

Check against delivery

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



Statement by Mr. Adam Abdelmoula
Director
Human Rights Council and Treaty Mechanisms Division
Office of the High Commissioner for Human Rights

Geneva, 4 September 2017
Palais Wilsons, First Floor Conference Room

Honourable Chair,

Distinguished members of the Committee,

Ladies and gentlemen,

On behalf of the High Commissioner for Human Rights, I have the pleasure to welcome you to the twenty-seventh session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, which I have the honour to open.

Achieving progress in human rights takes a great deal more than a flourish of a signature at the bottom of a document. This was a comment made by the High Commissioner in his opening statement to the Human Rights Council at its recently concluded thirty-fifth session. It reflects the failure of many States to respect their human rights reporting obligations, including their obligation to report to you.

At the end of June, during the annual meeting of the Treaty Body Chairs, the reporting gap was raised as a concern. The Chairs reviewed a report on compliance, revealing the unacceptable number of 34 % of overdue reports to the treaty bodies overall. As for CMW, 21% of initial and periodic reports are overdue.

I am pleased to note that this Committee is taking steps in the right direction to address the reporting gap. It is the first Committee to use the simplified reporting procedure for both initial and periodic reports. It is also reviewing the implementation of the Convention by States parties in the absence of a report. This will hopefully also result in increased cooperation by the concerned State parties.

OHCHR, through its treaty body capacity-building programme, is also actively involved in assisting States with fulfilling their reporting obligations, notably by organizing Training-of-Trainers workshops on treaty body reporting and training methodologies for State officials. For example, technical cooperation and advice was recently provided to Saint Vincent and the Grenadines on replying to CMW's list of issues prior to reporting, which will be considered at the next session. OHCHR will continue to work with the treaty bodies on this issue.

Increased compliance with treaty reporting obligations could perhaps also be an item for consideration at your regular meetings with States parties. It would certainly be an important element, among others, to feed into the discussions on the 2020 treaty body strengthening review by the General Assembly.

The mechanisms of the Human Rights Council, in particular the special procedures are potential partners in strengthening meaningful engagement with States, and I encourage you to further explore ways and means to partner with special procedure mandate holders. By way of example, recommendations in your concluding observations to States issuing standing invitations to Special Procedures mandate-holders may be a way of encouraging them to step up their cooperation.

Reporting obviously is not an end in itself. The extent to which States implement recommendations from treaty bodies, as well as other human rights mechanisms, such as the Universal Periodic Review and the Special Procedures, is an area warranting greater attention. The treaty bodies play a key role in monitoring progress in implementing recommendations, and can facilitate implementation by ensuring that recommendations are targeted and actionable. At the national level, a number of States have adopted a comprehensive and efficient approach by setting up National Mechanisms for Reporting and Follow-up. OHCHR has put more focus on establishing and reinforcing these mechanisms in recent years.

In addition to reporting compliance by States, the Treaty Body Chairs, during their annual meeting, discussed common approaches to engaging with national human rights institutions, follow-up to concluding observations and

the Sustainable Development Goals. The Chairs also held consultations with States, civil society, and United Nations agencies on progress made and gaps regarding cooperation between the treaty bodies and these stakeholders. Your Chair (Mr. Brillantes) may wish to brief you in further detail in this regard.

Human Rights Mechanisms

Distinguished Members,

Allow me to briefly update you on recent initiatives at the Human Rights Council, which may be of interest to your work. At its last session in June, the Council held a panel discussion on unaccompanied migrant children and adolescents, which was opened by the High Commissioner. Noting that the number of unaccompanied migrant children reached a record high, he underscored the utmost importance for further efforts to ensure that all States do a better job of providing protection and assistance to these children. He underlined that the best interest of the child principle had to guide all relevant policies, including with regard to age assessments, entry, stay and expulsion.

The outgoing Special Rapporteur on the human rights of migrants, Mr. Francois Crepeau, presented his report to the Council¹. In light of the proposed global compact for safe, orderly and regular migration, the Special Rapporteur proposed the development of an agenda within the framework of the United

¹ A/HRC/35/25.

Nations, in parallel to the 2030 Agenda for Sustainable Development. This agenda would encompass eight human mobility goals, together with targets and indicators, aimed at facilitating human mobility in the next 15 years, while ensuring respect for the human rights of all migrants. He envisaged an agenda that outlines how human mobility can be facilitated effectively and underlines the importance of taking a long-term strategic approach to developing more accessible, regular, safe and affordable migration policies and practices that will place States in a better position to respond to the significant demographic, economic, social, political and cultural challenges that lie ahead. At the end of its session, the Council appointed Mr. Felipe Gonzales Morales of Chile as the new Special Rapporteur on the human rights of migrants. I hope that you will continue to engage with the new mandate-holder to carry your common agendas forward.

The Council also adopted resolution 35/17 on the global compact for safe, orderly and regular migration, in which it calls upon States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of migrants regardless of their status, and to consider signing and ratifying the Convention as a matter of priority. It also encourages special procedure mandate holders and treaty bodies to provide input and to support the State-led preparatory process for the global compact.

Global Compact on Migration

Distinguished Members,

Turning to the Global Compact on Migration. As you are aware, the United Nations General Assembly (GA) on 19 September 2016 adopted the New York Declaration, which establishes a two-year process leading to an international conference that will see the adoption in 2018 of two “Global Compacts”, one on refugees and one on migration. The General Assembly resolution 71/280 of 30 January 2016, referred to as the modalities resolution, defines the process, which consists of a consultative period (April until November 2017), stocktaking (December 2017) and negotiating (January until September 2018). The events that are part of the consultative process include thematic sessions, meetings organized by the United Nations Regional Economic Commissions, regional consultative processes, multi-stakeholder consultations, the Global Forum on Migration and Development, and the IOM International Dialogue on Migration.

Thus far, four thematic sessions have taken place covering: (1) the human rights of all migrants, social inclusion, cohesion and all forms of discrimination; (2) addressing drivers of migration; (3) international cooperation and governance of migration; and (4) contributions of migrants to all dimensions of sustainable development. The fifth thematic session starts

today in Vienna and will address smuggling of migrants, trafficking in persons and contemporary forms of slavery. The sixth thematic session, which is scheduled for October in Geneva will cover irregular migration and regular pathways. I understand that Mr. Ceriani of the Committee has been invited to participate.

OHCHR has been very much engaged in the process to ensure that the human rights of migrants are at the forefront of this State-led process. We are aware of the Committee's concern about not being invited to participate in the first few thematic consultations. To our knowledge, no other treaty body expert was invited to participate and only the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance were invited to the first thematic session. Lobbying efforts by your Chair, OHCHR through the Migration Task Force, and your Secretary were most likely instrumental in ensuring the participation of CMW.

I also understand that your secretariat received an invitation from the Office of the UN Special Representative of the Secretary-General for International Migration to provide input to the Secretary-General's report on the global compact for safe, orderly and regular migration pursuant to paragraph 26 of General Assembly resolution A/RES/71/280. I would

encourage you to take advantage of this opportunity to provide your valuable input to the process.

Treaty Body Strengthening

Distinguished Members,

The International Service for Human Rights with the support of the Permanent Missions of Switzerland and Costa Rica organized a consultation on the political strategy ahead of the 2020 review of the treaty bodies on 23 and 24 May 2017 in Geneva. The aim of the consultation was to develop a strategy to ensure that the 2020 review of the treaty bodies leads to a system that is more accessible, inclusive, efficient, effective and rights-oriented. Some of the challenges faced by treaty bodies were discussed, such as the lack of harmonization of working methods or lack of State compliance with reporting and implementing obligations. Also discussed were the opportunities afforded by the 2020 review process to have a strengthening process with strong support for progressive solutions by a critical mass of relevant actors, including States, national institutions, civil society and the treaty bodies themselves, which would result in a truly improved system.

The Joint CMW-CRC General Comment

As you are aware, the Chair of the CMW working group on the joint general comment on the human rights of children in the context of international migration, Mr. Ceriani along with colleagues in the Human Rights Treaties Branch, in cooperation with UNICEF and other partners, organized regional consultations in Geneva, Madrid, Bangkok, Berlin, Mexico City, Beirut and Dakar. These consultations greatly enriched the text of the joint general comment by ensuring input from a broad range of regional stakeholders, including States, United Nations agencies and entities, national institutions, civil society actors, including children, academia and other experts. My colleagues have provided you with updates inter-sessionally in this regard. I would like to commend, in particular, Mr. Ceriani for spearheading this process, and both working groups from the CMW and Committee on the Rights of the Child (CRC) for the tremendous efforts made in finalizing this very rich and topical general comment. You will review it during this session as will the CRC and hopefully it will be adopted by both Committees so that it can inform the Global Compact process. It will undoubtedly provide guidance to States to ensure the protection of the human rights of children involved in international migration.

Lastly, we have a number of members for whom this will be their last session and I would like to wholeheartedly thank them for their service to the Committee: Mr. Brillantes, Ms. Castellanos, Mr. Ceriani and Ms. Dicko. I

would also like to congratulate Mr. Haque, Mr. Kariyawasam and Mr. Tall for their re-election to the Committee.

I thank you for your attention and wish you a most successful session.
