



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

Distr.
GENERAL

CMW/C/SR.13
24 May 2005

ENGLISH
Original: FRENCH

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT
WORKERS AND MEMBERS OF THEIR FAMILIES

Second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 13th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 26 April 2005, at 3 p.m.

Chairperson: Mr. KARIYAWASAM

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* The summary record of the second part (closed) of the meeting appears as document CMW/C/SR.13/Add.1.

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The meeting was called to order at 3.15 p.m.

MEETING WITH STATES PARTIES (agenda item 7)

1. The CHAIRPERSON said he was pleased to announce that four States - Algeria, Chile, the Libyan Arab Jamahiriya and Turkey - had acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since the previous session, bringing the number of States parties to 29. He particularly welcomed the first accession by a receiving country for migrant workers, the Libyan Arab Jamahiriya. The Convention was of considerable importance in a world where migratory phenomena were on the increase and the Committee was actively promoting it, recognizing that for it to be truly effective it needed to be ratified by as many States of origin, receiving States and States of transit as possible.
2. The Committee's primary task was to consider the reports of States parties on the implementation of the Convention. However, as none had yet been received, he invited States to prepare them as soon as possible, following as closely as possible the provisional guidelines regarding the form and contents of initial reports to be submitted by States parties in accordance with article 73 of the Convention. It had been decided at the third inter-committee meeting of human rights treaty bodies to recommend to the States parties to all human rights treaties that they should consider following the "Guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties" (HRI/MC/2004/3). However, it was for States parties to decide when they would apply the guidelines. For the moment, it was of paramount importance that they should submit their reports as soon as possible in one form or another, as the consideration of reports would act as a catalyst and would encourage other States to accede to the Convention.
3. Mr. CAMPUZANO (Mexico) said that his country's initial report was at an advanced stage of preparation. It had been drawn up in accordance with the Committee's guidelines on initial reports, and included feedback from civil society.
4. His Government was very keen to promote human rights in general and the rights of migrants in particular, and to act in close consultation with civil society to that end. The Commission on Government Policy on Human Rights, set up by the Government in March 2003, brought together public bodies and civil society organizations and had the task of coordinating activities carried out at the national or international level and drawing up government policies in the field of human rights. In 2004, the Commission had established a sub-commission on the human rights of migrants to lay the foundations for a migration policy based on a comprehensive approach to human rights.
5. The Mexican Government was stepping up initiatives to encourage the implementation of the Convention. For example, in July 2003 it had organized an anniversary celebration at which it had reaffirmed its commitment to the Convention, published a special edition of the text of the Convention for the staff of the National Institute for Migration (INM), and was currently distributing an explanatory leaflet on the Convention to migrants themselves and to civil servants dealing with migration issues. In June 2004, the National Institute for Migration had organized a

workshop on follow-up to the Convention, which had provided an opportunity for fruitful exchanges of views between representatives of the authorities, universities and civil society concerning Mexico's obligations under the Convention.

6. At the international level, his Government had on several occasions called for member countries of the Regional Conference on Migration (the "Puebla Process") to ratify the Convention and strongly supported, including through financial contributions, efforts to encourage others to accede to it. The Mexican Government hoped it would be able to count on an active contribution from the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to the preparations for the high-level dialogue on international migration and development scheduled for 2006 by the General Assembly of the United Nations.
7. The CHAIRPERSON said that the Committee was looking into the possibility of organizing at its next session a day of general discussion on the topic to be discussed at the 2006 high-level dialogue, and that States parties could be invited to take part in it.
8. Ms. GONZALEZ-ARIZA (Colombia) said that her country's initial report was almost ready, and stressed that the Committee's guidelines regarding the form and contents of initial reports had proved extremely useful in the drafting of the report.
9. Mr. PAREDES (Ecuador) said that his Government appreciated the work done by the Committee and had taken note with interest of its report on its informal meeting in October 2004, particularly with regard to the measures proposed on that occasion for the promotion of the Convention. His Government agreed with the proposal that Committee members should take part in various events devoted to migrant issues, possibly with task-sharing based on geographical area, and renewed its offer to host, with technical and financial support from the Office of the United Nations High Commissioner for Human Rights and other interested organizations, an international seminar to promote the Convention, and invited the Committee to consider holding a session in Ecuador for the occasion.
10. His Government was currently putting the finishing touches to its initial report, which it would soon be sending to the Committee. In 2002 it had established the Commission for Public Coordination of Human Rights, an inter-ministerial body responsible for preparing Ecuador's reports to the treaty bodies and for making sure that its work included input from other State institutions and bodies, as well as from civil society organizations.
11. The failure by some States to comply with the applicable international instruments on consular matters, particularly the Vienna Convention on Consular Relations, was a serious concern for his Government. In recent months, a number of migrants in an irregular situation had been arrested in foreign countries without being given access to consular assistance. He pointed out that the Committee could perhaps campaign more actively for compliance with universally adopted international agreements related to the human rights of migrant workers.
12. His Government spared no efforts to promote the protection of migrant workers' rights and to provide those workers and members of their families with various forms of assistance, including legal and social assistance. It was worried by the worldwide trend towards applying identical measures to issues as different as migration, asylum and criminal activities such as

trafficking in human beings. It was not possible to take only one approach to different social situations without seriously undermining people's rights. The migration phenomenon was only one aspect of a globalized, interdependent world in which the international labour market determined the movement of persons. And yet some receiving countries were taking disproportionate measures in the name of countering terrorism or some other objective, and were using them to stem the flow of migrants at the expense of the fundamental rights of migrants. In continuing to stand by the latter, Ecuador would continue to contribute to the promotion and dissemination of the Convention with a view to its universal adoption.

13. The CHAIRPERSON welcomed the Ecuadorian Government's proposal to host an international seminar to promote the Convention and, in accordance with the recommendations adopted at the third inter-committee meeting and the sixteenth meeting of chairpersons of the human rights treaty bodies, invited the secretariat to take practical steps to provide support for the Committee at such a seminar.

14. Mr. RECINOS TREJO (El Salvador) expressed concern at the absence of receiving countries among the signatories to the Convention, and supported the proposals made by the Committee at its informal meeting in October 2004 to promote the Convention. He also paid tribute to the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights in that area. However, he thought that only a more aggressive campaign to promote the Convention would be able to bring about an increase in the number of ratifications.

15. His Government, which was determined to promote the implementation of the Convention, was on the point of completing its report, which had been prepared with the participation of about 20 governmental bodies and civil society organizations. A regional seminar on migration had been organized in 2004 and had led to the publication of a guide to the rights of migrant workers.

16. Ms. OZCERI (Turkey) reaffirmed her Government's commitment to achieving the Convention's goals and worldwide ratification. As one of the last States to have acceded to the Convention, Turkey would need some time to meet its reporting obligations.

17. Mr. MARDALIYEV (Azerbaijan) said that the authorities in his country intended to submit a report in accordance with the Committee's editorial guidelines very soon, even though the number of government and administrative bodies involved inevitably delayed the centralized collection of data.

18. Mr. GUEYE (Senegal) said it was unfortunate that no country from the northern hemisphere had so far decided to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He reported that the government and administrative bodies involved in drafting Senegal's report, which were currently holding consultations, were unsure of how to deal with Senegalese emigrants in the report, since Senegal was a country of origin and transit as well as a receiving country, and were also unclear about the relationship between the Committee and the Special Rapporteur on the human rights of migrants of the Commission on Human Rights.

19. The CHAIRPERSON explained that, while their work was complementary, the Committee, as a treaty body, and the Special Rapporteur on human rights of migrants appointed by the Commission on Human Rights had different mandates, which explained why they had been set up and the relationship between them.

20. With regard to the best way to report on the situation of different categories of migrants in a country, he invited States parties to follow the guidelines drawn up by the secretariat and, where necessary, to ask the secretariat for technical assistance.

21. Mr. GAKWANDI said that, following a preliminary discussion on the procedures for considering the initial reports of States parties, and with a view to harmonizing the working methods of the treaty bodies, the Committee proposed: to send a written list of issues and questions to States parties before the session at which their report was due to be considered; to appoint one or two of its members as country rapporteurs; to request States parties to send to the meetings at which their report was to be considered a delegation that was as representative as possible of the relevant government bodies and departments; and to devote two meetings to the consideration of each country report, with a sufficient gap between them to allow the delegation to prepare replies to Committee members' questions. It would be useful if States parties, drawing on their experience with other committees, could give their views on the best way to ensure the Committee's recommendations and concluding observations were followed up.

22. Ms. SOSA (Mexico) expressed her full support for the working methods the Committee had in mind, particularly with regard to drawing up lists of issues, appointing country rapporteurs and the composition of delegations. She wondered if it would be possible to send the list of issues to the State party at least three months before the date scheduled for consideration of its report, in order to give the departments concerned time to gather the information they needed to prepare their replies and, possibly, to have those replies translated. Moreover, there would need to be a gap of at least one day between the meetings at which the report was considered in order to allow for information sources to be contacted. Each State party should also have an opportunity to submit written comments on the Committee's concluding observations before the latter were published, so that the dialogue established between States parties and the Committee could be as relevant and constructive as possible, and thus serve the best interests of the Convention.

23. It would, moreover, be useful to have some indication of how long the Committee thought it would need to consider the country reports submitted to it in the two or three months after the current session, and of its intentions with regard to issuing press releases and producing summary records of its meetings.

24. Mr. CAMPUZANO (Mexico) said that he would like to know what practical steps the Committee intended to take to avoid building up too much of a backlog of periodic reports due for consideration and to take advantage of the best practices of other treaty bodies.

25. The CHAIRPERSON said he was pleased to hear that Mexico would soon be submitting its initial report. Any reports submitted before August would not be considered by the Committee at its next session, during which lists of issues would be drawn up and country

rapporteurs appointed, but at the session after that. When the time came to consider the reports, in order to allow for any problems related to the time difference between countries, delegations should have an afternoon and a night to prepare their replies.

26. Ms. EDELENBOS (Secretary of the Committee) said that recordings and summary records would be prepared of all the official meetings of the Committee.

27. Mr. BRUNI (Treaties and Commission Branch) said that the summary records of the Committee's meetings, including meetings at which country reports were considered, would first be distributed in the language in which they had been drafted, but, given the workload of conference services staff, would not be available until later in the other languages. Press releases would also be prepared, including when reports were under consideration.

28. Ms. GONZALEZ-ARIZA (Colombia) asked when reports received after August 2005 would be considered, how rapporteurs would be chosen and if their mandate would cover only the submission of reports by States parties or also the observations on them and their follow-up. Her country had serious budgetary problems and would not be able to afford to send a large number of representatives to meetings devoted to consideration of its reports.

29. The CHAIRPERSON said that the number of members in a delegation was unimportant provided that they were well enough informed on a range of subjects to answer the Committee's questions. The rapporteurs would be members of the Committee and there would be one or two of them for each report prepared by a State party. Rapporteurs should know the official language of the State party whose report was under consideration, though of course they should not be nationals of that State. Reports received after August 2005 would not be considered in December - unless the secretariat was able to prepare the documentation by then - but at the following session. The Committee should have no problem considering the reports, but if there was an increase in the number of reports and the workload became too heavy, its sessions could be extended.

30. The Committee had not yet established links with the other treaty bodies, but would eventually be able to draw on the experience of committees such as the Committee against Torture, which, like itself, was responsible for monitoring the implementation of a convention that had few States parties. The Committee on the Rights of the Child would probably be less useful as a model, as it monitored a convention with a large number of States parties.

31. Mr. PAREDES (Ecuador) said that a list of issues could be drawn up following consideration of a report in order to give the State party an opportunity to provide clarifications or further information and to establish a constructive dialogue aimed at avoiding submissions that did not reflect reality and proposing measures to improve the situation of migrant workers. His delegation was in favour of appointing two Committee members for each State party report due for consideration. The Committee's recommendations should be constructive and should thus promote the strengthening and universalization of the Convention. Information supplied to the media on the outcome of the consideration of reports should be carefully scrutinized in order to avoid any misunderstandings.

32. The CHAIRPERSON pointed out that the Committee was only just beginning to define its working methods and procedures, which would no doubt develop over time. He thought it would be a good idea to appoint two rapporteurs for each country report.
33. Mr. ALBA said he would like to know why the representative of Colombia had asked if the rapporteurs' mandate would cover both consideration of the report and its follow-up, which was logical on the face of it, when she presumably had experience in such matters, and whether she had some reason for preferring such an arrangement.
34. Ms. CUBIAS MEDINA, noting that the committees set up by virtue of an international human rights instrument received information not only from States parties but also from civil society, said she would like to know if States parties intended to involve civil society in the preparation of their reports, as Mexico and many other countries did.
35. Mr. CARRIÓN-MENA stressed that the Committee intended to highlight the human rights of migrant workers and members of their families, in contrast with the tendency outside the Committee to concentrate on security and the economic aspects of migration.
36. The Committee still had much work to do if it was to function properly. In particular, its members needed to reach an understanding on the terminology to be used. It was essential, as States parties had requested, to continue with bilateral and multilateral efforts to encourage ratification of the Convention and thus its universalization. States parties had a key role to play in promoting the Convention, by ensuring that people were more aware of it and its content. In that respect, cooperation between non-governmental organizations and the authorities was essential.
37. Ms. DIEGUEZ noted that some press releases had given the impression that the Committee would be judging States parties and strictly monitoring the manner in which they took account of its observations and recommendations, but that was not the case at all: the Committee wished above all to work constructively together with States parties for the sole purpose of promoting the rights of migrant workers and facilitating the implementation of the Convention.
38. Mr. CARRIÓN-MENA suggested that States parties should include in their reports some contributions, in the form of proposals, ideas or experiences, from nationals who were migrant workers in one or other of the industrialized countries or from migrant organizations. That would give a very useful insight into their living conditions.
39. Mr. BRILLANTES welcomed the willingness expressed by the representatives of States parties to press ahead and to cooperate, which should help dispel the fears and doubts about the Committee's future. In the face of such commitment, one could not help but be confident in the Committee's ability to find its bearings and successfully discharge its mandate. The doubts expressed the day before appeared to have been exaggerated, particularly with regard to relations between the Committee and the Global Commission on International Migration, since the Global Commission would surely welcome the general drift of the views expressed in a dialogue like the one that had just taken place.

40. With regard to the steps to be taken to deal with an increase in the Committee's workload, it should be recalled that the Convention provided for the election of four additional members following its entry into force for the forty-first State party.

41. Mr. EL-BORAI said he would like to reassure States that were afraid of being singled out that the Committee's main task was to promote the Convention and its provisions. In the interests of encouraging States parties from the start, he proposed that initial reports should not be the subject of press releases, which often went down badly in the countries concerned because they tended to overemphasize their problems.

42. Mr. CAMPUZANO (Mexico) stressed the importance attached by his Government to the interaction between the processes under way in various forums in relation to migration. It was vital for the Committee to cooperate with the Global Commission on International Migration, the Inter-Parliamentary Union, which had undertaken a study on migration and development, and the Berne Initiative, which focused more on the management of flows. It was also vital to take into account the work of non-governmental organizations such as December 18, which had carried out a very interesting study, the results of which should encourage developed countries to ratify the Convention.

43. The CHAIRPERSON pointed out that inter-institutional cooperation had been one of the Committee's priorities from the start. In the course of the current session the Committee would be meeting with representatives of intergovernmental organizations, including the Global Commission on International Migration, the International Organization for Migration, the Inter-Parliamentary Union, the World Bank and, of course, the International Labour Organization. The Committee also cooperated closely with non-governmental organizations, whose support had proven very valuable.

44. Mr. PAREDES (Ecuador) said that the Ecuadorian Commission for Public Coordination of Human Rights would ensure that the views of the migrant groups in countries hosting Ecuadorian workers were taken into account in the preparation of Ecuador's periodic reports to the Committee. His Government would include in its reports information submitted by members of civil society or would ensure that such information was included in separate documents. It was to be hoped that the Committee, for its part, would do its utmost to strike a reasonable balance in its assessment of the situation in a given country, bearing in mind both the information supplied by the Government and the views of civil society.

45. Mr. GUEYE (Senegal) fully endorsed the idea of having the views of migrant groups outside the country of origin taken into account in the reports of States parties.

46. The CHAIRPERSON said he shared the optimism of Committee members and was encouraged by the exchange of views that had just taken place. The road ahead was long, but the Committee and its partners were undoubtedly on the right track.

The public part of the meeting rose at 5.15 p.m.