



**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

Eighth session

SUMMARY RECORD OF THE 69th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 14 April 2008 at 10 a.m.

Temporary Chairperson: Mr. SALAMA  
(Representative of the  
Secretary-General)

Interim Chairperson: Mr. KARIYAWASAM

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The meeting was called to order at 10.20 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the eighth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The creation of the new treaty body corresponding to the Convention on the Rights of Persons with Disabilities, which would enter into force on 3 May 2008, illustrated the need for continuing harmonization of the treaty body system. The Office of the United Nations High Commissioner for Human Rights planned to convene an organizational inter-committee meeting of the human rights treaty bodies to highlight areas requiring harmonization, during which the issue of the possible implications of the universal periodic review for the work of treaty bodies would be considered.
2. The Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Economic, Social and Cultural Rights (CESCR) and the Human Rights Committee had either adopted revised reporting guidelines or made progress in that area. In that context, he looked forward to discussion by the Committee on Migrant Workers of the draft guidelines prepared by Mr. Alba on the presentation of periodic treaty-specific reports. Timely harmonization of the treaty-specific section of the harmonized guidelines for reporting would make a significant contribution towards harmonization of State party reports.
3. At the seventh session of the Human Rights Council in March 2008, the Special Rapporteur on the human rights of migrants had presented his report, which had been followed by an interactive dialogue with the Council members. He had expressed his concern about the increasing criminalization of migration, linked to persistent anti-migrant sentiments, which was often reflected in policies and institutional frameworks designed to manage migration flows. The Special Rapporteur had subsequently travelled to Mexico for an official mission, and had visited Guatemala.
4. The first meeting of the Working Group on the universal periodic review was being held as he spoke. The Council had already reviewed the national reports of 10 countries, and another 6 reports were scheduled for consideration. For each country the Office of the United Nations High Commissioner for Human Rights had prepared two documents: a compilation of United Nations information, which included input from treaty bodies and special rapporteurs, and stakeholders' summaries, which included input from non-governmental institutions and human rights institutions. He would welcome any comments from members of the Committee regarding the implications of the universal periodic review for treaty bodies, and on the issues of monitoring and follow-up of treaty body recommendations at a higher political level. Since the Committee's seventh session the Philippines had submitted its initial report under article 73 of the Convention.
5. Mr. KARIYAWASAM said that responsibility for promotion of the core human rights conventions fell to the Office of the United Nations High Commissioner for Human Rights. The Committee was grateful for the support it had received from the Office in extending the reach of the Convention. However, a critical stage had been reached concerning the Convention's credibility with regard to safeguarding the global rights of migrant workers. Greater advocacy

efforts from OHCHR were required, in addition to the Committee's efforts, in order to make the Convention more broad-based and to secure ratification by at least 10 more countries, including receiving countries. Otherwise the Convention ran the risk of becoming a less valuable instrument for migrant workers worldwide. It was important for the Convention not to be eclipsed by the new Convention on the Rights of Persons with Disabilities.

6. With regard to the universal periodic review, he drew attention to the three distinct mechanisms of the human rights system: treaty bodies, which were expert bodies; the Human Rights Council, which was a political body; and the Office of the United Nations High Commissioner for Human Rights, which was responsible for supporting and providing expertise to both those bodies and to the United Nations system as a whole. While those three mechanisms were mutually complementary, the work of each mechanism was important in itself. While the treaty bodies could benefit from the outcome of the universal periodic review, which was conducted by an intrinsically political body, their work should not depend on its results; in that sense the work of the two mechanisms should be mutually exclusive. Consequently, OHCHR should support the work of the two bodies in a completely different manner.

7. He looked forward to the forthcoming Global Forum on Migration and Development, which would provide an opportunity to mobilize public opinion concerning a rights-based approach to migration, and to enhance advocacy with regard to the Convention.

8. The TEMPORARY CHAIRPERSON expressed the hope that, despite the political difficulties involved in broadening the scope of the Convention, the realities of globalization and migration would eventually bring it about. Many actors were willing to address migration issues, but not necessarily from a human rights perspective; the key aspect was the rights-based approach.

9. He had recently discussed with the committee secretary possible opportunities for advocacy by the Office of the United Nations High Commissioner for Human Rights, many of which fell, however, within the political work of the Human Rights Council and involved mostly exporting States. It was necessary to strike a balance between advocacy within the Council and through the initiatives of member States, advocacy through other forums, and advocacy independently conducted by the High Commissioner. The Office needed to reflect on a fully-fledged strategy for addressing the issue of migration, for which the Committee's suggestions would be very valuable. He would be interested to know what the Committee thought the role of the Office should be, particularly in the current context of institutional transition.

10. The universal periodic review had already benefited the work of the Committee, in that Southern countries had requested Northern countries to ratify the Convention; the final outcome of the universal periodic review would therefore include a recommendation to that end. He had initially shared the concern that the universal periodic review might overlap with, and take priority over, the work of the treaty bodies - something he was now sure would never happen.

11. Migrants would shortly have access to another possible complaint mechanism, provided for under the optional protocol that had just been agreed to the International Covenant on Economic, Social and Cultural Rights. In that way, the rights of migrant workers could be linked for the first time to violations of economic, social and cultural rights.

12. Mr. KARIYAWASAM said that although the universal periodic review and the monitoring of the treaty bodies were distinct processes, they could be mutually beneficial. The former was an all-embracing examination of all member States' human rights records, while the latter was treaty-specific. The Office of the United Nations High Commissioner for Human Rights tended, however, to focus on civil and political rights, reflecting the widely held opinion that they were vital for good governance. Accordingly migrants' rights tended to be neglected, especially since it was unclear which organization was primarily responsible for their protection. Migrants' rights therefore needed to be addressed proactively as a separate issue, with special programmes. The High Commissioner should take the lead and do more to promote migrants' rights and, in particular, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, since the individual members of the Committee lacked the political weight to persuade more countries to sign and ratify the Convention. He hoped that another dozen countries would ratify the Convention within two years, so as to turn the Convention into a fully-fledged human rights treaty.

13. Mr. EL JAMRI, agreeing with the distinction drawn between the universal periodic review and the monitoring of the treaty bodies, said that the growing interest taken in recent years in migration and related issues had not been translated into action. The Committee and other international bodies agreed on the need for tools to control migratory flows and had made a series of recommendations. There was a widespread desire to manage migration, as increasing numbers of people migrated in search of work, a phenomenon accentuated by rising food and fuel prices and climatic change. Yet none of those international bodies had been able to determine exactly what practical action to take in order to guarantee migrants' rights in the receiving States and States of transit.

14. The TEMPORARY CHAIRPERSON urged the Committee to seize the occasion of the Durban Review Conference to make its voice heard, on the specific subject of migrant workers. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) had triggered radical changes in the approach to racism and social exclusion. The review would determine what had been achieved by the member States and what remained to be done. The Committee's contribution should consist of specific groundbreaking recommendations. After all, many member States preferred to address migrant workers as a matter for domestic policy rather than multilateral agreements. Racism and xenophobia were obstacles to rational debate and to the protection of migrants' rights. The Committee's contribution to the Durban Review Conference should be an opportunity to promote the Convention at a higher level and, he hoped, would bring it success.

#### SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE UNDER RULE 11 OF THE PROVISIONAL RULES OF PROCEDURE

15. The TEMPORARY CHAIRPERSON welcomed Ms. Poussi Konsimbo as a new member of the Committee and invited her to make the solemn declaration under rule 11 of the Committee's provisional rules of procedure.

16. Ms. Poussi Konsimbo made the solemn declaration provided for in rule 11 of the Committee's rules of procedure.

The meeting was suspended at 11 a.m. and resumed at 11.40 a.m.

17. Mr. Kariyawasam took the Chair as Interim Chairperson, pending the election of officers.

#### ADOPTION OF THE AGENDA

18. The agenda was adopted.

#### ORGANIZATIONAL AND OTHER MATTERS

19. Mr. TAGHIZADE informed the Committee that he had recently attended a Council of Europe meeting on its Action Plan to promote the rights and full participation of people with disabilities in society (2006-2015). At the meeting a request had been issued for the Committee to express in writing its position on the rights of disabled migrants, a subject about which he noted a growing interest in European forums. Since so many receiving States were members of the Council of Europe, it would be useful if that request could be met in time for its High Level Conference on the Action Plan, which was due to be held later in the year in Kyiv, Ukraine, and which he would also attend.

20. The INTERIM CHAIRPERSON noted that the Third Committee had allocated the Committee sufficient funds to hold its current session over a two-week period, despite some reservations on the part of States that were not party to the Convention.

21. Mr. SEVIM informed the Committee that he had attended the most recent expert consultation on indicators for monitoring compliance with the international human rights instruments. That formed part of the work that the Office of the United Nations High Commissioner for Human Rights was undertaking at the request of the inter-committee meeting of human rights treaty bodies. He had proposed a number of indicators on migrants' rights, including the right to social security, the right to work, the right to freedom of expression, the right to housing and the right to life. The Committee should discuss those indicators at the current session in preparation for the forthcoming inter-committee meeting in June.

22. Mr. EL JAMRI said that, in December 2007, he had attended the launch in Rabat of the Mediterranean edition of the Handbook on Establishing Effective Labour Migration Policies, compiled by the Organization for Security and Cooperation in Europe, the International Labour Organization and the International Organization for Migration. The Handbook took into account all the provisions of the Convention. Most Mediterranean States had been represented at the meeting, at which the Handbook had been welcomed. He had acted as rapporteur for that meeting, and would provide Committee members with a written summary of the proceedings in due course. There were plans to publish additional handbooks for sub-Saharan Africa, Latin America and Asia.

23. He had also participated in a European Union (EU) meeting on setting up a job centre in Mali 2008 to match potential Malian migrants with job offers in Europe and West Africa. The centre would be the first public service to provide information on employment opportunities and job training. In addition to facilitating employment, the centre would make proposals to the Government of Mali on how to improve its migration management. A similar centre had been established two years earlier to manage migration between Morocco and the EU, with the aim of

reducing irregular migration. It provided information to Moroccans who planned to leave to seek work in the EU, facilitated their integration and gave them the opportunity to adapt their qualifications to the demands of the job market. In 2008, the centre would focus on assisting migrant workers to return and find appropriate work in Morocco.

24. The INTERIM CHAIRPERSON said that the Committee had been making efforts to introduce a rights-based approach to the Global Forum on Migration and Development.

25. Mr. BRILLANTES said that while those efforts had provided an opportunity for the Committee to exert some influence at the Global Forum, the Committee should strive to continue that work and thus advance its advocacy.

26. He suggested that the Committee should send a letter of appreciation to Mr. Carrión-Mena for his efforts and his commitment to the work of the Committee, particularly in the light of his appointment as foreign minister during his term on the Committee.

27. The INTERIM CHAIRPERSON noted that the Committee's efforts to advocate a rights-based approach to migration in the Global Forum were also being reflected at the General Assembly. The relevant resolution was, however, still only in draft form.

28. He agreed that the Committee should send a letter of thanks to Mr. Carrión-Mena. He suggested that the Committee might wish to adopt such a practice for all outgoing Committee members.

29. Mr. EL-BORAI noted that the Convention had been included in the curriculum of several university courses on migration in Egypt. Moreover, the Egyptian press had recently reported on a meeting at which ratification of the Convention had been advocated. He had participated in a meeting in Italy at which the Government had urged migrant workers from Albania, Tunisia and Egypt to arrive with a written description of their training and qualifications. Those States had agreed to meet periodically in order to strengthen their efforts to reduce irregular immigration.

30. The INTERIM CHAIRPERSON said that the Committee should take note of the teaching of the provisions of the Convention in terms of advocacy efforts. The Office of the United Nations High Commissioner for Human Rights should invite universities interested in promoting courses on migration to include a focus on the Convention and a rights-based approach for the benefit of migrant workers worldwide.

The meeting rose at 12.35 p.m.