophobia, especially towards migrants of Chinese origin, negatively impacting their right to protection and non-discrimination. Therefore, the Government of Lesotho should take steps to ensure that relevant policies were implemented in a consistent and non-discriminatory manner. Furthermore, it should combat trafficking and the unlawful recruitment of Basotho migrants for dangerous and degrading work in South Africa, chiefly in gold and diamond mines. In 2010, some 400,000 Basotho migrants had been living outside the country. Her organization hoped that its detailed information on the subject might be of use to the Committee when it considered the reports of Mauritania and Lesotho as States parties to the Convention.

The first part (public) of the meeting rose at 12.20 p.m.