



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

Distr.: General
18 April 2013

Original: English

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Eighteenth session

Summary record (partial)* of the 213th meeting

Held at the Palais Wilson, Geneva, on Monday, 15 April 2013, at 10 a.m.

Chairperson: Mr. El Jamri

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

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The meeting was called to order at 10.10 a.m.

Opening of the session

1. **The Chairperson** declared open the eighteenth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Opening address by the representative of the United Nations High Commissioner for Human Rights

2. **Mr. Walker** (Office of the United Nations High Commissioner for Human Rights – OHCHR), referring to the treaty body strengthening process, commended the Committee on moving forward with the implementation of the simplified reporting procedure and a strict reporting calendar. He encouraged the Committee to consider the Guidelines on independence and impartiality of members of the human rights treaty bodies (Addis Ababa guidelines), with a view to incorporating them into its rules of procedure. Reporting on further expected budget cuts in the 2014–2015 biennium, he said that a sizeable portion would be excised from the budget of the Office of the High Commissioner, but that the secretariat of the Committee should not be affected by the measures. He commended the Committee on its efforts to hold paperless meetings. He was pleased to report that 83.7 per cent of respondents to the survey on secretariat support services had rated the services either satisfactory or very satisfactory.

3. Giving an overview of external activities relevant to the Committee, he said that the High Commissioner had sent letters to commend those States that had accepted the recommendation of the universal periodic review to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. A joint statement entitled “Migrants deserve full recognition as rights holders”, which recognized the contributions of migrants and called on States to ratify the Convention, had been issued on the occasion of International Migrants Day. United Nations experts had also issued a statement expressing outrage at the January 2013 beheading in Saudi Arabia of Ms. Rizana Nafeek, a Sri Lankan domestic worker. As part of a study of the rights of migrants at the borders of the European Union (EU), the Special Rapporteur on the human rights of migrants had visited Greece in December 2012 and made recommendations to both Greece and the EU, focused especially on the plight of the growing number of irregular migrants trapped in Greece on their way to other EU destinations. The Committee on the Rights of the Child had held a day of general discussion in September 2012 on the theme “The rights of all children in the context of international migration”, in which Mr. Sevim had taken part. The report of the discussion included a strong recommendation for States to expeditiously and completely cease the detention of children on the basis of their or their parents’ migration status.

4. He reminded the Committee that the General Assembly of the United Nations would hold a high-level dialogue on international migration and development during its sixty-eighth session in October 2013. The Office of the High Commissioner was actively preparing for the dialogue, including an analytical report on migration and human rights. In the lead-up to the dialogue, the International Organization for Migration, in collaboration with the Department of Economic and Social Affairs and the United Nations Development Programme, had organized a round table in New York to discuss measures to prevent and combat smuggling of migrants and trafficking in persons, and to ensure regular, orderly and safe migration.

5. **The Chairperson** said that Chad had signed the Convention in September 2012, bringing the number of pending ratifications to 17. Some 19 periodic reports were overdue, including 13 that were five years late or more. The secretariat had sent letters to the States parties concerned, reminding them of their obligations under the Convention. Since the

Committee's seventeenth session, he had taken part in the World Social Forum on Migrations in Manila. Through the International Trade Union Confederation, he had met with various trade union leaders and discussed ways of better protecting the rights of migrant workers. He had also attended a discussion at the European Economic and Social Committee on the role of the Convention in enhancing migrant workers' enjoyment of their rights and enabling them to play a more active role in their host countries. Lastly, he had been invited by the Government of Spain to lead a series of conferences to better disseminate the Convention and encourage its ratification.

6. He drew the Committee's attention to a report by the International Labour Organization entitled "Tricked and Trapped: Human Trafficking in the Middle East", which estimated that 600,000 people were victims of forced labour in the region. He regretted the closing of the non-profit organization December 18, which had been vital to advocacy efforts regarding the Convention and the rights of migrants, and the fact that in 2012, the Committee had been unable to attend a number of international events on migration, owing to budgetary constraints. Moreover, the very useful discussion with States parties that usually followed the presentation of the Committee's annual report to the General Assembly had not taken place in 2012 because of one State's interpretation of the relevant resolution. However, he had attended a seminar in New York on human rights and border policy, at which participants had urged States to adopt more humane policies towards migrant workers, including on visa procedures.

Adoption of the agenda (CMW/C/18/1/Rev.1)

7. *The agenda was adopted.*

Promotion of the Convention

8. **Mr. Sevim** said that in addition to the general day of discussion of the Committee on the Rights of the Child, he had also attended a very fruitful side event organized by the United Nations Children's Fund (UNICEF), Migrant Rights International, the Platform for International Cooperation on Undocumented Migrants and the Migrant Forum in Asia. He wished to draw the Committee members' attention to a case in the Netherlands, where NGOs working with the Turkish and Moroccan communities in that country had invoked the Convention to petition the Government to reinstate mother tongue instruction for migrant children in primary schools. It was a telling example of the reach of the Convention, even in countries that had not ratified it.

9. **Ms. Poussi** said that, as a panellist at an event organized by the Ministry of Human Rights and Civic Promotion of Burkina Faso, she had given a presentation on the role of the Convention in promoting safe, equitable and lawful conditions for migration and the Committee's monitoring function. The event had closed with the showing of a film by a local director about the experience of migrant workers from Burkina Faso and the hardships they faced, including upon repatriation.

10. **Mr. Kariyawasam** said that the perennial concern regarding the Convention was the small number of States parties, especially receiving countries, and that the current situation made it difficult to guarantee migrant workers the best protection. In that context, advocacy for the Convention had become a critical mission; however, the Committee members were not in an ideal position to take on that role, which was better fulfilled by the Office of the High Commissioner and the States parties. Accordingly, he asked whether the Office of the High Commissioner had taken any action to encourage ratification of the Convention.

11. **Mr. Taghizade** said that he had attended a meeting on migration held by the Commonwealth of Independent States in Dushanbe, Tajikistan, where he had been able to

convey the importance of ratifying the Convention. The ombudsmen of several countries, including one from Moscow, had also taken part in a substantive discussion on the protection of migrant workers, particularly those in the Russian Federation.

12. **Ms. Dicko** said that, as part of the month-long series of awareness-raising and information-sharing events organized each year in Mali to celebrate International Migrants Day, she had been invited by the EU-sponsored Migration Information and Management Centre to lead a conference examining female migration in Mali and elsewhere in the world. The conference had been attended by representatives of Government bodies, civil society and migrants' associations. It had provided an opportunity to promote the Convention and the rights it conferred and to urge the Government of Mali to submit its initial report, due in 2009, to the Committee.

13. **Mr. Ibarra González** said that he had recently had the opportunity to discuss migration issues, and more specifically the problems encountered by migrants in transit through Mexico en route for the United States of America, in the Mexican Senate. The rights of those migrants were routinely violated. Some had been killed in the drug war raging in the north, while others had been abducted by drug cartels and forced to work for the traffickers. In response to a question regarding policy for tackling drug trafficking and improving protection for migrants in transit, the President had indicated that government strategy would be adjusted in a bid to enhance safeguards and reduce the alarming level of violence.

14. In January 2013 he had attended a conference on the Convention organized by the Central American Parliament to further the development of a regional migration strategy and promote effective implementation of the Convention's provisions in Central American countries. He had been invited because many Central American countries were not fully cognizant of the scope of the Convention and the Committee's work. The event had also provided an opportunity to discuss the immigration reforms pending in the United States of America and how Central Americans might benefit.

15. **Mr. Carrión Mena** said that he had been working with the International Organization for Migration (IOM) in Quito to draw up documents related to the post-2015 Development Agenda. He had also given a number of talks about the Convention and its benefits on the academic circuit. He supported Mr. Kariyawasam's call for greater support from OHCHR for increasing the Convention's visibility, especially at a time when the tragic events in Syria and the US immigration reform process were moving the issues higher up the political agenda. Given that situation, with those issues affecting millions of people worldwide, it was regrettable that they had not been a focus of dialogue at the 2012 United Nations General Assembly.

16. He would appreciate clarification regarding the invitation to participate in discussions on the Committee's work received from Spain. Was it an official Government invitation indicative of a possible interest in ratification?

17. **The Chairperson** said that he would provide further information about the invitation from Spain at a subsequent meeting. Referring to the case of the Sri Lankan migrant worker executed in Saudi Arabia and the generally limited avenues of redress open to migrant workers facing criminal or administrative penalties abroad, he suggested that the Committee and OHCHR as a whole might consider how the isolation faced by those workers could be relieved and the possibilities of recourse improved.

18. **Mr. Walker** (OHCHR) assured the Committee that the human rights of migrant workers were a priority on the agenda of the United Nations High Commissioner for Human Rights and that she regularly raised the issues, including the possibility of ratification, in private meetings with States. There was a clear commitment to promoting greater understanding, discussion and debate on issues around the Convention that should

ultimately increase the number of ratifications. The demands of her work prevented the High Commissioner from opening all the Committee's sessions but he undertook to investigate the possibility of her attending the next. Noting that signatories of the Convention had been invited to attend the meeting with States parties scheduled for later in the session, he suggested that the Committee should take that opportunity to encourage the move to ratification.

Promotion of the Convention

Informal meeting with non-governmental organizations and national human rights institutions

19. **Ms. Meyer** (Immigrant Justice Clinic, American University Washington College of Law), introducing a report about Colombian migrants in the United States and their repatriation, prepared in conjunction with the Javeriana University in Cali, Colombia, the non-governmental organization AESCO, and her colleague, Daniel Gonzalez, said that, like the Governments of many source countries for migration, the Government of Colombia was reluctant to accept that its citizens were migrating in search of better opportunities abroad because it had failed to provide a sufficient level of economic development. That reluctance translated into underfunded and underdeveloped programmes for citizens living abroad, in spite of the obligations assumed by States parties under article 65 of the Convention.

20. Although the Government of Colombia had several support programmes for Colombians residing overseas, including in the United States of America, her research indicated that few Colombian migrants had heard of them and fewer still had benefited. Colombia had therefore failed to meet its obligations under the Convention. One of the many causes of that failure was a lack of Government statistics; in the absence of accurate information on the number of Colombians abroad, the Government was ill-equipped to serve their needs.

21. **Mr. Gonzalez** (Immigrant Justice Clinic, American University Washington College of Law) said that the majority of the estimated 4.7 million Colombians living abroad resided either in the United States of America or in Spain. Unfortunately, the repatriation programmes developed for those who wished to return had not been effective. For example, the information and guidance centres for returnees, known as CRORE, had inadequate human and financial resources, were poorly managed and received minimal government support. Most of their budget was absorbed by payroll and operational costs, leaving little for the intended beneficiaries. The report called for appropriate funding and resourcing for the CRORE centres and other repatriation programmes and recommended increased transparency, including better statistics and more detailed budgets.

22. **Ms. Meyer** (Immigrant Justice Clinic, American University Washington College of Law) said that there was also a need to disseminate information about the programmes more effectively and more widely to Colombians living abroad. For example, information might be posted at airports and at fairs organized by Colombian consulates.

23. **Ms. Jahangirova** (Office of the Ombudsman of Azerbaijan) said that the Office of the Ombudsman, established in 2002, worked to protect the rights of all segments of the population. It included a special section dealing with the rights of migrants, refugees, internationally displaced persons and stateless persons. The Office worked closely with various agencies, including IOM, and as part of a joint project with the latter had organized a number of awareness-raising seminars across the country in 2012 and 2013 that had been attended by local executive bodies and other organizations. The Office also organized meetings with migrants, worked to resolve their problems and issued advice and recommendations to the relevant State bodies. Contacts with overseas institutions were another important aspect of its work and mutual assistance and cooperation agreements had

been concluded with counterpart institutions in 12 countries, including Russia, Georgia, Ukraine and Poland.

24. The Office of the Ombudsman conducted regular visits to places of detention run by the authorities working to combat illegal migration, in order to check the legitimacy and conditions of detention, the treatment of detainees and the implementation of previous recommendations. Its visits included confidential interviews with detainees and staff. The Office also worked with civil society to implement the measures provided for in the national human rights action plan, to identify new areas of work and to accelerate the adoption of the Migration Code.

25. Every year, in the month running up to 18 June, which in Azerbaijan was celebrated as National Human Rights Day, the Office organized a series of awareness-raising events. In 2011 those events had included the ninth International Conference of Ombudsmen, focused on the cultural rights of national minorities and migrants.

26. **Mr. Taghizade**, referring to the report prepared by Ms. Meyer and Mr. Gonzalez, asked what had determined the focus of their research, how they had set their priorities and how they had obtained their information.

27. **Mr. Gonzalez** (Immigrant Justice Clinic, American University Washington College of Law) said that they had chosen to base the report on Colombia and to focus on repatriation and the associated problems in order to highlight the issues surrounding sending, transit and receiving countries and the Convention's lack of visibility. It was important to note that, in the Colombian context, neither of the two main destination countries (Spain and the United States of America) was a State party to the Convention.

28. **Mr. Sevim**, referring to Ms. Jahangirova's presentation, asked whether the Ombudsman's Office was also able to assist Azerbaijani migrants in other countries and, if so, what mechanisms had been established.

29. **Ms. Jahangirova** (Office of the Ombudsman of Azerbaijan) said that protection and avenues of redress were available to Azerbaijanis living and working abroad under the mutual assistance and cooperation agreements to which she had referred earlier.

The discussion covered in the summary record ended at 12 noon.