



# **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** Tenth session

### **Summary record of the first part (public)\*\* of the 115th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 30 April 2009, at 3 p.m.

*Chairperson:* Mr. El Jamri

## **Contents**

Meeting with States parties

Guide to Ratification of the International Convention for the Protection of All Rights of  
Migrant Workers and Members of Their Families

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- \* No summary record was prepared for the 108th to 114th meetings.
  - \*\* No summary record was prepared for the second part (closed) of the meeting.

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 3.20 p.m.*

**Meeting with States parties (item 5 of the agenda)**

**Guide to Ratification of the International Convention for the Protection of All Rights of Migrant Workers and Members of Their Families (document in English only distributed in the room)**

1. **The Chairperson** said that on 30 April 2009, there were 41 States parties to the Convention, 14 States parties had submitted their initial report, 12 reports had been considered, 4 of them during the tenth session, 24 States parties were between a few months and five years overdue in submitting their report and 11 States parties were more than five years overdue. The number of ratifications was increasing rapidly but the Committee regretted that the Western countries were yet to ratify the Convention. Lastly, the Chairperson said that the meeting with States parties aimed both to maintain communication between the Committee and States parties and to take stock of the working of the Committee and the means of promoting the Convention.
2. **Mr. Taran** (International Labour Organization – ILO) presented the first edition of the Guide to Ratification of the International Convention for the Protection of All Rights of Migrant Workers and Members of Their Families, prepared by the International Steering Committee of the Global Campaign for Ratification of the Convention – a network of international organizations, inter-governmental organizations and regional civil society organizations committed to promoting respect for the human rights of migrants. The purpose of the Guide was to advocate for the universal ratification of the Convention, to place the Convention in the context of advancing human rights and to facilitate cooperation and information sharing among the different actors that work towards ratification of the Convention. It referred to two complementary ILO Conventions (No. 97 and No. 143) regarding migrant workers which, together with the Convention, could be considered as a charter on the rights of migrants.
3. **Ms. Pace** (International Organization for Migration – IOM) said that the Guide was an additional tool to protect the rights of migrant workers, irrespective of their legal status. In the face of the global financial and economic crisis, it was more necessary than ever to uphold the rights of an entire category of particularly vulnerable persons who made a major, albeit unacknowledged contribution to States' economic development. The Convention set standards which helped to preserve the interests of States through the drafting of viable and effective migration policies based on the rule of law.
4. **Mr. Bingham** (International Catholic Migration Commission – ICMC) pointed out that as it was the eve of May Day, the publication of the Guide was very timely. The Guide drew attention to the fact that the rights of migrant workers were already taken into account in country legislations and that the Convention was in no way an additional load for States parties, that protection for the rights of migrant workers suited the interests of States and contributed to social cohesion, that migrant workers created jobs and small businesses, thus aiding economic development and finally, that the Convention promoted the rule of law by discouraging illegal migration.
5. **The Chairperson** thanked the members of the Steering Committee for presenting the Guide to ratification of the Convention which would serve as a reference tool for the Committee and States parties. The Committee would take every opportunity to publicize the Guide, which very effectively highlighted the complementarity between the Convention and ILO Conventions No. 97 and No. 143.
6. **Mr. Brillantes** said that the Guide would be highly useful in providing reluctant States with a range of arguments in favour of ratification of the Convention. He suggested

that the members of the Steering Committee should promote the Guide at the third Global Forum on Migration and Development to be held in Athens at the end of 2009.

7. **Mr. Taghizade** asked the members of the Steering Committee for their views on how the global financial and economic crisis affected migration flows and migrant workers.

8. **Mr. Taran** (International Labour Organization – ILO) said it was an excellent idea to distribute as many copies of the Guide as possible during the third Global Forum on Migration and Development, because many States were ill-acquainted with the provisions of the Convention. Some, especially the European countries, had claimed there were legal obstacles to ratification even though their domestic legislation was virtually in harmony with the provisions of the Convention. Distribution of the Guide would be a perfect opportunity to ask countries to reconsider the arguments in favour of ratification. With regard to the effects of the world economic crisis, Mr. Taran said that according to the data available, although migrant workers were the first to be made redundant the majority of them did not return to their countries of origin, where the socio-economic situation was even more critical. However, migrant workers were accepting ever worse working conditions and lower salaries. Ratification of the Convention was thus more necessary than ever to prevent the over-exploitation of migrant workers.

9. **Ms. Pace** (International Organization for Migration – IOM) said that the Guide would be distributed at events such as capacity-building programmes organized by IOM for Government officials and diplomats as well as for lawyers working directly with migrant workers, NGOs and civil society organizations in general. With regard to the repercussions of the economic and financial crisis on migration policy, Ms. Pace offered to forward the IOM note on the issue to the members of the Committee.

10. **Mr. Bingham** (International Catholic Migration Commission – ICMC) was pleased to note that the number of ratifications of the Convention was increasing albeit slowly. The publication of the Guide clarified certain situations: for example contrary to what was widely thought, the Convention had been ratified not only by the countries of origin of migrant workers but also by countries of transit and employment. The situation was also changing at other levels: at the second Global Forum on Migration and Development, the Convention and its ratification had been discussed far more formally than at the first, in response to a desire of civil society to promote the rights of migrant workers. It would be safe to say that the trend would become increasingly apparent at the next forums to be held in Greece and Argentina.

11. **Mr. Taran** (International Labour Organization – ILO) said that before long the Guide would be translated into French, Spanish, Russian and Arabic and that, initially, the English version would be available on the websites of the Global Campaign for Ratification of the Convention on the Rights of Migrants and of other organizations such as the Office of the High Commissioner for Human Rights.

12. *The Chairperson gave the floor to the representatives of States parties to the Convention.*

13. **Mr. Achgalou** (Morocco) thought that the Guide was timely in the context of an economic and financial crisis that had sent shockwaves around the world and which encouraged calls from some quarters for migration policy reform. He asked whether the Guide could provide additional protection for the rights of migrant workers threatened by such reforms, both in countries that had already ratified the Convention and those yet to do so.

14. **Mr. Chocano Burga** (Peru) commended the comprehensive approach to the rights of migrant workers adopted by the International Steering Committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants, which enhanced

the promotion of each of those rights. The publication of the Guide made it possible to overturn the legal arguments against ratification of the Convention put forward by countries. The truth was that in developed countries, migration was more of a political issue than a legal one and mentalities had to be changed before amending laws, and that was where the Committee could play an important role. With regard to the presentation of reports, he explained that Peru's Minister of Foreign Affairs had clearly told all Government officials that the country must comply with its obligations to all United Nations treaty bodies. Accordingly, Peru expected to submit its report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families in the months to follow.

15. **Mr. Alba** invited those States that had ratified the Convention but were yet to submit their initial report to do so, thereby signalling their strong commitment to the Convention and to upholding the rights of migrant workers.

16. **The Chairperson**, speaking as a member of the Committee, explained that it would be very helpful for the Committee to be informed of the reasons for delays in the submission of reports. He pointed out that in the event of technical difficulties, the Office of the High Commissioner for Human Rights could provide technical assistance to States.

17. **Mr. Chocano Burga** (Peru) said that for his country, the difficulties in submitting reports on time were due to two factors: problems mobilizing institutions and the volume and diversity of information to be presented. Despite the complexity of the task, Peru's political determination to meet its obligations was sincere.

18. **The Chairperson** said that all countries experienced such difficulties since the issue of migration was cross-cutting and involved many areas. The preparation, submission and presentation of the report were part of a learning process that enabled States to reflect on their migration policies, practices and prerogatives. Moreover, the exercise was not only an integral aspect of the very functioning of the Committee but also, and above all, of the Convention because all States having ratified it were required to inform the international community of the measures taken to ensure respect for migrants' rights.

19. **Mr. Taran** (ILO) explained that the value of the Guide was specifically to draw attention to the importance of having international rules fully to protect human rights, and thus, the dignity of migrants. The Guide conveyed four important messages: (a) migration policies and practices could only be viable and effective when based on a firm foundation of legal norms operating under the rule of law; (b) international standards set a framework for the appropriate modification of national legislation, policy and practice and for cooperation within States and between States; (c) the increasing mobility of workers required explicit legal regulation to ensure the protection of workers and their families in their countries of employment; and (d) international cooperation among States needed to be encouraged and focused by the common normative framework of the Convention. The Guide could also be an effective instrument within States that had ratified the Convention by helping to convince legislators, administrative officials and all those averse to the Convention. He said that the Steering Committee would continue its mission to promote ratification of the Convention and, as such, he endorsed Mr. Alba's suggestion that the Guide be presented at the next Global Forum on Migration and Development.

*The public part of the meeting rose at 4.40 p.m.*