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

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR
FAMILIES

GUIDELINES FOR THE PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Introduction

Article 73 (1) (a) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families provides that States parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the measures they have taken to give effect to the provisions of the Convention. Thereafter, the States parties shall submit periodic reports every five years and whenever the Committee so requests, according to article 73 (1) (b). The Committee has agreed to the following guidelines in addition to its guidelines for initial reports, in order to give indications to States parties on the form and contents of their periodic reports.

State reports under the reporting system will consist of two parts: the common core document and the treaty-specific document. The common core document should include general information about the reporting State, the general framework for the protection and promotion of human rights as well as general information on non-discrimination and equality and effective remedies in accordance with the harmonized guidelines (HRI/GEN/2/Rev.4).

A. The CMW-specific document

Under the CMW-specific document, States parties should provide information relating to:

(a) The implementation of the Convention taking into account the issues raised by the Committee in its concluding observations on the State party's previous report;

GE.08-42136

(b) Recent developments in law and practice affecting the enjoyment of the rights of migrant workers. The CMW-specific document should not merely list or describe the legislation of the State party but elaborate on its practical implementation;

(c) The measures taken by the State party for the dissemination and promotion of the Convention and on the cooperation with civil society in order to promote and respect the rights contained in the Convention and in the preparation of the State party's CMW-specific document.

The CMW-specific document should be divided in two sections, a general information part and a specific provisions part, according to the following indications.

B. General information

In this part of the periodic report, the State party should provide updated information related to the current reporting period in accordance with the following categories; if there is nothing new to report under a category, it should be so stated:

(a) Disaggregated data on the characteristics and nature of migratory flows (immigration, transit and emigration) affecting the State party. If no exact data are available, please provide estimated figures on the dynamics of migration flows in the State party;

(b) Data and statistics on the number of unaccompanied or separated migrant children within the territory of the State party;

(c) Steps that have been taken to harmonize the national migration laws with the Convention, including whether the State party has plans to withdraw its reservations to the Convention, if any;

(d) Any signature, accession or ratification of human rights treaties or international instruments relevant for the implementation of the present Convention; in particular, any steps taken towards ratification of ILO Conventions Nos. 97 (1949) on Migration for Employment and No. 143 (1975) on Migrant Workers.

- (e) Any court decisions related to the enjoyment by migrants and members of their families of the rights contained in the Convention;
- (f) Any change in the legislation affecting the implementation of the Convention;
- (g) Specific procedures that have been put in place in order to deal with mixed migratory flows, in particular to establish the special protection needs of asylum-seekers and victims of trafficking; in this context, please indicate whether national legislation provides for the application of the Convention to refugees and/or stateless persons, according to article 3 (d) of the Convention;
- (h) Steps taken to ensure that migrant children who are detained including for violations of provisions relating to migration, are held separately from other adults and whether specific procedures are in place to determine the age of juvenile migrants; data on the number of migrant children detained;
- (i) Special programmes to address the special interests of migrant children, including unaccompanied and separated children;
- (j) Legislation and practice providing for mechanisms to monitor the situation of migrant women, including those employed as domestic workers, and safeguards and guarantees to protect them from exploitation and violence;
- (k) Procedures assisting victims of trafficking, especially women and children;
- (l) Measures taken to provide assistance given by the State party to its migrants abroad;
- (m) Measures taken to facilitate migrants' reintegration in case of return to the State party;
- (n) Multilateral or bilateral agreements relating to migration the State party has entered into, including regional agreements;
- (o) Efforts made, also in cooperation with other States, in order to prevent migrants' loss of life at the land and maritime border areas;
- (p) Measures to prevent clandestine movements and employment of migrants in an irregular situation.

C. Specific provisions

The information provided in this part should be per cluster of articles as indicated in the initial report guidelines (HRI/GEN/2/Rev.2/Add.1) and should clearly make reference to any progress made towards the enjoyment of the Convention rights by migrant workers and members of their families during the reporting period. If there is nothing new to report under any article, it should be so stated.

On each cluster of articles, the State party should also include information on concrete measures taken with regard to the concluding observations adopted by the Committee in relation to the previous report.

D. References to other treaty-specific documents and ILO Convention reports

If a State party refers in its CMW-specific document to information contained either in the common core document, or in any other treaty-specific documents, it should indicate precisely the relevant paragraphs in which such information is contained.

Similarly, if a State party is party to any of the ILO Conventions listed in appendix 2 of the harmonized guidelines and has already submitted reports to the supervisory committee concerned that are relevant to any of the rights recognized in the Convention, it may wish to refer and to attach the respective parts of those reports rather than repeat the information.

E. Format of the CMW-specific document

As required in paragraph 19 of the harmonized guidelines, subsequent periodic documents should be limited to 40 pages. Pages should be formatted for A4-size paper, with 1.5 line spacing, and text set in 12 point Times New Roman type. Reports should be submitted in electronic form (on diskette, CD-ROM or by electronic mail), accompanied by a printed paper copy.

The report should be accompanied by sufficient copies (if possible in English, French or Spanish) of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that they will not be reproduced for general distribution with the report. Reports should also contain a full explanation of all abbreviations used in the text, especially when referring to national institutions, organizations, laws, etc., that are not likely to be readily understood outside of the State party.
