



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

Distr.  
GENERAL

CMW/C/SR.77  
5 May 2008

Original: ENGLISH

---

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT  
WORKERS AND MEMBERS OF THEIR FAMILIES

Eighth session

SUMMARY RECORD OF THE 77th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 18 April 2008, at 10 a.m.

Chairperson: Mr. EL JAMRI

CONTENTS

PROMOTION OF THE CONVENTION

Celebration of the fifth anniversary of the entry into force of the Convention - Round table

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

## PROMOTION OF THE CONVENTION

### Celebration of the fifth anniversary of the entry into force of the Convention - Round table

1. The CHAIRPERSON welcomed the panellists taking part in the round table and gave an overview of the Committee's work since its establishment in 2004, six months after the entry into force of the Convention. The Committee was consolidating its position within the United Nations human rights framework and was involved in a wide range of fields, including reform of the United Nations system, the harmonization of directives, the universal periodic review, the Durban review process and the Global Forum on Migration and Development.
2. To date, there had been 37 ratifications of the Convention, and he hoped there would be more. Ratification was a matter of political will; the legal arguments that were being put forward by some States against ratification were groundless. Those States could of course opt for gradual ratification, by making use of the system of reservations.
3. It was increasingly recognized that migrant workers played an important role in host countries' development; that recognition, however, did not always go hand-in-hand with recognition of migrant workers' rights. Not only did migrants produce wealth; they were also the future parents of national citizens. Accordingly, the Convention looked to the future, in which constant growth in migration was set against a background of globalization, climate change and rising food prices.
4. The Convention was a comprehensive instrument that could be used to support the development of migration policies for the optimal regulation of migration flows. Despite the low number of ratifications to date, the Convention was generally considered as a major reference point, and tool, for the construction of migration policy. At the Global Forum, the Committee intended to highlight the human rights perspective of migration policy, and the importance of the recognition of rights through ratification and implementation of the Convention. He appealed to member States participating in the Forum to back that approach, and commended the efforts made by civil society for the promotion of the Convention.
5. Mr. KARIYAWASAM (Moderator) said that while the fifth anniversary of the entry into force of the Convention was a milestone to be celebrated, much remained to be done in order to increase the number of ratifications. The objective for the following five years should be to ensure that the Convention served the interests of the rights holders - the migrants themselves. He hoped that the round table would serve to bring about a common way of thinking, in line with that objective.
6. Mr. TARAN (International Labour Organization) said that of the 200 million people living outside their countries of birth or citizenship, approximately 95 million were economically active. In most Western European countries, the foreign-born proportion of the workforce was around 10 per cent. That proportion was growing in numerous countries; in places as diverse as the Ivory Coast and Switzerland it was as high as 25 per cent, and had reached 80 per cent in

some Arab Gulf States. The factors driving migration had changed: economic, technological and demographic trends bound up with globalization made labour mobility an essential component of development, productivity and prosperity.

7. Migration had become a key feature in meeting economic, labour market and productivity challenges in a globalized economy. It provided responses to fast-changing needs resulting from technological advances, demographic factors, changes in market conditions and industrial transformations. With an expected decline of 22 per cent in the standard of living in Western Europe within 40 years, immigration had emerged as a key component in ensuring general welfare and a reasonably stable future. Migrant labour was an essential element of production and services. However, unlike other production factors, migrant workers were human beings and their treatment and conditions needed to be regulated. The fundamental challenge was the tension between imperative equality of treatment and non-discrimination on the one hand and the enormous competitive pressure to exploit vulnerable labour on the other.

8. The reality of globalization increased pressures, especially on developed economies, to lower labour costs and social protection in order not only to maintain competitiveness but also to retain economic activity, in a context where production and services could easily be delocalized to countries with lower labour costs. The resulting tension in society between highly-skilled, well-paid work and cheap, flexible labour, and the division between “haves” and “have nots”, often migrants in irregular situations, was becoming increasingly generalized. Migrant labour in both developed and developing countries largely filled “three-D” jobs: dirty, dangerous and degrading. Efforts to fill 3-D jobs and to acquire economic competitiveness through high productivity at low cost produced a continuous demand for cheap, low-skilled migrant labour in numerous economies, which in turn gave rise to increasingly polarized discrimination between nationals and non-nationals.

9. In that context, new proposals regarding human rights and labour rights were emerging in the arena of international migration. A “utilitarian consequentialist” approach favoured a trade-off of reduced rights and unequal treatment for non-national workers in exchange for increased employment opportunities in potential host countries. In that way, rights were commodified as negotiable packages that could be traded, sold or renounced in exchange for economic benefits.

10. That ran counter to the central notion that human rights were universal, indivisible, and inalienable, as proclaimed in the Universal Declaration of Human Rights. A rights-based approach to migration involved placing such universal human rights at the centre of national migration legislation, policy and practice founded on the rule of law. That entailed equal treatment between regular migrant workers and nationals; the application of migrant-specific instruments such as the relevant International Labour Organization (ILO) Conventions and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and implementation of international standards protecting treatment and conditions at work, which applied to all workers.

11. He hoped that the results of the Committee’s work would encourage an increasing number of countries to recognize the importance of founding migration policy on a rights-based approach, in order to bring about societies based on welfare and well-being for all, not just for the privileged few.

12. Ms. CALOZ-TSCHOPP (University of Lausanne) said that it was necessary to defend the Convention and to rethink migration policy and rights. In that connection, she would be addressing the philosophical and political theory aspects of the question. In the context of the globalized labour market, there was a need to decide what was meant by “employment”, “productivity” and “human work”.

13. The Convention was of great importance and must be ratified and implemented worldwide, while false arguments against it must be rejected. Three areas were worthy of further study: the belligerent utilitarian model of globalization; the deregulation and nihilistic destruction of human beings, their work and their planet; and the contrast between the infinite nature of freedom and the finite nature of policy and work.

14. The belligerent utilitarian model of globalization, and the undermining of the status of workers, illustrated the view that capitalism could lead to social and economic chaos. Indeed, some might classify the twentieth century’s upsurge in capitalism as racist utilitarianism, responsible for exploiting workers and changing the very meaning of work and the relationship between employers and employees.

15. With regard to the deregulation and nihilistic destruction of human beings, their work and their planet, it was clear that globalization had altered the very essence of work. Trends in the new world order of immigration were changing accordingly. The public-sector framework was being replaced by that of the private sector, with all the implications in terms of insecurity that that entailed. States, non-governmental organizations, employers and workers all had to find their place and role in that new context, and their responsibilities had to be defined. She wondered on what basis legislation could be imposed on the actors involved, and what the role of international organizations was in that regard. Workers were increasingly seen as a commodity rather than as a body of people with rights. They were becoming mere service providers.

16. Slavery and colonialism had been forgotten as powerful States had moved from a system of classical domination to one based on the control of life itself. A major challenge facing the world at the dawn of the twenty-first century, at a time when the human race as a whole was destroying the planet, was to rethink the place of workers. Following industrialization and the profound changes of the nineteenth century and disasters of the twentieth century, the new era was characterized by globalization and the exploitation of increasingly vulnerable workers, while the very survival of the human race was in jeopardy.

17. There was a fundamental contradiction between the need for infinite growth under the modern capitalist system and finite resources, including the workforce. Research had shown that the only way to guarantee a viable future for the world and its inhabitants was to rethink the resources side of that equation. Furthermore, an egalitarian approach had to be taken to determining the place of workers in the political system. Yet States, international organizations and civil society lacked a framework for rethinking the place of workers, increasingly seen as no more than service providers.

18. In order to revisit the place of workers in society, it was necessary to move away from belligerent capitalism and blind decision-making, since inequalities not only persisted but were being perpetuated. That meant rejecting utilitarianism, according to which human beings were regarded as superfluous, and properly framing national and international legislation that took

account of the modern labour market. What was lacking above all was a labour-based anthropology, focused on freedom, plurality and workers' emancipation. It should recognize the finite nature of resources, encourage a common consciousness of the role of workers in society and emphasize the need to address discrimination, in particular racism and sexism, with respect to migration and the labour markets.

19. Mr. CHOLEWINSKI (International Organization for Migration) said that, in a publication that had appeared when only eight States had ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, he had expressed grave doubts about its future prospects. Ten years later the Convention was celebrating the fifth anniversary of its entry into force and he had been proved wrong. He paid tribute to the Committee, the States parties, international organizations and civil society for their achievements relating to the rights of migrant workers. Conceived in the 1970s, drafted in the 1980s and adopted in the 1990s, the Convention had entered into force on 1 July 2003 following its ratification by 20 States. The Committee's monitoring of the Convention's implementation was under way and concluding observations had been issued on four initial country reports. Yet the Convention had made little impact in Europe, North America and Oceania and the Convention's current relevance was frequently questioned. Three major challenges faced those endeavouring to safeguard the human rights of migrants.

20. The first was the growing short-term nature of labour migration and the precariousness of the work done by migrants. As low- or semi-skilled jobs were increasingly filled by migrants, policymakers promoted temporary labour migration, encouraging workers to return to their countries of origin. There were doubts as to whether the Convention adequately addressed those workers' rights and the increasingly diverse contexts in which migrants worked. Drawing few distinctions between temporary and long-term or permanent workers, the text of the Convention defined particular categories, such as seasonal workers and project-tied workers, devoting Part V to them, while permitting some differentiation in the rights such workers could expect. Essentially, however, it treated temporary migrant workers in the same way as national workers. While the Convention was largely directed at protecting more vulnerable groups of workers, and did not distinguish between low-, semi- and highly-skilled workers, its authors had nonetheless acknowledged that less-skilled migrant workers needed more protection, since they were more likely to be given dirty, dangerous and difficult jobs and to be at greater risk of exploitation. National policies, by contrast, were aimed at attracting the best talent with more favourable conditions than less-skilled migrants were offered. Two recent proposals for European Union directives treated highly-skilled and less-skilled migrants differently in terms of access to social rights and residence status, as part of an approach that made the Convention on Migrant Workers all the more relevant.

21. The second challenge concerned the worldwide phenomenon of irregular migration. The abusive conditions often facing irregular migrants, a particularly vulnerable group, had led to the adoption not only of the Convention on Migrant Workers but also of ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers. Control measures alone were insufficient for tackling irregular migration; more constructive measures were needed, including those aimed at addressing informal labour markets, helping migrant workers to meet labour demand in the receiving countries, and regularizing those with irregular immigration status. Everyone's fundamental rights had to be respected regardless of their immigration status.

22. The third challenge was closely related to the increased attention paid to migration, in particular migration for employment, in policymaking forums, as reflected in the high priority given to the matter on government agendas. There was a growing consensus that migration for employment could contribute to development in the countries of origin and the receiving States. Migrants' rights were being highlighted as part of the effort to strengthen that consensus. One example of the heightened sensitivity was the space given to rights on the agenda of the Global Forum on Migration and Development, to take place in the Philippines in October 2008. Part VI of the Convention, on promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families, which targeted all States parties, would make an important contribution to the debate. Protecting migrant workers' rights was a joint responsibility.

23. When meeting the first two challenges, the plight of migrant women should not be ignored. Drafted in gender-neutral language, the Convention paid insufficient attention to the plight of migrant women working in domestic employment. The abuses they suffered and the frequent lack of formal protection under national legislation raised questions about the usefulness of the Convention for safeguarding their rights, a matter which the Committee would, it was hoped, address. After all, the concluding observations it had issued so far had focused on female domestic workers. With regard to all three challenges, the Convention was a reference point for all countries, including those yet to ratify it, and served as a reminder of the symbiosis between framing and applying migration policy and protecting human rights.

24. Mr. RITTER (Liechtenstein) said that many States were apparently wary of signing and ratifying the Convention owing to fears about the approach it took to family reunification or the way it was interpreted in that regard. He asked whether the Committee would consider drafting a general comment on the issue, to allay such fears.

25. He also wished to know how, in the context of its International Dialogue on Migration, the International Organization for Migration (IOM) intended to tackle the issue of labour migration and the risk of exploitation of unskilled migrant workers. Unlike the Council of Europe Convention on Action against Trafficking in Human Beings, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, did not address the specific question of internal migrant workers. He wondered whether IOM intended to address that lacuna, possibly by introducing a new treaty.

26. Mr. GENINA (Mexico) asked whether there was a plan to raise awareness among the receiving States of the huge benefits that all migrants, regardless of their level of skills and qualifications, brought to their economies. As things stood, migrants with higher skills tended to be afforded far greater protection of their rights than those with lower skills. The latter were often treated as a burden rather than a benefit.

27. Mr. TINAJERO (Mexico) asked whether IOM was planning specific events to promote the Convention, in view of the Global Forum on Migration and Development, to take place in the Philippines in October 2008.

28. Mr. LEBBE (Sri Lanka) said it was imperative for all States to protect migrants' basic rights, regardless of their status, in accordance with international human rights law and not the Convention alone. That obligation applied even to migrant workers living in States that had not ratified the Convention. It was important to establish a number of basic concepts in that regard: the Convention was an instrument for recognizing migrant workers' rights, not for more liberal migration policies; the protection of migrant workers' rights was beneficial for the economic and social development of all States; protection of the rights of migrant workers was binding on every government; the rights of all migrants were protected, regardless of their status; human rights law provided a framework for a harmonious attitude to migration-related policymaking worldwide. In the year of the sixtieth anniversary of the Universal Declaration of Human Rights, he wished to know whether there were plans to promote those five concepts.

29. The CHAIRPERSON said that the Committee would consider making a specific interpretation of the issue of family reunification vis-à-vis the Convention if called upon to do so by a State party or if asked to do so during the consideration of reports by States parties. The question might also arise in connection with another international treaty. He added that States were free to ratify the Convention subject to reservations.

30. Turning to the five concepts set out by the representative of Sri Lanka, he said that the Committee could undoubtedly identify with them. Promoting the Convention was an ongoing effort.

31. Mr. CHOLEWINSKI (International Organization for Migration) said that various human rights treaties were designed to protect the rights and freedoms of everyone living in each State, including internal migrants. The Convention on Migrant Workers was specifically aimed at migrants moving from one country to another, rather than within a given country. He did not see the need for any new convention or treaty.

32. IOM would be attending the 2008 Global Forum on Migration and Development and was supportive of the subjects to be discussed at all three round tables. A workshop on "Managing Return Migration" would be held on 21 to 22 April 2008, in the framework of IOM's International Dialogue on Migration (IDM), whose overall theme in 2008 was "Return Migration: Challenges and Opportunities". At the request of a member State, IOM could make promotion of the Convention, and the issue of migrant workers in general, the subject of IDM in 2009.

33. Mr. TARAN (International Labour Organization) said that he appreciated the comments of the representative of Sri Lanka as they reinforced the basis on which his and other organizations were working to promote wider ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the relevant ILO conventions.

34. Turning to a concern raised by the representative of Mexico, he said that a forthcoming ILO publication on the state of global labour migration would include data on the contributions of both regular and irregular migrants to their home and host countries. Those data would, however, be set against the premise that the primary basis of protection for migrant workers was their function as human beings, not their relative state of productivity.

35. In response to the question from the representative of Liechtenstein, he said that many of the issues faced by internally displaced persons were related to their access to the labour market and their working conditions. In any given country, all labour standards should apply to all persons engaged in a work relationship. More effective implementation of those standards should resolve at least some of the issues to which the representative had alluded.

The meeting was suspended at 11.40 a.m. and resumed at 11.15 a.m.

36. Mr. LEPATAN (Philippines) said that the 1995 Migrant Workers and Overseas Filipinos Act followed a similar human rights approach to that underpinning the Convention. The Convention was a powerful tool for the development of migration policies, particularly for the Philippines, which was among the largest sources of global migrant labour. His country's experience had shown that effective and efficient management of migration flows could contribute directly to the promotion and protection of migrant workers' rights by reducing workers' exposure to exploitation and illegal activities.

37. Article 1 (2) of the Convention concerning the circular flow of migration had served as the central guiding principle of Philippine migration policy. That policy regarded the migration process as temporary and circular, with the expectation that migrant workers would eventually return to their country of birth. The policy was also based on the belief that the rights and welfare of the families of migrant workers should be safeguarded throughout the period that the workers were abroad.

38. The Philippines implemented its migration policy with programmes to prepare, support and protect its overseas workers and their families at every step of the migration process. Government agencies were required to prepare individuals to make informed and intelligent decisions about overseas employment. The law also provided that workers could be deployed only in countries where the rights of Filipino migrant workers were protected, and included several reliable indicators of guarantees offered by receiving countries for the protection of migrant workers' rights. The Government could terminate or impose a ban on the deployment of migrant workers to countries where conditions were unsatisfactory.

39. At the preparatory stage for migration, programmes focused on systematic facilitation and documentation of migrant workers to prevent them from falling prey to illegal recruitment, trafficking and smuggling. Several government agencies regulated recruitment and overseas placement of workers, verifying the availability of employment, the validity of contracts and conditions of work, while providing various social services such as counselling and other pre-departure services. Social security membership and benefits were available to migrant workers.

40. The Government provided assistance to migrant workers in distress and had set up a legal assistance fund to help Filipinos in conflict with the law. Help was also given to migrant workers in emergency situations, including repatriation of workers or their remains and personal belongings.

41. Under the Migrant Workers Act, protective and welfare mechanisms guaranteed overseas workers and members of their families assistance to ensure the well-being of the family. The relevant programmes included a partnership with telecom companies to offer migrant workers



lower rates on telephone calls and Internet use. A national reintegration centre for overseas Filipino workers provided returning migrant workers with relevant information on reintegration. They could receive career counselling, psychosocial guidance, financial literacy orientation and micro-enterprise development counselling. Despite the economic benefits that resulted from the remittances of migrant workers, Philippine migration policy was firmly rooted in the idea of promoting and protecting the human rights of individual migrant workers and members of their families.

42. Mr. SANTOS (Ecuador) said that his Government regarded migration from a human rights perspective, emphasizing the right to life, the right to movement, the right to family reunification and the right to work. All people had the right to migrate safely, to remain abroad, and to return, and it was incumbent on all sending, transit and receiving States to guarantee and protect migrants' rights. Illegal human beings did not exist, only illegal and immoral practices.

43. As a sending, transit and receiving State, Ecuador placed great importance on the Convention in developing its migration policies. The National Secretariat for Migrants drew up, managed and implemented those policies, which included the 2007-2010 national migration plan. The plan aimed to foster rights-based migration policies worldwide, maintain links between migrants and their families, encourage human development for migrants and their families, and promote intercultural exchange and citizenship worldwide.

44. Given that some 10 per cent of the country's population was currently resident abroad. A major focus of the plan in 2008 had been to encourage Ecuadorian migrants to return home on a voluntary, dignified and sustainable basis. Those efforts involved the coordinated action of 19 government bodies. The measures taken included establishing passport offices abroad, allowing returning migrants to import household goods and work equipment tax-free, sending civil register staff abroad to register marriages and deaths of Ecuadorian citizens and granting study loans at preferential rates for migrants and their families. The Government was seeking to reintegrate returning migrants in society and to promote family reunification within a fair and inclusive society that valued the experience gained abroad. Recuperating the talents of Ecuadorian migrants was a means of strengthening the country's technological, scientific and cultural capacity. Measures had also been implemented to assist migrants in dangerous situations and to put a stop to human trafficking.

45. Ecuador had received a large influx of migrants, mainly from Colombia and Peru, many of whom had been registered as migrant workers since 1980. The consultation and cooperation required under article 64 of the Convention had been impeded by the lack of widespread ratification of that instrument. Despite significant efforts on the part of his Government, no measures had been implemented to facilitate the orderly return of Colombians who had migrated to Ecuador for economic or political reasons. Ecuador was taking steps to implement all the provisions of the Convention and urged all States that had not done so to ratify that instrument.

46. Mr. PECOUD (United Nations Educational, Scientific and Cultural Organization) said that his organization was working to understand why many States were reticent to ratify the Convention, which was a key instrument in the promotion of human rights. Some of the obstacles to ratification were economic while others were of a more political nature. Indeed, the

Convention was sometimes incorrectly blamed for encouraging irregular migration. The current challenge was to remove those obstacles, which would take time and effort on the part of all involved.

47. Migration was a complex process that different Governments approached in a wide variety of ways. The Convention raised several key issues, such as migrant workers' access to health services, to the justice system, minimum work standards, access to education for the children of migrant workers, conditions for the transfer of remittances and international cooperation to manage migratory flows. It covered the rights of both immigrants and emigrants, which were often managed at the national level by different policies and different government bodies. Hence the somewhat complicated nature of the Convention, which covered all the facets of migration. While many States had large migrant populations, those communities were often not represented politically. Ratification of the Convention implied that States recognized that migration was a fundamental political aspect of life.

48. Migratory flows often took place outside official frameworks. In some countries, recruitment of migrant workers was delegated to outside agencies, and migrants often set up their own informal networks or, worse, became victims of human trafficking. Migration was thus often beyond State control and was therefore regarded as a challenge. Despite that, many Governments did not prioritize migration, which was left in a legal vacuum. Nonetheless, some positive signs that States were reassessing their perception of migration had appeared in recent years, as witnessed at the 2006 United Nations High-level Dialogue on International Migration and Development and the Global Forum on Migration and Development. The Convention encouraged States to cooperate on migration policy and provided definitions which were necessary for a common understanding of the migratory phenomenon.

49. Mr. KARIYAWASAM (Moderator) said that the Steering Committee of the Global Campaign for the Ratification of the Convention marked its tenth anniversary in 2008 and acknowledged the work it had done to promote the Convention.

50. Mr. PLAETEVOET (December 18/European Platform for Migrant Workers' Rights) said that since the adoption of the Convention, civil society actors - especially migrant organizations, NGOs, churches and unions - had mobilized to promote the ratification of the Convention at the national, regional and international levels by raising awareness of the Convention in their constituencies, then building a political support base in order to achieve ratification. Input from civil society was crucial, but it was too often hampered by limited resources. With rare exceptions, governmental and traditional institutional donors had been reluctant to fund appropriate advocacy activities.

51. Action for the ratification of the Convention was often linked to International Migrants Day. A platform in Quebec had organized an event in Montreal and issued a joint statement to the provincial and federal authorities on International Migrants Day 2007. In the United States of America, the National Network for Immigrant and Refugee Rights had released a statement endorsed by some 100 organizations calling for the ratification of the Convention. In Bangladesh, the WARBE Development Foundation, together with other groups, had launched a one-year nationwide signature campaign at an event in Dhaka on International Migrants Day 2007. In France, Cimade had organized an event on International Migrants Day to raise public awareness.

52. Other action included regular calls by the Task Force on ASEAN Migrant Workers for ASEAN members to follow the Philippines example and ratify the Convention. In France, the platform Migrant, pas esclave! had used the presidential and parliamentary election campaigns in 2007 to put the issue of ratification on the political agenda. It had submitted a petition and published an open letter in the newspaper Libération. It was also participating in preparations for a six-month campaign during the French Presidency of the Council of the European Union in the second half of 2008. Two civil society events would be organized, in June and October 2008, to call for the ratification of the Convention.

53. As part of a comprehensive and focused campaign, national human rights institutions were important allies. The Eighth International Conference of National Human Rights Institutions, held in Bolivia in 2006, had adopted a declaration calling on Governments to ratify the Convention and, following the tragic events in Atteridgeville, a township outside Pretoria, in March 2008, the South African Human Rights Commission had petitioned its Government to do likewise.

54. It had become evident that the member States of the European Union were not prepared to ratify the Convention individually since policies on asylum and migration were to a large extent decided by the European Union as a whole. A European migration policy was emerging, with an emphasis on supporting legal migration, cracking down on the employment of irregular migrants and fostering circular migration and mobility partnerships.

55. NGOs and other civil society actors needed to develop an approach that targeted both the European Union and individual States since, under the new Treaty of Lisbon, the European Union would have legal personality, making it possible, in theory, for it to ratify international conventions. The European Platform for Migrant Workers' Rights was developing such an approach and had published a report, supported by UNESCO research, which showed that several European institutions had already publicly supported the Convention and argued in favour of its ratification.

56. A comprehensive campaign should be developed in Europe aiming for the ratification or signing of the Convention by one or more European Union member States by 18 December 2010 - the tenth anniversary of the celebration of International Migrants Day. The campaign should target the countries most likely to ratify the Convention and should seek support from the European institutions. Two countries of particular interest would be Spain and Belgium because they would be holding the presidencies of the Council of the European Union in 2010. Greece should also be involved because Athens had officially offered to host the 2009 Global Forum on Migration and Development.

57. Regional and national action for ratification needed to be supported by and linked to global initiatives, such as the Global Forum on Migration and Development. In 2008 the Forum would be hosted by the Philippines, a State party to the Convention, and that Government's announcement that the protection of migrants' rights would be a theme at the Forum showed that progress had been made since the first Forum in Brussels in 2007. Civil society organizations would be involved in the Forum's Civil Society Day and would organize a number of parallel events. The International NGO Platform on the Migrant Workers' Convention would be participating in the meetings in Manila to ensure that there was an effective call for the ratification of the Convention.

58. Ms. URENA (Bolivia) asked what efforts were being made by national organizations and NGOs to assist States parties to the Convention in implementing its provisions within the framework of their national human rights standards.

59. Mr. LEBBE (Sri Lanka) said that they all agreed that there was an urgent need for an active campaign to promote the ratification of the Convention and he suggested that it could be included as part of the year-long commemoration leading up to the sixtieth anniversary of the Universal Declaration of Human Rights under the theme “Dignity and justice for all of us”, since ratifying the Convention would ensure dignity and justice for all migrant workers.

60. Mr. ULOSOY (Turkey) said that anti-immigrant sentiment represented a major challenge in some countries and that ratification of the Convention could counter that challenge. Governments should explain to their citizens that migrant workers contributed to a country’s economy and to its cultural diversity. Referring to the Alliance of Civilizations, established on the initiative of Turkey and Spain, he said that migrants could help unite countries and wondered what could be done to convince countries that had not ratified the Convention of that fact. He also asked which convention best addressed the difficulties faced by transit countries in combating human trafficking and irregular migration.

61. Mr. BINGHAM (International Catholic Migration Commission), noting that the Convention invited States to cooperate, asked how, in practical terms, States parties, which were mainly countries of origin, could work more closely with destination countries to improve conditions for migrant workers, promote the ratification of the Convention and comply with the principle of reciprocity.

62. Mr. GENINA (Mexico) said that human trafficking and the smuggling of migrants had to be combated and, to that end, States could refer to the Convention against Transnational Organized Crime (the Palermo Convention) and its protocols. The recent tendency to criminalize migration went against the right to freedom of movement established in the Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights. Rather than pursuing a policy of combating irregular migration, States should focus on migrant workers’ rights. He requested further information on the report by the European Platform for Migrant Workers’ Rights.

63. Mr. LEPATAN (Philippines) cited the Colombo Process in Asia as an example of how States parties could cooperate to encourage other countries to ratify the Convention. A ministerial consultation had recently been held in Abu Dhabi involving Asian countries of origin and destination countries in the Gulf region to discuss the dynamics of migration and how to protect migrant workers’ rights. Improving the social and working conditions of migrant workers allowed them to contribute to their home and host countries most effectively. The first step in achieving the universal promotion and ratification of the Convention was to dispel the fear that migrant workers were a burden on society.

64. Mr. SANTOS (Ecuador) said that Ecuador was opposed to the criminalization of migration and focused instead on human rights, the right to development and the right to migrate. Cooperation was essential to combat human trafficking. Many migrants died simply trying to

improve their quality of life. As to the question of reciprocity, Ecuador fully recognized the rights of migrant workers in Ecuador and was petitioning other receiving countries to offer the same recognition.

65. Mr. PECOUD (United Nations Educational, Scientific and Cultural Organization) said that the rise of anti-immigrant sentiment was extremely worrying and he stressed the importance of education in changing the mentalities of those in government and throughout society.

66. Mr. PLAETEVOET (December 18/European Platform for Migrant Workers' Rights) said that, in addition to the information provided by governments, there had to be opportunities for NGOs to provide complementary information. The International NGO Platform on the Migrant Workers Convention, based in Geneva, encouraged organizations based in the States parties to contribute to the reporting process and the Committee had always welcomed their input. After exchanging information, States parties and NGOs had to consider how they could work together to improve the situation for migrant workers in practical terms.

67. Anti-immigrant sentiment always had a negative impact on the Convention's chances of ratification because politicians were directly influenced by voters' opinions. The media had a special role in raising awareness of and promoting the Convention and combating anti-immigrant sentiment. International Migrants Day offered an opportunity to address such prejudices and should be celebrated more widely, with the involvement of more organizations and the media. December 18 had set up a worldwide broadcast called Radio 18/12 for International Migrants Day, with programmes on a wide range of migration-related issues.

68. Mr. KARIYAWASAM (Moderator), summing up the main points of the day's discussions, said that migrant workers could unite countries and peoples and create prosperity for all. The Convention could be used as a basis for achieving those objectives while protecting migrant workers' rights.

69. The CHAIRPERSON said that migration was on the increase, especially temporary and clandestine migration and that labour markets were becoming increasingly fluid on account of globalization and liberal policies, which made it more unlikely that migrant workers' rights would be respected. The Convention protected the rights of both regular and irregular migrant workers. It was necessary to remain optimistic: the debate had evolved since the Convention had entered into force in 2003 and progress was being made in promoting the Convention and obtaining more ratifications. There were no legal arguments against ratifying the Convention, only political arguments.

The meeting rose at 1.05 p.m.