



**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
Thirteenth session**

Summary record (partial)* of the 154th meeting

Held at the Palais des Nations, Geneva, on Thursday, 2 December 2010, at 3 p.m.

Chairperson: Mr. El Jamri

Contents

Issues pertaining to the Convention (*continued*)

*Consideration of draft general comment No. 1 on migrant domestic workers
(continued)*

* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 5.15 p.m.

Issues pertaining to the Convention (*continued*)

Consideration of draft general comment No. 1 on migrant domestic workers (continued)
(CMW/C/12/CRP.2/Rev.2)

Paragraph 49

1. **Ms. Barrita-Chagoya** (Secretary of the Committee) said that the secretariat had drafted the following revised version of paragraph 49 to take account of views raised in discussions since the Committee had last considered the paragraph in session:

“49. States parties should take effective measures to ensure that migrant domestic workers are free to practise the religion or belief of their choice, as well as freedom of expression, individually or in community with others, in public and in private, in accordance with article 12 of the Convention and other international human rights standards.”

2. Summarizing the discussions, she said the view had been expressed that it might not be appropriate to refer to freedom to practise religion and freedom of expression in the same paragraph. Concerns had been voiced that the proposed paragraph would restrict rather than expand on the provisions contained in the Convention, leading to a suggestion that, unless the Committee decided that the paragraph was indispensable with respect to migrant domestic workers, it should be deleted and included in a future general comment.

3. **Mr. Kariyawasam** proposed that the paragraph should be adopted, possibly with minor editorial changes, since it was important to refer to freedom of expression and freedom to practise religion in the general comment.

4. **The Chairperson** said he took it that the Committee wished to adopt paragraph 49 as it stood.

5. *It was so decided.*

Paragraph 55

6. **Mr. Sevim** said that some agreed amendments had not been incorporated into the paragraph.

7. **The Chairperson** said he took it that the Committee wished to adopt the new paragraph 55, on the understanding that the agreed amendments would be incorporated in it.

8. *It was so decided.*

Paragraph 57

9. **Ms. Barrita-Chagoya** (Secretary of the Committee) said that the secretariat had drafted the following revised version of paragraph 57 to take account of views raised in discussions since the Committee had last considered the paragraph in session:

“57. In line with the Convention on the Rights of the Child and with relevant ILO instruments, States should ensure that migrant children do not perform in any form of domestic work which is likely to be hazardous or to be harmful for their health or physical, mental, spiritual, moral or social development. In this regard, given the inherent risks of domestic work, the Committee considers that migrant children who do not live with their parents should in principle not be engaged as live-in domestic workers.”

10. **Mr. Kariyawasam** said that while he agreed with the first sentence, he did not agree with the second one, since it might give the impression that the Committee condoned the employment of some children as live-in domestic workers.

11. **The Chairperson** said that he agreed with Mr. Kariyawasam, noting that the aim had been to formulate a strong, new statement that could be used as a reference. The idea had been to refer to the Convention on the Rights of the Child and the International Labour Organization (ILO) conventions, while at the same time recommending that children aged between 15 and 18 years should not work unless they were with their parents and that States parties should not authorize migration of child domestic workers. However, he was not comfortable with any of the proposals that had been made so far. A decision needed to be made about the Committee's remit in that respect. He proposed that text should be inserted urging States parties not to adopt migration policies that encouraged the employment of migrant children in domestic work.

12. **Mr. Kariyawasam** said that it was not in the Committee's remit to pronounce on the issues referred to in the second sentence. The Committee should focus on migrant domestic workers; it was important to mention children, but it was inappropriate to sanction the employment of children if their parents were present, even if that was the practice in some States. He proposed that the second sentence should be deleted.

13. **The Chairperson** said he took it that the Committee wished to adopt paragraph 57, as amended.

14. *It was so decided.*

Paragraph 65

15. **Mr. Bingham** (International Catholic Migration Commission) said that paragraph 65 should be amended to reflect the fact that it was only at the request of the migrant worker who was detained or whose family member was detained that the consular or diplomatic authorities of their State of origin would be informed, as clearly stated in article 16, paragraph 7 (a), of the Convention. The paragraph must not suggest that the consular or diplomatic authorities would be informed automatically, since that could be dangerous for some migrant workers.

16. **The Chairperson** said he took it that the Committee wished to adopt paragraph 65, as amended.

17. *It was so decided.*

Adoption of general comment No. 1 on migrant domestic workers

18. **The Chairperson** said he took it that the Committee wished to adopt general comment No. 1 on migrant domestic workers, as amended, in its entirety.

19. *It was so decided.*

The meeting rose at 5.40 p.m.