



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

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Twenty-third session

Summary record of the 304th meeting*

Held at the Palais des Nations, Geneva, on Tuesday, 8 September 2015, at 3 p.m.

Chairperson: Mr. Carrión-Mena

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Half day of general discussion marking the twenty-fifth anniversary of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

* No summary records were issued for the 300th to 303rd meetings.

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The meeting was called to order at 3.05 p.m.

Half day of general discussion marking the twenty-fifth anniversary of the adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

1. *At the suggestion of the Chairperson, the meeting observed a minute's silence in homage to the migrant workers and their families who had died in recent months while trying to cross the Mediterranean Sea or attempting to reach more northern countries overland.*

2. **The Chairperson**, after welcoming the members of the two panels participating in the half day of general discussion marking the twenty-fifth anniversary of the adoption of the Convention, said that the history of humanity was a story of migration and cultural blending. The reasons for migration were legion, but it occurred in all parts of the world and was an inevitable fact of life involving human beings of all kinds.

3. In recent weeks he had felt shame at the sight of thousands of people dying as they fled from violence and hunger. Politicians and Governments, particularly in Europe, seemed to be overwhelmed by the tide of human beings sacrificing everything in their simple yet prodigious desire to survive along with their families. Certain developed countries appeared to have forgotten their own history: the Americas, South and North, had taken in central and northern Europeans, Italians and Spaniards, for example, but African countries too had welcomed Europeans seeking shelter from difficult circumstances.

4. With the level of development now enjoyed, at the start of the twenty-first century, migration flows could be handled with wisdom and a knowledge of human rights. There were certainly factors that distorted the migration process, not least human trafficking and smuggling, but the Convention existed to help defend their victims. In that regard, there had been some progress in the past 25 years but not as much as might have been hoped, and certainly not enough to permit rights-based regulation of migration. The Convention was nevertheless the most appropriate means of regulating the situation of migrant workers and he appealed to those countries that had not yet signed or ratified it to do so: the time was coming when countries in the North would benefit from being parties to the Convention.

Opening statement by Mr. Al Hussein, United Nations High Commissioner for Human Rights

5. **Mr. Al Hussein** (United Nations High Commissioner for Human Rights) said that migration was among the defining human rights issues of modern times. Since taking office, he had attempted to draw greater attention to the rights of migrants. There existed other, opposing views, which saw migrants' rights differently or implied that migrants had no rights at all, but it was in such situations that the international human rights law framework showed its relevance, setting as it did parameters for what were often fraught discussions. In that respect he wished to thank the Committee on Migrant Workers for its intellectual leadership in, for example, emphasizing the requirement to protect migrant domestic workers under national labour laws and rejecting the criminalization of irregular immigration, two very significant areas in which more thoughtful policies would profoundly benefit millions of vulnerable people.

6. Yet, even with a clear view of migrant workers' rights under international law, there remained enormous challenges in ensuring that they and their families fully enjoyed those rights during their journeys, and in schools and workplaces across the

globe. The rights of migrant workers were routinely violated. They worked in dangerous conditions, with high rates of injury, death and sickness, received wages far below the minimum and were subjected to fraudulent practices, excessive working hours and even illegal confinement by their employers, as well as sexual harassment, threats and intimidation. Their families, too, were vulnerable to human rights abuses.

7. Those migrants whose immigration status was irregular faced even greater abuses. Not only were they often denied the most basic labour protections, personal security, due process guarantees, health care and, in the case of their children, education, they might also be subjected to prolonged detention or ill-treatment at international borders, not to mention the risk of trafficking, enslavement, sexual assault or murder.

8. The Convention, as a robust and agreed international legal framework for the rights of all migrant workers and their families in countries of origin, transit and destination, set out the most effective strategies for preventing abuse. It helped policymakers by providing guidance on policymaking and international cooperation based on respect for human rights and the rule of law. After a quarter of a century, the Convention was more relevant than ever. Yet the number of ratifications, 48, was the second lowest of all human rights treaties. No major destination country had ratified the Convention.

9. States' interest in securing their borders and exercising immigration controls was legitimate, but international law was clear: such concerns could not override their obligation to respect the internationally guaranteed human rights of all persons. The Convention did not set forth new categories of human rights but was rooted in the two international human rights covenants. It set out in greater detail how international human rights applied to migrant workers and their families, but migrants were also protected by all the other core human rights treaties. That meant that States had already accepted international human rights standards relating to migrants, so ratification of the Convention was thus a logical and principled next step.

10. The juxtaposition of the Convention's twenty-fifth anniversary and the current dramatic and accelerating migration crisis underscored the urgent need to begin a more honest discussion about the obstacles to ratification of the Convention. Was there confusion about alleged security problems arising from the promotion of basic human rights for migrant workers? Was there a perception that the guaranteeing of human rights would involve massive legislative and regulatory reforms and undue cost? Did specific business sectors that relied on exploitative treatment of irregular migrants have undue influence? Were opinion leaders scapegoating migrants and depriving them of their right to claim basic human freedoms, for short-term political gain or in response to deep-seated xenophobia?

11. Migration should be a positive and empowering experience for individuals and their societies. When migrants — particularly irregular migrants — were subjected to ill-treatment and discrimination in their host countries without hope of redress, that not only contravened international law but was also deeply corrosive to the values of society as a whole.

12. A clear and honest vision of the need for migrant labour in destination countries, with commensurate channels for regular migration at all skill levels, as well as for family reunification, would assist greatly in preventing the exploitation and other dangers faced by so many people seeking to live a life of dignity. More work was needed, too, to address the root causes of their desperate attempts to flee. Migration should be a choice. Conflict, poverty, discrimination and poor governance — four key factors that pushed people to risk their lives in search of safety and decent work — must be addressed with wholehearted, long-term international cooperation. With real

efforts by States to implement the post-2015 development agenda, which paid specific attention to migrants, it might be possible to address and eliminate some of those root causes.

13. In applying the Convention, the Committee regularly called on States parties to improve regular migration channels and address the root causes of forced and irregular migration. The guidance and policy solutions that had been laid out in the Convention 25 years previously had striking pertinence for policymakers in 2015. He urged all remaining States to seize the opportunity to review the contents of the instrument and consider its ratification.

14. **Mr. Schillinger** (Friedrich-Ebert-Stiftung) said that the reluctance of destination countries to become parties to the Convention stemmed, in his view, from a fear that the Convention would place excessive restrictions on Governments in formulating migration and employment policy, and a perception that it would make it harder to take steps to counter illegal migration. Yet article 79 of the Convention clearly stated that it did not regulate the criteria for admission, which was a matter for State sovereignty. In the face of the unprecedented surge in migration of all kinds, legal and illegal, voluntary and involuntary, the Convention, as an internationally recognized legal instrument, should be harnessed in order to meet the challenges ahead.

15. Migrants were a particularly vulnerable group, exposed during the entire migration process to situations that violated their human rights. People traffickers exploited migrants' desire to leave their home countries and had no qualms about putting their clients' lives at risk. In their host country, migrants were often subjected to abuses because of their ignorance of the local language and law, because of their lack of legal standing, or even because the law curtailed their rights. There seemed to be general agreement that a "business as usual" approach to migration was not sufficient to cope with the challenges, but it was not yet clear which alternative approach would win the day: the toughest anti-migrant policies or a humane and enlightened attitude. Wherever migration policies were coming under review, the Convention must be pressed into service in order to promote a human rights-based approach.

16. **Mr. Vitillo** (Caritas Internationalis), outlining the history of the Convention, said that it had been an instrument of prophetic vision, providing for a broad series of rights to migrant workers irrespective of their migratory status and insisting on equitable and humane conditions for international migration. No amount of visionary thought and planning, however, could have anticipated the complex issues and challenges now being faced on a daily basis. As the Secretary-General of the United Nations had pointed out in 2002, it was time to take a more comprehensive look at the various dimensions of the migration issue and better understand the causes of international flows of people and their complex interrelationship with development. There was also grave concern, notably on the part of the Committee on the Rights of the Child, about the increasing tendency to detain children found to be in irregular migratory status.

17. In his 2013 Apostolic Exhortation, *The Joy of the Gospel*, the Pope had captured the constantly worsening situation experienced by many migrants, who left their homelands "with a suitcase full of fears and desires, to undertake a hopeful and dangerous trip in search of more humane living conditions". He had noted with sadness that "often, however, such migration gives rise to suspicion and hostility ... prior to any knowledge of the migrants' lives and stories of persecution and destitution".

Panel 1. Current trends in violations of migrant workers' human rights

18. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)), moderator, invited the members of the first panel to speak on current trends in violations of migrant workers' human rights.

19. **Ms. LeVoy** (Platform for International Cooperation on Undocumented Migrants (PICUM)) said that her organization tried to avoid the word "crisis" in referring to the current migration situation in the Mediterranean: as the Chairperson had said, migration was a daily reality throughout the world and the real crisis was not a "migrant crisis" but a political one. The situation in the Mediterranean was emblematic of the security approach to migration that had been pursued for nearly 20 years, since the European Union had adopted its common asylum and migration policy. There had been a gradual shift from the original goal of equality for all residents to a security approach in order to protect the fundamental rights of European Union citizens. Yet not only had that approach failed to increase the freedom, security and well-being of European Union citizens, or curb irregular migration, there was also evidence that it was having long-term negative effects.

20. The lack of regular channels for migration and family reunification was leading to increased risk and loss of life. Over 30,000 refugees and migrants had died in the attempt to reach or stay in Europe since 2000. Referring to an incident in which an 8-year-old boy from Côte d'Ivoire had been discovered in a suitcase in Ceuta, she said that that situation had arisen because his father, a regular migrant worker in the Canary Islands, had been ineligible for regular family reunification because his wages were €100 short of the qualifying amount.

21. According to Eurostat projections, the European Union workforce was set to shrink by 50 million over the next 50 years and even if jobs were found for all the unemployed that would not be enough to compensate. Whereas previously the focus had been on skilled migrant workers, now there was a demand for labour in low-wage occupations throughout the European Union, yet the migrant workers performing many of those jobs did so in the informal sector, resulting in lost tax revenue and increased irregular migration. Her organization therefore recommended the creation of more entry and stay opportunities for migrant workers across all skill levels.

22. The security focus on migration was also leading to multiple human rights violations, notably the detention of children. Detention of children for immigration purposes was always a violation of children's rights and could never be justified as being in their best interests. The practice was nevertheless widespread: 17 European countries detained unaccompanied children and 19 detained families with children. Research was increasingly showing that detention did not deter either migrants or people smugglers and that detention of children had a serious negative impact on their mental and emotional health and development. In that context, she welcomed the cooperation between the Committee on the Rights of the Child and the Committee on Migrant Workers in drafting a general comment on children in the context of migration. She wondered whether the Committee on Migrant Workers could similarly strengthen its working relationship with the Committee on the Elimination of Discrimination against Women and reinforce the latter's existing general recommendation on migrant women workers and highlight the gender dimension of migration.

23. A security approach to migration usually led to a restriction of social services, especially for irregular migrants, with the aim of deterring migrants' arrival or prompting their departure; and it was that right to basic services which made European Union member States reluctant to ratify the Convention. While the legislation of some

European Union member States provided for migrants' access to health and social services beyond the scope of the Convention, most laws granted emergency services only. However, studies had revealed that denying access to health care for migrants often resulted in higher costs than those for overall national health-care coverage. Amendments to European migration legislation over recent years had been made primarily thanks to pressure from civil society, NGOs and health-care professionals, who considered it their ethical duty to provide medical assistance to all their patients.

24. In addition to political solutions that addressed the root causes of migration, it was critical to develop wider migrant resettlement programmes and policies that focused on creating opportunities for low-skilled labour migrants, rather than centring exclusively on highly skilled migrants. Her organization had launched a campaign, entitled "Words Matter", to raise awareness of the terminology used to refer to migrants in an irregular situation and to create a positive public perception of migration. She thereby called on the international community and the media to use the term "non-documented or irregular migrant" instead of "illegal migrant", in accordance with the General Assembly resolution 3449 of 1975 on measures to ensure the human rights and dignity of all migrant workers. She drew attention to people who were voluntarily providing food and shelter to the thousands of migrants arriving in Europe and emphasized the need to foster a positive image of both migrants and those helping them.

25. **Mr. Qadri** (Amnesty International) said that the Convention was more relevant than ever in the Gulf States, given the huge numbers of migrant workers that fuelled those States' economies. None of the member States of the Cooperation Council for the Arab States of the Gulf had ratified the Convention, however, and migrants thereby remained without adequate protection. The *kafala* system used to recruit migrant workers in many Gulf States had sustained forced labour, and many migrant workers worked excessively long hours and were threatened with deportation or violence if they attempted to leave their employers. Women domestic workers were particularly vulnerable to all kinds of abuse. Furthermore, the joint statement that had been issued by the Cooperation Council for the Arab States of the Gulf, proposing the introduction of mandatory regulations on working conditions, had been recalled. It was therefore evident that labour legislation and practices should be reformed as a matter of urgency, and that the Convention should be ratified in order to restore the inherent dignity of migrant workers, who were among the most silent victims of human rights abuses.

26. **Mr. Gois** (Migrant Forum in Asia) said that the current dialogue had been in progress for decades and it was time to act. It was crucial that destination countries stopped opening their labour markets to workers from countries with weak labour oversight mechanisms in order to support the demand in the informal sector. Bilateral agreements should be based on international obligations and coupled with mechanisms to ensure implementation. It was also crucial that employment contracts for migrant workers should be based on fundamental labour rights, recognized in both the origin and destination countries, and written in a language the migrants understood. Domestic workers should be covered by the labour laws in destination countries, in line with the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Furthermore, the *kafala* system should be abolished since it was unthinkable that private individuals could determine the entry and exit of foreign nationals, thereby undermining the sovereignty of a State. Lastly, the forthcoming Global Forum on Migration and Development, to be held in Turkey in October 2015, should be firmly focused on human rights and should galvanize the international community into action.

27. **Mr. Pérez de Eulate** (Centro de Derechos Humanos Fray Matías de Córdova, Mexico) said that the flow of unaccompanied child migrants into the United States of

America from Latin and Central American countries was at crisis point and was marked by widespread violations of children's rights. Forced child migration stemmed from wider problems, such as poverty, violence and malnutrition, and had led to an increase in irregular migration and human trafficking networks. The issue of child migration was further complicated by a lack of statistics because irregular migration and informal work were inherently difficult to track. The situation was particularly serious in certain Central American countries owing to the absence of relevant public policies, harmful practices, and a climate of corruption and impunity.

28. Detentions and expulsions of irregular migrants were carried out without taking into account the best interests of their children. For example, Central American children whose parents were deported from the United States of America, were often left alone. In Mexico, the number of detentions of child migrants, most of whom were fleeing violence, had actually increased in recent years despite the adoption of relevant legislation.

29. The work and social reintegration programmes for children who were forcibly returned to their country of origin in Central America were also sorely inadequate. Mexican legislation did not provide for regularization of the migratory status of child cross-border workers in the agricultural or domestic sectors. Moreover, child domestic workers, most of whom were indigenous girls, were in particularly vulnerable situations since they did not have employment contracts or legal residency. The situation of street children in southern Mexico was also a serious matter of concern as they were constantly harassed by officials and had no formal documentation. It was evident, therefore, that poor public policies facilitated the violation of children's fundamental rights. A radically different approach to forced migration that addressed its structural causes and placed children's best interests above migration control had to be adopted to prevent a deepening migration crisis in years to come.

30. **Mr. Morales** (Ecuador) said that Ecuador rejected the criminalization of irregular migration and the imposition of sanctions against migrants with an irregular status. The human rights of all migrants should prevail over administrative or commercial interests. The protection of migrants was central to the public foreign policy agenda of Ecuador and the country hosted high numbers of refugees from the region. Ecuador had ratified the agreement on residency for citizens of the States parties of MERCOSUR and associated States in 2014; it had also signed bilateral agreements with several countries in the region for the protection of migrant workers, refugees and asylum seekers.

31. The Convention should form the basis of more international migration policies and programmes and its universal ratification should be further promoted. The issue of migrant workers had not been given due prominence on the agendas of international bodies owing to the neo-liberal, commercial and security-driven approach to migration that dominated worldwide and which resulted in a lack of political will to address unequal wealth distribution on a global and national scale. While there were countless reasons for migration, a fairer world with a more equitable distribution of revenues would have a positive impact on migratory flows and diminish irregular migration. A change in the perception of both migrants and the authorities in their destination countries was not incumbent on one international entity but on national Governments. Moreover, it was the duty of Governments to redress the inequalities among countries and annul all restrictive and discriminatory migration policies in favour of new frameworks that recognized the right to migrate and not to migrate, and respected the rights of all migrants.

32. **Ms. Sobhan** (Bangladesh) said that the current discussion was particularly timely and provided the opportunity for further calls for the ratification of the Convention by States which were not yet party to it. The global discussion on

migration required a sustainable institutional platform to address the ongoing migration crisis and ensure that the needs of migrants were fully met.

33. **Mr. Hani** (Arab Commission for Human Rights) said that he welcomed the initiative to hold a day of general discussion to commemorate the twenty-fifth anniversary of the Convention and to promote ratification of the Convention and called on other entities to do likewise. He wondered whether the best approach to promoting universal ratification of the Convention consisted in focusing on regional organizations or on individual States, notably during the universal periodic review process. In the light of the huge migratory flows towards Europe during which migrants risked their lives, and the fall in regular migration and corresponding rise in irregular migration to the European Union, he also wondered what approach could be adopted to encourage the European Union to set out requirements for regular migration. He welcomed the presence of a representative from the International Labour Organization, but would have appreciated the participation of a representative from the United Nations Children's Fund, given the particularly vulnerable situation of child migrants and their lack of access to education.

34. **Mr. Ceriani Cernadas** said that the current crisis threatened the lives of present and future generations and required solutions in the form of public policies and international agreements based on the provisions of the core United Nations treaties and ILO conventions and the sustainable development goals. The human rights treaties were inextricably linked and the fulfilment of the Convention on the Rights of the Child could therefore only be achieved with the parallel implementation of the provisions of the Migrant Worker's Convention. Children's right to family life was constantly contravened by the forced migration of their parents, the separation of their families because of inadequate family unification mechanisms or the imposition of penalties on their parents for irregular migratory status. Family reunification was often only attainable through irregular migratory channels which posed significant risks to children's lives and freedom. Furthermore, children's other rights were not protected where their parents were not guaranteed the right to work or their labour rights were violated owing to their irregular status. Public social policies could not be effectively implemented if migratory policies did not harness a human rights approach, and the sustainable development goals would not be fulfilled if migration programmes and plans were not based on international human rights law in general and on the rights of the child in particular. It was in the light of the inseparable nature of human rights treaties that the Committee had decided along with the Committee on the Rights of the Child to draft a joint general comment on children in the context of migration, with the participation of other international entities, civil society and NGOs.

35. **Mr. Kariyawasam** said that the death penalty represented one of the biggest threats to the rights of migrant workers. Notwithstanding the arguments that its continued existence was unacceptable in the twenty-first century, migrant workers were a vulnerable, largely voiceless, group and thus at particular risk. The precariousness of their situation was compounded by the fact that they had great difficulty accessing — and affording — legal representation, and many did not understand the danger, having come from countries where the death penalty was not applied. It was therefore intolerable that they should be executed in a country that was so foreign to them. It was to be hoped that by the next anniversary of the Migrant Workers Convention it would no longer be an issue.

36. **Ms. Vilas** (Argentina) said that the international community must join forces to tackle the current grave humanitarian crisis by upholding the human rights and dignity of the migrants and refugees affected, irrespective of their legal status. It was crucial that international migration processes be developed in a manner that safeguarded migrants' fundamental rights. Clearly, policies based on border controls and

restrictions on immigration did not reduce the flow of migration; rather, they condemned millions of people to life on the margins of legality, thereby increasing the risk to their health and safety and indirectly fuelling the trade in human trafficking. Migration policy should go hand-in-hand with public policies that ensured respect for migrants' rights and facilitated their integration into society.

37. Under Argentine law, for example, the right to migrate and to family reunification were inalienable rights, and there was an emphasis on ensuring the integration and social and economic development of migrants as well as guaranteeing them the same protection, rights and access to services as Argentine citizens. It was important to understand that the successful integration of migrant workers was critical to the economic, political and social development of the destination country.

38. **Ms. LeVoy** (PICUM), commenting on whether encouraging ratification of the Convention might best be achieved by targeting regional groups — such as the European Union — or individual States, said that there was a general lack of political will in the European Union rather than any major legal obstacles to implementing the instrument. In fact, almost all member States had ratified the other relevant international instruments and implemented measures that granted more favourable rights or freedoms than those provided under the Convention. For that reason, there was no legal argument for non-ratification. While targeting the individual States might be the most effective solution, it was important to understand that the current situation in the European Union was more a political crisis than a migrant crisis. It was encouraging to see, however, that it was no longer only the traditional NGOs who were calling for action. Social organizations and citizen movements were also rising up to express their dissatisfaction with the political response.

39. Notwithstanding the human rights argument, the European Union was an ageing continent with labour market needs that could not be met without migrant workers. Many undocumented migrants from Eastern Europe, for example, had been regularized once their home countries had become members of the European Union. In that connection, increasing mobility in regional blocs could help support migrants' rights. In the European Union, for instance, freedom of movement had helped to prevent irregular migration.

40. After describing the increasingly crucial role played by social and mainstream media, she said she was concerned that some mainstream media outlets had now implemented a blanket ban on the use of the term “migrant”. However, that term had been and continued to be used in the Migrant Workers Convention and she wondered how realistic it was to believe that all persons in transit could be treated as refugees.

41. **Mr. Gois** (Migrant Forum in Asia), referring to Mr. Kariyawasam's statement, said he wished to add that migrant workers were often apprehended and detained without even being informed of their alleged offence or given access to legal support. They were thus often left languishing in jail for several years — usually for petty offences — before being sentenced to death, without ever knowing why.

42. **Mr. Pérez de Eulate** (Centro de Derechos Humanos Fray Matías de Córdova, Mexico) said that while he supported a campaign to increase the number of States parties to the Convention, ratification was meaningless if those States parties did not actually follow it through. In that connection, he called for the establishment of follow-up procedures to ensure that the Convention was being incorporated into national legislation and to hold States parties accountable for non-compliance. Such mechanisms would be especially useful for countries where there was a lack of democracy and transparency in State institutions and a hierarchical system that did not guarantee the enjoyment of certain rights by all.

43. The term “crisis” implied an isolated, short-term event, whereas the current situation was a permanent, not a temporary, crisis. In truth, NGOs worldwide had been highlighting the problem for years and the current situation was merely a reflection of a peak in the effects of the root causes of the crisis, which remained unaddressed.

44. He welcomed the joint initiative by the Committee on Migrant Workers and the Committee on the Rights of the Child to draft a general comment on children in the context of migration and hoped that it would highlight the principle that there should be no differentiation in the treatment of children, irrespective of their nationality or origin.

Panel 2: Challenges for States and promising developments in responding to those trends

45. **Mr. Sørensen** (European Union) said that the crisis currently gripping Europe was less about migrant workers and more about refugees in need of protection. While there were also many newly arrived migrants who were not entitled to safe haven or to stay in the European Union, the obligation to uphold their human rights still remained. European Union policies were based on the promotion and protection of human rights for all, including migrants, and the fundamental principles of non-discrimination and equality.

46. Despite the pressures of dealing with the influx of people arriving on its shores, the European Union had launched an unprecedented response to what was an unprecedented part-migrant, part-refugee crisis. With member States and the countries of origin and transit working together to stem the loss of life at sea and tackle some of the root causes of the crisis, many thousands of lives had been saved. Of the 322,000 people estimated by the Office of the United Nations High Commissioner for Refugees (UNHCR) to have crossed the sea in 2015 to reach Europe, 99 per cent were now safely on European territory. On the same day that the tragedy of a 3-year-old Syrian boy, whose body had been found washed up near a popular beach resort, had brought the plight of those fleeing persecution into sharp focus, 3,000 people had been rescued off the coast of Libya.

47. The new, comprehensive European Agenda on Migration represented a coherent, consistent and balanced approach to migration and was based on the fundamental principle of shared responsibility. It comprised various concrete measures to deal with the current situation, such as continuing sea rescues; implementing relocation, distribution and resettlement mechanisms; combating human trafficking and smuggling; and providing more support for countries with large numbers of refugees and asylum seekers. While implementation of that Agenda was under way, with special attention to problem areas in Italy and Greece, further steps were necessary in view of the difficult and constantly evolving nature of the situation. New proposals were likely to include a more permanent relocation scheme to resettle people in need of protection and ease the burden on member States with an already overwhelming influx of migrants and refugees; a Europe-wide safe list to fast-track asylum procedures; and measures to swiftly, but safely, return irregular migrants to their countries of origin, while respecting their human rights and the principle of non-refoulement.

48. It was important, however, not to focus solely on short-term solutions. In that connection, work was in progress to include proposals to increase resettlement efforts and enhance legal opportunities to work in Europe. If properly managed, migration could be of great benefit to host countries and the European Union as a whole. It was thus important to strengthen the legal framework for migration and to facilitate greater integration of migrants.

49. After describing how European Union border control, migration policies and European Union Naval Force (EU NAVFOR) operations complied with international human rights law, he said that in order to ensure the protection of the rights of migrants, there needed to be a comprehensive approach between countries of destination, transit and origin. Safeguarding the rights of migrants and refugees already on the move was only half the battle; the root causes of irregular and forced migration needed to be tackled. In that regard, the European Union was working with other countries and in political and diplomatic circles in an effort to deal with the crisis even as it was evolving. At the same time, while a long-term migration agenda was needed, so too was a short-term programme of humanitarian aid; the two were inextricably linked. In spite of the hurdles to be overcome, the European Union was committed to doing all it could to meet that challenge head-on.

50. Regarding the question of ratification of the Migrant Workers Convention by European Union member States, he said that there were political and legal considerations as well as the views of 28 different countries to take into account. Many member States believed that the protection provided for under the Convention was already covered by other treaties. Furthermore, it would be difficult to disentangle the European Union areas of competence from those of the individual member States. That was not to say that the European Union did not agree in principle with the Convention; rather, it considered that those principles were already amply covered and, thus far, no legal arguments had been able to demonstrate any gaps in that coverage.

51. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)), moderator, said that he would be interested to know whether the new European Agenda on Migration could serve as a template for a global agenda.

52. **Ms. Rebong** (Philippines) said that, as a major country of origin, the Philippines reaffirmed the importance of the Convention in ensuring the rights of migrant workers and their families, regardless of their immigration status, and recognizing their economic and social contribution to global and national development. Since the main aim of the Convention was to guarantee equal treatment and working conditions for migrant workers, she expressed disappointment that thus far it had been ratified by only 48 States parties.

53. After providing an overview of some of the policies implemented by the Philippine Government, she said that one way to protect individuals from work-based exploitation was to equip them with the necessary skills and information to live overseas. In the Philippines, pre-deployment and skills-matching training were provided to each worker prior to departure. Similarly, Filipino migrant workers were required to attend seminars on their human rights and how to seek redress abroad. Various other initiatives to protect Filipino workers overseas included the provision of medical insurance; emergency funds to enable Filipinos in distress to seek legal assistance; the establishment of a safety mechanism throughout the migration journey; an emergency team to repatriate Filipinos in crises, recently used to good effect during mass repatriations from Libya, Yemen and the Syrian Arab Republic; and various bilateral labour agreements with countries of destination. While not everyone was in favour of bilateral agreements, the Philippines was committed to exploring all available avenues to protect the rights of its workers abroad. An example of such an agreement had obliged employers in Saudi Arabia to establish grievance procedures and set up bank accounts for Filipino domestic workers, inter alia, ensuring regular salary payments to them.

54. Lastly, the promotion, protection and fulfilment of the rights of migrant workers was the shared responsibility of both countries of origin and destination. It was thus

imperative that those countries fully embraced their responsibilities for safeguarding the human rights of migrant workers, ensuring their equal treatment and recognizing their positive contribution to development. She expressed the hope that there would be an uptake in ratification of the Convention, particularly from destination countries, as it remained as rich, relevant and universal as the day it had been adopted.

55. **Mr. Heredia Acosta** (Mexico) said that migration featured highly on the international agenda, particularly given that there were around 250 million international migrants and 750 million internal migrants, meaning that 1 in 7 persons was a migrant of some kind. Most migrants came from developing countries, around 49 per cent of which were women and over a quarter were aged under 20.

56. International migration played an increasingly important role for most countries, with statistical projections indicating that from 2030 to 2040 developed countries would experience a negative population balance, and that migration would not be sufficient to offset that imbalance. Migration involved the whole world, as countries of origin, transit, destination and return. The international community had been taking steps to address the challenges of migration for a number of years, but Governments, international organizations and civil society must continue to work together to step up efforts to overcome those challenges.

57. Mexico had adopted a raft of measures on migration. Those included constitutional reform to ensure the protection and promotion of the human rights of migrants; legislative amendments in the area of migration, refugees and human trafficking; specific training for migration authority staff; a national development plan and special programme on migration; migration policy focus on family reunification and the protection of unaccompanied minors; a multidisciplinary approach to the protection of the human rights of children and adolescents, irrespective of their migration status; a strategy for the care of unaccompanied minors, including coordinated shelter provision; prevention measures to encourage unaccompanied minors to remain in their communities; and a joint programme for the protection of migrants in transit, with the joint participation of United Nations agencies, the International Organization for Migration and international and civil society organizations. Mexico was also a proactive member of the international community at the multilateral and international level, cooperating on global action on migration.

58. Migration must be tackled holistically and as a shared responsibility. Migrants should not be criminalized; the focus of migration policies should instead be on ensuring the human rights of migrant workers. The Convention was a useful instrument in addressing international migration and providing strategies and guidelines for the development of national policies and international cooperation; he therefore joined other speakers in urging States parties to ratify it. Furthermore, migration should be mainstreamed in national public policies and legislation, and international dialogue and cooperation should be strengthened, including through an exchange of best practices between Governments, international bodies and civil society organizations.

59. **Mr. El Jamri** asked how the European Union had decided on the figure of 120,000 as the number of refugees it intended to host over the next two years. There were an estimated 60 to 110 million refugees worldwide, 4 million of whom were currently in the European Union, representing only 1 per cent of the population and a much lower figure than the number of refugees in Turkey or Lebanon. Could the European Union do more to help address the global humanitarian crisis, not least by hosting more refugees?

60. Discussions held over the years on the low rate of ratification of the Convention had concluded that the obstacles were political rather than legal, and primarily

concerned migrants in an irregular situation. Given that under the Convention migrants in an irregular situation already had rights in most European countries, there should be no obstacle to ratification.

61. Before the recent mass migratory flow, there had been talk of a hermetic border along the southern Mediterranean, meaning that once migrants crossed, they would not dare to return. However, there were now opportunities for development in countries of origin. Instead of closing borders, why not allow greater flexibility to enable migration to be used for the benefit of both host and countries of origin, particularly during periods of economic crisis?

62. It was regrettable that the debate which had commenced in 2004 to determine what measures could be taken by the international community to place migration on the international agenda had merely resulted in the creation of the Global Forum on Migration and Development. As it was not a United Nations body, its resolutions and recommendations were not binding on States, meaning that the latter could opt only to follow the recommendations when they suited their purposes. He suggested that the debate and consideration of resolutions should be relaunched within the United Nations, so that the international community would truly address migration and translate words into action.

63. **Ms. Tomei** (Director, Conditions of Work and Equality Department, ILO) said that 2015 had also marked the fortieth anniversary of the adoption of the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). In common with the United Nations Migrant Workers Convention, the instrument applied to all migrant workers and was based on the principle of equality of treatment. Those goals remained critical in dealing with current migration crisis and the challenges it posed.

64. Mixed migration flows towards Europe were growing, and the UNHCR Global Report 2014 had highlighted that almost 60 million people had been forcibly displaced, the largest number ever recorded. Furthermore, the ILO would shortly release its global and regional estimates on migrant workers, which confirmed that a significant majority of people crossing borders were migrant workers.

65. The current crisis reflected serious weaknesses in regional and global migration governance systems and was caused mainly by a lack of solidarity, cooperation and basic human compassion. In order to address the challenge of highly fragmented migration governance, it was important for the international community to work together more effectively. Recent events had highlighted the relevance of international standards in that connection. They ensured coherence and consistency in addressing shared values, fairness and equal treatment for migrant workers, and set an even playing field for businesses seeking to meet labour shortages.

66. Further challenges were the low ratification rate of the United Nations Convention and ILO standards relating to labour migration and the need to ensure their implementation. The ILO had carried out a global general survey of those standards to ascertain what the obstacles were to their ratification and implementation. The preliminary findings showed that barriers included: incompatibility between national legislation and obligations under international standards; the limited administrative capacity of the institutions intended to ensure observance of labour regulations; political concerns about legislating on a politically sensitive issue in a context of poor economic recovery or high unemployment; and a lack of clear guidance on how to give effect to the obligations arising from the standards.

67. Another factor was the indivisibility of human rights and labour rights. The United Nations Convention and the ILO labour migration standards did not stand in isolation, but were part of a broader package of human rights and labour rights.

68. Addressing the global crisis would be challenging and complex, and required a common response, shared responsibility and more durable solutions that tackled the root causes. There should be a comprehensive approach to governance, centred on three pillars: creating decent work at home; multilateral responses based on international standards and common values; and fair, safe and regular channels of migration that met real labour market needs at all skill levels. Last but not least, there must be a new paradigm of cooperation, which called for political courage.

69. **Ms. Wang Ying** (People's Republic of China) said that the international community was watching the migration crisis in Europe closely. Only by finding the root cause of the problem could a solution be found. Countries should work together to develop long-term measures to address the challenges and ensure respect for the rights of all migrants, including migrant workers, and to promote social cohesion.

70. **Mr. Lugon Arantes** (Centro de Estudios Legales y Sociales (CELS), Argentina) said that it was paramount to examine the root causes and find political solutions to the current crisis. The European Union, MERCOSUR, UNASUR and other regional organizations should engage in political discussions with a view to establishing regulations governing migratory flows and to protecting the human rights of migrants. All migrants should be allowed to exercise their human rights, irrespective of their legal status. Key measures in reformulating strategic policies on migration should centre on the ratification and implementation of the Convention.

71. **Mr. Sørensen** (European Union) reiterated that migration was a global issue and not restricted to Europe, and was complicated by mixed migration flows. He would not comment on the number of refugees that the European Union intended to host ahead of the official announcement to be made the following day. With regard to legal migration, he underlined that the European Union would continue efforts in that area and had already implemented initiatives such as the Seasonal Workers Directive and the Blue Card Directive, which guaranteed regulated migration into the European Union. The power of migration, its demographics and the fact that the European Union was still in the process of being built and required a guarded system had to be recognized. All action taken by the European Union relating to migration and its borders were carried out with respect for human rights. The European Union was increasing its cooperation with the United Nations and would continue to address migration as a global issue.

72. **Ms. Rebong** (Philippines) said she agreed that the debate on migration should be relaunched. She wondered whether the goals and targets of the post-2015 development agenda would be sufficient to tackle the migration crisis. Was migration a security, economic, humanitarian or human rights issue, or a combination of all of those issues? The migration crisis was too important for the Committee or one specialized agency to handle alone. It was vital for the international community to continue working together, addressing the problem in a comprehensive and creative manner and campaigning for more countries to ratify the Convention.

73. **Mr. Heredia Acosta** (Mexico) said that while it was true that many multilateral processes were not binding, every effort should be made to build confidence in them thereby ensuring their success. Knowledge, confidence-building among the various stakeholders and awareness-raising of the problems relating to migration were of prime importance. One important aspect of awareness-raising was emphasizing the positive contribution of migration to the countries involved. In that connection, efforts should be pursued at local, regional, national and border levels to promote solidarity and develop relevant legislation, agreements and training.

74. **Mr. Salama** (Director, Human Rights Treaties Division, OHCHR), moderator, after the customary exchange of courtesies, said that he looked forward to continuing the interesting discussion on the issues raised during the day's event in the future.

The meeting rose at 6.15 p.m.