



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

Distr.  
GENERAL

CMW/C/SR.78  
18 January 2010

ENGLISH  
Original: FRENCH

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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 FIRST PART (PUBLIC)\* OF THE 78th MEETING

Held at the Palais Wilson, Geneva,  
on Friday, 18 April 2008, at 3 p.m.

Chairperson: Mr. EL JAMRI

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GE.08-41247 (EXT)

*The meeting was called to order at 3.10 p.m.*

PROMOTION OF THE CONVENTION (agenda item 7) (*continued*)

Global Forum on Migration and Development

1. The CHAIRPERSON said, with reference to the letter of invitation received from the Global Forum on Migration and Development (document without a symbol, distributed in the meeting room in English only), that the Committee had been invited to participate as an observer in the Global Forum's next meeting, to be held at Manila (Philippines) from 27 to 30 October 2008. As previously agreed, he and Mr. Kariyawasam would represent the Committee at that meeting, not without having first asked to be able to speak directly at it and to go beyond the role of mere observers. Whatever the response to that request, the Committee must, as it was asked to do in the letter, draw up, for consideration in the context of the Forum's Roundtable 1 on migration, development and human rights (programme for the Forum, document without a symbol, distributed in the meeting room in English only), a short paper concerning primarily the obstacles to ratification of the Convention. Roundtable 1 would cover two main topics: Protecting the rights of migrants -- a shared responsibility, and Empowering migrants and diaspora to contribute to development. He described the topics of the Forum's other roundtables and opened the floor for debate.
2. Ms. EDELENBOS (Secretary of the Committee) stressed that the Committee's paper must be brief and be available by the end of the coming week. She invited the members of the Committee to reflect also on the points they would like to raise in a longer submission, the preparation of which was less urgent.
3. Ms. CUBIAS MEDINA said that her country, El Salvador, and Belgium would jointly chair Roundtable 1, especially the session on the contribution of migrants and diaspora to development. For that they would follow an innovative approach, drafting as a basis for discussion by interested countries, some of which had already come forward, a document to which everyone, including international organizations, could contribute. The purpose of the exchanges was to include the human rights dimension in the question of migration and development.
4. Mr. BRILLANTES said that after the Committee's previous meeting he had had an informal meeting with the two representatives of the Permanent Mission of the Philippines who were responsible for the Forum. They had offered the Committee their assistance. He had told them that the Committee wished above all to put over the idea that the Convention was the right instrument for dealing with shared responsibility and integration in the area of migration and that it should have a far more prominent place at the Forum. It was already extremely important that the Committee would be represented by two members, even if they were only observers, and that two other members would be there as representatives of their countries. It remained for the Committee to decide on its preferred emphasis by choosing whether it wished to highlight ratification of the Convention or to promote greater awareness of its own role so as, by a knock-on effect, to encourage more States to ratify the instrument. The previous meeting had yielded abundant information about States' reasons for not wanting to ratify the Convention; it was by basing itself on that information that the Committee could put over a strong message.

5. Mr. ALBA said that it was essential to bring out the importance of, first, respecting the human rights of migrant workers and, next, the Convention's role in that regard and hence to give as much information about the instrument as possible.
6. Mr. KARIYAWASAM said that the Committee must define the role it wished to play in the Forum, especially during the session on migrant workers' rights, which would be chaired by Bangladesh, which was not a party to the Convention. The question of shared responsibility was a good starting point. Based on its experience and the statements made at its previous meeting, the Committee could say that migrant workers could contribute towards cooperation and better understanding between States and peoples and thus to the shared responsibility in that regard and that the Convention was the basic tool for such sharing. The next step would be to back that up by referring to the globalization affecting economic and social forces, citing facts so as to be specific and show the value of everyone's enjoying their rights. The Committee must be able to defend its positions both formally and informally at the Forum. He wondered whether, to maximize the Committee's impact there, the Office of the High Commissioner for Human Rights would give it the resources to prepare a background document in several languages so that all participants could study it.
7. Mr. TARAN (International Labour Organization) said that his role in the current context was to advise the Committee. While the protection of migrants' rights was on the agenda for the Forum, there were two possible approaches to that issue, depending on the chosen perspective: migrant workers could be protected as economic actors or they could be viewed as human beings and their rights could be protected irrespective of their work and productivity. The Forum's explicit mandate was to serve as a place of dialogue for the establishment of a new migration system; that implied that some States might express reservations concerning some systems, including the standards in the Convention, and institutional responsibilities. Account must be taken of those differing views, which showed that, despite their long experience of migration issues, international institutions were afforded only a very limited role. However, the idea of taking good practice as a basis was positive: reference could be made to standards, so enhancing the reliability of the study of an issue. It was for the Committee to decide, therefore, what role it wished to play in that regard in the Forum.
8. He suggested stressing in the paper the Committee had been asked to submit that: human rights as they were defined in international instruments were an excellent basis for States to use in establishing policies and practices; market mechanisms were not appropriate models for determining migration policy since they ignored migration's human dimension; application of the standards laid down in international instruments was essential not only for development but also for social cohesion. The paper might also include extracts from the statement made at the Committee's previous meeting by Mr. Cholewinski, who had demonstrated the great relevance of the Convention's provisions to the Forum's topics of illegal migration, the protection of migrants' human rights and related international cooperation.
9. Mr. TINAJERO (Mexico) recommended an integrated approach to the question of migration that took into account the views both of countries of emigration and of countries of immigration. The Committee's roles at the Forum should be to encourage States that had not yet done so to ratify the Convention and to disseminate information on a number of issues, especially protection of persons and the universality and indivisibility of human rights.

The Committee could also show what constituted good migration practice or deal with some specific problems such as the rights of children and women's rights.

10. The CHAIRPERSON observed that there seemed to be consensus on the substance of the Committee's contribution to the Forum. In what form the Committee would participate was, however, still undecided. For the moment the Committee had observer status, but it would ask to be invited as a speaker. If that request was rejected, it could still have some of its members take part as experts. At all events, several members would be participating as national representatives and would therefore also be able to spread the Committee's message. In practice, the Committee's participation would even begin before the start of the Forum since some of its members were already in contact with States' representatives in the context of their other duties.

11. Regarding the drafting of a paper, the Committee should begin by checking that it had the requisite resources. It should also find out what means of communication would be used at the Forum. With respect to strategy, it should take advantage of the pressure that States parties and civil society could put on States that had not ratified the Convention to do so. He asked whether, in order to persuade as many States as possible to accede to the Convention, it would be feasible to ask States to ratify it with reservations to some articles.

12. Mr. ALBA opined that the Committee could not officially suggest to States that they ratified the Convention with reservations.

13. Mr. KARIYAWASAM said that, as experts with responsibility for supervising the application of the Convention, members were bound to promote the Convention as a whole. They did not have the right, therefore, to suggest that States should enter reservations to any of its provisions.

14. Mr. TARAN (International Labour Organization) offered to assist the secretariat in drafting the paper to be sent to the Forum secretariat. That paper should show that, contrary to some generally accepted ideas, the regularization of migrants' status was not an incentive to clandestine migration.

15. Mr. EL-BORAI observed that article 88 of the Convention provided that States ratifying or acceding to the Convention could not "exclude the application of any part of it". That meant that no reservations could be entered to the Convention.

16. The CHAIRPERSON asked the secretariat whether the Committee had the resources to prepare an information document for participants at the Forum.

17. Ms. EDELENBOS (Secretary of the Committee) remarked that, as the Forum secretariat had English as its working language, the paper for it should be in that language. Regarding an information leaflet, the Forum's official languages varied from year to year but apparently always included English and French. Inquiries would have to be made about that and about the availability of resources.

18. Mr. KARIYAWASAM, emphasizing that the proposed leaflet would be unlike the Committee's usual information material since it was intended for civil society, suggested the preparing of a multicolour bilingual leaflet to attract participants' attention.

19. The CHAIRPERSON suggested that the question should be left open until it was known how far the Office of the High Commissioner could finance such a document.

*The public part of the meeting rose at 4.20 p.m.*

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