



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

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## Meeting of the States Parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Summary record of the 1st meeting

Held at Headquarters, New York, on Thursday, 11 December 2003, at 10 a.m.

*Temporary Chairman:* Mr. Ndiaye . . . . . (Representative of the Secretary-General)

*Chairman:* Mr. Diarra . . . . . (Mali)

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*The meeting was called to order at 10.40 a.m.*

### **Opening of the meeting by the representative of the Secretary-General of the United Nations**

1. **The Temporary Chairman**, speaking on behalf of the Secretary-General, said that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been adopted without a vote by the General Assembly on 18 December 1990 and had entered into force on 1 July 2003, three months after the deposit of the twentieth instrument of ratification or accession.

2. The Convention, which set minimum standards of protection for the civil, political, economic, social and cultural rights of migrant workers, was regarded as a major contribution to the process of setting international standards on the rights of migrants, a process that had begun with the adoption of Convention No. 97 (1949) concerning Migration for Employment and Convention No. 143 (1975) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, of the International Labour Organisation (ILO). The Convention was a comprehensive treaty, based on the recommendations, studies and reports of various organs and organisations of the United Nations.

3. The Convention defined a migrant worker as a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national. According to ILO estimates, there were approximately 60 to 65 million migrant workers, but the total number of people around the world who could be protected by the Convention ranged from 175 million to 180 million, since the Convention also provided for the protection of the rights of family members of migrant workers. In the current era of globalisation, migration had reached new proportions, and it was estimated that migrants accounted for 3 per cent of the world population. The problem affected nearly all countries in one way or another.

4. The aim of the Convention was to prevent and eliminate the exploitation of migrant workers throughout the migration process and, in particular, to put an end to the illegal or clandestine recruitment and trafficking of migrant workers, as well as to discourage employers from hiring migrant workers in an

undocumented or irregular situation. It set out binding international standards to address the treatment, welfare and human rights of documented and undocumented migrants, as well as the obligations of sending and receiving States. It also broke new ground in defining rights which applied to certain categories of migrant workers, including frontier workers, seasonal workers and self-employed workers. The Convention, under which States parties undertook to promote “sound, equitable, humane and lawful conditions” for migrant workers and their families, represented a response to their particular vulnerability to discrimination, exploitation and abuse. Twenty-four States had so far ratified or acceded to the Convention.

5. The main objective of the meeting was to elect the 10 members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in accordance with article 72 of the Convention. The Committee was mandated to examine reports submitted by States parties on the legislative, judicial, administrative and other measures they had adopted to give effect to the provisions of the Convention. In accordance with articles 76 and 77, States parties might recognise the competence of the Committee to consider communications from States parties or from individuals who claimed that the rights protected by the Convention had been violated by a State party. Ten declarations were required for the entry into force of those procedures, which, as yet, had not been accepted by any ratifying State. He urged States parties to consider the possibility of accepting them.

6. The Committee would be commencing its activities at a time when the Secretary-General had urged the reform, streamlining and harmonisation of the work and procedures of human rights treaty bodies. The Committee should be able to participate actively in the discussions that should lead all treaty bodies to adopt guidelines for the preparation of consolidated reports by States parties. It should also recommend measures to strengthen national human rights protection systems.

### **Election of the Chairman**

7. **Mr. Zoumanigui** (Guinea), speaking on behalf of the African Group, nominated Mr. Diarra, the Permanent Representative of Mali to the United Nations, for the post of Chairman of the First Meeting of States Parties to the Convention.

8. **The Temporary Chairman** said that, since there were no other nominations, he took it that the Committee wished to elect Mr. Diarra as Chairman of the meeting.

9. *Mr. Diarra (Mali) was elected Chairman of the Meeting by acclamation.*

10. *Mr. Diarra took the Chair.*

#### **Adoption of the agenda (CMW/SP/1)**

11. **The Chairman** said that in the English text of the agenda, the word “Families” was missing from the end of the title of agenda item 6. The title should read “Establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families”.

12. Since there were no other observations, he took it that the agenda was adopted, as orally amended.

13. *It was so decided.*

#### **Adoption of the rules of procedure for the Meeting (CMW/SP/3)**

14. **The Chairman** drew attention to the draft rules of procedure of the Meeting (CMW/SP/3) and said that, in accordance with rule 20, any procedural matter that might not be covered by the rules would be dealt with by the Chairman pursuant to the applicable rules of procedure of the General Assembly. As there were no objections, he took it that the Meeting wished to adopt the rules of procedure.

15. *It was so decided.*

16. **The Chairman** drew attention to rules 2 and 3 of the rules of procedure just adopted concerning the credentials of representatives and their participation. The Secretary-General still had not received the proper credentials from some of the States parties represented. He therefore suggested that, in accordance with rule 3, the representatives of those States parties should be entitled provisionally to participate in the Meeting, but urged them to ensure that their credentials were submitted to the Secretary-General as soon as possible.

17. *It was so decided.*

#### **Election of other officers of the Meeting**

18. **The Chairman** said that, in accordance with rule 4 of the rules of procedure, the Meeting would elect

one to four Vice-Chairmen. He had been informed that the Group of Latin American and Caribbean States had nominated Mr. Felipe Paolillo, the Permanent Representative of Uruguay to the United Nations. As there were no other nominations, and as there were no objections, he took it that the Meeting wished to elect Mr. Paolillo as Vice-Chairman.

19. *It was so decided.*

#### **Establishment of the Committee on the Protection of the Rights of All Migrants Workers and Members of Their Families (CMW/SP/2)**

##### **(a) Election of the members of the Committee under article 72 of the International Convention**

20. **The Chairman**, recalling the provisions of article 72 of the Convention, said that the names and biographical data of the candidates nominated for membership of the Committee were contained in document CMW/SP/2. If there were no objections, since the total number of candidates was equal to the number of members to be elected, the Meeting should dispense with a ballot and proceed to elect the 10 candidates by acclamation.

21. *It was so decided.*

22. **The Chairman** declared that the following were elected as members of the Committee: Mr. Alba (Mexico), Mr. Brillantes (Philippines), Mr. Carrión-Mena (Ecuador), Ms. Cubias Medina (El Salvador), Ms. Dieguez (Guatemala), Mr. El-Borai (Egypt), Mr. El Jamri (Morocco), Mr. Gakwandi (Uganda), Mr. Kariyawasam (Sri Lanka) and Mr. Taghizade (Azerbaijan).

##### **(b) Choice by lot by the Chairman of the Meeting of the five members of the Committee whose terms shall expire at the end of two years, as provided in article 72, paragraph 5 (a), of the Convention**

23. **The Chairman**, having drawn names by lot, announced that the five members of the Committee whose terms would expire after five years were Mr. Brillantes, Ms. Dieguez, Mr. Gakwandi, Mr. Kariyawasam and Mr. Taghizade.

**(c) Determination of the date on which the members of the Committee are to assume office**

24. **The Chairman** proposed that the date on which the members of the Committee assumed office should be 1 January 2004. As there were no objections, he took it that the Meeting agreed to his proposal.

25. *It was so decided.*

26. **The Chairman** said that Mr. Brillantes (Philippines), Ms. Dieguez (Guatemala), Mr. Gakwandi (Uganda), Mr. Kariyawasam (Sri Lanka) and Mr. Taghizade (Azerbaijan) would serve for a two-year term beginning on 1 January 2004 and ending on 31 December 2005. The five members of the Committee who would serve for four years, beginning on 1 January 2004 and ending on 31 December 2007, were Mr. Alba (Mexico), Mr. Carrión-Mena (Ecuador), Ms. Cubias Medina (El Salvador), Mr. El-Borai (Egypt) and Mr. El Jamri (Morocco).

**Other matters**

27. **The Chairman** said that, as there were no other matters to be discussed, he declared closed the First Meeting of the States Parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

*The meeting rose at 11.10 a.m.*