



# 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-seventh session

### Summary record (partial)\* of the 360th meeting

Held at the Palais Wilson, Geneva, on Monday, 4 September 2017, at 10 a.m.

*Chair:* Mr. Brillantes

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

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*The meeting was called to order at 10.05 a.m.*

### **Opening of the session**

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

*Statement by the representative of the United Nations High Commissioner for Human Rights*

2. **Mr. Abdelmoula** (Director of the Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that the chairs of the human rights treaty bodies had expressed concern at their 29th meeting, in June 2017, about the failure of many States to respect their human rights reporting obligations. A note on compliance (HRI/MC/2017/2) had revealed that 34 per cent of reports to the treaty bodies were overdue. The proportion of overdue initial and periodic reports to the Committee was 21 per cent. He was pleased to note that the Committee was taking steps to address the reporting gap. It was the first committee to use the simplified reporting procedure for both initial and periodic reports, and it was also reviewing the implementation of the Convention by States parties in the absence of a report. He hoped that such action would result in increased cooperation by the States parties concerned.

3. OHCHR was also, through its treaty body capacity-building programme, helping States to meet their reporting obligations. For example, technical cooperation and advice had recently been provided to Saint Vincent and the Grenadines on the submission of replies to the Committee's list of issues prior to reporting.

4. As the mechanisms of the Human Rights Council, in particular the special procedures, were potential partners in strengthening meaningful engagement with States, he encouraged the Committee to explore ways of promoting partnership with special procedure mandate holders. For instance, it could recommend in its concluding observations that States parties issue standing invitations to special procedure mandate holders.

5. The extent to which States implemented recommendations by treaty bodies and other human rights mechanisms, such as the Universal Periodic Review Working Group and the special procedures, warranted even greater attention than reporting. The treaty bodies played a key role in monitoring progress in implementing recommendations and could facilitate their implementation by ensuring that recommendations were targeted and actionable. In recent years OHCHR had underscored the importance of establishing national mechanisms for reporting and follow-up.

6. The chairs of the treaty bodies at their annual meeting had discussed common approaches to engagement with national human rights institutions, follow-up to concluding observations and the Sustainable Development Goals. They had also held consultations with States, civil society and United Nations agencies on progress made and on persistent shortcomings in cooperation between those stakeholders and the treaty bodies.

7. At its thirty-fifth session, in June 2017, the Human Rights Council had held a panel discussion on unaccompanied migrant children and adolescents and human rights. The High Commissioner had noted in his opening address that the number of unaccompanied migrant children had reached a record high, and he had underscored the importance of further efforts to ensure that all States provided greater protection and assistance to such children. In particular, the principle of considering the best interests of the child should guide all relevant policies, including with regard to age assessment, entry, stay and expulsion.

8. At that session, the outgoing Special Rapporteur on the human rights of migrants had recommended the development of a United Nations agenda for facilitating human mobility. Such an agenda, implemented in parallel with the 2030 Agenda for Sustainable Development, would encompass eight goals, together with targets and indicators, aimed at facilitating human mobility in the next 15 years, while ensuring respect for the human

rights of all migrants. The Special Rapporteur had envisaged an agenda that outlined how human mobility could be facilitated effectively, and had underlined the importance of taking a long-term strategic approach to developing more accessible, regular, safe and affordable migration policies and practices that would enable States to better respond to the significant demographic, economic, social, political and cultural challenges they faced. At the end of its session, the Human Rights Council had appointed Mr. Felipe González Morales of Chile as the new Special Rapporteur on the human rights of migrants.

9. The Council had also adopted, on 22 June, resolution 35/17 on a global compact for safe, orderly and regular migration, in which it called upon States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants, regardless of their status, and to consider signing and ratifying the Convention as a matter of priority. It also encouraged special procedure mandate holders and treaty bodies to provide input for and support the State-led preparatory process for the global compact.

10. On 19 September 2016, the United Nations General Assembly had adopted resolution 71/1 containing the New York Declaration for Refugees and Migrants. The resolution established a two-year process leading to an international conference, to be held in 2018, at which two global compacts, one on refugees and one on migration, would be adopted. Before that, General Assembly resolution 71/280 of 30 January 2016, referred to as the modalities resolution, had already defined the process, which consisted of consultations from April to November 2017, stocktaking from November 2017 to January 2018, and negotiations from February to July 2018. It had been agreed that the consultative process would include thematic sessions, meetings organized by the United Nations regional economic commissions, regional consultative processes, multi-stakeholder consultations, and consultations involving the Global Forum on Migration and Development and the International Dialogue on Migration held by the International Organization for Migration.

11. Four thematic sessions had been held to date on the following clusters of themes: the human rights of all migrants, social inclusion, cohesion and all forms of discrimination; addressing drivers of migration; international cooperation and governance of migration; and contributions of migrants to all dimensions of sustainable development. The fifth thematic session would begin imminently in Vienna and would address smuggling of migrants, trafficking in persons and contemporary forms of slavery. The sixth thematic session, to be held in October 2017 in Geneva, would address irregular migration and regular pathways. Mr. Ceriani Cernadas had been invited to participate.

12. OHCHR had taken firm action to ensure that the human rights of migrants were at the forefront of the State-led process. It was aware of the Committee's concern about not being invited to participate in the first few thematic sessions. Only the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had been invited to the first session. He understood that the Committee had received an invitation from the Office of the Special Representative of the Secretary-General for International Migration to provide input to the Secretary-General's report on the global compact for safe, orderly and regular migration pursuant to paragraph 26 of General Assembly resolution 71/280.

13. The International Service for Human Rights, with the support of the permanent missions of Costa Rica and Switzerland, had organized a consultation in Geneva on 23 and 24 May 2017 on political strategy ahead of the 2020 review of the treaty body strengthening process. The aim of the consultation was to develop a strategy to ensure that the 2020 review led to a system that was more accessible, inclusive, efficient, effective and rights-oriented. Some of the challenges faced by the treaty bodies had been discussed, such as the lack of harmonized working methods and States' non-compliance with reporting and implementation obligations. The participants had also discussed the opportunities afforded by the 2020 review process to marshal strong support for progressive solutions from a critical mass of relevant actors, including States, national human rights institutions, civil society and the treaty bodies themselves.

14. Mr. Ceriani Cernadas, the Chair of the Committee's working group on the joint general comment with the Committee on the Rights of the Child on the human rights of

children in the context of international migration, together with staff in the Human Rights Treaties Division, had organized, in cooperation with the United Nations Children's Fund (UNICEF) and other partners, regional consultations in Geneva, Madrid, Bangkok, Berlin, Mexico City, Beirut and Dakar. The consultations had greatly enriched the text by promoting input from a broad range of regional stakeholders, including States, United Nations entities, national institutions and civil society actors. Mr. Ceriani Cernadas was to be commended for spearheading the process, and both working groups for the tremendous efforts made in finalizing the general comment. If adopted by both committees, it would undoubtedly advance the global compact process and provide guidance to States on protection of the human rights of children involved in international migration.

15. **Mr. El Jamri** said it was gratifying to hear that the Committee was ahead of other treaty bodies in reducing its backlog of overdue reports. The Committee cooperated closely with special procedure mandate holders and invited national human rights institutions to engage in an interactive dialogue prior to its meetings with State party delegations. He was pleased to hear that the Human Rights Council had held a panel discussion on unaccompanied migrant children and adolescents. He would appreciate additional information on the agenda for facilitating human mobility.

16. It was regrettable that no treaty body members had been invited to participate in the consultations on the proposed global compact. He had attended three of the thematic consultations in an unofficial capacity. Many of the issues raised, such as the right to education and health and questions related to detention and freedom of movement, had been previously addressed by the Committee. Although Human Rights Council resolution 35/17 called for ratification of the Convention, the High Commissioner had regrettably failed to mention it at the meeting in New York in July 2017. Many other participants had enquired about the possible impact of the global compact, as a new legal tool, on the Convention and on International Labour Organization (ILO) conventions dealing with migration issues. They had expressed the hope that it would promote the ratification and implementation of existing instruments.

17. **The Chair** said that the Convention and the Committee's work had been mentioned frequently at the thematic sessions that had followed the New York Declaration for Refugees and Migrants. The Committee must therefore continue to cooperate with United Nations Member States to ensure that its positions were reflected in the outcome document concerning the global compact.

18. **Mr. Abdelmoula** (Director of the Human Rights Council and Treaty Mechanisms Division, OHCHR) said that, while the High Commissioner might not have mentioned the Convention at the meeting held in New York, he himself could reassure the Committee, on the basis of his personal experience during five missions to African States during the past year, that the High Commissioner had emphasized on each occasion the importance of raising the issue of ratification of the Convention. In March 2017, the Kenyan authorities had agreed to host a workshop in the near future for all African States that had not yet ratified the Convention.

19. The consultations on the global compact were a State-led process on which the United Nations had little influence. The aim was to boost the action already being taken under the Convention, which had been adopted long before the current mass movement of migrant populations. The document to be submitted to the General Assembly would simply contain guidelines and would not be a binding instrument.

20. The invitation issued to Mr. Ceriani Cernadas to attend the sixth thematic session had been the result of sustained lobbying of the President of the General Assembly by OHCHR and other partners. Steps would be taken to secure invitations to Committee members to attend future events.

21. **The Chair** said that he appreciated the secretariat's efforts to promote meaningful participation by the Committee in the consultations on the global compact.

**Adoption of the agenda (CMW/C/27/1)**

22. **The Chair** said he took it that the Committee wished to adopt the provisional agenda contained in document CMW/C/27/1.

23. *It was so decided.*

**Consideration of reports submitted by States parties under article 73 of the Convention***Dialogue with national human rights institutions and non-governmental organizations*

24. **Mr. Arcentales Illescas** (Coalición por las Migraciones y el Refugio (Coalition for Migrants and Refugees)), referring to the situation of migrant workers in Ecuador, said that non-governmental organizations (NGOs) had difficulty finding publicly available information on migrant workers and in particular on deportation. Had the Committee not requested statistics in the list of issues prior to submission, NGOs would never have been able to obtain the information they needed.

25. The new Organic Act on Human Mobility focused chiefly on control and security rather than human rights. Of particular concern was the stipulation that, in order to enjoy rights such as admission to the national territory or even recognition of refugee status, an individual should not constitute a threat or risk to internal security, a very broad provision that left room for arbitrary action by the security forces. Also, under the new legislation, “migrant” status applied only to migrants in a regular situation, which ran counter to the principle of non-discrimination on grounds of migrant status. In addition, anyone subject to deportation was required to pay unreasonable and disproportionate financial penalties. Moreover, the process of deportation was now an administrative, not a legal, procedure, and the Ministry of the Interior was not only the supervisory authority but also the body responsible for determining who was to be deported, a decision that was not subject to legal review by the courts.

26. Despite the Committee’s recommendation in its concluding observations (CMW/C/ECU/CO/2) on the State party’s previous report, the State party still had not investigated the human rights violations committed during certain deportation operations carried out in 2010. A more recent case was the expulsion of 121 Cuban nationals, including children, adolescents, pregnant women and older persons, some of whom had held valid visas. The Ministry of the Interior had countermanded a court ruling overturning the deportation decision; an application for habeas corpus had failed.

27. There were no State policies on integration of certain groups such as Venezuelans and Cubans, while policies on human trafficking and migrant smuggling focused on investigation and punishment rather than on prevention and victim support.

28. **Mr. Cabrera** (International Network for Human Rights) said that the 60,000 Colombian refugees in Ecuador, who had fled their country to escape the military conflict, were subjected to discrimination on a daily basis and were prevented from enjoying their constitutional rights to work, housing, education and health. Though it was true that Ecuador made great efforts to take refugees in and did admirable humanitarian work inside and outside the country, such efforts needed to be underpinned by support to groups that were trying to integrate into Ecuadorian society. Similar problems were faced by Haitian and Venezuelan families who came seeking work only to find themselves subjected to direct and indirect abuse that reflected a widespread hostility to immigration from other countries in the region. The State party was failing to honour the open-border policy promoted by the Andean Community, and many such migrants, who had initially hoped to travel through Ecuador to work in third countries such as Brazil, found themselves instead working in Ecuador in conditions of dire vulnerability, with no labour rights, in violation of the Constitution and the Convention.

29. A case emblematic of the systematic violation of due process in migration contexts was that of Manuela Picq, a journalist and university teacher married to an Ecuadorian indigenous leader, who, following a peaceful demonstration, had been beaten and detained by police and then, with her academic visa revoked, deported without legal proceedings or

access to her lawyers. She had subsequently been denied family reunification despite the provisions of the new Organic Act on Human Mobility.

30. **Ms. Hidayah** (Migrant Care), referring to the situation of Indonesian migrant workers, said that ratification of the Convention was of great significance in the process of amending Law No. 39/2004 on the Placement and Protection of Indonesian Overseas Workers. That process had begun in 2010, however, and was still not complete. She would be grateful if the Committee could ask the Indonesian Government why amendment was taking so long.

31. In general, the central authorities had been slower to implement the provisions of the Convention than local governments and village-level administrations. Not all memorandums of understanding between Indonesia and destination countries, for example, reflected the human rights provisions of the Convention, and in any event only 13 such memorandums had been signed whereas Indonesian workers were to be found in 180 countries.

32. The law emphasized placement of migrant workers more than protection, and the lack of protection standards and guarantees made women migrant workers, for example, vulnerable to human trafficking. The certification process for recruitment agencies was inadequate and it was not possible to properly evaluate their credibility. Agencies did not provide information on migrant workers' rights, exploitative employment situations or human rights violations, and indeed had no responsibility for the placement and employment agreement.

33. In terms of access to justice, migrant workers were not specifically named in national legislation as beneficiaries of legal aid. Civil society groups helped in some cases, and mediation had on occasion led to compensation. However, the latter was not always adequate; moreover, the mediation mechanism was not automatically triggered in the event of a violation of migrant workers' rights.

34. There were 212 Indonesian migrant workers facing the death penalty in various countries. In Saudi Arabia two Indonesians had been executed in 2015 after attempting to defend themselves from abuse. In another case there, a worker had been sentenced to death after being accused of murder by her employer; in fact she had been attempting to defend herself from sexual assault. Thanks to intervention by the Indonesian Government, she had eventually been ordered to pay compensation instead and repatriated.

35. Children of migrant workers born in destination countries sometimes found it difficult to obtain a birth certificate and thus gain access to basic social services, including immunization; they were effectively stateless and risked losing their rights to education and health.

36. The Government's Safe Migration Campaign was limited in scope, and education on safe migration was provided mainly by civil society organizations, notably through the migrant workers' village (Desbumi) programme. Some 80 per cent of the 7 million Indonesian migrant workers around the world were women working in the domestic sector, who were vulnerable to human rights violations such as physical and sexual violence, murder, trafficking and the death penalty. There was no State policy on irregular migrant workers, and cases of undocumented migrant workers, particularly women and their children in Malaysia, continued to be handled in a discriminatory fashion. The Government had set up a number of task forces for undocumented migrant workers, with mixed results: since they all worked in different ways, they were not always mutually supportive.

37. **Ms. West** (PathFinders), speaking about the situation of Indonesian migrant workers in Hong Kong, China, where her organization was based, said that there all pregnant employees enjoyed maternity rights and were legally protected against sex- and pregnancy-related discrimination. Yet pregnant foreign domestic workers were often unlawfully dismissed, which made them and their children ineligible for the protections enjoyed by employed foreign domestic workers and all local pregnant women and new mothers. Moreover, since they were required to live in during employment, women in that situation suddenly found themselves without a home or medical and financial support either from the destination country or their home country. Their children were typically undocumented and

likewise received no support. In that context the Committee and the Indonesian Government should pay particular attention to compliance with the Convention in four main areas.

38. Employment agencies frequently provided misleading information to foreign domestic workers and charged them fees, which was illegal. Some forced them to state that they were being paid in full even though they were not, and subjected them to compulsory pregnancy testing or forced them to take contraceptives. The Indonesian Government should step up its regulation and oversight of such agencies by improving the transparency of their operations, investigating their practices and publicizing the results of inspections. It should also ratify the ILO Private Employment Agencies Convention, 1997 (No. 181).

39. Indonesian mothers working abroad as domestic workers experienced great difficulty, both in Hong Kong, China, and in Indonesia, in registering children born in the former. The Indonesian Government should issue birth certificates to children born abroad and waive the passport fee for such children. The family card registration system should allow children born out of wedlock to be registered on their mother's family card.

40. Many of her organization's clients had received no women's health education, even though the Indonesian Government ran education programmes for newcomers to Hong Kong, China. One survey had revealed a lack of understanding of maternity rights and a widespread belief that becoming pregnant was illegal there. Training for migrant workers headed abroad should be mandatory and country-specific, and should cover reproductive health and maternity rights. Similar programmes should also be mandatory in receiving countries, and education providers should be properly accredited.

41. Reintegration programmes should be developed specifically for returning foreign domestic workers and their children, including mixed-race children and children born out of wedlock. Such programmes should include vocational training and should take childcare options into account. The Indonesian Government should provide job search resources and support to such women.

42. **Ms. Brooks** (International Service for Human Rights), speaking also on behalf of Migrant Forum in Asia, said that the Committee should press the Indonesian Government to recognize the role of migrant rights defenders and to consult more closely with civil society in policy development and implementation. Without the involvement of those stakeholders, the Government could not fully implement its obligations under the Convention.

43. Bilateral agreements were one of the few tools available to provide protection under the Convention in States that were not parties to that instrument, so it was essential that they should be negotiated and benchmarked in a transparent and inclusive manner. In addition, plans at the national level could also benefit migrant workers when the policymaking process was accessible to civil society. One example was a recently announced national action plan on business and human rights, which might provide avenues for better coordination to improve protection of migrant workers' rights, especially in the event of violations by private-sector actors such as recruitment agencies.

44. The Government should be encouraged to improve respect for fundamental freedoms both in Indonesia and in destination countries. In particular, it should remove restrictions on access by civil society to funding, identified by the Special Rapporteur on the rights to freedom of peaceful assembly and of association as de facto restrictions on those freedoms, which were vital in allowing the voices of otherwise excluded groups to be heard.

45. The Government of Indonesia should consider adopting laws and policies to protect human rights defenders. The threats, harassment and stigmatization faced by migrant rights defenders ran counter to the State party's international obligations.

46. **Mr. Lorente** (Fray Matías de Córdova Human Rights Centre), speaking about the situation in Mexico, said that the criminalization of the migrant population and migrant rights defenders in Mexico impeded migrants' access to justice. The main cause of migration was not the quest for employment but police violence in the region, and detention and deportation — in many cases of persons needing international protection — were on

the rise. Control and detention of migrants accounted for a large part of the ever-increasing spending by the National Institute for Migration and resulted in further violations of migrants' rights, sometimes in collusion with criminal groups, by the very authorities charged with guaranteeing those rights. The recent dismissals of thousands of Institute staff for corruption testified to an endemic problem.

47. The newly established special prosecutors' offices would not in themselves guarantee justice. It was no simple matter for vulnerable persons to report abuses, and investigators did not have adequate resources to look into structural crime such as corruption and impunity. The external support mechanism for investigating crimes against migrants worked only because of the efforts of committees around Central America. The Forensic Committee was doing pioneering work but needed reinforcement and a broader mandate.

48. Detention was the measure most often used to deal with undocumented migrants, in violation of the principles of necessity, proportionality and exceptionality. There was no due process or guarantee of an effective defence, and no oversight body to review the legality of detention. In addition, conditions in the migrant centres did not permit a dignified existence.

49. The National Human Rights Commission rarely intervened or issued recommendations. The National Council for the Prevention of Discrimination did little to counter the xenophobia fostered by the media, which portrayed migrants as "dangerous" and as responsible for the growing climate of insecurity. The principle of non-discrimination was not recognized in the Constitution.

50. The number of successful cases of regularization had increased nearly sixfold. However, the procedures still gave officials broad discretion. The National Institute for Migration was responsible for issuing visiting frontier worker cards but in doing so did not coordinate with the Ministry of Labour and Social Security.

51. **Ms. Bolanos** (International Platform against Impunity and Franciscans International) said that defenders of migrant rights in Mexico were subject to threats, harassment and criminalization, some even being accused of human trafficking. The State was failing in its obligation to protect human rights defenders and investigate and punish such crimes. The attacks were the work of organized crime and human trafficking rings, but also of the police, migration officials and security companies employed to guard the railways.

52. According to migration law, the National Institute for Migration was required to support work by civil society entities to provide legal representation to anyone involved in migration proceedings, yet experience showed that the staff of migration centres obstructed that work, including by preventing access to facilities.

53. The high rate of impunity in Mexico and specifically impunity for crimes against migrants, together with the lack of implementation of protective and precautionary measures and the failure to investigate complaints of crimes against rights defenders, increased the risk and insecurity faced by migrant rights defenders, especially as criminal groups still controlled various areas of the country.

54. **Ms. Venet** (Instituto de Estudios y Divulgación sobre Migración (Migration Study and Information Institute) (INEDIM)) said that the difficulty of obtaining a civil registry identity number impeded access to economic, social and cultural rights, in violation of the principle of non-discrimination. Migrants avoided seeking medical or other forms of care for fear of deportation. Health insurance for migrants was valid for only 90 days.

55. Undocumented migrants, and especially women travelling with children, were particularly vulnerable; some ended up in sex work, while the children were exploited as street vendors or day labourers, or even trafficked for sexual exploitation. General recommendation No. 26, on women migrant workers, of the Committee on the Elimination of Discrimination against Women had not been applied by Mexico.

56. Migrants deported from the United States of America received no legal assistance, and the Mexican Government did not do enough to help Mexican nationals recover pay and



other benefits forfeited in the United States. Registration in Mexico of children born in the United States was complicated, which jeopardized access to education and other rights.

57. Local-level policies were vague, and, despite “pro-rights” rhetoric, local legislation was ineffectual and did not meet international or federal standards. There was little quantitative or qualitative information on the migrant population and no disaggregated data on crimes and violence against migrants, or on investigations and sentences, which made it difficult to obtain information on criminal gangs operating in Mexico.

58. **Mr. Quero García** (Mexican Commission for the Promotion and Protection of Human Rights) said that in Mexico alarming numbers of undocumented migrants and asylum seekers were detained as a matter of course, without their individual cases being assessed. Legal alternatives to detention were used in only 1 per cent of migration and asylum cases. Under the law, asylum seekers could be held for up to 45 days; however, that period could be extended should they wish to appeal a ruling refusing them refugee status. There had been cases of detainees being held for more than six months. Asylum seekers did not have the right to work, which dissuaded persons from exercising their right to seek asylum and legal protection. The number of cases in which refugee status had been granted had recently fallen significantly.

59. The asylum-seeker interview process of the National Commission for Assistance to Refugees (COMAR) was inappropriate, lengthy and very stressful for applicants. The Commission rarely held follow-up interviews to allow asylum seekers to provide further clarifications regarding their situation. The body had only three offices in the whole of Mexico; consequently, interviews were often held by telephone from National Institute for Migration premises, under less than ideal conditions.

60. Women asylum seekers had been subject to discrimination and unequal treatment. The National Commission for Assistance to Refugees must do more to apply international standards relating to the gender perspective. Lack of familiarity with the issues of gender-based violence and domestic violence meant that the National Commission had issued rulings that were prejudiced against and stigmatized the victims of such phenomena. In addition, almost 43,000 children and adolescents had been detained without access to a fair hearing in migrant holding centres between January 2016 and January 2017, in direct contravention of national legislation on migration and the rights of children and adolescents.

61. The psychological support provided to asylum seekers and refugees who had survived traumatic events was insufficient. Interpreting services, to which asylum seekers were legally entitled throughout the asylum procedure, were provided only during interviews to ascertain eligibility for refugee status.

62. **Mr. González Pérez** (National Human Rights Commission, Mexico) said that the number of unaccompanied child and adolescent migrants returned to their country of origin from Mexico had risen sevenfold since 2010. Only a small number of such minors had been granted international protection by the Mexican authorities. The provisions of the Migration Act, the Refugee Act and the various acts on comprehensive family development must be aligned with the recent General Act on the Rights of Children and Adolescents in order to clarify the situation relating to the rights established therein and related inter-institutional cooperation. The protection offices set up by the Government lacked the structure, staff and funding required to provide children with legal representation. The national migration authorities continued to detain children and adolescents and hold them in inappropriate facilities, in violation of national and international minimum protection standards.

63. Over the past three years, checks on the southern border of Mexico had been stepped up, forcing migrants to risk kidnapping and extortion in order to avoid detection. Efforts by the office of the special prosecutor for crimes against migrants to combat such practices had in many cases been unsuccessful. The authorities saw immigration checks more as a way of ensuring national security than one of protecting rights. Despite undertakings made by the Government of Mexico before the Committee, the National Human Rights Commission continued to receive complaints from detainees in migrant holding centres of alleged cases of extortion by migration officials. Furthermore, overcrowding remained a problem in those facilities. Lastly, in 2016, the Commission had confirmed many reports of violations of the

human rights of migrant agricultural workers from indigenous communities and had issued two recommendations to the authorities in that regard.

64. As for the situation in the United States of America, the Commission welcomed the suspension of draft legislation proposed in the State of Texas that would have given local law enforcement authorities wide-ranging powers to crack down on illegal immigration. However, the bill must be withdrawn in its entirety. Plans to cancel the Deferred Action for Childhood Arrivals (DACA) programme would have a negative impact on 800,000 existing beneficiaries.

65. In the future, national human rights institutions must submit reports to the Committee that reflected the regional scope of the issue of migration, the joint actions being taken in that regard and the obstacles to securing full respect for the human rights of migrants. The envisioned participation by national human rights institutions in the work of the proposed global compact for safe, orderly and regular migration could provide a bridge between them and the Committee. The 2030 Agenda for Sustainable Development must focus on breaking down walls and ensuring human mobility.

66. **Ms. Gutiérrez Valderrama** (Misión Internacional de Verificación (International Monitoring Mission)), speaking via video link, said that, as part of efforts to tighten up the border with Guatemala under the Comprehensive Southern Border Plan in response to concerns expressed by the United States of America, migrant workers and their families transiting Mexico had faced persecution, detention and immediate deportation.

67. President Donald Trump had issued an executive order on border security and immigration enforcement improvement, in which migrant workers and their families entering the United States in an irregular fashion were described as being a danger to national security. In the light of that order, El Salvador, Guatemala and Honduras had jointly implemented a military plan to tackle drug trafficking that might well have a negative impact on migrant workers transiting through the geographical area concerned.

68. The Committee would do well to focus in particular on compliance by Guatemala and Mexico with the principle of non-discrimination with regard to migration policies. It was important for the Committee to view the region as a whole when examining the issue of the Central American migration corridor and compliance with the Convention. Lastly, the Committee should recommend that Mexico resume the practice of assigning civil registry identity numbers to migrant workers and their families.

69. **Mr. Ceriani Cernadas**, turning to the issue of recent Ecuadorian legislation, asked whether any provision was made in the Organic Act on Human Mobility and any related programmes pending adoption for mechanisms or resources for the effective implementation of that piece of legislation. He said that any information on potential obstacles to implementation would be welcome.

70. As to Indonesia, he asked whether it was true that, under Law No. 6/2011 on Immigration, migrants could be held in administrative detention for up to 10 years. Information on the implementation of the Law and the number of detainees and their families affected would be useful.

71. In Mexico, alternatives to detention were used in only a tiny percentage of cases relating to migrants in an irregular situation. He asked whether there were any plans to bring practice relating to the detention of migrant workers and their families into line with the Convention and the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families.

72. **Ms. Landazuri de Mora** asked whether the representatives of Mexican civil society organizations present could share their experiences of the measures taken to manage the large-scale influx of Cuban citizens into Mexico. She said that additional information on roundtable discussions held with the Government of Mexico prior to the preparation of the State party's report would also be welcome. It would be interesting to hear whether the national authorities had been provided with copies of the reports submitted to the Committee by NGOs. She asked how trafficking in migrants could be detected and prevented in practice.

73. **Mr. El Jamri** asked whether the Cuban child detainees referred to by Coalición por las Migraciones y el Refugio in its submission to the Committee had been taken into custody because they were migrants in an irregular situation or because they had committed other offences. He said that the Committee would like to know more about the facilities in which those detainees were held and their conditions of detention.

74. More information about Ecuadorian migrants to other countries would be useful. It would be helpful to know what exactly the Government of Mexico could do to further assist Mexicans working in Canada on H-2A or H-2B visas. Additional information about administrative detention relating to asylum seekers in Mexico and their conditions of detention would also be welcome.

75. **Ms. Dzumhur** said that more information on the amount of remittances sent to Ecuador, Indonesia and Mexico, would be useful. She asked whether Indonesia and Hong Kong, China, had signed a bilateral agreement on the treatment of migrant workers and their families. It would also be helpful to have statistical data on the number of Mexican migrant workers in the United States of America, and to know what regulations and bilateral agreements governed the status of Mexican citizens working abroad.

76. **Mr. Arcentales Illescás** (Coalición por las Migraciones y el Refugio) said that in August 2016 the Ecuadorian authorities had detained 160 adult, adolescent and child migrants from Cuba who were in an irregular situation. The detainees had been held for over 48 hours in a State-run migrant holding centre referred to informally as Hotel Carrión.

77. Ecuadorians who returned home after living in the United States of America and Europe faced serious obstacles when seeking employment or attempting to access health-care and education services. The number of Ecuadorians being deported from the United States had risen sharply in recent months. While previously there had been a specific government ministry for Ecuadorians living abroad, the issue was currently handled by a sub-ministry that also oversaw a range of other matters. Moreover, the number of programmes focusing on returnees to Ecuador had been cut.

78. As a result of the recent economic and financial crisis, the amount of remittances being sent back to Ecuador by migrants in the United States and Europe had fallen, and many of those workers were returning to their country of origin. However, the Ecuadorian diaspora remained sizeable and continued to send money back home.

79. **Mr. Cabrera** (International Network of Human Rights) said that the Organic Act on Human Mobility did provide for specific implementation mechanisms. However, the national equality councils had been set up to serve the interests of the executive branch of government, replacing several financially and politically independent bodies. Under the Organic Act, visas could be revoked and deportations carried out without a court order being issued. Indeed, it had enabled the authorities to take a much tougher line with regard to deportation.

*The discussion covered in the summary record ended at 12.25 p.m.*