



**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

Second session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)*
OF THE 16th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 28 April 2005, at 11.25 a.m.

Chairperson: Mr. KARIYAWASAM

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* The summary record of the first part (closed) of the meeting appears as document CMW/C/SR.16.

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The public part of the meeting was called to order at 11.25 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Comparison of terminology in the Convention with that in other international and regional instruments (CMW/C/2/L.1)

1. The CHAIRPERSON drew attention to a working paper prepared by the secretariat which compared the terms used in the Convention with those contained in other international and regional instruments (CMW/C/2/L.1). The International Organization for Migration (IOM) had also distributed a glossary at the meeting with intergovernmental organizations the previous day. Neither document was official and differences of opinion on terminology arose even between intergovernmental organizations such as IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR).
2. Ms. EDELENBOS (Secretary of the Committee) said that the secretariat document expressed no opinion on the definitions it contained, in some cases citing only the Convention itself and in others adding citations from relevant international or regional instruments. For instance the term “remunerated activity” in articles 1 and 51 of the Convention was not defined. However, the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100) contained a definition of the term “remuneration” that might be relevant. An interesting point was that the definition of the term “migrant worker” in the Convention was different from that contained in the ILO Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100). Moreover, the latter definition was in turn different from that contained in the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
3. The CHAIRPERSON said that the paper was not for adoption but was simply intended as a working tool.
4. Ms. CUBIAS MEDINA said that the term “trabajador migrante” in Spanish, which everybody understood, had not been approved by the Real Academia Española, the institution responsible for regulating the Spanish language. The term “trabajador migratorio” was used instead.
5. The term “State of employment” used in the Convention might cause confusion because other terms such as “State of destination” or “receiving State” were more widely used elsewhere, for instance in the context of the Regional Conference on Migration in North and Central America (the Puebla Process). She suggested inserting a footnote in the terminology paper to that effect.
6. Mr. EL-BORAI, thanking the secretariat for a very useful paper, noted that the ILO instruments cited referred to persons “regularly admitted” as migrants, whereas the United Nations Convention also afforded protection to irregular and undocumented migrant workers.
7. Mr. ALBA noted with satisfaction that the definition of a migrant worker used in the IOM glossary was that contained in the Convention.

8. Ms. EDELENBOS (Secretary of the Committee) said that one of the main purposes of the terminology paper was to alert the Committee to dissimilarities that might be reflected in State party reports between Convention definitions and those in other instruments. The Committee members were free to propose additions or revisions as and when they wished.

Day of general discussion

9. The CHAIRPERSON drew attention to a revised version of the concept paper for the day of general discussion to be held at the Committee's third session. All States Members of the United Nations with missions in Geneva would be invited to attend. If a large number accepted the invitation, the discussion day might be extended to a day and a half.

10. Ms. EDELENBOS (Secretary of the Committee) read out the following concept paper, entitled "Protecting the rights of all migrant workers as a tool to enhance development":

"Understanding the Convention and the rights enshrined in it as a tool for development is a timely topic for a day of general discussion. Members have already expressed the wish to combine a discussion on the Convention's potential for development with the urgent need to clarify certain widespread misconceptions about the rights contained in the Convention. Migration is sometimes perceived as hindering development, for instance in the case of brain drain in developing countries, and as an obstacle to full employment for nationals and economic stability in developed countries. The discussion day will be aimed at highlighting the positive contribution that the protection of migrant rights can make to the development of both sending and receiving countries.

For instance, many receiving countries experience changes in their demographic and social composition and in order to preserve their economy increasingly rely on migrant workers, who often perform jobs for which no local work force is available. At the same time, remittances sent back by migrant workers are an important contribution to the development of their home country and the return of migrant workers to their home country may have a positive effect on the economy because of the additional experiences gained outside.

During the day of general discussion, some fundamental issues may be tackled in the form of questions posed to the participants, who can contribute to the discussion through written and oral statements and/or experts' presentations. The debate could serve as the basis for clarification of issues and generate ideas, comments and responses to these challenges. The following could be, inter alia, some of the outstanding questions:

1. How does application of the provisions of the Convention protecting rights of migrant workers contribute to economic and social development?
2. In the context of globalization and increasing cross-border movements, how does protection of the human rights of migrants foster their capacity to obtain decent work and contribute to the economy of both countries of origin and countries of employment?

3. Can Part VI of the Convention (on promotion of sound, equitable, humane and lawful conditions) - which sets out parameters for inter-State cooperation on various issues related to migration - be considered as an important instrument to enhance development?

The message that the Committee may wish to give to the high-level dialogue is that in order to reap the benefits of international migration, it is in the interest of both sending and receiving States to guarantee the basic rights of migrants, without any discrimination.

Discussing this topic would allow the Committee to make a contribution to the high-level dialogue of the General Assembly in 2006 and to ensure that the human rights approach to migration and development is taken into account.”

11. Mr. EL-BORAI proposed incorporating a reference in the three “outstanding questions” to irregular migration.
12. The CHAIRPERSON agreed with that proposal. He suggested resuming consideration of the concept paper at the next meeting so that members had some time to reflect on its content.

Sessions of the Committee in 2006

13. The CHAIRPERSON said that the Committee would be entitled to hold three weeks of meetings in 2006. It could convene either one three-week session or two separate one-week and two-week sessions. He suggested proposing to the secretariat a two-week session in April/May 2006 and a one-week session in December 2006.
14. It was so decided.

The meeting rose at 12.15 p.m.