



# 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-fourth session

### Summary record (partial)\* of the 307th meeting

Held at the Palais des Nations, Geneva, on Monday, 11 April 2016, 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-fourth 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. Walker** (Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that he wished to welcome the Committee members on behalf of the High Commissioner and congratulated Ms. Dzumhur, Ms. Landázuri de Mora and Mr. Ünver on their recent election to the Committee.

3. OHCHR was looking at ways of ensuring that human rights mechanisms were able to help States meet their commitments under the 2030 Agenda for Sustainable Development. To that end, it had considered making treaty body concluding observations that were directly relevant to the Sustainable Development Goals available to the high-level Political Forum on Sustainable Development so that they could be included in the Forum's country reviews. It had also looked into providing treaty bodies with the outcomes of those country reviews and upgrading the Universal Human Rights Index to link concluding observations and recommendations to the targets of the Sustainable Development Goals.

4. Recalling that the United Nations Children's Fund (UNICEF) had recently mapped the indicators of the Sustainable Development Goals against the nine clusters of rights in the Convention on the Rights of the Child, he said that the linking of the 2030 Agenda for Sustainable Development to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families could help States parties fulfil their obligations thereunder. At least 10 of the 169 targets on the 2030 Agenda related to international migration and migrant workers and he hoped that the Committee would refer to the relevant targets in its recommendations to States parties.

5. At recent sessions of the Human Rights Council, the High Commissioner had commended the humanity and leadership shown by certain countries in the Middle East and Europe in hosting refugees and migrants in need of protection and had implored decision makers in all regions to establish effective and principled migration governance in line with international law. Migration required a global sharing of responsibility and the High Commissioner had called on the international community to expand channels of regular migration and resettlement. He had also acknowledged that those most responsible for migration crises were national leaders who had failed to uphold human rights and that to restore those rights would require extensive and focused work. The Deputy High Commissioner had spoken at two side events, highlighting the vulnerability of migrants in relation to access to health care and launching a study by OHCHR on the situation of migrants in transit.

6. The Special Rapporteur on the human rights of migrants had prepared a report focusing on recruitment practices among migrant workers and the impact of those practices on human rights. The report expressed concern about the growing prevalence of severe exploitation and abuse suffered by migrants at the hands of unethical recruiters, intermediaries and subagents in countries of origin and destination.

7. During the seventieth session of the General Assembly, the Secretary-General had convened a high-level meeting aimed at promoting a comprehensive approach to the refugee and migration crisis, at which he had presented a set of eight guiding principles for dealing with migrants and refugees. There had been a side event on strengthening cooperation on migration and refugee movements in relation to the 2030 Agenda.

8. At an informal meeting held in November 2015 to discuss ways of responding to the global humanitarian and refugee crisis, the General Assembly had considered the situation of irregular migrants in the Mediterranean and adopted resolutions on migrant protection, violence against women migrant workers and assistance to refugees, returnees and displaced persons in Africa.

9. At a meeting of the Chairs of the human rights treaty bodies in June 2015, the Government of Costa Rica had called on academic institutions worldwide to develop innovative proposals in preparation for the General Assembly's 2020 review of the treaty body system. The Geneva Academy of International Humanitarian Law and Human Rights had organized a meeting of academics from around the world and was launching independent research relating to the 2020 review. Meanwhile, the first report of the Secretary-General under General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system was being prepared.

10. The English version of the *Handbook for Human Rights Treaty Body Members* had been published and the other language versions would be ready shortly. Furthermore, a dedicated web page on treaty body elections had been developed to assist States parties in monitoring and electing competent and independent treaty body members.

11. The capacity of the Secretariat to service the Committee's session was stretched, owing to an increased workload and insufficient staffing. As part of the Greening Policy and to alleviate the physical burden on staff, the distribution of hard-copy documentation had been substantially reduced, with the aim of holding PaperSmart sessions for all treaty bodies by 1 January 2017. The Committee had been at the forefront of that policy and should continue to demonstrate leadership in exploring ways to work more efficiently and effectively.

12. OHCHR encouraged ratification of the Convention by communicating with signatory States, liaising with civil society and international trade unions, working in the field, preparing publications and organizing promotional activities. The High Commissioner continued to champion the rights of migrants through bilateral meetings, speaking engagements and press statements. The Office pledged its continued support to the promotion and protection of the rights of migrant workers and to the very important work of the Committee.

13. **Ms. Dzumhur** said that the distinction between persons protected under international law and migrant workers should be clarified. It was a matter of serious concern that many people in need of protection had been classified as migrant workers during the ongoing migration crisis in Europe. In a context in which thousands of people were on the move, it was very important to properly identify human rights violations. Moreover, various Balkan countries had tried to avoid their obligation to receive people in need of protection by registering them and then sending them on to other countries.

14. **Mr. Kariyawasam** said that, while the Committee had no direct role to play in dealing with the European migration crisis, it had a duty as a United Nations treaty body to set global norms in the field of human rights. The current situation had led to confusion regarding the definitions of refugees, migrant workers and asylum seekers and the responsibilities of States. The Committee should hold a closed meeting with OHCHR during the current session to discuss that issue and decide whether it should take further action. The migrant crisis should not be ignored and it would be particularly important to discuss the matter when examining the periodic report of Turkey.

15. **Mr. Smith** (Secretary of the Committee) said that Turkey was a party to the Protocol relating to the Status of Refugees but maintained a reservation to the Protocol that appeared to restrict the application of the Convention relating to the Status of Refugees to

persons who had become refugees as a result of events occurring in Europe. References to the Sustainable Development Goals had been incorporated into the draft concluding observations of the Committee for the current session in order to strengthen its recommendations.

16. **Ms. Ladjel** said that the role of the Committee was not to make heartfelt statements about the situation of migrant workers but to propose sustainable solutions that would enable people on the move to settle. The majority of migrants left their countries of origin to escape conflict, vulnerability and insecurity and to find employment elsewhere. In order to address those issues and to make proposals aimed at improving the lives of displaced people, the Committee should consider how it could integrate new thematic areas into its programme of work.

17. **Mr. El Jamri** said that he was pleased to hear that the United Nations was playing a role in dealing with the events that were unfolding in the Mediterranean. He was also pleased that the Sustainable Development Goals included at least 10 targets relating to migration, in accordance with proposals made by the Committee. He asked what had been done over the previous three years to respond to the Committee's proposals to the General Assembly on treaty body strengthening. The Committee still required increased human resources and more support from the Secretariat in order to be able to develop innovative ideas, promote the Convention, increase ratification and contribute to migration governance around the world.

18. **Ms. Castellanos Delgado** said that the migrant crisis was worsening and the Committee had not done enough to disseminate its work in that regard. It should urge States parties and the international community to respond to the issue. It should also make a stronger and more coordinated appeal to the Secretariat for the resources that it required and she called on the representative of the High Commissioner to support that appeal.

19. **Mr. Walker** (Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights) said that most committees had been granted additional meetings under General Assembly resolution 68/268. In practice, however, those meetings had generated increased workload, which had unfortunately coincided with cuts in the extrabudgetary resources of OHCHR. Nevertheless, the Office was aware of the Committee's needs and would endeavour to provide more support.

20. **The Chair** said that, in general, the distinction between migrant workers and refugees seemed to have become somewhat blurred. Clarification in that regard in relation to the mandate of the Committee might be required.

**Solemn declaration by the newly elected members of the Committee under rule 11 of the provisional rules of procedure**

21. **The Chair** welcomed Ms. Dzumhur, Ms. Landázuri de Mora and Mr. Ünver to the Committee and invited them to make the solemn declaration under rule 11 of the Committee's provisional rules of procedure.

22. *Ms. Dzumhur, Ms. Landázuri de Mora and Mr. Ünver made the solemn declaration provided for in rule 11 of the Committee's provisional rules of procedure.*

*The meeting was suspended at 11 a.m. and resumed at 11.55 a.m.*

**Adoption of the agenda (CMW/C/24/1)**

23. *The agenda was adopted, on the understanding that the Committee would revert to agenda item 3 at its 308th meeting.*

## 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. Sidibatt** (Observatoire Mauritanien des droits de l'homme et de la démocratie (Mauritanian Observatory for Human Rights and Democracy)) said that there were 250,000 Mauritanian citizens currently resident abroad, mainly elsewhere in Africa but also in the Arab Gulf States and in European countries, in particular France. The national authorities should improve the coverage of consular services for such people and assist Mauritians wishing to return home or to send remittances to their families. More interpreters should be provided for foreign nationals present in Mauritania, in order to protect their rights to family reunification.

25. It was commendable that the Convention had been published in the Official Journal, that a national strategy had been put in place to improve migration management and that a number of workshops and seminars on the Convention had been conducted for labour inspectors and trade union organizations. Not enough had been done, however, to raise awareness of the rights of migrant workers and human rights in general within State bodies responsible for managing migration issues. The authorities should do more to provide training for security, administrative and judicial officials on national migration management policies and strategies, ensure that all residents had the right to a work permit, provide interpretation services within registries, establish birth registration offices in all maternity wards, which should also be used to register children whose fathers were irregular migrants, ensure that domestic partnerships were declared in the interests of facilitating subsequent marriage and birth registration, grant residence and work permits free of charge to any foreign national married to a Mauritanian national, encourage the setting up of private or public employment agencies, prohibit unregulated recruitment that might lead to trafficking in persons and lift customs duties on items for personal use imported by Mauritians resident abroad.

26. **Ms. Abdel Wedoud** (National Human Rights Commission, Mauritania) said that the National Human Rights Commission was an independent human rights body that had been awarded "A" grade status by the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Commission provided legal and emergency humanitarian assistance to migrants and had held awareness-raising and training workshops on the Convention and on laws protecting migrants' rights. The Government was to be congratulated on the implementation of a raft of reforms relating to human rights. The Constitution granted foreign nationals the same rights as Mauritanian nationals and established the primacy of ratified treaties, which were incorporated into domestic legislation. Laws governing the immigration system and the granting of work permits to foreign nationals and criminalizing the smuggling of migrants had been introduced. Migrant workers were subject to the same collective agreement system as their Mauritanian counterparts.

27. There were no detention centres specifically for migrants in Mauritania. The provisions of the Convention were directly applicable and could be invoked before the labour courts. Regulations on child welfare and the protection of children against economic exploitation and hazardous work were implemented. All children of migrant workers had access to public educational establishments on an equal basis with Mauritanian children. However, the exploitation of children of migrants, by their own families and others, who forced them to beg and engage in the worst forms of child labour, continued to be a problem.

28. Slavery had been classed as a crime against humanity under domestic law. An international approach to migration management must be adopted, rather than the security-based one currently employed by a number of European countries. In addition to the 2030 Agenda for Sustainable Development, Mauritania participated in a number of bilateral and multilateral migration initiatives, such as the Africa-European Union (EU) Partnership on Migration, Mobility and Employment and the dialogue on migration between the European Union and the African, Caribbean and Pacific Group of States on the basis of article 13 of the Cotonou Agreement. Mauritania was also involved in the Euro-African Dialogue on Migration and Development.

29. The Commission, which placed human rights at the heart of national migration policies, urged the Government to strengthen its training and awareness-raising programmes for migration officials. Trafficking in minors should be classified as an aggravating circumstance under the Code on the Judicial Protection of Children and laws on the management and regulation of migratory flows should be strengthened through the introduction of specific provisions on migrants in transit. The plan of action arising from the Valletta summit on migration should be implemented through the strengthening of national capacity to tackle terrorism and organized crime, while respecting human rights, and through the exchange of information at the regional level, in particular under the aegis of the Security Cooperation Platform of the G5 Sahel States.

30. **Mr. El Borai** said that he would welcome further information on the issue of family reunification.

31. **Mr. El Jamri** asked why the Observatoire Mauritanien des droits de l'homme et de la démocratie had called for residence permits to be provided free of charge to foreign nationals married to Mauritians but not to other foreign migrants resident in Mauritania, particularly given the high price of such permits. He asked whether irregular migrants were held separately from other detainees.

32. **Ms. Landázuri de Mora** requested the delegation to provide additional information on increased border controls and the locations affected, on international cooperation relating to humanitarian assistance designed to improve border management and on the transit and deportation of foreign nationals, who were obliged to exit Mauritania at one specific border post, regardless of their nationality.

33. **Ms. Dzumhur** asked whether the National Human Rights Commission had established cooperation with neighbouring States on the issue of migration, whether it had carried out visits to border posts, where, according to reports, persons had been detained for over two months without access to assistance, and whether it had taken any specific action in that regard.

34. **Mr. Sidibatt** (Observatoire Mauritanien des droits de l'homme et de la démocratie, Mauritania) said that migrant registration and family reunification were complicated by the fact that many migrants disposed of the identity documents issued to them in their countries of origin and changed their names. The national authorities should make it clear that migrants must not change their names or falsify documents, that they must apply for a residence permit and that they would not be deported. More must be done to ensure that migrants were aware of their rights and of the importance of civil registration. Unregistered children of foreign women married to Mauritanian nationals faced delays in obtaining access to education.

35. His organization had called for residence permits to be provided free of charge to foreign nationals married to Mauritanian citizens in order to facilitate family reunification and the registration of any children that they might have. It had also called for the cost of residence permits for other types of migrant to be reduced, in particular for those seeking employment, and for migrants with a residence permit to be granted the right to a work

permit. A number of bilateral agreements were in place with other countries relating to free residence permits.

36. Migrants were allowed three months from the date of entry into the country to regularize their situation. All deportations were carried out at Rosso on the border with Senegal, a situation that had led to complaints from Malian deportees wishing to be returned directly to their own country. Provision should be made for deportations to other neighbouring States from the corresponding border posts.

37. **Ms. Abdel Wedoud** (National Human Rights Commission, Mauritania) said that the Commission carried out unannounced visits to all places of deprivation of liberty. Irregular migration was a criminal offence and perpetrators were held at gendarmerie or police stations; respect for their rights and the legality of their detention were monitored by a network of focal points in each *wilaya* (region) and by a team of four lawyers. The cost of a residence permit, which currently stood at around €70, should be reduced. Cooperation had been established with neighbouring States through partnerships with the Malian and Senegalese national human rights institutions and national torture prevention mechanisms.

*The discussion covered in the summary record ended at 12.30 p.m.*