

Check against delivery

Twenty-First Session of the Committee on the Protection of the  
Rights of All Migrant Workers and Members of Their Families



Statement by Ms. June Ray  
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Geneva, 1 September 2014

*Chairperson,*

*Distinguished members of the Committee,*

*Ladies and gentlemen,*

It is a pleasure to be with you for the opening of the **twenty-first session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families** and to welcome you on behalf of the new High Commissioner for Human Rights, Mr. Zeid Ra'ad Al-Hussein, who succeeds Ms. Navi Pillay as from today. The new High Commissioner was appointed for a four year term by the Secretary-General following the unanimous approval by the General Assembly on 16 June 2014.

### **Treaty Body Strengthening Process**

Following the adoption of resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system by the General Assembly on 9 April 2014, the treaty body strengthening process has entered its implementation phase. We will have the opportunity for a focused discussion on the implementation of this resolution later this week.

For now, I would like to mention some aspects in this opening meeting. First, this Committee has been granted three additional days of plenary time in order to increase the number of States parties that it able to review annually. These extra days will be added to your September session starting next year. In addition, a note verbale was sent to all the States parties to the UN human

rights treaties on 8 May 2014 reminding them of the word limits for initial reports, subsequent periodic reports and common core documents.

I would also mention that in June, the 26<sup>th</sup> Annual Meeting of Chairpersons discussed the implementation of the TBS resolution in three distinct areas: the simplified reporting procedure; the alignment of methodologies for constructive dialogue with States parties; and a common format for short, focused and actionable concluding observations. The Chairs' discussion benefitted from the input provided by many Committee members, based on the three notes by the Secretariat that had been shared with all treaty body members in May this year. I am sure that your Chair will debrief you on the outcome of this meeting but please let me say the following on behalf of OHCHR. This meeting of Chairpersons was the first meeting since the adoption of GA resolution 68/268 on the strengthening of the treaty body system. The Chairpersons welcomed this resolution that opens a new area in the history of treaty bodies and "expressed the commitment of human rights treaty bodies to further develop their work as a system."

You will see from the conclusions, decisions and recommendations of the Chairpersons meeting (which is available in the grey binders) that progress has been achieved, but also that much follow-up is now required by each of the nine treaty bodies with a reporting procedure. We all have a momentum now to improve even more the quality and efficiency of the system and its delivery. As you know, the Secretary-General was tasked in Resolution 68/268 to report

back every two years to the General Assembly on “progress achieved by the treaty bodies in achieving greater efficiency and effectiveness in their work” (paragraph 40). Our major aim, that I trust you share, is to demonstrate results.

## **Migrants’ rights and the post-2015 agenda**

*Chairperson,*

*Distinguished members of the Committee,*

The inter-governmental process aimed at elaborating sustainable development goals for the period after 2015 continues in New York. The General Assembly’s Open Working Group on Sustainable Development Goals released a revised Zero Draft of proposed goals and targets on 30 June 2014. This draft includes some elements that highlight the importance of human rights to the post 2015 development agenda, in particular, the target to protect the rights and ensure safe and secure working environments for migrant workers. The draft, however, does not go far enough in our view.

The seventh meeting of the Global Forum on Migration and Development (GFMD) held in Stockholm from 14 to 16 May underscored the role of migration in the post-2015 development agenda, and the need to empower migrants. OHCHR, other agencies and civil society highlighted the need for a human-rights based approach to the issue of migration and development based upon international human rights norms.

The Secretary-General, in his opening remarks to the GFMD, called on all countries to rally around the common goal of creating regular, safe and orderly channels of migration and to optimize the benefits of this phenomenon. The Secretary-General stressed the importance of promoting and protecting the human rights of all migrants and members of their families and advocated for a human-rights based approach to migration policies and practices as part of the post-2015 development agenda. Importantly, he also called upon States to ratify the Migrant Workers Convention.

In July, the Global Migration Group Principals' meeting took place at which UN offices, specialized agencies, funds and programmes expressed support for the inclusion of a human rights based approach to migration in the post-2015 agenda as well as expressed concern that the General Assembly's Open Working Group's Zero Draft did not sufficiently include this element. The GMG, noting that the upcoming Secretary-General's synthesis report on the post-2015 agenda and the resolution on migration and development before the Second Committee of the UN General Assembly could be important entry points for influencing the post-2015 agenda with migration related issues, agreed to adopt a joint communique on migration and the post-2015 agenda.

OHCHR expressed full support with the views supportive of the human rights of migrants, which reinforce OHCHR's position that all

migration policies should align with human rights standards, in accordance with the position paper entitled “Integrating migration in the post-2015 UN Development Agenda” developed by the GMG Working Group on Human Rights and Gender Equality, co-chaired by UNICEF, UN Women and OHCHR. We look forward to the imminent release of the next draft by the Open Working Group.

### **Human Rights Council and Special Procedures**

*Chairperson,*

*Distinguished members of the Committee,*

I now turn to the Human Rights Council. The High Commissioner in her opening address to the 26<sup>th</sup> session of the Human Rights Council provided an update on the activities of the Office, including the treaty body strengthening process. The High Commissioner also addressed the situation of discrimination against migrants and expressed concern about the increase in Western Europe of anti-immigrant and racist sentiment across the political spectrum, as well as attacks on minorities, including migrants, calling for effective and principled human rights education campaigns to counteract these alarming trends. The High Commissioner also highlighted that OHCHR will continue to work to ensure that all of the future Sustainable Development Goals will be firmly anchored in universal human rights and values.

The Council adopted a resolution (A/HRC/26/L.30) on the promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health. The resolution reaffirmed the duty of States to effectively protect human rights and freedoms of all migrants, as well as called upon States that had not yet done so to consider signing and ratifying or acceding to the Migrant Workers Convention.

The Council held an interactive dialogue with Mr. Crépeau, the Special Rapporteur on the human rights of migrants. In presenting his report to the Council (A/HRC/26/35), Mr. Crépeau focused on labour exploitation of migrants providing a collection of some of the worst practices migrants faced in different regions of the world, irrespective of their migration status, including discrimination by employers on many grounds. Mr. Crépeau underscored that access to justice was an illusion for many migrants and that fighting labour exploitation of migrants by sanctioning exploitative employers would contribute greatly to reducing the size of the underground labour markets, which are a key pull factor of irregular migration. He also reported on his country visit to Qatar where he noted that exploitation was frequent, migrants often worked without pay, lived in substandard conditions and that efforts needed to be stepped up to prevent human rights abuses against migrants.

I note that the Council extended the mandate of the Special Rapporteur on the human rights of migrants for a period of three years and requested the Special Rapporteur to continue the programme of country visits.

Mr. Crépeau also undertook a country visit to Sri Lanka in May 2014 which focused primarily on migration flow from Sri Lanka with recommendations to the government to boost protection against abuse and exploitation of its nationals migrating abroad for work. The report on the visit to Sri Lanka will be presented next year to the Council. The Special rapporteur's report to the General Assembly this year will focus on the post-2015 development agenda and the need to fully incorporate both migrants' and human rights in that agenda.

Mr. Crépeau was also involved in side events during the Human Rights Council and the Global Forum of Migration and Development which focused on human rights at international borders, and migrant domestic workers, respectively.

During the general debate of the Human Rights Council on all human rights, speakers expressed their concerns over a wide array of human rights issues, including trafficking in human beings and human rights of migrants and called for more comprehensive international cooperation.

Lastly, the Working Group on Arbitrary Detention submitted its report (A/FRC/27/47) to the Council on the right to challenge the lawfulness of detention. The report included a section on vulnerable groups, including migrant workers in an irregular situation and referred to article 16 of the Convention, and general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families. Today and tomorrow, the



Working Group is holding a stakeholders' consultation on remedies and procedures on the right to challenge the lawfulness of detention before the courts and will also discuss the additional safeguards necessary for the exercise of this right by particular vulnerable groups of detainees, including children, migrants and asylum seekers.

### **Widening Democratic Space – working with civil society**

*Chairperson,*

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Since the CMW began its meetings in 2004, a wide range of civil society actors have engaged with the Committee. Their national strategies to enhance the rights of Migrant Workers and their Families have been strengthened by your recommendations. The synergy between Treaty Bodies and other UN human rights mechanisms and mandates, on the one hand, and civil society on the other, advances the human rights agenda by optimizing the complementarity of roles.

OHCHR's Civil Society Section seeks to engage the broadest possible cross section of civil society with the UN human rights programme, and to this end we work with all parts of OHCHR to develop guides and services tailored to their needs and priorities. We encourage an inclusive approach to civil society participation – whether at the national level or in relation to their work with the United Nations, and we work to expand and protect civil society space.

In this respect, may I draw your attention to one of OHCHR's six priorities for the period 2014-2017 – namely, Widening Democratic Space. This provides an opportunity to increase the visibility of our work with and for civil society, give more coherence to our efforts, together with other stakeholders, to create an enabling environment for civil society activism, and give a higher profile to relevant international standards. It is our hope that this newly formulated strategy will provide a robust framework within which our work to expand and protect civil society space and civil society actors, themselves, will be strengthened.

### **Other relevant developments**

*Chairperson,*

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I now turn to the other relevant developments. OHCHR is launching a film and publication on migrant domestic workers in an irregular situation within the framework of the ILO's Global Action Programme on Migrant Domestic Workers. In addition, a joint IPU/ILO/OHCHR handbook for parliamentarians migration and human rights will soon be finalised. The Office is also finalizing a paper on Recommended Principles and Guidelines on Human Rights at International Borders, which will be submitted with the Report of the Secretary General to the General Assembly on Migration at its

upcoming session. The focus of the paper is on international migrants and the objective is to provide guidance to States in fulfilling their obligations to govern borders in accordance with international human rights norms and other relevant standards.

The International Trade Union Confederation Global Meeting was held in June in Geneva, and focused on migration as a decent work issue with a view towards developing a global strategy. OHCHR was invited to participate to address the issue of how trade unions could support the work of the CMW Committee and the ratification of the Migrant Workers Convention. Mr. Crepeau also participated in the event. Following this meeting, OHCHR along with ILO and the International Trade Union Confederation agreed on a ratification campaign by which ITUC, through its network of labour union affiliates, will coordinate lobbying efforts at the national level to promote ratification of the Migrant Workers Convention and ILO Conventions Nos. 97 and 143. Several signatory States as well as other States, including Brazil and South Africa, were identified for the CMW ratification campaign.

The 103<sup>rd</sup> session of the International Labour Conference was held from 28 May to 12 June 2014 in Geneva. The Conference adopted a legally binding Protocol on Forced Labour that brings the existing ILO Convention No. 29 on Forced Labour, adopted in 1930, into the modern era to address practices such as human trafficking, and aims to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate

contemporary forms of slavery. The accompanying Recommendation adopted by the Conference provides technical guidance on its implementation. Several independent experts, including Mr. Crépeau, welcomed the adoption of the Protocol to respond to today's challenge of forced labour worldwide. It is estimated that there are over 20 million people who are victims of forced labour and many of the victims of forced labour are migrants.

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I would also like to take this opportunity to announce that Ms. Harumi Fuentes has been selected for a position with the Committee on the Rights of Persons with Disabilities. Recruitment efforts are underway to select her replacement. Ms. Fuentes has been an asset to this Committee and we wish her the very best in her new position.

Without further ado, I wish you a very successful and productive 21st session and open the floor for questions and comments from members.

Thank you.

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