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**Committee on the Protection of the Rights of All Migrant Workers and
Members of Their Families
20th Session**



**Opening Address by
Mr. Ibrahim Salama, Director
Human Rights Treaties Division
Geneva, 31 March 2014**

Mr. Chairperson,

Distinguished members of the Committee

Ladies and Gentlemen,

It is my pleasure to be with you here today at the opening of the twentieth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

At the outset, I would like to welcome the new members of the Committee elected at the Sixth Meeting of the States Parties in May 2013, namely Ms. Castellanos Delgado, Mr. Ceriani Cernados and Mr. Haque. I would also like to congratulate those members that were re-elected – Mr. Brillantes, Ms. Dicko, Mr. Kariyawasam, and Mr. Tall. I would also like to welcome Mr. Pime who was appointed for the remaining part of the term of Ms. Poussi. In addition to Ms. Poussi, the Committee bade farewell to Mr. Ibarra Gonzales, Ms. Miller-Stennett and Mr. Sevim, whom I wish to thank for their very valuable contributions. I wish all of you much professional satisfaction and every success in your new roles.

General Assembly and the High-Level Dialogue

The current session of the General Assembly in New York has included a welcome focus on the issue of migration and development. This has been all the more important as it is occurring in the context of efforts to finalize the post-2015 global agenda to advance sustainable development. Shortly after the conclusion of the Committee's last session, the General Assembly convened a High Level Dialogue on Migration and Development from 3 to 4 October 2013. The human rights of migrants featured prominently during these discussions, building on a high-level meeting on migration and human rights convened by the High Commissioner on 4 September 2013 with the aim of to promoting a robust human rights focus in the High-Level Dialogue, specifically to ensure a migration agenda that is people-centered, evidence-based and human rights compliant.

This call was echoed in the opening statement to the High Level Dialogue by the Secretary-General, and in subsequent interventions by the High Commissioner, where she called on States to ratify and effectively implement all core international human rights instruments, including the Migrant Workers' Convention. OHCHR's Assistant-Secretary-General Simonovic participated in the roundtable on migration and sustainable development as well as a side event on domestic migrant workers highlighting the Committee's first general comment on migrant domestic workers and referring to the recommendations of the Committee regarding this matter

The outcome Declaration of the High Level Dialogue recognized that international migration is a cross-cutting phenomenon that should be addressed in a coherent, comprehensive and balanced manner, integrating development with due regard for social, economic and environmental dimensions and respecting human rights. The Declaration also acknowledges the important contributions made by migrants and migration to development in countries of origin, transit and destination, and notes the contribution of the Migrant Workers' Convention to the international system of protection of migrants.

Distinguished members

During the dialogue a joint press conference was held by Committee expert Mr. Prasad Kariyawasam together with the Special Rapporteur on the human rights of migrants, Mr. Francois Crépeau, during the High-Level Dialogue. The press conference, which took place just after the Lampedusa boat tragedy in which 366 migrants lost their lives, underscored the desperate situation of certain migrants, the lack of adequate protection mechanisms, especially with respect to smuggling, and the need for better migration policies to ensure that human rights of migrants are respected and protected. Shortly thereafter, Mr. Crepeau and other independent experts issued a statement calling on Member States to urgently adopt a new approach to migration that places the rights of migrants at the forefront, warning that the number of migrants risking their lives at sea will only increase if

countries continue to criminalize irregular migration without adopting new channels for regular migration.

In order to be brief, I will not summarize the three reports considered by the General Assembly on the issue of the human rights of migrants. However I recommend them for your reading: namely:

- the report of the Secretary-General on the promotion and protection of human rights, including ways and means to promote the human rights of migrants (A/68/292) which included a call for ratification of the Migrant Workers' Convention;
- the report of the Secretary-General on international migration and development (A/68/190) which provides a broad overview of progress made in addressing migration challenges since 2006; and
- the report of the Special Rapporteur on the human rights of migrants (A/68/283), which focused on the human rights framework for global migration governance. I understand that time has been set-aside later in the session for a meeting with Mr. Crepeau, and for colleagues to brief the Committee on the High-Level Dialogue and other relevant matters.

The Human Rights Council

Distinguished members,

I would also like to take this opportunity to brief you on some developments relating to the Human Rights Council that are related to your work. Since the Committee's last session, the Human Rights Council has met twice. At the 24th session of the Council, the High Commissioner and the Deputy High Commissioner reported on the activities of the Office with respect to human rights situations in a number of States, and in particular with respect to migrants and refugees in the case of Greece and Australia. She highlighted that the Office

was working to ensure the integration of human rights norms and standards into all aspects of migration policy at the national, regional and international levels, including preparing background documents and engaging in discussions at the sixth Global Forum on Migration and Development held in Mauritius in November 2012 and for the upcoming seventh Global Forum taking place in Stockholm this year, as well as the preparation of a report on migration and human rights in advance of the High-Level Dialogue on International Migration and Development. At the 25th session of the Council, the High Commissioner presented her final annual report to the Council in which she summarized the achievements of the Office as well as some of the challenges. She stressed that much more needed to be done to protect the human rights of migrants and asylum seekers and ensure that they were fully protected in accordance with international law, referring to the boat tragedies off the coasts of Greece, Italy, Malta and Spain.

The Council adopted resolution 23/20 on the human rights of migrants, which, *inter alia*, calls upon States that have not yet done so to consider signing and ratifying or acceding to the Migrant Workers' Convention as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention.

Earlier this month, the Council also held a high-level panel on promoting and protecting the human rights of migrants.

International Migrants Day

Mr Chairperson,

For International Migrants Day, celebrated on 18 December, a joint statement by ILO Director-General Guy Ryder and the High Commissioner for Human Rights paid tribute to the 232 million migrants worldwide and highlighted the need to implement human rights and labour standards more effectively and to put in place concrete measures to combat

discrimination and xenophobia. A joint statement was also issued by Mr. Francois Crepeau, the Special Rapporteur on the human rights of migrants; your Chairperson Mr. Abdelhamid El Jamri; and Mr. Felipe Gonzalez, the rapporteur on the Rights of Migrants of the Inter-American Commission on Human Rights, to mark the occasion. The statement urges States to consider issues such as the decriminalization of irregular migration, the development of alternatives to administrative detention in an irregular situation, the rights of migrant children and combatting xenophobia and discrimination against migrants, among others. It also urged States to ratify all the international and regional human rights treaties, including the Migrant Worker's Convention, and to fully implement them.

Treaty Body Strengthening Process

This 20th session of the Committee coincides with the final phase of the inter-governmental process on treaty body strengthening. The outcome of this process is crucial for the viability and sustainability of the entire treaty body system.

In early February, the High Commissioner was in New York during the last week of the final negotiations. Throughout the consultations, the High Commissioner made it clear to the Member States that the treaty body system is facing the triple challenge of a significant backlog, chronic under-resourcing and insufficient compliance with reporting obligations. If no prompt action is taken to rectify these problems, the treaty body system is threatened with collapse.

The mandate of the Co-facilitators and the inter-governmental process expired on 15 February and they submitted the final draft resolution, as adopted by the Third Committee of the General Assembly. I am very pleased to note that this draft resolution has been positively considered by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and was adopted by the Fifth Committee of the General Assembly just last week. The resolution includes, among others, additional resourced meeting time and resources for capacity building. This is indeed a victory for the entire treaty body system and I want to thank the Member States, the treaty body experts, and civil society for their contributions in

this regard. I encourage you to study the resolution and start reflecting on its implementation. We have set aside time for an in-depth discussion of the Outcome Document this coming Friday.

Let me emphasize how much I value the constructive contribution of the treaty bodies and their Chairs to the treaty body strengthening process. As you are aware, at this meeting, the Chairpersons met with the Co-facilitators and prepared a very substantive joint statement which was shared with all Member States. This joint statement influenced the consultations and was quoted by the Co-facilitators and by a number of delegations, as well as the High Commissioner in her own interactions. This statement along with the draft resolution are available in your gray binders.

There is a very important lesson here which I would like to emphasize. Treaty bodies should act as a system; your strength lies in your unity and your impact depends on the degree to which treaty body members trust and empower the Chairs. I know this is a delicate issue and there is a balance you need to strike between, on the one hand, the due respect for the views of all experts and, on the other hand, the need for the treaty body system to speak with one voice, particularly with regard to decision-making and engagement with member States.

This is why the High Commissioner truly values the so-called “Poznan formula” which was accepted by all treaty body Chairs in their respective annual reports to the General Assembly since 2011. As you know, the Dublin II consultations were the basis of the High Commissioner’s report on treaty body strengthening to the General Assembly and established the parameters for the current inter-governmental negotiations. The Poznan formula captures the rights balance between autonomy and unity within the treaty body system. The Poznan formula as contained in the Dublin II Chairs’ statement reads as follows:

Treaty bodies should ensure that Committee Chairpersons are mandated to take decisions in respect of working methods and procedures, which are common across the treaty body system and have previously been discussed and agreed to within each of the Committees, with particular reference to reporting and individual communication

procedures. Such a measure would be implemented by all treaty bodies, unless a Committee subsequently disassociates itself from it.

The fact that the treaty body Chairs collectively took the lead in Addis Ababa in 2011 to self-regulate their own standards of conduct has been an historical initiative in showing that the treaty bodies are moving increasingly as a unified system and have the ability – as a system – to improve their work and reinforce their independence. Thanks to this proactive and forward looking action, the Chairs have successfully prevented the adoption of a Code of Conduct for treaty body members by the General Assembly.

Conclusion

Distinguished members,

OHCHR continues to work to support the Committee and the application of the norms and standards set down in the Convention. In addition to the substantive and technical support provided by the Human Rights Treaties Division, the Office also works to encourage ratification of the Convention, principally through the High Commissioner's bilateral engagements. The Office pledges its continued support to the promotion and protection of the human rights of migrant workers and also to the important work of this Committee.

Without further ado, I thank you for your attention and wish you a very successful and productive 20th session. I now hand over the floor to the Chair to invite the new members to make the solemn declaration.
