

Check against delivery

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



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Palais Wilson, First Floor Conference Room

Chairperson,

Distinguished members of the Committee,

Ladies and gentlemen,

It is a pleasure to be with you for the opening of the twenty-third 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 High Commissioner for Human Rights, Mr Zeid Ra'ad al Hussein. A warm welcome to committee members, civil society colleagues, States parties and our UN colleagues. I hope all were able to have a break over the Northern summer.

Mr Chairperson, this morning I would like to bring to the Committee's attention some developments in three main areas: first in the Human Rights Council; second, in the process of formulating the post 2015 sustainable development goals; and third, from the recent meeting of Chairpersons of treaty bodies.

Before doing so, let me recall the Seventh Meeting of the States Parties to the Convention which was held on 30 June 2015 in New York. As usual, the meeting held elections to the Committee and I would like to congratulate Mr. El Borai, Mr. El Jamri, Ms. Ladjel and Mr. Nunez-Melgar Maguina on being re-elected to the Committee.

This year, a novelty was the panel discussion which took place during the meeting with the aim of marking the 25th anniversary of the adoption of the Convention. The event was very well attended and provoked an interesting discussion, with a number of States parties and others taking the floor, addressing particularly the benefits of ratification of the Convention. The event was organized by OHCHR and the Permanent Missions of Argentina, Ecuador, El Salvador and Mexico.

Distinguished members of the Committee,

I now turn to some relevant developments in the Human Rights Council since your last session. The High Commissioner, in his opening statement to the 29th Session of the Human Rights Council on 15 June 2015, gave a wide-ranging perspective of the contemporary human rights situation in the world. This included the staggering humanitarian and human rights crisis in Syria, the on-going deterioration of human rights in Iraq, Libya and Yemen, and other parts of Africa and the Middle East, as well as various human rights situations in the Americas, Asia and Europe. He focused on the grave abuses being carried out by *takfiri* groups in the Middle East, the human rights of women in situations of conflict, LGBT rights, human rights-based development and the rights of migrants.

Regarding migrants, the High Commissioner stated that “[p]olitical turbulence, repression, violence and war have become so widespread that they impel millions of the world’s people to risk their lives to find a place of relative safety. Migration is a symptom, the cause is despair, after repeated human rights violations have stripped an individual of all hope of justice and dignity.”

In his address to the subsequent interactive dialogue on the human rights of migrants, the High Commissioner shared with the Council his growing alarm at the international community’s failure to protect the rights of migrants. He opposed in the strongest possible terms the notion that migrants are a burden and stressed that as workers, consumers and taxpayers, they contribute to the economic growth of all societies, and that migration is not only an essential component of the economic and social life of every modern State, but it has shaped the history of virtually every member of the human family.

He referred to the grave crises regarding rescue at sea in Europe and South-East Asia, and also expressed concern regarding those attempting to enter Australia and the United States, and to the abuses of migrants that are so frequent throughout the world – including in countries of the Gulf Cooperation Council, as well as shocking recent violence in South Africa, and the expulsion of undocumented Haitians from the Dominican Republic.

Regarding the crisis in the Mediterranean, the High Commissioner while stating that militarized deterrence and enforcement policies to address irregular migration will fail, also commended the EU's recent determination to tackle migration in a more comprehensive manner. He encouraged the EU to take bolder steps to integrate the notion that the EU needs, and should welcome, more migration at all skill-levels. Importantly, the High Commissioner stated that States are at liberty to open their borders to migrant labour, or to close them, but when they are unwilling to ratify the Migrant Workers Convention, this risks sending a message that encourages the exploitation of migrants – particularly undocumented migrants and particularly in the workplace.

The Special Rapporteur on the human rights of migrants, Mr. Francois Crepeau introduced his reports on country visits to Sri Lanka, Italy, and Malta, and his report on EU border management, the latter being the focus of a side-event organized by OHCHR. The Office also organized a side event on migrants in situations of crisis on 17 June in cooperation with Migrant Forum in Asia, Migrants Rights International and the Global Coalition on Migration, and facilitated further side event organized by Migrant Forum in Asia and Migrants Rights International on migrant workers' right to health. The OHCHR Migration Advisor will be able to provide more details on these events when she briefs the Committee later this session.

At the end of its session the Council adopted a resolution (A/HRC/29/L.3) on the protection of the human rights of migrants and called, among other things, for States that have not yet done so to consider ratifying the Convention. The Council also requested OHCHR to submit a study on the situation of migrants in transit before its March 2016 session.

Mr Chairperson, I will now turn to the Sustainable Development Goals process. On Sunday 2 August, Member States endorsed by consensus the Post-2015 Outcome Document: "Transforming Our World: The 2030 Agenda for Sustainable Development". The Outcome Document - which is available on the website of the President of the General Assembly - will now be submitted to the Heads of State for adoption at the UN Summit in September. While not perfect, the text exhibits a number of very welcome human rights features. First and foremost, it is explicitly grounded in the UN Charter, the Universal Declaration of Human Rights, and the international human rights treaties. Further, throughout the preambular language, the goals and the targets, the text offers a universal, integrated and indivisible vision of sustainable development, encompassing key dimensions of all human rights related to both freedom from want as well as freedom from fear. It also puts combatting inequalities, discrimination and exclusion at its heart, and includes a very expansive list of groups to be given special focus, including migrants. There is an important new commitment of Member States to welcome the positive contribution of

migrants and ensure that migration takes place with “full respect for human rights and the human treatment of migrants regardless of migration status”.

Linked to the identification of specific groups, another noteworthy feature of the text is the call for disaggregated data as part of the global indicator framework, responding to a key lesson learned from the MDG process.

And finally the text outlines an accountability architecture at national, regional and global levels. Although there remain shortcomings in the extent to which the SGD have embraced human rights, I think all of the elements I have just mentioned should be cause for celebration among the human right community.

On the last point on an accountability architecture, it is proposed that a follow-up and review of progress towards the SDGs at the international level be entrusted to the High-level Political Forum on Sustainable Development under the Economic and Social Council. While the exact contours of this framework are still to be defined, many realise that the information gathered and analysis made by the human rights mechanisms (including treaty bodies such as CMW) are tremendous assets that should be exploited. At their recent annual meeting, the Chairpersons of the Treaty Bodies thus urged Member States to ensure that this valuable information and analysis be systematically included in the follow-

up and review system. Concrete proposals in this regard are already being formulated.

Accountability for the SDGs is grounded in the indicators that will measure progress towards the targets and goals . These indicators are currently being deliberated, and a preliminary list of indicators will be published in November 2015, after the adoption of the SDGs. Indicators provide a crucial means of ensuring that human rights lie at the heart of the post 2015 architecture by ensuring that information collected exposes – as far as possible - the reality on the ground of people’s enjoyment of their human rights. For this reason it is important that human rights voices, including those of the CMW, are heard in this process.

Chairperson,

Distinguished Members,

In June of this year the 27th Annual Meeting of Chairpersons of Treaty Bodies was held in San José, Costa Rica. Your Chairperson participated in the meeting and I am sure he will brief the Committee in more detail. I would like to draw your attention to three of the outcomes of that meeting.

The first is the *San José Guidelines against intimidation or reprisals* which the Chairpersons endorsed during the meeting. These Guidelines, a copy

of which is available on the OHCHR website, set out harmonized responses available to the treaty bodies - both individually and as a system - in dealing with acts of intimidation or reprisal against individuals or groups who cooperate with the Committees. In doing so the *Guidelines* re-emphasize the right of everyone to have unhindered access to and to communicate with the treaty bodies and their members for the effective implementation of the treaty body mandates. I commend the Guidelines to your reading.

The Chairpersons also profited from their being in San José to meet with representatives of the Inter-American Commission of Human Rights, the Inter-American Court on Human Rights, several National Human Rights Institutions and a large number of civil society actors from the region. This provided a singular opportunity treaty bodies as a system to engage closely in the Latin American and Caribbean region with these regional human rights actors with a view to enhancing mutual cooperation. I would add that the meetings showed the level of interest of these regional actors in the work of the treaty bodies is significant.

Finally OHCHR welcomes the call made by the Minister of Foreign Affairs of Costa Rica at the opening of the Chairperson's meeting for academic institutions across the world to begin a reflection on options to further strengthen the human rights treaty body system. Such a reflection will build on

the recently concluded treaty body strengthening process, and will form a timely contribution as we move towards the 2020 review of that process by the General Assembly, as required by resolution 68/268. We hope the fact that the thinking will be led by academic institutions will result in innovative proposals.

Chairperson,

Distinguished members of the Committee,

OHCHR continues to work to support the Committee and the application of 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 encouraging ratification of the Convention by communicating with signatory States, liaising with civil society and international trade unions, as well as following up recommendations made during the UPR with both States concerned and the relevant field presences. The High Commissioner has been championing the rights of migrants through bilateral meetings, speaking engagements and press statements. He will be participating in Committee's high level event marking the 25th anniversary of the adoption of the Convention on 8 September. The Office pledges its continued support to the promotion and protection of the human rights of migrant workers and to the very important work of this Committee.

As this will be their last session with the Committee, I would also like to take this opportunity to farewell and thank on behalf of OHCHR and on my own behalf your Chairperson Mr. Carrion Mena, Mr. Pime and Mr. Taghizada. Thank you for your work, your expertise and your collegiality. You have each made a significant contribution to the work of this Committee and the protection of the rights of migrant workers and their families. I hope we will be able to continue working together with each of you in your future roles.

With that, Mr Chairperson, I wish you a successful session.

Thank you.
