



# 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 first part (public)\* of the 299th meeting

Held at the Palais Wilson, Geneva, on Friday, 4 September 2015, at 10 a.m.

*Chairperson:* Mr. Carrión-Mena

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(*continued*)

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports submitted by States parties under article 73 of the Convention** (continued)

*Initial report of Timor-Leste* (continued) (CMW/C/TLS/1; CMW/C/TLS/QPR/1)

1. *At the invitation of the Chairperson, the delegation of Timor-Leste took places at the Committee table.*

2. **Mr. da Silva** (Timor-Leste), replying to questions raised at the previous meeting (CMW/C/SR.298), said that, although the logistics of permitting Timorese living abroad to vote were complicated, the Government was committed to ensuring that all citizens maintained their right to vote. The Council of Ministers had approved a law in April 2014 whereby Timorese living abroad could vote through embassies and consulates, of which there were nearly 50 around the world. As a result, all citizens who wished to exercise their right to vote in the next elections in 2017 would be able to do so.

3. Over 1,800 workplaces, employing more than 5,300 foreign workers, were inspected on a regular basis. Foreign migrants were not discriminated against when detained: all persons involved in an investigation and those arrested were to be informed of their rights, including the right not to be subjected to torture or ill-treatment, the right to a fair trial and the right to free legal aid provided by the Office of the Public Defender.

4. Prior to the 1999 referendum, there had been many children living in the streets and doing menial jobs to survive. However, the Ministry of Social Solidarity had since set up a fund to encourage children to return to school and rejoin their families, and to provide families with financial assistance. Any children who still worked were teenagers who were helping out with the family business; they were not being exploited. There had been a meeting with the Australian authorities regarding the establishment of a migrant centre in Timor-Leste, but no agreement had been reached. In answer to other questions on collective expulsions, family reunification and work visas, he referred the Committee members to the relevant paragraphs of the report.

5. **Ms. Silva Caldas** (Timor-Leste) said that, aside from the seasonal work programme with Australia, there were no agreements on immigration control between Timor-Leste and that country. There were, however, cooperation programmes whereby officials of the migration service were trained in the identification of falsified travel documents.

6. There was no evidence that migrant children were working in the country and civil society had not received any reports of such cases or complaints from child workers. While no data were available on the exploitation of migrant women, the Secretariat of State for Employment Policy and Vocational Training had the authority to receive complaints of rights violations from all workers, including foreign migrants, and to take action on them. Citing the case of an employer who had failed to pay for the maternity leave of a Filipino staff member, she said that the labour inspection services could fine employers who infringed the rights of migrant workers.

7. The national action plan on trafficking had yet to be approved, but the Government, in cooperation with the International Organization for Migration (IOM), was intent on reviving, in the coming months, the inter-agency working group that had drafted the plan. The bill on the prevention of trafficking had been approved by the Council of Ministers and would be submitted to parliament shortly.

8. **Mr. Pereira de Matos** (Timor-Leste), replying to the question why Timor-Leste knowingly sent workers to countries that had not ratified the Convention, in particular

Australia and the Republic of Korea, said that those countries had very good protection measures in place. For instance, the Korean work permit system had been approved by the International Labour Organization (ILO). Timorese migrants could receive assistance from special centres and events were held to showcase their customs and culture. In the case of Australia, the authorities of Timor-Leste worked closely with the Australian ambassador on the recruitment process. Once in Australia, Timorese migrant workers received training that included how to access basic services, set up a bank account and use the public transport system, where to purchase various necessities and how to contact the Ombudsman for assistance. The Government of Timor-Leste posted a labour attaché to all the countries where Timorese workers were employed.

9. **Mr. Brillantes** (Country Rapporteur) invited the delegation to comment on reports that there had been delays in salary payments to foreign staff at the National University of Timor-Leste and to elaborate on the role of the Office of the Ombudsman for Human Rights and Justice. In particular, he wished to know what efforts the Ombudsman was making to engage with the international human rights system.

10. He asked whether the State party intended to make the declarations provided for in articles 76 and 77 of the Convention and to ratify ILO Conventions Nos. 97, 143 and 189. The delegation should also indicate what steps were being taken to improve the collection of disaggregated statistical data on migrant workers, particularly those in an irregular situation, and to ensure that national legislation included a specific provision prohibiting gender-based discrimination and affording special protection to migrant workers.

11. **Mr. Kariyawasam** (Country Rapporteur), noting reports that migrant workers from Bangladesh had been left stranded at airports in Timor-Leste because of visa problems, enquired about the procedure for issuing work permits. The delegation should indicate what measures were taken in law and in practice to prevent work permits from being revoked prematurely, whether permits were valid only in a given sector of the economy and whether migrant workers could change jobs.

12. He asked whether migrant workers had access to relevant information in a language that they could understand and what steps the authorities were taking to guarantee that migrant workers could exercise their labour rights. He also asked whether a system had been developed to help prevent statelessness by ensuring that all births in the State party were registered. Lastly, he would appreciate additional information on the Human Rights Adviser's Unit that had been established in 2013.

13. **Mr. El-Borai** asked whether it was true that Timorese citizens working abroad were required to have at least two bank accounts and, if so, why. He also invited the delegation to comment on reports that migrant workers were being held in the same facilities as persons detained pending trial, in violation of article 17 of the Convention.

14. **The Chairperson**, speaking as a member of the Committee, asked whether there had been any cases of corruption in the judiciary, police force or other bodies and, if so, what action had been taken.

15. **Mr. Pime** asked what concrete steps had been taken to disseminate the Convention among migrant workers and among public officials responsible for its implementation. He requested the delegation to provide figures on the number of cases of migrant smuggling, including the number of investigations launched, legal proceedings instituted and sentences imposed in such cases. The delegation should describe what was being done to protect victims of human trafficking.

16. **Mr. Tall** enquired about the interplay between work and residence permits. In particular, the delegation should indicate whether the expiry of one entailed the revocation of the other and, if so, what problems that caused and what procedures were in place to resolve them.

17. He asked about the scale of irregular migration in the State party, whether there had been any cases of collective expulsion, the timespan between the serving of a deportation order and its execution, and the possibilities of appeal against such orders. He also wished to know whether certain jobs were reserved for citizens, what measures were taken to facilitate remittance inflows and outflows, and what was being done to protect the family unity of migrant workers, ensure their participation in local consultation processes and uphold their voting and trade union rights.

18. **Mr. Taghizade** asked whether civil society organizations had been involved in the drafting of the State party's report. Noting that the Ombudsman had not received any complaints related to the rights of migrant workers and their families despite being empowered to do so, he asked whether victims of rights violations were aware that they could submit a complaint to the Ombudsman and, if not, what was being done to rectify the situation. The delegation should also explain how and in what languages the Convention was disseminated in the State party.

*The meeting was suspended at 11.15 a.m. and resumed at 11.45 a.m.*

19. **Mr. da Silva** (Timor-Leste) said that, as he and his colleagues at Timorese missions abroad had good reason to know, late salary payments, which were caused by glitches in the centralized payments system, did not affect foreign teachers alone.

20. Timorese civil society organizations and even some foreign embassies in Dili had been asked for their views on whether the report accurately reflected the Government's efforts to implement the Convention. Human rights advisers were stationed in Dili, at the Ministry of Foreign Affairs and Cooperation, where they were available for consultation. They, too, had contributed to the report.

21. The country's Anticorruption Commission was powerful, and reports of bribery were non-existent. The recent jailing of a former Minister of Justice, who had been convicted for her role in a scheme involving a relatively small amount of money, attested to the seriousness with which the country took allegations of corruption.

22. Migrant workers could complete official paperwork in Portuguese, Tetum, English or Bahasa Indonesia. Those whose rights were violated either by their employers or by their Timorese co-workers could submit complaints to the Ombudsman's Office. In any event, the parties generally facing off in workplace disputes were employers and employees, not Timorese and migrant workers. The Office, which had an annual operating budget of \$ 1.4 million, was represented in each of the country's 65 subdistricts, and those subdistrict offices were authorized to receive complaints. Timor-Leste was committed to equality between men and women. The Secretary of State for the Support and Socioeconomic Empowerment of Women, for instance, worked exclusively on issues of concern to women, and female members of parliament outnumbered their male counterparts.

23. **Mr. Pereira de Matos** (Timor-Leste) said that the Ministry of Foreign Affairs and Cooperation, the Immigration Service and the Labour Department were all involved in issuing work permits for Timor-Leste. He outlined the process. As a rule, foreign workers entered the country on tourist visas and applied for work permits with the support of their employers. Standard contracts were available in Portuguese and Tetum, and, if necessary, foreign workers were assisted by interpreters, who were provided either by their employers or by the Secretariat of State for Employment Policy and Vocational Training. Communicating in English rarely posed a problem,

but Chinese did, and for that reason a number of labour inspectors had been sent to China to learn Chinese. The process of legalizing work contracts involved inspections of worksites conducted in part to ensure that the employers who had sought work permits for their employees were not hiring those workers out to other employers. After all the requisite steps were completed, a work permit was issued. A residence permit required an additional application, however.

24. The Convention had been reproduced in a book published in the local language. Workers, employers, civil society organizations and local leaders had been invited to workshops held to disseminate information on the Labour Code, article 77 of which stated that migrant workers in Timor-Leste were entitled to the same rights and subject to the same obligations as Timorese workers.

25. The Government had instituted a system of compulsory remittances and special accounts in order to ensure that the efforts of Timorese workers abroad were not in vain. In the past returning Timorese workers had sometimes found that the family bank accounts they had opened had been emptied.

26. **Mr. da Silva** (Timor-Leste), replying to a question about birth records, said that a number of institutions, including Timorese embassies, were cooperating to ensure that every child born in Timor-Leste or to Timorese parents abroad was properly registered. He also said that the Government had provided shelters to migrant workers in Timor-Leste.

27. **Mr. Pereira de Matos** (Timor-Leste) said that no law prohibited migrant workers from organizing. In fact, Timor-Leste played host to a number of community organizations founded by migrant workers from such countries as China and the Philippines. Timorese abroad also organized. Workers whose employment contracts were terminated, regardless of the reason, were not subject to deportation; they were, however, advised to reapply for a work permit. In his view the Timorese system was much less restrictive than that in place in such countries as Australia and the Republic of Korea, where it was harder for migrant workers to move from one employer to another.

28. **Mr. da Silva** (Timor-Leste) said that his delegation had appeared before the Committee not only to report on his country's achievements but also to seek the Committee's advice. He assured Committee members that their observations would help Timor-Leste to fulfil its obligations under the Convention.

29. **The Chairperson** said that the efforts of Timor-Leste to implement the Convention were even more commendable when it was borne in mind that it was a newly independent State. The delegation's appearance before the Committee had been much appreciated.

*The public part of the meeting rose at 12.20 p.m.*