



United Nations

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

**Thirteenth session
(22 November–3 December 2010)**

**Fourteenth session
(4–8 April 2011)**

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Note

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I. Organizational and other matters

A. States parties to the Convention

1. On 8 April 2011, the closing date of the fourteenth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, there were 44 States parties to the International Convention on the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by the General Assembly in resolution 45/158 of 18 December 1990 and entered into force on 1 July 2003, in accordance with the provisions of its article 87, paragraph 1. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

B. Meetings and sessions

2. The Committee held its thirteenth session at the United Nations Office at Geneva from 22 November to 3 December 2010. The Committee held 19 plenary meetings (CMW/C/SR.137-155). The provisional agenda, contained in document CMW/C/13/1, was adopted by the Committee at its 137th meeting, on 22 November 2010.

3. The Committee held its fourteenth session at the United Nations Office at Geneva from 4 to 8 April 2011. The Committee held 10 plenary meetings (CMW/C/SR.156-165). The provisional agenda, contained in document CMW/C/14/1, was adopted by the Committee at its 156th meeting, on 4 April 2011.

4. The list of documents issued or to be issued in connection with the thirteenth and fourteenth sessions of the Committee is given in annex IV.

C. Membership and attendance

5. All members of the Committee, with the exception of Mr. Ibarra González, attended the thirteenth session of the Committee.

6. All members of the Committee, with the exception of Mr. El Borai and Mr. Kariyawasam, attended the fourteenth session of the Committee.

7. The list of the members of the Committee, together with an indication of the duration of their terms of office, appears in annex II to the present report.

D. Future meetings of the Committee

8. The fifteenth session of the Committee will be held from 12 to 23 September 2011 at the United Nations Office at Geneva.

9. At its 165th meeting (fourteenth session), the Committee requested the Secretariat that it be allowed to hold, starting in 2012, a two-week session each spring and a one-week session each autumn.

E. Participation in the Inter-Committee Meeting and its working groups

10. Mr. El Jamri and Mr. El Borai represented the Committee at the eleventh Inter-Committee Meeting, which was held from 28 to 30 June 2010. Chairperson El Jamri

participated in the 22nd meeting of chairpersons of the human rights treaty bodies, which took place on 1 and 2 July 2010. Ms. Cubias Medina and Mr. Sevim represented the Committee at the working group of the Inter-Committee Meeting, which was held from 12 to 14 January 2011.

11. The Committee designated Mr. El Jamri and Ms. Cubias Medina to participate in the thirteenth Inter-Committee Meeting, to be held from 27 to 29 June 2011.

F. Commemoration of the 20th anniversary of the Convention

12. On 29 November, the Committee on Migrant Workers, in cooperation with the Steering Committee, held a one-day event to commemorate the 20th anniversary of the Convention.

13. The theme chosen for the event was "Protecting Rights, Building Cooperation". States parties and other partners made statements and shared their experiences and views on the impact of the Convention on migration policies and practices.

14. The panels were composed of members of the Committee, and representatives of State parties to the Convention, United Nations agencies, non-governmental organizations (NGOs) and experts on migration issues.

G. Promotion of the Convention

15. Chairperson El Jamri represented the Committee at the round-table discussion held in commemoration of the 20th anniversary of the Convention held by the Office of the High Commissioner for Human Rights (OHCHR) in Bangkok, on 11 December 2010. He also participated in a commemorative event held by OHCHR on 8 December 2010 in Brussels, and in a round table on the protection of the rights of migrant women held by the Council of Europe on 7 December 2010 in Paris.

16. Chairperson El Jamri represented the Committee at the third Global Forum on Migration and Development, which was hosted by the Government of Mexico and took place on 8 and 11 November 2010.

17. Chairperson El Jamri participated in the World Social Forum on Migration held in Quito from 7 to 11 October 2010.

18. Chairperson El Jamri participated in the conference held by the Council of Europe on Human Rights and Migration in Lisbon from 31 May to 1 June 2010.

19. Chairperson El Jamri participated in an international workshop on the regional human rights protection mechanisms, held by OHCHR, in Geneva, from 3 to 4 May 2010.

20. Chairperson El Jamri represented the Committee at the Legal Colloquium on the International Human Rights Treaties and Their Applicability to the Promotion and Protection on the Human Rights of the Migrant Domestic Workers in the European Union, held by OHCHR, in Brussels, on 25 and 26 May 2010.

21. Chairperson El Jamri participated in a number of civil society initiatives in relation to the 99th and 100th sessions of the International Labour Conference, in June and November 2010.

22. On 18 December 2010, Chairperson El Jamri issued a joint statement with the Special Rapporteur on the human rights of migrants, Jorge Bustamante, on the occasion of International Migrants Day.

23. On 15 December 2010, Mr. Tall participated as a panellist at the commemoration of the International Migrants Day held by the OHCHR regional office in Dakar.

H. Adoption of the report

24. On 22 October 2010, Chairperson El Jamri presented the Committee's annual report concerning its eleventh and twelfth sessions to the Third Committee of the General Assembly.

25. On 8 April 2011, at its 165th meeting (fourteenth session), the Committee adopted its annual report to the General Assembly.

II. Methods of work

26. At its 161st meeting (fourteenth session), in the context of the treaty bodies strengthening process, and after considering this matter over two sessions, the Committee adopted a procedure whereby lists of issues focused on priority issues will be adopted prior to the receipt of State party reports (list of issues prior to reporting procedure (LOIPR)). The replies to these lists of issues by States parties will constitute their reports due under Article 73 of the Convention. The new procedure will apply only to periodic reports; the Committee will continue to request comprehensive initial reports from States parties to be prepared in accordance with its reporting guidelines (HRI/GEN/2/Rev.2/Add.1).

III. Cooperation with bodies concerned

27. The Committee continued its cooperation with United Nations specialized agencies, intergovernmental organizations and non-governmental organizations. It welcomed their contributions in relation to the consideration of States parties' reports.

28. The Committee in particular expresses its appreciation for the active support of its work by the International Labour Organization (ILO), which assists the Committee in a consultative capacity, in accordance with article 74, paragraph 5, of the Convention.

IV. Reports by States parties under article 73 of the Convention

29. The Committee notes with concern that many initial reports from States parties under article 73 of the Convention have not yet been received. Annex III to the present report contains a table with the dates by which the reports of States parties should be submitted.

V. Consideration of reports submitted by States parties in accordance with article 74 of the Convention

30. Albania

(1) The Committee considered the initial report of Albania (CMW/C/ALB/1) at its 138th and 139th meetings (see CMW/C/SR.139. and SR.140), held on 22 and 23 November 2010, and adopted the following concluding observations at its 151st meeting, held on 1 December 2010.

A. Introduction

(2) The Committee welcomes the receipt of the report as well as the written replies to the list of issues which enabled the Committee to gain a better understanding on the implementation of the Convention in the State party. The Committee also welcomes the constructive and fruitful dialogue initiated with a competent delegation. It regrets, however, that the report and the written responses do not contain sufficient information on several important questions of both a legal and practical nature.

(3) The Committee recognizes that Albania is mainly known as a country of origin, with significant numbers of migrant workers, as well as a country of transit for migrant workers.

(4) The Committee notes that some of the countries in which Albania migrant workers are employed are not yet parties to the Convention, which may constitute an obstacle to the enjoyment by those workers of the rights to which they are entitled under the Convention.

B. Positive aspects

(5) The Committee notes with appreciation that Albania piloted at its border points a unique pre-screening procedure, for migrants in an irregular situation, asylum-seekers, unaccompanied minors and victims of trafficking entering Albania. This procedure has been in place since 2004 and aims to improve the treatment of irregular migrants.

(6) The Committee welcomes the efforts undertaken by the State Party to promote and protect the rights of Albania's migrant workers abroad, including:

(a) The National Strategy on Migration and National Action Plan on Migration;

(b) The Government Information and Communication Policy addressed to the Albanian Migrant Community abroad;

(c) The establishment of Migrant Service Centers in all Regional Employment Offices.

(7) The Committee also welcomes the binational institutional dialogue to pursue/renew labour agreements/protocols of implementation with Greece and Italy.

(8) The Committee further welcomes the ratification of the following instruments:

(a) The Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2008;

(b) International Labour Organization (ILO) Conventions No. 97 on Migration for Employment (1949), in 2005; No.143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Supplementary Provisions), in 2006; No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), in 2001;

(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants By Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2002.

C. Principal subjects of concern, suggestions and recommendations**1. General measures of implementation (arts. 73 and 84)***Legislation and application*

(9) The Committee notes that, according to the Constitution of Albania, international agreements ratified by law prevail over the domestic laws that are not compatible with it.

However, in practice there is no guarantee of primacy of the Convention in case of conflict with national legislation.

(10) **The Committee encourages the State party to take all necessary measures, including legislative measures, to harmonize its domestic legislation with the Convention. The State party should also take appropriate and effective steps to guarantee the application of the Convention in practice.**

(11) The Committee regrets the lack of sufficient information on the legislation regulating migration, in particular on the Law on Migration of Albanian Nationals for Employment Purposes, and the law on Foreigners and on its implementation.

(12) **The State party is invited to provide in its second periodic report effective information on the domestic legislation regulating migration, including on the Law on Migration of Albanian Nationals for Employment Purposes, and the Law on Foreigners, as well as concrete information on their implementation.**

(13) The Committee notes that Albania has not yet made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and individuals.

(14) **The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.**

Data collection

(15) The Committee welcomes the information provided by the State party but regrets the paucity of information on migration flows and on other migration-related issues. While noting the difficulties faced by the State party in this regard, the Committee recalls that such information is indispensable to an understanding of the situation of migrant workers in the State party and to an assessment of the implementation of the Convention.

(16) **The Committee encourages the State party to create a sound and coordinated database, in line with all aspects of the Convention, including reliable and updated systematic data — as disaggregated as possible — as a tool for effective migration policy and for the application of the various provisions of the Convention. When precise information is not available, for instance with respect to migrant workers in an irregular situation, the Committee would appreciate receiving data based on studies or estimated assessments.**

Training in and dissemination of the Convention

(17) The Committee notes the information provided by the State party on training programmes on the Convention for relevant public officials, such as border police officers, migration officials and social workers. The Committee notes with concern that there is no information showing that the State party has taken measures to train judges and prosecutors on the Convention or to disseminate information and promote the Convention among all the relevant stakeholders, in particular civil society organizations.

(18) **The Committee encourages the State party to intensify training for all officials working in the area of migration, in particular police and border personnel, judges, prosecutors, as well as officials at the local level dealing with migrant workers. It also encourages the State party to ensure continuous access by migrant workers to information about their rights under the Convention. In addition, the Committee encourages the State party to work with civil society organizations, in order to disseminate information and to promote the Convention.**

2. General principles (arts. 7 and 83)

Non-discrimination

(19) The Committee is concerned at the information that migrant workers and members of their families may suffer from various forms of discrimination, in particular in the area of social security.

(20) **The Committee encourages the State party to intensify its efforts:**

(a) To ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination, in conformity with article 7;

(b) By promoting information campaigns for public officials working in the area of migration, especially at the local level.

Right to an effective remedy

(21) The Committee takes note of the information received from the State party that every individual, regardless of his or her nationality, has access to the courts of law and enjoys protection of the rights laid down in the legislation. The Committee is nevertheless concerned that migrant workers, irrespective of their legal status, have in practice limited access to justice, due to a lack of awareness concerning the administrative and judicial remedies that are available to them.

(22) The Committee encourages the State party to strengthen its efforts to inform migrant workers of the administrative and judicial remedies available to them and to address their complaints in the most appropriate manner. It recommends that the State party ensure that in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress before the courts, including the labour courts. It also encourages the State party to include in its next report to the Committee information on documented cases of direct application of the Convention by national tribunals and on the effects of the Convention.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

(23) The Committee takes note of information that migrant workers and members of their families are entitled to lodge an appeal against an expulsion order with an administrative body — the Border and Migration Department in the Police Directorate General — and, if they do not agree with this decision, have the possibility to address the first instance court.

(24) The State party is invited to ensure that, pending such appeal, the person concerned shall have the right to seek a stay of the expulsion.

(25) The Committee notes that the law does not provide for a renewal of the residence permit to members of the family of a migrant worker in case of divorce or in case of death of the migrant worker.

(26) The State party is invited to ensure that the rights of the families of the deceased or divorced migrant worker are guaranteed in conformity with article 50 of the Convention.

(27) The Committee notes that the State party has not taken sufficient measures to protect the rights of Albanian citizens living abroad and regrets that despite a considerable emigrant population — close to one third of the working force — only one bilateral agreement has been signed concerning social security. The Committee also notes that several aspects of the legal and policy framework on migration would benefit from clarification.

(28) **The Committee recommends that the State party reinforce its support for Albanian migrant workers abroad through:**

(a) **Allocating sufficient funds to consulates and embassies to maintain appropriate services that provide assistance to Albanian migrant workers and their families;**

(b) **Upholding efforts to have better figures on the number of migrant workers, their identity, location and occupations abroad to better manage provisions for their assistance and documentation;**

(c) **Signing further bilateral agreements on social security;**

(d) **Clarifying the legal and policy framework on migration, including the respective responsibilities of various government entities, the contents of the system of state management of employment outside the country, the benefits flowing from the status of migrant and whether they are applicable to both “potential migrant workers” and “returning migrants”.**

(29) With reference to article 26 of the Convention, the Committee is concerned at the fact that undocumented migrant workers and members of their families cannot join trade unions.

(30) **The Committee recommends that the State party take the necessary measures, including legislative amendments, to guarantee to all migrant workers and members of their families the exercise of trade unions rights, in accordance with the Convention, as well as with ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

(31) The Committee is concerned that, according to article 11 of the Electoral Code, voters who live in another State have the right to vote only in the territory of the Republic of Albania. In the Committee’s view this provision negatively affects the exercise of the right to vote of migrant workers abroad.

(32) **The Committee recommends that the State party harmonize the Electoral Code with the Convention and to continue its efforts with a view to ensure the exercise of voting rights by Albanian migrant workers residing abroad, in accordance with the Convention.**

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57–63)

(33) The Committee notes that there is no information relating to seasonal workers engaged in remunerated activities in the State Party, and of Albanian seasonal workers engaged in remunerated activities abroad.

(34) **The Committee recommends that the State party take all necessary measures to follow up and report on the situation of seasonal workers.**

6. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64–71)

(35) The Committee notes that the State Party has concluded readmission agreements with the European Union (EU) and with Switzerland, and has developed the Strategy for the reintegration of migrant workers returned from neighboring countries as well as its Action Plan approved by the State party in June 2010, to facilitate the regular return of the

nationals working abroad and of members of their families. It is concerned, however, that these agreements do not include procedural guarantees for the migrants they cover.

(36) The Committee recommends that the State party, taking into account article 22 of the Convention, ensure that current and future readmission agreements and protocol agreements concluded between Albania and host countries include appropriate procedural guarantees for migrants and that it facilitate the voluntary return of migrant workers and members of their families as well as their durable social and cultural reintegration. The Committee additionally recommends to the State party to gather statistical data on migrants readmitted under readmission agreements, in particular who they are – Albanian citizens or third-country national.

(37) The Committee notes with concern the high number of Albanian children 17 years of age or less are living in households where one parent is not present owing to emigration.

(38) The Committee encourages the State party to study the impact of migration on children with the aim of developing adequate strategies to ensure that children of migrant workers enjoy full social protection.

(39) The Committee take note of the National Strategy adopted by Albania on combating trafficking in human beings and its National Action Plan, as well as the Cooperation Agreement to establish a national Referral Mechanism for the enhanced identification of and assistance to victims of human trafficking. However, it notes with deep concern that the State party has emerged as a country of origin, as well as a transit country, for persons trafficked for the purposes of sexual exploitation and forced labour, including women and children.

(40) The Committee is equally concerned at information according to which police personnel and Government agents would be involved in the trafficking, and by the absence of efficient mechanisms to protect witnesses and victims.

(41) The Committee, while acknowledging the adoption of the National Strategy and Plan of Action for the Fight against Child Trafficking and the Protection of Child Victims of Trafficking, notes that children who fall victim to trafficking for labour exploitation remain a concern in the State Party. The Committee is particularly concerned at the fact that, until 2004, about 4,000 children had migrated unaccompanied by their parents.

(42) The Committee recommends that the State party:

(a) Evaluate the phenomenon of trafficking in persons and compile systematic disaggregated data with a view to better combating trafficking in persons, especially of women and children, and bringing perpetrators to justice;

(b) Allocate sufficient financial and human resources to implement national strategies to combat trafficking, including child trafficking;

(c) Apply measures, at the national and international levels, to dismantle trafficking networks;

(d) Increase its efforts to identify victims of trafficking, to enforce anti-trafficking laws, to train police forces, judges, prosecutors and social service providers, and to fund ambitious prevention of trafficking campaigns;

(e) Intensify efforts to determine the causes of massive departure of unaccompanied minors and to reduce the magnitude of this phenomenon;

(f) Define the crime of sale of children and to adopt laws on accessible procedures for victims of trafficking to obtain reparation; and

(g) Vigorously prosecute labour trafficking offenders and public officials who participate or facilitate human trafficking.

(43) The Committee notes with concern that the State party is considered to be a transit country for human smuggling.

(44) The Committee recommends that the State party intensify efforts to counter migrant-smuggling, especially women and children, inter alia by taking appropriate steps to detect the illegal or clandestine movement of migrant workers and their families and bring those responsible to justice.

7. Follow-up and dissemination

Follow-up

(45) The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and parliament, as well as to local authorities.

(46) The Committee encourages the State party to continue in the implementation of the Convention and to involve civil society organizations in the preparation of its second periodic report.

Dissemination

(47) The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, non-governmental organizations and other members of civil society, and to take steps to make them known to Albania's migrants abroad and foreign migrant workers residing or in transit in Albania.

8. Next periodic report

(48) The Committee requests the State party to submit its second periodic report not later than 1 November 2015.

31. Ecuador

(1) The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families considered the second periodic report of Ecuador (CMW/C/ECU/2) at its 140th and 141st meetings (CMW/C/SR.140 and 141), held on 23 and 24 November 2010. At its 155th meeting, held on 3 December 2010, the Committee adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the State party's second periodic report, as well as the replies to the list of issues and the additional oral information provided by the delegation, which gave the Committee a better understanding of the implementation of the Convention in the State party. The Committee appreciates the frank and constructive dialogue with a competent delegation and welcomes the regular nature of this dialogue.

(3) The Committee recognizes that Ecuador, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals abroad. However, as a country of transit and destination, it faces major challenges in regard to protection of the rights of migrant workers.

(4) The Committee notes that some of the countries in which Ecuadorian migrant workers are employed are not yet parties to the Convention, which may constitute an obstacle to enjoyment of their rights under the Convention.

B. Positive aspects

(5) The Committee welcomes the State party's efforts to promote and protect the rights of Ecuadorian migrant workers abroad and the 10 alliances and agreements signed as of September 2009, including the memorandum of understanding on cooperation in consular and migration matters with Belgium and the cooperation agreement with Paraguay.

(6) The Committee further welcomes the signing of the Ecuador-Peru Permanent Migration Statute designed to regularize Peruvian and Ecuadorian migrant workers in the two countries.

(7) The Committee notes with appreciation the regularization of some 400 Haitians resident in the State party following the earthquake in Haiti on 12 January 2010.

(8) The Committee welcomes the abolition, as from 29 December 2007, of the exit permit requirement for nationals and foreigners wishing to leave Ecuador.

(9) The Committee is pleased to note:

(a) The recent ratification of the Ibero-American Social Security Convention (2010);

(b) The entry into force of Ministerial Decision No. 337/2008, which guarantees access to preschool, primary and secondary education for children, including adolescents, of foreign migrant workers, regardless of their migratory status; and

(c) The creation of the "Virtual Consulate" website to improve access to information on consular services.

(10) The Committee further welcomes Ecuador's accession to the following international human rights instruments:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008;

(b) The International Convention for the Protection of All Persons from Enforced Disappearance, in 2009;

(c) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2009.

C. Main subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

(11) The Committee notes that the State party has not yet made the declarations provided for in articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive communications from States parties and individuals.

(12) The Committee reiterates its previous recommendation (CMW/C/ECU/CO/1, para. 11) that the State party should consider making the declarations provided for in articles 76 and 77 of the Convention.

(13) The Committee takes note of the information submitted by the State party on the efforts made to obtain approval by the National Assembly for ratification of the International Labour Organization (ILO) Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant

Workers (No. 143) of 1975. However, it notes with concern that the State party has not yet acceded to the Convention.

(14) The Committee reiterates its previous recommendation (CMW/C/ECU/CO/1, para. 13) to the State party and encourages it to speed up its efforts to ratify ILO Convention No. 143.

(15) The Committee takes note of the entry into force of the 2008 Constitution, which incorporates rights and guarantees for national and foreign migrant workers and recognizes migration as a right. However, the Committee is concerned by the disparities that exist between the Constitution and the secondary legislation in force, including: the Migration Act and principally its articles 9, 16, 19, 31, 36 and 37, the last of which concerns offences related to migration; the Aliens Act, article 9, VII; the Travel Documents Act (art. 20), which indicates that “the Government does not take responsibility for Ecuadorians who leave the country”; Regulation 1181 concerning the Private Surveillance and Security Act (art. 2, para. 3), which prohibits foreigners from working in private security firms; and the Marginal Urban and Rural Housing Regulation, article 3 of which states that only Ecuadorians are eligible for the housing benefit concerned.

(16) The Committee encourages the State party to revise any secondary legislation that is not in conformity with the Constitution and with international human rights standards in order to guarantee the full implementation of such standards. It also recommends that the State party should adopt as soon as possible the Human Mobility Act which ensures in practice the rights and principles recognized by the Constitution and by the Convention, including the principle of non-discrimination.

Data collection

(17) The Committee welcomes the announcement that in November this year the State party will carry out a further census to include questions on remittances and migration. It also takes note of the efforts made to improve data collection and in particular the establishment of the National System of Information on Migration. However, it regrets that the system is not yet operational and that no single consolidated statistical information system is yet available. The Committee also regrets the lack of information from the State party on the different criteria for evaluating the effective implementation of the Convention, in particular with regard to migrants in transit, migrant women, unaccompanied migrant children and cross-border and seasonal migrant workers.

(18) The Committee recommends that the State party should step up its efforts to bring into operation the National System of Information on Migration in order to better understand migratory flows and improve the design of Government policies. It also recommends that this centralized database should take into account all aspects of the Convention and include detailed information on migrant workers present in the State party, those in transit and emigrants, and encourages the State party to gather information and statistics differentiated by sex, age, reasons for entering and leaving the country and work performed. Whenever it is not possible to obtain precise information, such as information on migrant workers in an irregular situation, the Committee would appreciate receiving data based on studies or estimates.

Training in and dissemination of the Convention

(19) The Committee notes with satisfaction the efforts made by the State party to disseminate the Convention. However, the Committee regrets that no specific permanent programmes have yet been developed and carried out to provide training on the content of the Convention. It also regrets that the inter-agency governmental committee to monitor progress in the application of the Convention has not yet been established.

(20) The Committee reiterates its recommendation that the State party should strengthen and expand education and training programmes on the content of the Convention with a view to making them permanent. It also recommends that the training should encompass all officials whose work involves migration, including at the local level, and that the State party should speed up the establishment of the inter-agency governmental committee (CMW/C/ECU/CO/1, paras. 17 and 18). The Committee encourages the State party to continue its efforts to ensure that migrant workers have access to information on the rights to which they are entitled under the Convention, and to collaborate with civil society organizations in disseminating information on and promoting the Convention.

Participation of civil society

(21) The Committee is concerned by the limited participation of civil society and non-governmental organizations in the implementation of the Convention, especially in the drafting of reports.

(22) **The Committee encourages the State party to consider more active ways of systematically involving civil society and non-governmental organizations in the implementation of the Convention and in the preparation of its next report.**

2. General principles (arts. 7 and 83)

Non-discrimination

(23) The Committee reiterates its concern about the discriminatory attitudes and social stigmatization from which migrant workers and members of their families may suffer (CMW/C/ECU/CO/1, para. 19) in the State party. It is concerned by the prevalence in the media and among the authorities and the majority of the population of a generally negative image of foreigners working in the State party, mainly Colombians, Peruvians, Cubans and Chinese, associating them with lack of safety, violence, prostitution or access to employment to the detriment of Ecuadorians.

(24) **The Committee reiterates its previous recommendation (CMW/C/ECU/CO/1, para. 20) and encourages the State party to:**

(a) **Intensify its efforts to ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights provided for in the Convention without discrimination of any kind, in conformity with article 7;**

(b) **Take immediate and effective measures, in particular awareness-raising campaigns to combat prejudices and social stigmatization for public officials working in the main areas of immigration, including at the local level, and for the general public; and**

(c) **Punish discriminatory practices in the media and in public and private institutions.**

(25) While taking note of the State party's explanations, the Committee regrets that the State party continues to require a certificate of criminal record for entry into the State party exclusively for Colombian migrants, as this may contribute to their stigmatization and stereotyping and is inconsistent with article 2 of the Constitution, which imposes an obligation not to discriminate against anyone on the basis of their criminal record.

(26) **The Committee reiterates that the State party should take the necessary measures to guarantee the principle of non-discrimination in practice and urges it not to pursue discriminatory policies aimed at a specific group of migrants. The Committee also invites the State party to review and revoke the requirement for**

Colombian migrants entering the State party to produce a certificate of criminal record.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

(27) The Committee reiterates its concern over the discrimination, exclusion and exploitation suffered by women migrants in the State party, and their lack of access to labour rights and social benefits, especially in the case of those working in domestic service (CMW/C/ECU/CO/1, para. 37). The Committee also notes with concern that, in the majority of cases, women do not have access to employment that is in keeping with their level of training, for reasons of both discrimination and legal limitations. It also regrets the lack of information on the inclusion of a gender focus in the State party's migration policies.

(28) The Committee encourages the State party to continue its efforts to protect women domestic workers, including access to regular migration status, the systematic involvement of the labour authorities in monitoring their working conditions, and the promotion of access to mechanisms for bringing complaints against employers. The Committee urges the State party to continue its efforts to promote the enhancement and empowerment of migrant women in vulnerable situations by, inter alia, conducting an assessment and taking concrete measures to address the feminization of migration in its labour migration policies.

(29) The Committee is concerned that expulsion and deportation procedures continue to be essentially criminal procedures, contrary to the provisions of the Convention. While taking note of the establishment of a deportation protocol, the Committee regrets the lack of effective measures to implement that protocol and the lack of statistics on deportations. The Committee is concerned that cases of arbitrary detention and failure to appoint an interpreter continue to be reported.

(30) The Committee reiterates its previous recommendation that the State party should ensure that migration procedures, including deportation and expulsion (CMW/C/ECU/CO/1, para. 26), are in accordance with article 22 of the Convention and that they are exceptional procedures of an administrative nature and are not handled by the criminal justice system. The Committee urges the State party to carry out the necessary investigations into irregularities committed during recent operations and to duly punish law enforcement officials who do not respect the migration procedures.

(31) The Committee regrets that the deprivation of liberty of persons in an irregular situation takes place in prisons for ordinary offences or in pretrial detention centres that are overcrowded and in poor condition, without access to basic social services.

(32) The Committee recommends that the State party should adopt measures to improve conditions in temporary detention centres so that they are not the same as prisons, and that men and women should be duly separated. It also recommends that the State party should ensure the provision of basic social services, including food, health care and hygienic conditions, and encourages the State party to expedite exit procedures.

(33) The Committee notes the efforts to regularize the Peruvian population in the State party. It is concerned, however, that the current procedures to regulate the migrant population in the State party are difficult to access, whether because of cost or distance, or because they are aimed at migrant workers involved in entrepreneurial activities. It is also concerned that because there is no comprehensive regularization mechanism, the authorities are resorting to the programme for expanded registration for refugees, which demonstrates a lack of understanding of the application of the safeguards established for the treatment

and international protection of those who need them. The Committee also regrets the cases of expulsion of refugees and persons in need of international protection.

(34) **The Committee encourages the State party to redouble its efforts to establish and implement a comprehensive migration regularization policy that is accessible to all migrant workers and members of their families in an irregular situation and satisfies the principle of non-discrimination. It also recommends that the State party should carry out a programme of ongoing training for border and immigration officials on the application of the safeguards established for the treatment and international protection of those who need them, including the procedures to be followed to distinguish between the specific characteristics of the Convention and the identification of refugee status. The Committee urges the State party to expand its cooperation with international bodies such as the Office of the United Nations High Commissioner for Refugees (UNHCR).**

(35) The Committee is concerned by the cases of children of Ecuadorians residing abroad who have not obtained Ecuadorian identity documents or who are not registered in the birth register and who have been denied entry to the State party by the migration authorities under the Migration Act.

(36) **The Committee recommends that the State party should guard against the use of procedures that, in contravention of article 8 of the Constitution, violate the human rights of children of Ecuadorians residing abroad, and that it should ensure that such children are registered in the birth register. It also recommends that appropriate ongoing training should be given to the migration service officials of the National Police in order to implement the rights of migrant workers and members of their families with respect to issues of international migration.**

(37) The Committee regrets the large number of persons at risk, and especially child migrants involved in prostitution in the Lago Agrio region, despite the State party's efforts to eradicate trafficking in persons and commercial sexual exploitation.

(38) **The Committee reiterates its previous recommendation (CMW/C/ECU/CO/1, para. 33) and encourages the State party to:**

(a) **Strengthen all bodies of the Decentralized National System for Comprehensive Protection of Children and Adolescents, including by allocating adequate human and financial resources;**

(b) **Raise awareness among the general public of the harmful effects of all forms of commercial sexual exploitation of children, particularly child prostitution;**

(c) **Establish appropriate mechanisms for the physical and psychological rehabilitation and social reintegration of victims.**

(39) The Committee notes with appreciation the State party's efforts to promote dialogue and collaboration among various actors to eradicate the worst forms of child labour. It remains concerned, however, by the involvement of child migrants in domestic child and adolescent labour in conditions comparable to a contemporary form of slavery, as well as in hazardous work in garbage dumps and the mining industry.

(40) **The Committee recommends that the State party should continue and redouble its efforts to eliminate child labour and the worst forms of child labour and that it should introduce the International System for the Protection of Migrant Children and Adolescents. It also encourages the State party to continue its collaboration with the ILO International Programme on the Elimination of Child Labour (IPEC). The Committee requests the State party to gather specific data on the number of**

unaccompanied or separated child and adolescent migrants in Ecuador and the type of work they perform and to provide this information in its next periodic report.

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

(41) The Committee is concerned that the provision in the Labour Code prohibiting foreign nationals from becoming members of a workers' association or trade union has been maintained (CMW/C/ECU/CO/1, para. 41).

(42) **The Committee reiterates its previous recommendation (CMW/C/ECU/CO/1, para. 42) and encourages the State party to take the necessary measures to guarantee to migrant workers and members of their families the right to form, and to form part of the executive bodies of, associations and unions, in accordance with article 40 of the Convention as well as with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which the State party has ratified.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64–71)

(43) The Committee expresses its concern about the apparent lack of coordination between the institutions and services that deal with the various aspects of migration policy in the State party.

(44) **The Committee encourages the State party to clarify the mandates of the public administration institutions that deal with the various aspects of migration and to strengthen the National Secretariat for Migrants as the coordination mechanism with a view to improving the services provided to migrant workers and members of their families, while ensuring uniformity and conformity of those services with the regional and international treaties to which Ecuador is a party. The Committee also encourages the State party to ensure that the Convention is taken into account in the formulation and implementation of all policies concerning the rights of migrant workers.**

(45) The Committee notes with interest the voluntary repatriation programmes for migrant workers and members of their families in the State party but regrets the lack of involvement of those persons in drawing up such programmes.

(46) **The Committee urges the State party to promote the participation of migrant workers and members of their families in the design of voluntary repatriation programmes that have a direct impact on their social and cultural reintegration.**

(47) The Committee regrets the lack of data and information on the situation of emigrants' children, including adolescents, who remain in the State party, in particular with respect to their family and educational environment, especially in view of the high number of migrant women. It also regrets the lack of information on policies to protect the children of migrant workers in the State party, including those in an irregular situation.

(48) **The Committee recommends that the State party should carry out studies on the situation of emigrants' children, including adolescents, who remain in the State party with a view to formulating care, protection and family reunification policies. It also encourages the State party to focus on developing policies that address the difficulties faced by the children of migrants, including the children of migrant workers in an irregular situation, as a result of their situation and to guarantee the full enjoyment of their rights.**

(49) The Committee takes notes of the State party's efforts to combat trafficking in persons. However, the Committee is concerned about the lack of coordination on the part of

State party institutions and shortcomings in the provision of protection and care for victims of trafficking by the State party. It also notes that steps taken under the national plan to combat human trafficking, the smuggling of migrants, sexual exploitation, labour exploitation and other forms of exploitation, and prostitution of women, children and adolescents, child pornography and corruption of minors have mostly concerned human trafficking. It is concerned about cases of deportation involving foreign victims of trafficking and regrets that there is no legislation implementing article 42 of the Constitution, which prohibits any arbitrary displacement, and article 66, paragraph 29 (b), which prohibits slavery, exploitation, servitude, human trafficking and people smuggling in all their forms.

(50) The Committee recommends that the State party should take further measures to combat trafficking in persons, in particular:

- (a) Formulation of a plan focusing exclusively on human trafficking;**
- (b) Adoption of laws and regulations to ensure implementation of legislation to combat human trafficking;**
- (c) Provision of appropriate intensive training for the “specialized police team” in order to strengthen its capacities with respect to victim identification, and ongoing training for public officials, in particular the National Police, judges and officials in the criminal courts, prosecutors, labour inspectors, teachers, health professionals at the national level and representatives and officials of Ecuadorian embassies and consulates;**
- (d) Systematic collection of disaggregated data in order to better combat trafficking in persons;**
- (e) Adoption of measures to ensure that those responsible for trafficking in persons are tried and appropriately punished;**
- (f) Intensification of campaigns for the prevention of irregular migration, including trafficking in persons;**
- (g) Formulation of a strategy to ensure respect for victims’ rights and development of projects to help the victims of trafficking rebuild their lives, taking into account the physical, psychological and social consequences of their suffering;**
- (h) Protection of workers in reception centres and shelters for the prevention of trafficking and the provision of protection and services to its victims.**

(51) With regard to the smuggling of migrants, the Committee reiterates its recommendation to the State party to continue, and to step up, its efforts in this area, in particular:

- (a) To ensure that migrant workers in an irregular situation are not criminalized;**
- (b) To carry out appropriate investigations and measures in order to punish those responsible for the smuggling of migrants;**
- (c) To step up campaigns for the general public at the local level on the risks of irregular migration.**

6. Follow-up and dissemination

Follow-up

(52) The Committee requests the State party to include in its third periodic report detailed information on measures taken to follow up on the recommendations made in

these concluding observations. The Committee recommends that the State party should take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and relevant action to the National Assembly, as well as local authorities.

Dissemination

(53) The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies, the judiciary and non-governmental organizations and other members of civil society, and to take steps to make them known to Ecuadorian migrants abroad and foreign migrant workers residing or in transit in Ecuador.

7. Next periodic report

(54) The Committee requests the State party to submit its third periodic report by 1 July 2015.

32. Mexico

(1) The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families considered the second periodic report of Mexico (CMW/C/MEX/2) at its 157th and 158th meetings (CMW/C/SR.157 and 158), held on 4 and 5 April 2011. At its 163rd meeting, held on 7 April 2011, the Committee adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the second periodic report of the State party and is gratified by the dialogue held with its diverse and representative delegation. The Committee thanks the State party for its detailed replies to the list of issues and the additional information provided by the delegation.

(3) The Committee notes that some of the countries in which Mexican migrant workers are located are not yet parties to the Convention, which constitutes an obstacle to the enjoyment by those workers of the rights to which they are entitled under the Convention.

(4) The Committee welcomes the contributions made by the National Human Rights Commission and non-governmental organizations in connection with the Committee's consideration of the second periodic report of Mexico.

B. Positive aspects

(5) The Committee appreciates that the State party continues to consider the question of migration to be a priority on its political agenda and that it continues to actively promote the Convention at the regional and international levels.

(6) The Committee welcomes the fact that the State party has recognized the Committee's competence to receive and consider communications from individuals under article 77 of the Convention, as recommended by the Committee in 2006.

(7) The Committee welcomes the legislative measures, public policies and institution-building actions adopted by the State party to promote and protect the rights of migrant workers, notably:

(a) The amendment, in force since 22 July 2008, of the Population Act to abrogate the provision for prison terms of from 18 months to 10 years for undocumented migrant workers;

(b) The adoption of the Act to Prevent and Punish Trafficking in Persons and the General Act on Women's Access to a Life Free of Violence; the incorporation of the

offence of human trafficking in the Federal Criminal Code, as recommended by the Committee; the establishment of the Office of the Special Prosecutor for Violent Crimes against Women and Trafficking in Persons; the promulgation of the National Programme for the Prevention and Punishment of Trafficking in Persons; the adoption by the National Institute for Migration of protocols for detecting, identifying and assisting foreign crime victims and for the possibility of issuing visas to crime victims and witnesses so that they may remain in the country legally;

(c) The agreement in force since 8 October 2009 under which regulations governing the operation of migrant holding centres are issued and the publication by the National Institute for Migration of a manual on migration procedures and guidelines in January 2010;

(d) The adoption of a package of measures to improve conditions in migrant holding centres, to reduce overcrowding and the length of time that migrants remain in those centres, and to facilitate access to medical assistance and access for migrants in those centres to means of communication with persons outside them;

(e) The amendment, in force since 23 November 2010, of article 67 of the Population Act to ensure that the consideration of complaints lodged by foreigners regarding their human rights and their efforts to seek justice cannot be denied or restricted, regardless of their migration status;

(f) The adoption of the Comprehensive Strategy for Preventing and Combating the Kidnapping of Migrants, the establishment of the Technical Group on the Kidnapping of Migrants, the conclusion of a framework cooperation agreement on preventing and combating the kidnapping of migrants and the adoption of the Act for the Prevention and Punishment of Kidnapping Offences;

(g) The creation and, since March 2008, implementation of the Southern Border Programme, under which border worker passes (FMTF) and local visitor passes (FMVL) may be issued to Guatemalan and Belizean migrant workers;

(h) The migrant regularization programme in effect since November 2008, which is to remain in force until May 2011;

(i) The implementation of a strategy of prevention and support for unaccompanied migrant and repatriated children and adolescents;

(j) The adoption of the Act on Refugees and Complementary Protection in January 2011;

(k) The various programmes established by the State to assist Mexican migrant workers in other countries and the measures adopted to facilitate the reintegration of migrant workers returning to Mexico, such as the e-Migrantes portal, the Humane Repatriation Programme and the Voluntary Interior Repatriation Programme.

(8) The Committee also welcomes the ratification by the State party of:

(a) The Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2007;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights in 2007;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance in 2008.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84)

Legislation and application

(9) The Committee notes that article 33 of the Constitution is in the process of being amended and takes note of the State party's affirmation that, once that reform process has concluded, there will be no grounds for maintaining its reservation to paragraph 4 of article 22 of the Convention.

(10) The Committee urges the State party to take measures as soon as possible to withdraw its reservation to paragraph 4 of article 22 of the Convention. The State party should guarantee that migrant workers and members of their families are expelled from Mexican territory only in compliance with a decision issued by a competent authority in accordance with the law and with the possibility of an effective appeal.

(11) The Committee notes that the State party has still not made the declaration provided for in article 76 of the Convention.

(12) The Committee encourages the State party to make the declaration provided for in article 76 of the Convention.

(13) The Committee notes that the State party has still not ratified the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised 1949) (No. 97) or the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143).

(14) The Committee once again invites the State party to consider ratifying ILO conventions No. 97 and No. 143 on migrant workers as soon as possible.

(15) The Committee notes that the migration bill, which will enhance the protection of migrant workers' rights, is still under review. The Committee is concerned, however, by reports that some aspects of the bill may not be wholly compatible with the Convention, such as its failure to establish adequate safeguards for the right to due process in the case of deportation, the right of access to information, the gender perspective and the protection of unaccompanied children. It is aware that the civil society organizations represented on the advisory board of the National Institute for Migration have participated in the consultations held on the bill, but notes with concern the claims that other civil society organizations working in the area of migration have not been included in the consultation process.

(16) The Committee recommends that adequate measures be taken to ensure that the migration bill is compatible with the provisions of the Convention and of other international human rights instruments. The Committee also recommends that the consultations on the bill be extended to include civil society organizations, especially those involved in migration issues, at the federal, state and municipal levels.

Data collection

(17) The Committee notes with concern the failure to systematically compile disaggregated data on migrants, especially on undocumented migrant workers along the southern border, and notes that the information provided by the State party on undocumented migrant workers refers to those detained in migrant holding centres, who are subsequently repatriated or deported. The Committee is also concerned by the unevenness of data collection, as illustrated by the fact that there are records of migrants' deaths along the northern, but not the southern, border.

(18) The Committee recommends that the State party take the necessary measures to establish a national information system on migration in order to obtain a better picture of migration flows and improve public policy design. It recommends that this database contain information on all matters covered by the Convention and include detailed data on the status of all migrant workers. The Committee urges the State

party to collect information and statistics disaggregated by sex, age and nationality and by reason for entry into the country, transit or departure.

Coordination

(19) The Committee takes note of the efforts made by the State party to increase coordination between the various agencies concerned with migration issues and notes with satisfaction some state-level initiatives in that regard. It is concerned, however, that effective coordination has still not been established in practice among federal entities or between federal entities and state and municipal authorities.

(20) The Committee recommends that the State party intensify its efforts to establish effective coordination among the various authorities concerned with migration issues, both at the federal level and in relations between federal authorities and state and municipal authorities, especially in border states.

Training in and dissemination of the Convention

(21) The Committee welcomes the training given to officials of the National Institute for Migration, the Federal Preventive Police and other agencies working in the field of migration. It is concerned, however, by reports that the handling of judicial proceedings by some public prosecutors and the judicial decisions of some judges reflect insufficient knowledge of the provisions of the Convention.

(22) The Committee encourages the State party to continue providing training on the Convention to the various officials involved in the protection of migrants' rights, particularly public prosecutors, judges, magistrates and personnel involved in the administration of justice, and to ensure that this training is provided on a permanent and continuous basis and is taken into account in the performance evaluations and promotion of those officials.

2. General principles (arts. 7 and 83)

Non-discrimination

(23) The Committee welcomes the decision of the Supreme Court of Justice of November 2008, which ruled that migrant workers, regardless of their migration status, have the same labour rights as nationals. It also takes note of the action of the Beta Group to disseminate information about migrant workers' rights. It is concerned, however, that migrant workers and members of their families continue to suffer from various forms of discrimination, especially discrimination based on ethnic origin and gender, and from stigmatization in the media and in society at large.

(24) The Committee reiterates its recommendation that the State party intensify its efforts to ensure that all migrant workers and members of their families receive non-discriminatory treatment. It also encourages the State party to carry out campaigns to raise awareness among migration officials and the general public in order to combat discrimination against migrants and to include the media in these activities.

Right to an effective remedy

(25) The Committee welcomes the different measures adopted by the State party to guarantee access to justice for undocumented migrant workers, such as the creation of the Public Prosecution Service for Migrants in the State of Chiapas, as well as the protocols adopted by the National Institute for Migration in 2010 for the identification and assistance of crime victims. The Committee is concerned, however, by reports that victims of abuses and violations of their rights under the Convention have not had proper access to judicial protection of those rights or the benefit of an effective remedy. The Committee notes that the shortness of the period spent in the country by undocumented Central American migrant

workers who opt for voluntary repatriation (particularly women migrants who have been victims of sexual violence) could, in practice, constitute a curtailment of their right to file and pursue a complaint regarding violations of their rights.

(26) **The Committee recommends that the State party intensify its efforts to adopt specific and effective measures so that all persons whose rights or freedoms under the Convention have been violated have access to effective remedies and appropriate redress, even if they opt for voluntary repatriation. Particular attention should be paid to ensuring access to justice for women migrants who have been victims of sexual assault.**

(27) The Committee expresses concern about the numerous reports of corruption among officials from various institutions with responsibilities related to the implementation of the Convention.

(28) **The Committee urges the State party to thoroughly investigate cases of corruption that appear to involve officials working in areas related to the implementation of the Convention and to impose the appropriate sanctions on them where necessary.**

3. Human rights of all migrant workers and members of their families (arts. 8–35)

(29) The Committee is deeply concerned by the alarming number of cases of kidnapping and extortion of undocumented migrant workers coming up from the southern border and by the acts of torture and cruel, inhuman and degrading treatment, disappearances and killings of these migrants, primarily at the hands of national and international organized criminal groups. The Committee is also concerned by allegations that public authorities participate in these human rights violations, or that they are carried out with the complicity, consent and/or collusion of federal, state and municipal authorities. It is also concerned that violence against migrants has extended beyond the border areas and spans the main transit routes used by the migrant population. The Committee notes the various actions which the authorities have taken to combat the kidnapping of migrants. However, it is concerned that impunity for these crimes prevails, especially in paradigmatic cases such as the kidnapping and murder of 72 Central American and South American migrants in August 2010 in Tamaulipas and the kidnapping of 40 migrant workers in the State of Oaxaca in December 2010.

(30) **The Committee recommends that the State party increase its efforts to prevent kidnappings of undocumented migrant workers and the other serious human rights violations and abuses they face and that it seriously and diligently investigate these acts and punish those responsible for these crimes with sentences that are commensurate with the seriousness of the offence. The Committee also recommends that adequate compensation be provided to the victims and/or members of their families. In cases where State officials are involved in these acts, the Committee recommends that, in addition to criminal sanctions, the relevant disciplinary proceedings also be pursued. The State party should take practical steps to clarify the circumstances surrounding the aforementioned paradigmatic cases, including any such cases in which there are indications that public officials were involved.**

(31) The Committee is concerned that some operations to verify individuals' migration status have been carried out under circumstances that have endangered the lives or physical well-being of migrant workers in transit, either at night or in places where those who evade migration controls are at the mercy of criminal groups or gangs. The Committee is equally concerned by reports that officials who perform migration controls and inspections have used excessive force, which has resulted in individuals being injured or wounded. The Committee notes that screening is being conducted to verify the suitability and integrity of officials of the National Institute for Migration and other authorities. It is concerned,

however, by the fact that no systematic data are available on incidents of abuse and ill-treatment by public authorities of migrant workers and that only a small percentage of cases of ill-treatment and abuse have led to disciplinary measures or criminal sanctions. The Committee also remains concerned by the alleged participation in the operations to verify migration status of officials who are not authorized to do so under the Population Act and its accompanying regulations.

(32) The Committee recommends that the State party, and specifically the National Institute for Migration, ensure that: (a) migration controls and inspections are conducted with respect for the right to integrity of the person; (b) the personnel who conduct these inspections are trained in the application of the rules and standards regulating the use of force; and (c) inspections are carried out only by authorities expressly authorized to do so. The State party is encouraged to conduct serious investigations into incidents in which there have been complaints of excessive use, and abuse, of force by officials, and to punish those responsible.

(33) The Committee remains concerned by the poor conditions in some of the places where migrants are held or detained, where there are still cases of cruel, inhuman and degrading treatment being carried out with impunity, and by the lack of medical care and restrictions on contact with the outside world. It is particularly concerned by situations in which undocumented migrant workers who claim to have been tortured and ill-treated in some cases have to live alongside the perpetrators of these violations.

(34) The Committee recommends that: (a) further appropriate measures should be taken to improve the conditions of detention in migrant holding centres and other places where migrants are held, in accordance with international standards; (b) complaints of ill-treatment and degrading treatment committed by public officials in migrant holding centres and other places where migrants are held should be investigated and those responsible should be criminally sanctioned.

(35) The Committee is concerned by the information provided by the State party that migrant workers held in migrant holding centres who lodge appeals relating to their migration status or who make use of the procedure to determine refugee status are kept in those centres for prolonged periods.

(36) The Committee recommends that the State party limit the detention of migrant workers in holding centres to the shortest time period possible.

(37) The Committee welcomes the various measures that the State party has adopted to improve the situation of undocumented women migrant workers, such as the inspections carried out by the Ministry of Labour and Social Security and the Office of the Special Prosecutor for Crimes of Violence against Women and Trafficking in Persons, and the issuance of border worker passes and local visitor passes since 2008. The Committee regrets, however, that it has not received more specific information about the situation of undocumented women migrant workers in domestic service. In that regard, the Committee remains concerned by the situation of extreme vulnerability of those workers, who in most cases are subjected to poor working conditions and who are often subjected to ill-treatment and even sexual harassment or rape by their employers.

(38) The Committee recommends that specific measures be adopted to protect women domestic workers and that their access to complaint mechanisms against their employers be ensured. The Committee also recommends that the State party strengthen its supervision of their working conditions and that it investigate and punish those responsible for abuses against them. To this end, the Committee urges the State party to refer to its general comment No. 1 on migrant domestic workers, adopted in 2010 (CMW/C/GC/1).

(39) The Committee notes that article 30 of the Mexican Constitution establishes that all individuals born in the State party are Mexican by birth, regardless of their parents' nationality. The Committee notes with concern that many Civil Registry officials refuse to register the births of children of undocumented migrant workers in the State party.

(40) The Committee recommends that the State party adopt effective measures, including amendments to article 68 of the Population Act, to ensure that Civil Registry officials and other relevant authorities register all births of children of migrant workers in the State party on an entirely non-discriminatory basis, regardless of those workers' migration status.

(41) The Committee notes the efforts made by the State party to inform undocumented migrant workers who are in migrant holding centres about their rights, how to obtain a humanitarian visa if they are victims or witnesses of trafficking in persons or migrant-smuggling, the right to consular assistance and the possibility of requesting asylum. However, the Committee is concerned about allegations that such information is not provided to migrant workers in some migrant holding centres, or not provided systematically, especially in the case of persons in such centres who opt for voluntary repatriation.

(42) The Committee recommends that effective measures be taken to ensure that all migrant workers held in migrant holding centres, including those who opt for voluntary repatriation, are properly informed of their rights in a language they understand, especially with regard to their rights to consular assistance, to seek remedies concerning their migration status, to request asylum and to receive information about the possibility of obtaining a humanitarian visa if they have been victims or witnesses of trafficking in persons.

(43) The Committee welcomes the measures taken to extend consular assistance to Mexican migrant workers abroad. It is concerned, however, that many Mexican migrant workers are not systematically provided with information about their rights under the Convention. It is further concerned that, in many cases, they are at the mercy of groups or individuals offering to take them to destination countries in exchange for money and are at risk of abuse or ill-treatment, including commercial and sexual exploitation. The Committee also notes with concern that many repatriated Mexican migrant workers do not have sufficient legal assistance to enable them to file or pursue complaints concerning working conditions in destination countries.

(44) The Committee recommends that the State party: (a) step up its efforts to properly inform Mexican migrant workers about their rights; (b) implement a system to monitor individuals or organizations involved in taking Mexican migrant workers to destination countries and take the necessary measures when offences are committed; (c) take adequate measures to provide legal assistance to Mexican migrant workers who have been repatriated by destination countries with regard to complaints concerning working conditions that they are attempting to file or pursue in those countries. The Committee also recommends that a systematic training programme on the Convention be provided for foreign service officials.

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

(45) The Committee continues to be concerned by the fact that article 372 of the Federal Labour Act prohibits foreigners from forming part of the leadership of trade unions.

(46) The Committee reiterates its recommendation that the State party take the necessary measures, including legislative amendments, to guarantee to all migrant

workers the right to form part of the leadership of unions, in accordance with article 40 of the Convention.

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57–63)

(47) The Committee is concerned that the Southern Border Programme applies only to Guatemalan and Belizean migrant workers and not to those of other nationalities, and that the working conditions of seasonal agricultural workers remain disadvantageous, with low wages, late payment of wages and long working hours.

(48) **The Committee reiterates its recommendation that the State party make further efforts to improve the working conditions of seasonal agricultural workers, enhance monitoring of labour standards and investigate and punish those responsible for violations.**

6. Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families (arts. 64–71)

(49) The Committee is concerned that only a small proportion of the victims of trafficking who have been identified as such have received temporary visas and that many victims have been repatriated. It notes that convictions for trafficking in persons have been handed down in only a limited number of cases. The Committee also notes that the Office of the Special Prosecutor for Crimes of Violence against Women and Trafficking in Persons is not competent to follow up on complaints of trafficking in persons when the offence is committed by members of organized criminal groups and that there have been cases where judges have not recognized the competence of the Office of the Special Prosecutor to handle certain complaints. The Committee is concerned by allegations that public officials have been involved in some of those cases. It is further concerned that the State party does not systematically record disaggregated data with a view to combating the phenomenon of trafficking. The Committee regrets that there have been reports of cases of insufficient assistance, in particular medical and psychological care, being provided in migrant holding centres to victims of human trafficking and rape.

(50) **The Committee reiterates its recommendation that the State party:**

(a) **Step up its efforts to combat migrant-smuggling and trafficking in persons, especially women and children;**

(b) **Take measures to detect and combat the illegal or clandestine movement of migrant workers and members of their families;**

(c) **Investigate and punish the individuals, groups or organizations, including public officials, found responsible;**

(d) **Ensure that victims receive proper care and appropriate redress;**

(e) **Systematically collect disaggregated data in order to better combat trafficking in persons;**

(f) **Promote regular, safe migration under decent conditions as part of a strategy to combat trafficking in persons and migrant-smuggling.**

(51) The Committee welcomes the steps taken to implement precautionary measures issued by the National Human Rights Commission and the Inter-American Commission on Human Rights in favour of defenders of migrant workers' rights. However, it is concerned about the harassment, attacks and death threats to which defenders of migrant workers' rights are subjected. The Committee is also concerned that most of the cases involving

offences committed against defenders of migrant workers' rights have not been solved and that the perpetrators have not been punished.

(52) The Committee recommends the adoption of concrete and adequate measures to guarantee the life, liberty and integrity of the person of defenders of the human rights of migrant workers and members of their families and to ensure that they are not subjected to prosecution, harassment, detention or investigation based solely on their advocacy of respect for migrant workers' rights. The Committee recommends that the State party adopt effective measures to prevent, investigate and punish attacks and other forms of abuse perpetrated against defenders of migrant workers' rights.

(53) The Committee welcomes the migrant regularization programme for foreigners who entered the country before 1 January 2007, which has been in effect since November 2008 and will remain in effect until May 2011. However, given the magnitude of migration flows into the country, it is concerned that the State party lacks a comprehensive migrant regularization programme that takes into account the country's actual migration situation.

(54) The Committee encourages the State party to redouble its efforts to establish and implement a comprehensive migrant regularization policy that is accessible to all migrant workers and members of their families in an irregular situation and satisfies the principle of non-discrimination.

(55) The Committee welcomes the measures adopted by the State party to protect the rights of unaccompanied migrant children, such as its strategy of prevention and support for unaccompanied migrant and repatriated children and adolescents, the establishment of transit units and shelters, and the training given to staff of the network of shelters and to child protection officers. However, it notes with concern the increase in the number of unaccompanied migrant children who have been deported, and remains concerned at the extreme vulnerability of a great many of these children and at allegations that they have been subjected to ill-treatment, abuse, and labour and sexual exploitation.

(56) The Committee encourages the State party to continue its efforts to pay adequate attention to the situation of unaccompanied migrant children and to respect the principle of the best interests of the child. In particular, the State party should:

(a) Strengthen the training given to State officials who work with or enter into contact with unaccompanied migrant children;

(b) Ensure that the detention of migrant children and adolescents is carried out in accordance with the law and used only as a last resort and for the shortest possible time;

(c) Strengthen the implementation of procedures that provide for the early identification of children and adolescents who have been the victims of crime;

(d) Ensure that unaccompanied migrant children who have been victims of crime receive adequate protection and specialized care that is geared to their particular needs in each case;

(e) Ensure that the repatriation and/or deportation of unaccompanied minors to their countries of origin takes place only in those cases in which it is in the best interests of the child and after ensuring the definite existence of secure conditions for their care and safekeeping when they return to their country of origin;

(f) Strengthen its cooperation with civil society and international organizations in this area;

(g) Apply a proper legal framework for the protection and guardianship of unaccompanied minors.

7. Follow-up and dissemination

(57) The Committee requests the State party to include in its third periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party take all appropriate measures to ensure that these recommendations are implemented by, inter alia, transmitting them for consideration and action to members of the Government, Congress and the judiciary, as well as to local authorities.

Dissemination

(58) The Committee likewise requests the State party to disseminate these concluding observations widely to, inter alia, public agencies and the judiciary, universities, non-governmental organizations and other members of civil society. It also recommends that the State party establish a formal mechanism to ensure that foreign migrant workers in transit or residing in Mexico, Mexican migrants abroad and Mexican diplomatic officials are informed of the rights that migrant workers and members of their families enjoy under the Convention.

Next periodic report

(59) The Committee requests the State party to submit its third periodic report by 1 April 2016 and to include in it information on follow-up to these concluding observations.

33. Senegal

(1) The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families considered the initial report of Senegal (CMW/C/SEN/1) at its 142nd and 143rd meetings (CMW/C/SR.142 and 143), held on 24 and 25 November 2010, and adopted the following concluding observations at its 153rd meeting (CMW/C/SR.153), held on 2 December 2010.

A. Introduction

(2) The Committee welcomes the initial report of the State party and is gratified by the commitment to cooperation the State party has shown by sending a high-level delegation to engage with the Committee. The Committee regrets that during the dialogue several of the questions went unanswered, that it did not receive in writing all the replies to its list of issues and that the replies that it did receive did not arrive in time to be translated into the Committee's other working languages.

(3) The Committee notes that many Senegalese nationals are migrant workers and that Senegal is a transit and destination country for migration flows.

(4) The Committee takes note of the State party's observation that Senegal shares borders with five countries and a vast expanse of ocean that is difficult to monitor.

(5) The Committee notes that some of the countries that employ Senegalese migrant workers are not parties to the Convention, which could impede those workers' enjoyment of their rights under the Convention.

B. Positive aspects

(6) The Committee notes with satisfaction that the Convention forms part of the domestic legal order, that it takes precedence over other laws and that State institutions in Senegal are required to enforce it.

(7) The Committee notes with interest the adoption of Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices and on protection of victims of trafficking.

(8) The Committee notes with interest the establishment of the Ministry for Senegalese Abroad to provide social assistance to Senegalese living abroad and develop reintegration policies that facilitate their return.

(9) The Committee is gratified that the State party has recently ratified the following instruments:

(a) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2003;

(b) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2003;

(c) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2003;

(d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2004.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (arts. 73 and 84 of the Convention)

Legislation and application

(10) The Committee notes with regret that the State party has not made the declarations provided for in articles 76 and 77 of the Convention, which recognize the Committee's competence to receive communications from States parties and individuals.

The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.

(11) The Committee notes that the State party has not yet ratified the relevant conventions of the International Labour Organization (ILO) on migrant workers, namely the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers Convention (Supplementary Provisions), 1975 (No. 143).

The Committee encourages the State party to consider ratifying ILO Conventions No. 97 and No. 143 on migrant workers as soon as possible.

Data collection

(12) The Committee notes with concern the lack of statistics on migration flows, particularly statistics on economic migration to Senegal and on expatriate Senegalese. The Committee stresses that these data are essential to understanding the situation of migrant workers in the State party and evaluating the implementation of the Convention in the State party.

The Committee strongly encourages the State party to create a solid database, disaggregated by sex, age and origin, in order to make it possible to improve understanding of the migration context and the situation of migrant workers in Senegal, including those in an irregular situation, monitor the implementation of each of the Convention rights, and collect data on the effective exercise of each of those rights.

Training in and dissemination of the Convention

(13) The Committee notes with interest that the State party has devised information strategies to keep migrants and Senegalese living abroad abreast of legislation and Government policies and programmes that aim to promote and protect their rights. It regrets, however, that there is no specific training programme on the Convention for public officials working in the field of migration.

The Committee encourages the State party to provide training in the content of the Convention for all public officials working in the field of migration, including members of the judiciary, the police (including border police) and social workers, in order to ensure that the rights of migrants are protected and respected.

2. General principles (arts. 7 and 83)

Non-discrimination

(14) The Committee takes note of the State party's statement that the Senegalese Labour Code makes no distinction between national and migrant workers when prohibiting discrimination against workers in terms of recruitment, wages, penalties and social security. The Committee is concerned, however, to find that the rights of migrant workers in an irregular situation, migrant workers in the informal sector, and migrant workers in transit are not adequately respected. The Committee is equally concerned to find that migrant workers in the formal sector do not benefit from equal treatment with regard to social security and, in particular, the payment of retirement pensions.

The Committee recommends that the State party should take the necessary measures to ensure equal treatment for all migrants. The Committee also recommends that the State party should make sure that no distinction is made between national and migrant workers in the formal sector with regard to social security and, in particular, the payment of retirement pensions.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

(15) The Committee is concerned that migrant workers in an irregular situation are placed in detention with persons either accused or convicted of crimes and that young people are not separated from adults.

The Committee recommends that the State party should take the necessary steps to ensure that the detention of migrant workers in an irregular situation is only a measure of last resort and that, in all circumstances, such detention is carried out in accordance with article 16 and with article 17, paragraph 2, of the Convention.

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

(16) Although the State party has ratified the ILO Convention on Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), the Committee notes with regret that under article L.9 of the Senegalese Labour Code (Act No. 97-17 of 1 December 1997), the right of migrant workers to serve as officials of associations and trade unions is subject to a reciprocal agreement with the migrant worker's country of origin and is therefore not guaranteed equally to all migrants.

The Committee recommends that the State party should take all necessary measures to guarantee to all migrant workers and members of their families legally residing in Senegal their right to serve as officials of associations or trade unions to which they belong, without the condition of reciprocity with their country of origin.

5. Promotion of sound, equitable, humane and lawful international migration conditions for migrant workers and members of their families (arts. 64–71)

(17) While taking note of the memorandums of understanding and bilateral agreements signed with countries hosting Senegalese migrant workers, the Committee notes with concern that the State party has not taken sufficient steps to protect the rights of its migrant workers, given the significant number of Senegalese migrant workers being deported or expelled from Europe and certain North African countries.

The Committee recommends that the State party should ensure that its memorandums of understanding and bilateral agreements with countries hosting Senegalese migrant workers include provisions that are in accordance with articles 22 and 67 of the Convention and that its nationals in host countries are able to seek protection and assistance from the consular authorities, including legal assistance if needed, so that their rights may be respected.

(18) The Committee notes with concern that more than half of the children who are forced to beg in the Dakar region come from neighbouring countries and that the State party has not taken any practical steps to end regional trafficking in children for the purpose of begging. The Committee also regrets that the State party has not paid sufficient attention to the large-scale economic exploitation of talibés from neighbouring countries, most of them subjected to violence and ill-treatment by marabouts, despite the 2006 recommendations of the Committee on the Rights of the Child (CRC/SEN/CO/2, paras. 60 and 61) in that regard.

The Committee encourages the State party to introduce, in cooperation with the States concerned, all necessary measures to prevent and combat the trafficking of children from neighbouring countries for the purpose of begging. The Committee also urges the State party to take all necessary steps to ensure that those responsible for the trafficking and exploitation of children are brought to justice and receive heavy sentences. The Committee also recommends that the State party introduce programmes to take children who are forced to beg, including talibés, off the streets and ensure they receive the necessary psychosocial rehabilitation services.

(19) The Committee regrets that, despite studies conducted by international organizations on the impact of migration on children left behind in countries of origin while one or both parents work abroad, the State party has not paid sufficient attention to the issue, as illustrated by the lack of legislation and policies in that regard, particularly social protection policies for such children.

The Committee encourages the State party to ensure that the vulnerable situation in which children find themselves when one or both of whose parents have migrated is fully taken into consideration in the formulation of laws, policies and measures in all areas, in particular those related to social protection.

(20) The Committee takes note of bilateral agreements and programmes between certain countries and the State party on the recruitment of Senegalese migrants for work abroad. The Committee regrets, however, that civil society is not consulted prior to the negotiation of bilateral agreements.

The Committee encourages the State party to consult civil society prior to the negotiation of bilateral agreements on the recruitment of Senegalese migrants for work abroad and to take the necessary steps to ensure that such agreements are in full compliance with the Convention.

(21) The Committee takes note of the existence in the State party of an operational service specializing in the repatriation of Senegalese abroad in crisis situations. The Committee also notes that the Ministry for Senegalese Abroad is responsible for creating

favourable conditions for such return. The Committee regrets, however, that no details were provided on the activities of the Ministry for Senegalese Abroad or on measures to ensure the orderly return of Senegalese migrants after their stay abroad.

The Committee requests the State party to provide additional information in its next report on the activities of the Ministry for Senegalese Abroad, in particular regarding the orderly return of its nationals to Senegal.

(22) The Committee notes with interest that the State party has strengthened the capacity of the security forces responsible for border control. However, the Committee regrets that the labour inspectorate lacks the staff and resources necessary for monitoring and investigating cases of trafficking in persons and related practices.

The Committee recommends that the State party should ensure that adequate human and material resources are allocated to the labour inspectorate and that the staff of the inspectorate receive appropriate training, including on the content of the Convention, so that it can perform its work with full respect for human rights.

(23) The Committee notes with concern that the responsibility for ending the irregular situation in which migrant workers may find themselves lies with the migrant workers themselves, who are required to contact the services of the Department of Aliens Police and Travel Documents to obtain information on how to regularize their situation. The Committee regrets the lack of adequate measures to provide migrant workers with information and support during that process and emphasizes that it is the responsibility of the State party to take appropriate measures to implement articles 68 and 69 of the Convention.

The Committee recommends that the State party take proactive and effective measures to ensure that migrant workers and members of their families do not remain in an irregular situation. In this regard, the State party is encouraged to launch an information campaign on the rights of migrant workers and the procedure to be followed for regularizing the situation of migrant workers in an irregular situation. The Committee recommends that this regularization procedure be accessible and expeditious and that migrant workers in an irregular situation be supported throughout this process.

6. Follow-up and dissemination

Follow-up

(24) The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party take all appropriate measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament, as well as local authorities.

Dissemination

(25) The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, NGOs and other members of civil society, and to inform Senegalese migrants abroad and foreign migrant workers in transit or residing in Senegal of the rights they and members of their families enjoy under the Convention.

8. Next periodic report

(26) The Committee requests the State party to submit its second and third periodic reports in a single document by 1 November 2014.

Annexes

Annex I

States that have signed, ratified or acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as at 31 March 2011

<i>State</i>	<i>Signature</i>	<i>Ratification accession^a succession^b</i>
Albania		5 June 2007 ^a
Algeria		21 April 2005 ^a
Argentina	10 August 2004	23 February 2007
Azerbaijan		11 January 1999 ^a
Bangladesh	7 October 1998	
Belize		14 November 2001 ^a
Benin	15 September 2005	
Bolivia (Plurinational State of)		16 October 2000 ^a
Bosnia and Herzegovina		13 December 1996 ^a
Burkina Faso	16 November 2001	26 November 2003
Cambodia	27 September 2004	
Cameroon	15 December 2009	
Cape Verde		16 September 1997 ^a
Chile	24 September 1993	21 March 2005
Colombia		24 May 1995 ^a
Comoros	22 September 2000	
Congo	29 September 2008	
Ecuador		5 February 2002 ^a
Egypt		19 February 1993 ^a
El Salvador	13 September 2002	14 March 2003
Gabon	15 December 2004	
Ghana	7 September 2000	7 September 2000
Guatemala	7 September 2000	14 March 2003*
Guinea		7 September 2000 ^a
Guinea-Bissau	12 September 2000	

<i>State</i>	<i>Signature</i>	<i>Ratification accession^a succession^b</i>
Guyana	15 September 2005	7 July 2010
Honduras		9 August 2005 ^a
Indonesia	22 September 2004	
Jamaica	25 September 2008	25 September 2008
Kyrgyzstan		29 September 2003 ^a
Lesotho	24 September 2004	16 September 2005
Liberia	22 September 2004	
Libyan Arab Jamahiriya		18 June 2004 ^a
Mali		5 June 2003 ^a
Mauritania		22 January 2007 ^a
Mexico	22 May 1991	8 March 1999**
Montenegro	23 October 2006 ^b	
Morocco	15 August 1991	21 June 1993
Nicaragua		26 October 2005 ^a
Niger		18 March 2009 ^a
Nigeria		27 July 2009 ^a
Paraguay	13 September 2000	23 September 2008
Peru	22 September 2004	14 September 2005
Philippines	15 November 1993	5 July 1995
Rwanda		15 December 2008 ^a
Sao Tome and Principe	6 September 2000	
Senegal		9 June 1999 ^a
Serbia	11 November 2004	
Seychelles		15 December 1994 ^a
Sierra Leone	15 September 2000	
Sri Lanka		11 March 1996 ^a
Saint Vincent and the Grenadines		29 October 2010 ^a
Syrian Arab Republic		2 June 2005 ^a
Tajikistan	7 September 2000	8 January 2002
Timor-Leste		30 January 2004 ^a
Togo	15 November 2001	
Turkey	13 January 1999	27 September 2004

<i>State</i>	<i>Signature</i>	<i>Ratification accession^a succession^b</i>
Uganda		14 November 1995 ^a
Uruguay		15 February 2001 ^a

* On 18 September 2007, Guatemala made the declaration recognizing the Committee's competence under articles 76 and 77 of the Convention.

** On 15 September 2008, Mexico made the declaration recognizing the Committee's competence under article 77 of the Convention.

Annex II

Membership of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

<i>Name of the member</i>	<i>Country of nationality</i>	<i>Term expires on 31 December</i>
Mr. Francisco Alba	Mexico	2011
Mr. José Serrano Brillantes	Philippines	2013
Mr. Francisco Carrion Mena	Ecuador	2011
Ms. Ana Elizabeth Cubias Medina	El Salvador	2011
Ms. Fatoumata Abdourhamana Dicko	Mali	2013
Mr. Ahmed Hassan El-Borai	Egypt	2011
Mr. Abdelhamid El Jamri	Morocco	2011
Mr. Miguel Ángel Ibarra González	Guatemala	2013
Mr. Prasad Kariyawasam	Sri Lanka	2013
Ms. Myriam Poussi	Burkina Faso	2011
Mr. Mehmet Sevim	Turkey	2013
Ms. Andrea Miller-Stennett	Jamaica	2013
Mr. Azad Taghizada	Azerbaijan	2011
Mr. Ahmadou Tall	Senegal	2013

Composition of the Bureau

<i>Chairperson:</i>	Abdelhamid El Jamri
<i>Vice-Chairpersons:</i>	José Brillantes Ana Elizabeth Cubias Medina Azad Taghizada
<i>Rapporteur:</i>	Ahmed Hassan El-Borai

Annex III

Submission of reports by States parties under article 73 of the Convention as at 1 April 2011

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Received</i>
Albania	Initial	1 October 2008	6 October 2009
Algeria	Initial	1 August 2006	3 June 2008
Argentina	Initial	1 June 2008	2 February 2010
Azerbaijan	Second periodic	1 May 2011	
Belize	Initial	1 July 2004	
Bolivia (Plurinational State of)	Second periodic	1 July 2009	
Bosnia and Herzegovina	Second periodic	1 May 2011	
Burkina Faso	Initial	1 March 2005	
Cape Verde	Initial	1 July 2004	
Chile	Initial	1 July 2006	9 February 2010
Colombia	Second periodic	1 May 2011	
Ecuador	Second periodic	1 July 2009	23 November 2009
Egypt	Second periodic	1 July 2009	
El Salvador	Second periodic	1 December 2010	
Ghana	Initial	1 July 2004	
Guatemala	Initial	1 July 2004	8 March 2010
Guinea	Initial	1 July 2004	
Honduras	Initial	1 December 2006	
Jamaica	Initial	1 January 2010	
Kyrgyzstan	Initial	1 January 2005	
Lesotho	Initial	1 January 2007	
Libyan Arab Jamahiriya	Initial	1 October 2005	
Mali	Second periodic	1 October 2009	
Mauritania	Initial	1 May 2008	
Mexico	Second periodic	1 July 2009	4 December 2009
Morocco	Initial	1 July 2004	
Nicaragua	Initial	1 February 2007	
Niger	Initial	1 July 2010	
Nigeria	Initial	1 November 2010	
Paraguay	Initial	1 January 2010	10 January 2011

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Received</i>
Peru	Initial	1 January 2007	
Philippines	Second periodic	1 May 2011	
Rwanda	Initial	1 April 2010	
Senegal	Initial	1 July 2004	
Seychelles	Initial	1 July 2004	
Sri Lanka	Initial	1 July 2004	21 April 2008
Syrian Arab Republic	Second periodic	1 October 2011	
Tajikistan	Initial	1 July 2004	3 December 2010
Timor-Leste	Initial	1 May 2005	
Turkey	Initial	1 January 2006	
Uganda	Initial	1 July 2004	
Uruguay	Initial	1 July 2004	

Annex IV

List of documents issued or to be issued in connection with the thirteenth and fourteenth sessions of the Committee

CMW/C/13/1	Provisional agenda and annotations (thirteenth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families)
CMW/C/SR.137–155	Summary records of the thirteenth session of the Committee
CMW/C/14/1	Provisional agenda and annotations (fourteenth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families)
CMW/C/SR.138–139	Summary records of the fourteenth session of the Committee
CMW/C/ALB/1	Initial report of Albania
CMW/C/ALB/Q/1	List of issues: Albania
CMW/C/ALB/Q/1/Add.1	Written replies by the Government of Albania to the list of issues
CMW/C/ALB/CO/1	Concluding observations of the Committee on the initial report of Albania
CMW/C/SR.140–141	Summary records of the fourteenth session of the Committee
CMW/C/ECU/2	Second periodic report of Ecuador
CMW/C/ECU/Q/2	List of issues: Ecuador
CMW/C/ECU/Q/2/Add.1	Written replies by the Government of Ecuador to the list of issues
CMW/C/ECU/CO/2	Concluding observations of the Committee on the second periodic report of Ecuador
CMW/C/MEX/2	Second periodic report of Mexico
CMW/C/MEX/Q/2	List of issues: Mexico
CMW/C/MEX/Q/2/Add.1	Written replies by the Government of Mexico to the list of issues
CMW/C/MEX/CO/2	Concluding observations of the Committee on the second periodic report of Mexico
CMW/C/SR.142–143	Summary records of the fourteenth session of the Committee
CMW/C/SEN/1	Initial report of Senegal
CMW/C/SEN/Q/1	List of issues: Senegal
CMW/C/SEN/Q/1/Add.1	Written replies from the Government of Senegal to the list of issues
CMW/C/SEN/CO/1	Concluding observations of the Committee on the initial report of Senegal

Annex V

Comments by States parties on the concluding observations adopted by the Committee

During the reporting period, the Committee received comments from Algeria on the concluding observations that the Committee adopted at its twelfth session in relation to the initial report of Algeria (CMW/C/DZA/CO/1). On 16 December 2010, the Committee sent a response which, as with the comments received from Algeria, can be consulted on the OHCHR website at: <http://www2.ohchr.org/english/bodies/cmw/cmws12.htm>.
