



**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**

Rules of procedure*

* The Committee adopted amendments to the provisional rules of procedure at its second, fifteenth, sixteenth, twenty-fourth and twenty-ninth sessions. It adopted the revised rules of procedure at its twenty-ninth session.

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Part one

General rules

I. Sessions

Rule 1

Meetings of the Committee

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Rule 2

Regular sessions

1. The Committee shall normally meet annually.
2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations, taking into account the calendar of conferences as approved by the General Assembly.

Rule 3

Place of sessions

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another venue for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Rule 4

Notification of the opening date of sessions

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session as early as possible.

II. Agenda

Rule 5

Provisional agenda for sessions

The provisional agenda for each session shall be prepared by the Secretary-General in consultation with the Chair of the Committee.

Rule 6

Adoption of the agenda

The first item on the provisional agenda for any session shall be the adoption of the agenda, unless the election of officers is required under rule 13 of the present rules, in which case the elections shall be the first item on the provisional agenda.

Rule 7

Revision of the agenda

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items.

Rule 8

Transmission of the provisional agenda and basic documents

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible.

III. Members of the Committee

Rule 9

Beginning of term of office

The term of office of the members of the Committee shall begin on 1 January of the year after the date of their election and, in accordance with article 72 (5) of the Convention, shall expire on 31 December four years later, except for those members elected at the first election and the first election following the entry into force of the Convention for the forty-first State party, who were chosen by lot to serve for two years, whose terms shall expire on 31 December two years after their election.

Rule 10

Filling of casual vacancies

1. In accordance with article 72 (6) of the Convention, if a member of the Committee dies or resigns or declares for any other cause that she or he can no longer perform her or his duties as a member of the Committee, the Secretary-General shall immediately request the State party that had nominated that expert to appoint, within two months, another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.
2. The Committee shall be asked to approve the appointment of the replacement member in writing when the Committee is not in session. The name and curriculum vitae of the expert so appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee who has filled the casual vacancy.
3. When the Committee declines to approve the appointment of a replacement under paragraph 1 of the present rule, the State party that nominated the expert shall be invited to appoint another expert from among its own nationals.
4. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraph 1 of the present rule only after receiving a written declaration from the member concerned of her or his decision to cease to function as a member of the Committee.

Rule 11

Solemn declaration

Before assuming her or his duties after her or his first election, each member of the Committee shall make the following solemn declaration in open Committee:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families honourably, faithfully, impartially and conscientiously.”

Rule 12

Independence and impartiality of members

1. In the exercise of their functions as independent experts serving on the Committee, members shall abide by the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines), which shall be incorporated, by reference, into the rules of procedure of the Committee with the following additions.
2. A member holding the nationality of one or more State party in addition to that of the nominating State party shall inform the Committee, through the Chair, of her or his dual or multiple national affiliations at the earliest opportunity.
3. In the event of a real or perceived conflict of interest with respect to a State party, a member shall not:
 - (a) Participate in or influence in any way the preparation, course or outcome of dialogues, discussions or any other public meetings of the treaty body, but may be present as an observer;
 - (b) Be present during any non-public consultations, briefings or meetings with a single country focus between her or his treaty body and other entities or partners, such as United Nations entities, national human rights institutions and civil society organizations, but may receive the relevant documentation;
 - (c) Be present during discussions, deliberations or any other non-public meetings of her or his treaty body, such as for the preparation, drafting, discussion and adoption of concluding observations or any other related treaty body documents.
4. With regard to the above, the absence of the member from any public or private meeting shall not affect the quorum pursuant to rule 25 of the present rules of procedure.
5. A member shall not, without the prior consent of the Committee, solicit or accept an invitation from a State party for a familiarization visit in connection with its report to the Committee.
6. A member shall not serve as a paid consultant or adviser to a State party, or any other interested party, in connection with the preparation or consideration of a State party's report.
7. Should a member participate in an individual capacity in any other human rights activities of intergovernmental bodies or in any other forums, such as panels, training courses and seminars, and should a member be the author of or contribute to any publications, she or he shall make it clear that the views expressed by her or him are her or his own and not those of the Committee, unless she or he has been expressly mandated by the Committee, in which case the member does not need to seek the approval of the Bureau or the Committee but should notify the Chair. In cases where a member has been invited to represent the Committee in an official capacity at a conference, meeting or other forum, she or he shall seek approval from the Bureau.
8. If for any reason a member considers that she or he could be facing a potential conflict of interest in any matter concerning the Committee, she or he shall inform the Chair, who may, if necessary, consult the Committee on appropriate measures to safeguard the requirements of independence and impartiality.
9. It is the duty of the Chair to remind members of the content of the Addis Ababa guidelines and the present guidelines if the situation so requires. It is also the duty of all Committee members to remind one another of the content of these guidelines if the situation so requires.

10. Questions arising under the Addis Ababa guidelines and the present guidelines shall be decided by the Committee without the participation of the member concerned, who shall not be present during such discussions. The member concerned shall be given the opportunity to be heard by the Committee to clarify any matter relating to the present rule. Quorum shall not be affected in such cases, nor in cases where a member is not present in the room owing to a real or perceived conflict of interest.

IV. Officers

Rule 13 Election of officers

The Committee shall elect from among its members a Chair, three Vice-Chairs and a Rapporteur; these officers together shall constitute the Bureau of the Committee, which shall meet regularly.

Rule 14 Conduct of elections

1. When there is only one candidate for election as one of its officers, the Committee may decide to elect that person by acclamation.
2. When there are two or more candidates for election as one of its officers, or when the Committee otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.
3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.
4. Elections shall be held by secret ballot.

Rule 15 Term of office of elected officers

1. In accordance with article 75 (2) of the Convention, officers shall be elected for a term of two years.
2. No officer of the Committee may hold office if she or he ceases to be a member of the Committee.

Rule 16 Functions of the Chair

1. The Chair shall perform the functions conferred upon her or him by the Committee and by the present rules of procedure.
2. In exercising her or his functions as Chair, the Chair shall remain under the authority of the Committee.

Rule 17 Acting Chair

1. If, during a session, the Chair is unable to be present at a meeting or any part thereof, she or he shall designate another member of the Bureau to act in her or his place.
2. Any member acting as Chair shall have the same powers and duties as the Chair.

Rule 18
Replacement of officers

If any officer of the Committee ceases to serve or declares her or his inability to continue serving as a member of the Committee, or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of her or his predecessor.

V. Secretariat**Rule 19**
Statements

The Secretary-General or her or his representative shall attend all meetings of the Committee and, subject to rule 26 of the present rules, may make oral or written statements at those meetings.

Rule 20
Financial implications of proposals

Before any proposal that involves expenditure is approved by the Committee, the Secretary-General shall prepare and circulate to its members, as early as possible, a written estimate of the cost involved in the proposal. It shall be the duty of the Chair to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee.

VI. Languages**Rule 21**
Official and working languages

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.
2. All formal decisions of the Committee shall be issued in the official languages.
3. The above provisions are subject to relevant General Assembly resolutions.

VII. Records**Rule 22**
Records

1. The Secretary-General shall provide the Committee with summary records of its proceedings.
2. Summary records are subject to correction, to be submitted to the Secretariat by participants in the meetings. Corrections to the record shall be consolidated in a single corrigendum.
3. The summary records of public meetings shall be documents for general distribution unless, in exceptional circumstances, the Committee decides otherwise.
4. Sound recordings of the meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations.
5. The above provisions are subject to relevant General Assembly resolutions.

VIII. Public and private meetings

Rule 23 Public and private meetings

The meetings of the Committee shall be held in public, unless the Committee decides otherwise.

IX. Distribution of reports and other official documents of the Committee

Rule 24 Distribution of official documents

Documents of the Committee shall be documents for general distribution, unless the Committee decides otherwise.

X. Conduct of business

Rule 25 Quorum

Eight members of the Committee shall constitute a quorum for the adoption of formal decisions.

Rule 26 Powers of the Chair

1. The Chair, in accordance with the present rules, shall control the proceedings of the Committee and ensure the maintenance of order at its meetings. She or he shall ensure that the Committee proceeds with its work efficiently, including through limiting time allowed to speakers.
2. The Chair shall rule immediately on points of order, which may be raised by a member at any time during the discussion. A member raising a point of order may not speak on the substance of the matter under discussion.
3. The Chair may call a speaker to order if her or his remarks are not relevant to the subject under discussion.
4. The Chair may propose to the Committee to adjourn or close the debate, or to suspend or adjourn the meeting.
5. Any member may request that a decision regarding the conduct of the Committee's business be immediately put to a vote.

Rule 27 Adoption of decisions

1. The Committee shall attempt to reach all of its decisions by consensus. If consensus cannot be reached, decisions shall be put to a vote.
2. Bearing in mind paragraph 1 of the present rule, the Chair at any meeting may, and at the request of any member shall, put the proposal to a vote.

Rule 28
Voting

1. Each member of the Committee shall have one vote.
2. Any proposal or motion put to a vote shall be adopted by the Committee if it has the support of a simple majority of the members present and voting. For the purpose of the present rules, “members present and voting” means all members casting an affirmative or negative vote; members who abstain from voting are considered as not voting.

XI. Participation of specialized agencies and other United Nations bodies, intergovernmental organizations and other concerned bodies**Rule 29**
International Labour Office

1. In accordance with article 74 (2) of the Convention, the Secretary-General shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States parties concerned and information relevant to the consideration of these reports, in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with under the Convention that fall within the sphere of competence of the International Labour Organization. The Committee shall consider in its deliberations such comments and materials as the Office may provide.
2. In accordance with article 74 (5) of the Convention, the Committee shall invite the International Labour Office to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.

Rule 30
Submission of information, documentation and written statements by other bodies

In accordance with article 74 (4) of the Convention, the Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies (including national human rights institutions, non-governmental organizations and other bodies), to submit, for consideration by the Committee, written information on such matters dealt with in the Convention that fall within the scope of their activities.

XII. Annual report of the Committee**Rule 31**
Annual report

1. In accordance with article 74 (7) of the Convention, the Committee shall submit an annual report on the implementation of the Convention to the General Assembly, containing its considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.
2. In accordance with article 74 (8) of the Convention, the Secretary-General shall transmit the annual reports of the Committee to States parties, the Economic and Social Council, the Human Rights Council, the Director-General of the International Labour Office and other relevant organizations.

Part two

Rules relating to the functions of the Committee

XIII. Reports from States parties under article 73 of the Convention

Rule 32

Submission of reports

The Committee may adopt guidelines regarding the form and content of the reports to be submitted under article 73 of the Convention.

Rule 33

Consideration of reports

1. The Committee shall consider reports submitted by States parties under article 73 of the Convention, in accordance with the procedure set out in the article 74 of the Convention.
2. The Committee shall review the implementation of the Convention by States parties in accordance with a reporting calendar whereby their implementation will be considered within a five-year reporting cycle. To ensure compliance with the calendar, the Committee may review a State party in the absence of a report, or pursuant to the simplified reporting procedure of the Committee whereby it adopts a list of issues prior to reporting, which is provided to the State party concerned for a response. The replies by the State party shall constitute the report of the State party.
3. The Committee may adopt more detailed rules of procedure relating to the submission and consideration of reports submitted by States parties under the Convention.

Rule 34

Consideration of the implementation of the Convention in the absence of a report

1. If a State party fails to comply with its reporting obligations under article 73 (1) of the Convention, the Committee may notify the State party through the Secretary-General that it intends, at a session specified in the notification, to examine in public session, even in the absence of a report, the implementation of the Convention by the State party, on the basis of reliable information available to the Committee.
2. The Committee may, through the Secretary-General and together with the notification mentioned in paragraph 1 of the present rule, transmit to the State party concerned a list of issues, indicating the main matters to be examined. The written replies of the State party to the list of issues shall be considered as the report of the State party under article 73 (1) of the Convention.
3. The Committee shall invite the State party to send a delegation to attend the session and engage in a dialogue with the Committee. The Committee may proceed to examine the implementation of the Convention even in the absence of a delegation of the State party.
4. The comments of the Committee (concluding observations) shall be communicated to the State party, in accordance with article 74 (1) of the Convention, and made public.
5. The Committee shall include information on the application of the present rule in its annual report to the General Assembly.

XIV. Procedure for the consideration of communications received under article 76 of the Convention

Since the procedure under article 76 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

XV. Procedure for the consideration of communications received under article 77 of the Convention

Since the procedure under article 77 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

**Part three
Rules relating to interpretation**

XVI. Interpretation

**Rule 35
Headings**

For the purpose of the interpretation of the present rules, the headings, which were inserted for reference purposes only, shall be disregarded.

**Rule 36
Amendments**

The rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.
