



# 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

### Concluding observations on the third periodic report of Ecuador\*\*

1. The Committee examined the third periodic report of Ecuador (CMW/C/ECU/3) at its 361st and 362nd meetings (CMW/C/SR.361 and 362), held on 4 and 5 September 2017. At its 371st meeting, held on 11 September 2017, the Committee adopted the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the State party's third periodic report, which was prepared in response to the list of issues prior to reporting (CMW/C/ECU/QPR/3), and the additional information provided during the dialogue with the multisectoral delegation, which was headed by the Deputy Minister for Human Mobility, José Luis Jácome, and included representatives of the Ministry of Foreign Affairs and Human Mobility, the Ministry of the Interior, the Counsel General's Office and the Permanent Mission of Ecuador to the United Nations Office in Geneva. The Committee appreciates the frank, open and constructive dialogue held with the delegation.

3. The Committee is aware that Ecuador, as a country of origin of migrant workers and members of their families, has made progress in protecting the rights of its nationals abroad. It also notes, however, that, as a transit and destination country, Ecuador faces a number of challenges in terms of the protection of the rights of migrant workers present in its territory.

4. The Committee notes that some of the countries of destination of Ecuadorian migrant workers have not yet become parties to the Convention, which may make it difficult for migrant workers to avail themselves of the rights to which they are entitled hereunder.

#### B. Positive aspects

5. The Committee takes note of the State party's ratification of or accession to the following international treaties:

(a) The International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189);

(b) The International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156).

\* Reissued for technical reasons on 30 January 2018.

\*\* Adopted by the Committee at its twenty-seventh session (4–13 September 2017).



6. The Committee takes note of the adoption of the following legislation:

- (a) The Organic Act on Human Mobility and its implementing regulations, in 2017;
- (b) The Organic Act on Labour Justice and Recognition of Housework, in 2015;
- (c) The Organic Act on National Equality Councils, under which national councils were established to address issues relating to gender equality, intergenerational equality, equality of peoples and nationalities, equality in respect of disability and equality as it relates to human mobility, in 2014.

7. The Committee takes note of the adoption of the following institutional policies and measures:

- (a) The National Agenda on Equality for Human Mobility, 2013–2017;
- (b) The National Agenda for Intergenerational Equality, 2013–2017;
- (c) The National Plan for Good Living (*Buen Vivir*), 2013–2017;
- (d) The Human Mobility Programme of the government of the Province of Pichincha, which provides legal assistance, psychological counselling and other services to migrants and to Ecuadorian returnees.

## C. Principal subjects of concern and recommendations

### 1. General measures of implementation (arts. 73 and 84)

#### Legislation and application

8. The Committee notes that, pursuant to article 424 of the Constitution, international human rights treaties form part of the national legislation applied in the State party, that the rules laid down in the Convention have been fully in force since 5 February 2002 and are directly applicable through the judiciary of the State party, and that anyone may therefore invoke the Convention in court proceedings. The Committee is nonetheless concerned about the lack of information on the application of the Convention by national courts.

9. **The Committee invites the State party to provide information in its fourth periodic report on the application of the Convention by national courts or, at a minimum, on the obstacles to its application.**

#### Articles 76 and 77

10. **The Committee takes note of the State party's indication in its third periodic report that steps are being taken to assess the possibility of making the declarations provided for in articles 76 and 77 of the Convention pursuant to recommendations made by the Committee. In this connection, the Committee urges the State party to recognize the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of their rights as established by the Convention.**

#### Ratification of relevant instruments

11. **The Committee recommends that the State party consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) as soon as possible.**

#### Coordination

12. The Committee takes note of the information provided by the State party, in its report and in the constructive dialogue, on the role of the national equality councils in addressing issues relating to gender equality, intergenerational equality, equality of peoples and nationalities, equality in respect of disability and equality as it relates to human

mobility and on initiatives to mainstream these issues in public policy. The Committee is concerned, however, by reports of delays in the fulfilment of the mandate of the National Council on Equality in Human Mobility and in the implementation of the above-mentioned mainstreaming initiatives, as well as insufficient coordination between the Council, the Office of the Deputy Minister for Human Mobility and other national and local institutions of efforts to give effect to the rights established in the Convention and the Organic Act on Human Mobility.

**13. The Committee recommends that the State party redouble its efforts to improve coordination among ministries and agencies at all levels of government (national and local) with a view to giving effect to the rights protected under the Convention. To that end, the Committee encourages the State party to make further progress in clearly establishing mechanisms for coordinating, managing and following up on all issues related to labour migration. In particular, the Committee recommends that measures be taken as soon as possible to strengthen the work of the National Council on Equality in Human Mobility in order to ensure that the Convention is mainstreamed and applied in full. It also recommends that protocols be developed for assisting persons in situations of human mobility. Lastly, it recommends that express provision be made, under the Organic Act on Human Mobility, for mechanisms to coordinate the work of the lead agency for migration control with that of the National Council on Equality in Human Mobility and urges the State party to facilitate the participation of migrants in the Council.**

#### **Data collection**

14. The Committee takes note of the efforts of the National Statistics and Census Institute to improve the data-collection procedures of the National Directorate for Migration, in particular with a view to the annual publication of a yearbook on immigration and emigration up to the year 2015. The Committee nevertheless notes that statistical information on migration is limited to records of entries and exits at official crossing points and does not reflect the magnitude of migration flows in the State party. In the Committee's view, the shortage of statistical data on migration to, from and through the State party, especially by migrant workers in an irregular situation and their families, is regrettable, as is the lack of comprehensive rights-based qualitative data, including more disaggregated data on persons who have been denied entry or deported and on the steps taken to ensure that the rights and guarantees established by the Convention are upheld in these situations.

**15. The Committee recommends that the State party establish a centralized database for the collection of qualitative and quantitative information and statistics on migration that cover all aspects of the Convention, including migrant workers in an irregular situation, and that it collect detailed data on the situation of migrant workers in the State party. The Committee encourages the State party, in accordance with Sustainable Development Goal 17.18, to collect information and statistics disaggregated by gender, age, nationality, ethnicity, disability, reason for entering or leaving the country and occupation in order to provide effective guidance for the relevant policies and for the application of the Convention. The Committee also recommends that the State party work with its consular and diplomatic offices abroad to collect migration data, including data on the living conditions of migrants in an irregular situation and on trafficking victims. Where precise information cannot be obtained, as in the case of migrant workers in an irregular situation, the Committee would appreciate receiving information based on studies or estimates.**

#### **Training on and dissemination of the Convention**

16. The Committee notes that the Ministry of Foreign Affairs and Human Mobility has developed a project under which activities related to human mobility will be implemented in 2017. The Committee reiterates, however, that it is concerned about the lack of information on the Convention and the rights enshrined therein and of specific, permanent training programmes in that area. Also of concern is the insufficient dissemination of this information among relevant stakeholders, especially national, regional and local authorities, law enforcement officials, judges, prosecutors, public defenders, immigration officers, the

relevant consular officers and social workers, as well as civil society organizations, universities, media outlets, and migrant workers and their families.

**17. The Committee reiterates its recommendation that the State party strengthen and expand education and training programmes on the content of the Convention with a view to ensuring that they are provided on an ongoing basis and that these programmes encompass all officials and other persons whose work involves migration. It also recommends that the State party ensure that migrant workers have access to information on the rights to which they are entitled under the Convention and that it work with universities, civil society organizations and media outlets in disseminating information on the Convention and promoting its implementation.**

## **2. General principles (arts. 7 and 83)**

### **Non-discrimination**

18. The Committee notes that, in addition to the Convention, the State party has ratified all of the core international human rights treaties, which prohibit discrimination of any kind, and that these instruments are part of the national legislation applicable in the State party pursuant to article 424 of the 2008 Constitution. It also notes that the State party's constitutional and legislative framework incorporates anti-discrimination provisions. The Committee nonetheless remains concerned at the fact that, even though the Constitution expressly recognizes that Ecuadorian nationals and persons of other nationalities have equal rights and obligations (art. 9) and enshrines the principle of non-discrimination on grounds of national origin, immigration status or judicial record (art. 11.2), the Organic Act on Human Mobility provides for the treatment of the population of a different national origin in a manner that is inconsistent with these principles and conducive to discriminatory treatment. The Committee is concerned to note that:

(a) Foreign nationals are defined solely as those who "are in the national territory with the immigration status of temporary visitor or resident" (Organic Act on Human Mobility, art. 42), which can be interpreted so as to restrict the exercise of rights;

(b) The Organic Act on Human Mobility (art. 3.1) appears to limit the term "immigration status" solely to those who are in a regular situation, thereby restricting the constitutional principle of non-discrimination on grounds of immigration status in a manner that excludes persons whose immigration status is irregular;

(c) There continues to be a negative perception of foreign nationals, especially Colombians, Peruvians, Cubans and Venezuelans, as well as nationals of various African and Asian countries, who are seen as a potential national security risk or threat. Of particular concern is the xenophobia observed in relation to the population of Colombian origin.

**19. The Committee recommends that the State party adopt all necessary measures, including legislative reforms, to ensure that all migrant workers and members of their families, whether documented or undocumented, who are within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without discrimination, in accordance with article 7 thereof. It specifically recommends that the State party embark on an inclusive process of amending the Organic Act on Human Mobility and its implementing regulations in order to adapt them to the parameters laid down in the Constitution and in international human rights instruments, with input from civil society and from organizations and institutions working to protect the rights of persons in situations of human mobility in the State party.**

### **Right to an effective remedy**

20. The Committee notes with satisfaction that, according to the State party, various remedies are available to migrant workers and members of their families whose rights have been violated and that proof of immigration status is not required in order to have access to the justice system. It also takes note of the information provided by the delegation on the judicial remedies available to persons faced with deportation. It notes with concern,

however, that no such remedies are provided for under the Organic Act on Human Mobility and that detailed information on the effective application of that law has not been furnished.

21. **The Committee recommends that the State party ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have the same opportunities as nationals of the State party to file complaints and obtain redress in the courts when their rights under the Convention have been violated. The Committee also recommends that the State party amend the Organic Act on Human Mobility and its implementing regulations in order to explicitly define the effective judicial remedies to which persons may have recourse in order to ensure that independent, impartial courts review administrative decisions regarding deportation, the revocation of visas and denial of admission. In particular, it recommends that the State party take the necessary steps to ensure that administrative and judicial appeals have suspensive effect and to guarantee that children who may be affected by such decisions are able to exercise their right to be heard. Lastly, the Committee recommends that steps be taken to ensure that judges, prosecutors and public defenders receive training regarding the rights protected under the Convention.**

### 3. Human rights of all migrant workers and members of their families (arts. 8–35)

#### Right to liberty

22. The Committee takes note of the information provided by the State party on the closure of the Hotel Carrión temporary reception centre, where migrant workers were held in detention, and notes with satisfaction that the Organic Act on Human Mobility prohibits deprivation of liberty in the context of immigration proceedings. The Committee is concerned, however, about the lack of information on cases of detention of migrant workers and members of their families prior to the enactment of this new law, as well as reported cases of temporary detention at Quito International Airport.

23. **The Committee recommends that the State party take the necessary measures to ensure full compliance with the legislative prohibition of deprivation of liberty for migration-related reasons. The Committee recommends that the State party carry out a thorough investigation in order to detect possible cases of arbitrary detention predating the above-mentioned reform and, should such cases come to light, that it establish accountability and provide adequate reparation. The Committee urges the State party to ensure that, in procedures for admission and entry at airports, the non-detention principle is observed and access to the Ombudsman's Office and public defender services is guaranteed in the context of these procedures.**

#### Deportation

24. The Committee notes that article 66, paragraph 14, of the State party's Constitution prohibits the collective expulsion of foreigners and provides that immigration procedures must be individualized. It also takes note of the administrative remedies available to migrant workers in deportation cases and of the information provided by the State party on the provision of legal assistance in such proceedings by the Public Defender Service. Nonetheless, despite the provision made for judicial remedies in the Organic Act on Human Mobility, the Committee is concerned about the lack of detailed information on how, in actual practice, the right of migrant workers and members of their families to free legal assistance in deportation cases is exercised.

25. **The Committee recommends that the State party take all necessary measures to ensure, regardless of the immigration status of the persons in question, the effective implementation of guarantees concerning due process and access to justice and to ensure that deportation measures are reviewed by an independent and impartial authority and that administrative and judicial appeals against such measures have suspensive effect. The State party is urged to review the grounds for denial of entry and for deportation, including the broad category "considered a threat or security risk", with a view to bringing them fully into conformity with the Convention.**

26. The Committee is also concerned by reports about the detention and collective deportation of a group of more than 100 Cuban nationals, which reportedly included children, adolescents and older persons, in July 2016. The Committee is concerned as well about reports that these individuals were not given access to an effective remedy with suspensive effect or the opportunity to challenge the decision, as guaranteed by the Convention. It is noteworthy that judicial release orders in this case were revoked by the executive branch.

**27. The Committee recommends that the State party carry out a thorough and independent investigation with a view to identifying human rights violations, establishing accountability and providing reparation in accordance with the Convention and other human rights instruments. The Committee urges the State party to disseminate information on the findings of that investigation and the measures taken pursuant thereto.**

28. The Committee takes note of the information provided by the State party with respect to the immigration situation of the French-Brazilian journalist Manuela Picq and expresses satisfaction that there are no restrictions on her admission to Ecuador or on the visa which allows her to stay in the country. However, the Committee is concerned about reports that due process was not observed in the cancellation of her visa and her alleged deprivation of liberty.

**29. The Committee recommends that the State party conduct an impartial investigation into what occurred in the case of Ms. Picq and take the necessary steps to ensure that, when applications for entry and residence visas are submitted, guarantees are provided in respect of the conditions established in the Organic Act on Human Mobility regarding migration categories and regularization, including the rights set forth in the Convention, the Residency Agreement for Nationals of MERCOSUR and Associated States Parties, and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

#### **Consular assistance**

30. The Committee notes the progress made by the State party in improving and expanding its consular services through the adoption of protocols for assisting migrant workers and protecting their rights. The Committee is nonetheless concerned about the lack of information on the human and financial resources available to the State party's consulates in the United States of America and in European countries, especially Spain and Italy, for the purpose of providing migrant workers with adequate protection and assistance.

**31. The Committee recommends that the State party take the necessary measures to ensure that its consular services effectively meet the needs of Ecuadorian migrant workers and members of their families for assistance and protection of their rights, including the allocation of sufficient human and financial resources and the conduct of ongoing training programmes for consular staff on the Convention and other human rights instruments. The Committee urges the State party to take the necessary steps to ensure that the applicable regulations define the role to be played by the overseas offices of the Ombudsman in protecting the rights of migrant workers and members of their families and specify how they are to coordinate their work with the relevant consulates. It also urges the State party to ensure that these offices have the resources they need in order to perform that task.**

#### **Health care**

32. The Committee notes that both the Constitution and the Organic Act on Human Mobility prohibit discrimination with respect to people's access to their rights on the grounds of nationality or immigration status. However, under article 52 of the Organic Act on Human Mobility, which concerns the right to health, this prohibition of discrimination is limited to emergency medical care.

**33. The Committee recommends that the State party redouble its efforts to ensure that all migrant workers and members of their families, regardless of nationality and immigration status, are able to exercise the right to enjoy the highest attainable**

**standard of health in accordance with the Convention, the International Covenant on Economic, Social and Cultural Rights, and general comment No. 14 (2000) on the right to the highest attainable standard of health and general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights of the Committee on Economic, Social and Cultural Rights.**

### **Education**

34. The Committee notes that, under the State party's domestic legislation, all children living in Ecuador, including the children of migrant workers, are entitled to have access to the education system. The Committee is nonetheless concerned at the persistence of discrimination in educational institutions on the part of authorities, teachers and parents against children and adolescents of a different national origin. It is also concerned by the lack of information on specific programmes for ensuring that migrant workers and members of their families have effective access to education in the State party.

35. The Committee recommends that the State party take practical, effective measures to ensure that migrant workers and especially their children have access to the education system by, *inter alia*, putting a stop to discrimination against children and adolescents of a different national origin. In particular, it recommends the strengthening of measures to safeguard the right to education for migrant children and the children of migrants, including the issuance of certificates of accreditation of their studies. In addition, it urges the State to facilitate access to education for the children of returning migrants by simplifying documentation requirements.

#### **4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)**

##### **The rights to vote and to be elected in the State of origin**

36. The Committee is concerned by the fact that it has not received sufficient information about the effective exercise by Ecuadorian migrants of their right to participate in the public affairs of their State of origin, to vote and to be elected in elections organized by that State. The Committee also notes that it does not have sufficient information on the right to vote and participate in public affairs of migrant workers residing in Ecuador.

37. The Committee invites the State party to provide information in its next periodic report on the means by which Ecuadorians living abroad can participate in the public affairs of the State party and on what percentage of those citizens vote in presidential and legislative elections. The Committee encourages the State party to take all necessary steps to ensure that Ecuadorian migrants are able to exercise their right to vote, including, for example, the organization of information campaigns targeting them. The Committee also urges the State party to intensify its efforts to facilitate the political participation of migrant workers residing in Ecuador and the exercise of their voting rights.

#### **5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64–71)**

##### **Sound, equitable and humane conditions for international migration**

38. The Committee takes note of the ratification by the State party of the Residency Agreement for Nationals of MERCOSUR and Associated States Parties by means of the instrument published in Issue No. 209 of the *Registro Oficial* in 2014 and of the domestic regulations set forth in Ministerial Agreement No. 00003, which establish that the recipients of this category of visas in Ecuador shall be the nationals of Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Paraguay, Peru and Uruguay. Nonetheless, the Committee is concerned that, in view of the cost of the visas provided for in the Agreement (between US\$ 50 and US\$ 300 per person) and given the living situations of many migrants and members of their families, these visas could be unaffordable.

39. **The Committee recommends that the State party adopt the necessary legislative, operational and/or other measures required in order to ensure that permanent, non-discriminatory mechanisms for the regularization of migration status are accessible and affordable.**

#### **Children and adolescents in the context of migration**

40. The Committee takes note of the adoption of a protocol for processing the cases of children and adolescents seeking asylum. It is concerned by the fact, however, that article 129, paragraph 2, of the Organic Act on Human Mobility prohibits the entry of unaccompanied children who do not have the permission of their parents or legal guardians.

41. **The Committee recommends that the State party take the necessary steps to ensure that all unaccompanied children and adolescents are able to enter its territory so that — without any distinction being made and regardless of whether he or she is or is not an asylum seeker — an evaluation and determination of the best interests of the child may be conducted with a view to identifying and applying protection measures immediately and on an ongoing basis and extending the appropriate human rights guarantees in each case. The authorities responsible for the comprehensive protection of children and adolescents should play a pivotal role in implementing these procedures and in applying the measures that are adopted.**

#### **Regularization**

42. The Committee takes note of the procedures used for the regularization of foreign nationals in 2016 and, in particular, the information provided by the State party concerning the regularization of Haitian, Venezuelan, Peruvian and Dominican citizens. The Committee is concerned, however, about the fact that all categories of migrant applicants are required to demonstrate that they have a “lawful means of earning their livelihood” in order to regularize their status in the State party (arts. 56, 61.5 and 86.6 of the Organic Act on Human Mobility), since this introduces an element of discretionality; in addition, many persons, particularly immigrants who work independently in the informal sector, may be unable to meet this requirement. The Committee reiterates the concern it expressed earlier (CMW/C/ECU/CO/2, para. 33) regarding the fact that current procedures for the regularization of members of the migrant population may be difficult to access because of the cost or distances involved.

43. **The Committee reiterates its earlier recommendation (CMW/C/ECU/CO/2, para. 33) and encourages the State party to redouble its efforts to design and implement a comprehensive policy on the regularization of migrants’ status that will ensure that regularization is accessible and affordable for all migrant workers and members of their families who are in an irregular situation. In particular, the Committee recommends that the State party:**

(a) **Adopt measures, including, for example, the issuance of humanitarian visas, to facilitate the regularization of the status of persons who come from countries that are not members of MERCOSUR — in particular persons from African and Asian countries — and persons, such as Venezuelans, who find themselves in positions of vulnerability;**

(b) **Include specific wording in the Organic Act on Human Mobility and in secondary legislation that provides greater clarity regarding the possibility of gaining access to regularization;**

(c) **Ensure that fines levied as penalties for migration-related offences (e.g., visa overstays) do not block access to regularization mechanisms;**

(d) **Ensure that, when consideration is being given to the possible revocation of residence visas or denial of regularization applications, due weight is given to the right to family life, the rights of the child and other factors relating to rights protected under the Convention.**

### **Return and reintegration**

44. The Committee notes the establishment of the Directorate for the Integration of Returning Migrants, which has eight branches in the eight district coordination offices located throughout the State party, and takes note of the various support programmes in place for returning migrants, in particular the Assisted Return Programme, business plans, employment programmes, and loan and housing subsidy programmes for returning migrants. However, the Committee regrets the lack of information on the impact that these programmes have in providing assistance to migrant workers and members of their families and promoting their reintegration in terms of their rights under the Convention.

45. **The Committee recommends that the State party intensify its efforts to uphold the rights of migrant workers and members of their families who are returning to the country — whether voluntarily or because they have been deported — and assist them in order to ensure that their return and reintegration process proceeds satisfactorily. It recommends, in particular, that emergency aid units be set up at international airports to assist arriving deportees. The Committee urges the State party to strengthen its efforts to achieve returnees' lasting integration into the economic, social and cultural fabric of Ecuador based on the rights set forth in the Convention and in other international instruments ratified by the State party.**

### **Trafficking in persons**

46. The Committee notes that the State party has adopted significant legislative, political and institutional measures to combat human trafficking and related practices, including the Comprehensive Criminal Code (2014), the establishment of the Inter-Agency Coordinating Committee for the Prevention of Human Trafficking and Smuggling of Migrants and for Victim Protection, and the conclusion of anti-trafficking memorandums of understanding and cooperation agreements with countries of the Andean region, such as Chile, Colombia and Peru. The Committee is troubled, however, by:

- (a) The absence of a comprehensive legislative framework for efforts to combat trafficking in persons;
- (b) The fact that action in this connection is guided by the National Plan against Trafficking in Persons of 2006, which is not suited to the present situation in the country with respect to human trafficking;
- (c) The shortage of shelters for trafficking victims;
- (d) The insufficient allocation of human and financial resources for the prevention and elimination of human trafficking.

47. **The Committee recommends that the State party continue its efforts to combat trafficking in persons and, in particular, that it:**

- (a) **Adopt all necessary measures to fully apply the provisions for combating human trafficking contained in the Organic Act on Human Mobility and its implementing regulations;**
- (b) **Intensify its campaigns for the prevention of migrant smuggling and take appropriate steps to counter the dissemination of misleading information about emigration and immigration;**
- (c) **Augment the training courses on methods of combating human trafficking that are provided to police and other law enforcement officers, border guards, judges, prosecutors, labour inspectors, teachers, health-care personnel and the staff of the State party's embassies and consulates;**
- (d) **Undertake swift, effective and impartial investigations in all cases of human trafficking and related offences, prosecute and punish the perpetrators of such acts and promptly process all complaints against perpetrators of human trafficking;**
- (e) **Allocate sufficient human and economic resources to the Inter-Agency Coordinating Committee for the Prevention of Human Trafficking and Smuggling of**

**Migrants and for Victim Protection so that it is able to effectively apply strategies for preventing and eliminating human trafficking;**

(f) Redouble its efforts to identify persons who have been trafficked and provide protection and assistance to all trafficking victims by, in particular, furnishing them with lodging, medical attention and psychosocial support and adopting other measures that will facilitate their reintegration into society;

(g) Step up its international, regional and bilateral cooperation in efforts to prevent and combat trafficking in persons;

(h) Take steps to eradicate the structural causes of human trafficking, especially male chauvinism, adultcentrism, racial discrimination and factors that impede access to employment and education;

(i) Amend the Organic Act on Human Mobility so that it guarantees appropriate means of regularizing migrants' status and providing special protection for the rights of human trafficking victims;

(j) Set up a separate system for providing special protection for trafficking victims that is not part of the Victim and Witness Protection System and strengthen measures for the provision of comprehensive reparation;

(k) Update the 2006 National Plan against Trafficking in Persons;

(l) Strengthen programmes and initiatives aimed at preventing human trafficking for purposes of labour exploitation and ensure that they include comprehensive victim protection measures;

(m) Greatly expand the network of shelters for trafficking victims, including those intended for adults.

## **6. Follow-up and dissemination**

### **Follow-up**

48. The Committee requests the State party to include detailed information in its fourth periodic report on the measures taken to give effect to the recommendations made in these concluding observations. The Committee recommends that the State party take all appropriate steps to ensure that these recommendations are put into effect by, inter alia, transmitting them to members of the Government, the National Assembly, the judiciary and local authorities for consideration and action.

49. The Committee requests the State party to invite civil society organizations to take part in the effort to give effect to the recommendations made in these concluding observations.

### **Follow-up report**

50. The Committee requests the State party to provide information in writing within two years' time — that is to say, by 1 October 2019 — concerning the action taken to give effect to the recommendations that appear in paragraphs 13, 25, 27, 29 and 47 herein.

### **Dissemination**

51. The Committee also requests the State party to disseminate the Convention and these concluding observations widely, especially to public agencies, the judiciary, non-governmental organizations and other members of civil society in order to increase awareness of the Convention among the judicial, legislative and administrative authorities, civil society and the public at large.

## **7. Technical assistance**

52. The Committee recommends that the State party seek international assistance, including technical assistance, in the design of a broad-ranging programme aimed at

implementing the above-mentioned recommendations and the Convention as a whole. It also urges the State party to continue its cooperation with specialized agencies and programmes of the United Nations and that, *inter alia*, it request technical assistance and capacity-building support for the preparation of its reports from the Office of the United Nations High Commissioner for Human Rights.

#### 8. Next periodic report

53. The Committee requests the State party to submit its fourth periodic report by 1 October 2022 and to include information on its implementation of these concluding observations. The State party may wish to opt for the simplified reporting procedure whereby the Committee would transmit a list of issues to the State party prior to the submission of its next report. The State party's replies to that list would then constitute its report under article 73 of the Convention. This new optional procedure was approved by the Committee at its fourteenth session in April 2011 (A/66/48, para. 26).

54. The Committee draws the State party's attention to its guidelines for the preparation of periodic reports (CMW/C/2008/1) and wishes to remind it that, pursuant to General Assembly resolution 68/268, the report should not exceed 21,200 words in length. If the report exceeds the word limit, the State party will be requested to shorten the report in order to comply with the aforementioned guidelines. If the State party is not in a position to revise and resubmit its report, the translation of the report in time for its review by the treaty body cannot be guaranteed.

55. The Committee requests the State party to ensure the broad participation of all ministries and public bodies in the preparation of its next periodic report (or the replies to the list of issues if it opts for the simplified reporting procedure) and, during that time, to carry out broad consultations with all interested parties, particularly civil society, organizations that defend the rights of migrant workers and human rights organizations.