



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

Distr.: General
3 April 2019

Original: English

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirtieth session

Summary record (partial)* of the 410th meeting

Held at the Palais Wilson, Geneva, on Monday, 1 April 2019, at 10 a.m.

Chair: Ms. Landázuri de Mora (Vice-Chair)

Contents

Opening of the session

Tribute to the memory of Mr. Abdelhamid El Jamri, member of the Committee

Opening statement by the representative of the United Nations High Commissioner for Human Rights

Solemn declaration by the newly appointed members of the Committee under rule 11 of the rules of procedure

Adoption of the agenda

Promotion of the Convention

Informal meeting with non-governmental organizations and national human rights institutions

* No summary record was prepared for the rest of the meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 10.10 a.m.

Opening of the session

1. **The Chair** declared open the thirtieth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Tribute to the memory of Mr. Abdelhamid El Jamri, member of the Committee

2. **The Chair** paid tribute to the memory of Mr. Abdelhamid El Jamri, who had passed away prior to the current session.

3. *At the invitation of the Chair, the members of the Committee observed a minute of silence.*

Opening statement by the representative of the United Nations High Commissioner for Human Rights

4. **Mr. Nowosad** (Office of the United Nations High Commissioner for Human Rights) said that he wished to convey greetings to the Committee from the United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet, who had repeatedly stressed the importance of the rights of migrant workers.

5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) deeply appreciated the contribution that Ms. Khedidja Ladjel and Mr. Abdelhamid El Jamri had made to the Committee's work and to human rights at large, and had sent its condolences to their families.

6. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was more relevant than ever at a time when there were 258 million migrants in the world, approximately 50 million of whom were children. Despite the extensive body of protective law, migrant workers and members of their families continued to be subjected to exploitation, ill-treatment and violence. Migrants who were in an irregular situation, migrant children, pregnant or nursing migrants and migrants with disabilities were particularly vulnerable.

7. The Global Compact for Safe, Orderly and Regular Migration, which had been approved by the General Assembly in December 2018 by resolution 73/195, was the result of a hard-fought victory and constituted a critical step towards improving global governance on migration. The Committee had advocated tirelessly to ensure that the Global Compact was rooted in the international human rights framework and was gender-responsive. OHCHR called upon Member States to address the lack of female representation within the Committee itself by ensuring that they put forward suitable women candidates to serve on the Committee.

8. The Global Compact contained a reference to the Convention as one of the international human rights instruments that had inspired its content. It was hoped that in the implementation of the Compact, more States, particularly receiving States, would demonstrate their commitment by ratifying the Convention. In that connection, OHCHR encouraged the Committee to continue its active engagement with the United Nations Network on Migration.

9. Since the Committee's previous session, the Gambia and Guinea-Bissau had ratified the Convention, bringing the number of States parties to 54. However, no major country of destination for migrant workers had ratified the Convention. It was important to find ways to engage with receiving States to ensure that they recognized it as a tool for resolving misunderstandings between sending, transit and receiving States.

10. In her interactive dialogue with the Human Rights Council at its fortieth session, the High Commissioner had highlighted the underlying factors of inequality, including poverty, discrimination, oppression and climate change, that drove people to involuntary and precarious migration. She had deplored the high risk of gender-based violence faced by migrant women and girls in many parts of the world and taken issue with the threatened closures of borders and the occasional detention of migrant children. While she had been encouraged by moves towards more sound migration policies in the European Union, she

had called on its member States to prioritize the lives and safety of migrants crossing the Mediterranean and permit rescue operations by non-governmental organizations, while at the same time tackling the root causes of migration. She had stressed that the issue of migration could not be addressed through the application of unilateral measures; regional and global coordination was required, with a strong focus on human beings and human rights.

11. In the course of its thirtieth session, the Committee would meet with the President of the Commission of the Economic Community of West African States (ECOWAS), Mr. Jean-Claude Kassi Brou, and the States members of ECOWAS, the majority of which had ratified the Convention. It was hoped that Côte d'Ivoire would also become a party. Other African States that had signed but not yet ratified the Convention, including Cameroon, Chad and Gabon, had also been invited to the meeting. The Committee would hold its regular meeting with the Special Rapporteur on the human rights of migrants and would be briefed by the Migration Team from OHCHR. It would also receive a briefing on the status of the 2020 review of the treaty body system and the upcoming meeting of the Chairs of the human rights treaty bodies.

12. **Mr. Kariyawasam**, thanking Mr. Nowosad for his statement, said that, at a time when migrant workers were being marginalized in the context of the wave of populism sweeping the globe, it was becoming increasingly difficult to implement the Committee's mandate. The Committee looked to the High Commissioner for leadership in promoting the Convention, and to the secretariat for support in maintaining a focus on the rights of migrant workers despite the lack of resources.

13. **Mr. Taghi-Zada** said that it would be helpful to strengthen the Committee's cooperation with other treaty bodies. In particular, it might be possible to ask other Committees to examine the situation of migrant workers in sending States that were parties to other conventions but had not ratified the Migrant Workers Convention. For example, the Committee on Migrant Workers could perhaps request the Committee on the Elimination of Discrimination against Women to include a reference to women migrant workers in their dialogue with certain States parties.

Solemn declaration by the newly appointed members of the Committee under rule 11 of the rules of procedure

14. *Mr. Charef and Mr. Soualem made the solemn declaration provided for in rule 11 of the Committee's rules of procedure.*

Adoption of the agenda

15. *The agenda was adopted.*

Promotion of the Convention

Informal meeting with non-governmental organizations and national human rights institutions

16. **Mr. Mikheev** (ADC (Anti-Discrimination Centre) Memorial) said that, during the first nine months of 2018, migrant workers living in the Russian Federation had sent remittances to the value of approximately US\$ 1.5 billion back to Tajikistan, a figure equivalent to roughly one third of the country's gross domestic product. However, despite the economic importance of migrant workers, the measures taken to protect their rights had proved insufficient and ineffective.

17. The inadequacy of the Government's actions was particularly concerning given the troubling situations that Tajik migrant workers encountered abroad. In the Russian Federation migrant workers were often obliged to pay intermediaries in order to secure work and had frequently been injured in clashes with security officials. Such incidents had been allowed to go unnoticed because of the lack of support provided by the Embassy of Tajikistan in the Russian Federation. In 2017, for example, a Tajik national had been beaten up and abandoned for refusing to pay his intermediary. He had subsequently been found in a critical condition by his friends and taken to hospital. Around a hundred migrant workers,

angry at the events and the authorities' refusal to provide information on their friend's condition, had then gathered at a marketplace to call for those responsible to be held to account. The Russian authorities' only response had been to instruct the police to disperse the demonstration. At no point had either the embassy or the consulate of Tajikistan brought pressure to bear on the Russian authorities to investigate the incident, as a result of which those responsible for the beating had never been brought to justice.

18. The mistreatment of Tajik migrant workers in the Russian Federation extended to their children. In one incident in 2015, an infant named Umarali Nazarov, the son of Tajik migrant workers, had been separated from his parents during a police raid in Saint Petersburg. He had subsequently died in unknown circumstances in hospital and, despite promises made to his mother, no autopsy had been carried out. The mother had subsequently been fined for violating the rules governing labour migration and sent back to Tajikistan, where she still lived in extreme poverty, psychologically traumatized by the knowledge that the real cause of her son's death had never been established. Yet owing to the inaction of the Tajik authorities, the rights of migrant workers and their children continued to be violated. In December 2016, a mother of seven had been stopped on the street in the city of Tyumen and detained at a police station for 24 hours, even though she had seven children in her care. After failing to produce her documentation, she had been threatened with deportation. Despite the public outcry, there had been no response from the Tajik authorities concerning her plight.

19. Discrimination against the Roma/Jughi community continued to be an issue and, because members of that community received so little support from the authorities and were unable to integrate into Tajik society, many chose to migrate to the Russian Federation, where they were even more vulnerable to human rights violations. However, the Government of Tajikistan refused to acknowledge that situation. In its report to the Committee on the Elimination of Racial Discrimination in 2017, the Government had concluded that there had been no need to adopt a specific strategy to improve the situation of the Roma/Jughi community in Tajikistan, because discrimination on any grounds had been prohibited in the country.

20. **Ms. Abdulloeva** (Human Rights Centre) said that 14 per cent of Tajik nationals of working age had left the country and that 98 per cent of those migrants were living in the Russian Federation. Most migrant workers were from rural areas and very few had graduated from secondary school before leaving the country. Over half had left the country without securing employment in the destination country and the majority of Tajik migrant workers in the Russian Federation had entered the unskilled labour market, thereby further increasing their vulnerability to exploitation.

21. Since the submission of the country's initial report to the Committee on Migrant Workers in 2012, the Government of Tajikistan had failed to take the necessary measures to improve the country's migration management system. There was still no effective system to offer migrants orientation before they left the country, and legal protection for Tajik migrant workers in destination countries remained insufficient. More importantly, there was no national migration strategy currently in place. While the previous strategy had been flawed, it had at least provided a focus for inter-institutional coordination and had publicly promoted the rights of migrants.

22. Since the previous strategy had been discontinued in 2015, civil society organizations had received no further information on the proposed draft law on migration. Issues related to migration were covered either in an uncoordinated manner under a variety of government programmes or not at all. Owing to a lack of funding and a high rate of staff turnover, the centres run by the Migration Service across the country provided an ineffectual service and were unable to disseminate information in remote areas. Moreover, in the light of the agreement signed by the Ministry of Labour and Social Protection on the recruitment of Tajik migrants for the construction of sports facilities in Qatar, the provision of adequate pre-departure orientation had become more important than ever. Although a centre had been set up in 2014 to offer such services, the Government had failed to allocate sufficient funds to the project and the centre's activities had been significantly reduced. Private employment agencies, which theoretically provided useful services to vulnerable groups who did not have a support network in the country of destination, were less and less

involved in the formal recruitment of migrant workers from Tajikistan. There were no clear rules governing the work of such agencies and, as a result, fake organizations were emerging in their place and charging exorbitant fees to potential migrants. In regard to incoming migrants, there was a quota system regulating the number of foreign workers in Tajikistan. However, national migration policies did not take their rights and interests into account and those found to be in breach of the country's migration rules often faced deportation.

23. In conclusion, her organization recommended the development of a State programme on labour migration, with a view to establishing national priorities and regulating labour migration out of Tajikistan. It urged the Government to adopt a new law on migration and to provide sufficient funds to improve pre-departure orientation services. The Government was also encouraged to develop a set of principles and procedures protecting migrant workers' rights, to be applied when drafting intergovernmental agreements on organized recruitment. It was important to improve the country's legislation on regulating and monitoring the activities of private employment agencies and the labour market in general.

24. **The Chair** thanked all the civil society organizations that had submitted information to the Committee and particularly commended the contributions that it had received from organizations in Guatemala.

The discussion covered in the summary record ended at 11 a.m.