



**International Convention on
the Protection of the Rights
off All Migrant Workers and
Members of Their Families**

Distr.
LIMITED

CMW/C/L.1
13 February 2004

Original: ENGLISH

COMMITTEE ON THE PROTECTION
OF THE RIGHTS OFF ALL MIGRANT
WORKERS AND MEMBERS OF THEIR FAMILIES

PROVISIONAL RULES OF PROCEDURE

CONTENTS

| | <u>Page</u> |
|---|-------------|
| PART ONE. GENERAL RULES | 4 |
| I. SESSIONS | 4 |
| <u>Rule</u> | |
| 1. Meetings of the Committee | 4 |
| 2. Regular sessions | 4 |
| 3. Place of sessions | 4 |
| 4. Notification of opening date of sessions | 4 |
| II. AGENDA | 5 |
| <u>Rule</u> | |
| 5. Provisional agenda for regular session | 5 |
| 6. Adoption of the agenda | 5 |
| 7. Revision of the agenda | 5 |
| 8. Transmission of the provisional agenda and basic documents | 5 |
| III. MEMBERS OF THE COMMITTEE | 5 |
| <u>Rule</u> | |
| 9. Beginning of term of office | 5 |
| 10. Filling of casual vacancies | 5-6 |
| 11. Solemn declaration | 6 |

CONTENTS (continued)

| | <u>Page</u> |
|--|-------------|
| IV. OFFICERS | 6 |
| <u>Rule</u> | |
| 12. Election of officers | 6 |
| 13. Conduct of elections | 6-7 |
| 14. Term of office of elected officers | 7 |
| 15. Functions of Chairperson..... | 7 |
| 16. Acting Chairperson | 7 |
| 17. Replacement of officers..... | 7 |
| V. SECRETARIAT | 7 |
| <u>Rule</u> | |
| 18. Statements | 8 |
| 19. Financial implications of proposals | 8 |
| VI. LANGUAGES | 8 |
| <u>Rule</u> | |
| 20. Official and working languages | 8 |
| VII. PUBLIC AND PRIVATE MEETINGS | 8 |
| <u>Rule</u> | |
| 21. Public and private meetings | 8 |
| VIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE | 9 |
| <u>Rule</u> | |
| 22. Distribution of official documents | 9 |
| IX. CONDUCT OF BUSINESS | 9 |
| <u>Rule</u> | |
| 23. Quorum | 9 |
| 24. Powers of the Chairperson | 9 |
| 25. Adoption of decisions..... | 10 |
| 26. Voting | 10 |

CONTENTS (continued)

| | <u>Page</u> |
|---|-------------|
| X. PARTICIPATION OF SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES, INTER-GOVERNMENTAL ORGANIZATIONS AND OTHER CONCERNED BODIES | 10 |
| <u>Rule</u> | |
| 27. International Labour Office | 10 |
| 28. Submission of information, documentation and written statements by other bodies..... | 10-11 |
| XI. ANNUAL REPORT OF THE COMMITTEE | 11 |
| <u>Rule</u> | |
| 29. Annual report | 11 |
| PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE | 11 |
| XII. REPORTS FROM STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION | 11 |
| <u>Rules</u> | |
| 30. Submission of reports | 11 |
| 31-2. Consideration of reports | 11-12 |
| XIII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 76 OF THE CONVENTION..... | 12 |
| XIV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 77 OF THE CONVENTION..... | 12 |
| PART THREE. RULES RELATING TO INTERPRETATION..... | 12 |
| XV. INTERPRETATION | |
| <u>Rules</u> | |
| 33. Headings | 12 |
| 34. Interpretation | 12 |

PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as “the Committee”) shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as “the Convention”).

Regular sessions

Rule 2

1. The Committee shall normally hold one regular session each year.
2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as “the Secretary-General”), taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 3

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another venue for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session as early as possible.

II. AGENDA

Provisional agenda for regular sessions

Rule 5

The provisional agenda of each regular session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee.

Adoption of the agenda

Rule 6

The first item on the provisional agenda of any session shall be the adoption of the agenda, unless the election of officers is required under Rule 12, in which case the elections shall be the first item on the provisional agenda.

Revision of the agenda

Rule 7

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items.

Transmission of the provisional agenda

Rule 8

The provisional agenda shall be transmitted to the members of the Committee by the Secretariat as early as possible.

III. MEMBERS OF THE COMMITTEE

Beginning of term of office

Rule 9

The term of office of the members of the Committee shall begin on 1 January of the year after the date of their election and, in accordance with article 73, paragraph 5 of the Convention, shall expire on 31 December four years later, except for those members elected at the first election who were chosen by lot whose terms shall expire on 31 December after two years.

Filling of casual vacancies

Rule 10

1. In accordance with article 72, paragraph 6, of the Convention, if a member of the Committee dies or resigns or declares for any other cause that he or she can no longer perform

his or her duties as a member of the Committee, the State party that nominated the expert shall appoint another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.

2. The Committee shall be asked to approve the appointment of the replacement member in writing when the Committee is not in session.

2. Where the Committee declines to approve the appointment of a replacement under the first paragraph of this rule, the State party that nominated the expert shall be invited to appoint another expert from among its own nationals.

3. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraph 1 of the present rule only after receiving, from the member concerned, a written declaration of his or her decision to cease to function as a member of the Committee.

Solemn declaration

Rule 11

Before assuming her/his duties after her/his first election, each member of the Committee shall make the following solemn declaration in open Committee:

“I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Protection of the Rights off All Migrant Workers and Members of Their Families honourably, faithfully, impartially and conscientiously.”

IV. OFFICERS

Election of officers

Rule 12

1. The Committee shall elect from among its members a Chairperson, one Vice-Chairperson and a Rapporteur; these three officers together shall constitute the Bureau of the Committee, which shall meet regularly.

Conduct of elections

Rule 13

1. Where there is only one candidate for election of one of its officers, the Committee may decide to elect that person by affirmation.

2. Where there are two or more candidates for election as one of its officers, or where the Committee otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.
3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.
4. Elections shall be held by secret ballot.

Term of office of elected officers

Rule 14

1. In accordance with article 75, paragraph 2, of the Convention, officers shall be elected for a term of two years.
2. No officer of the Committee may hold office if he or she ceases to be a member of the Committee.

Functions of Chairperson

Rule 15

1. The Chairperson shall perform the functions conferred upon her/him by the Committee and by these rules of procedures.
2. In exercising her/his functions as Chairperson, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 16

1. If, during a session, the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate another member of the Bureau, to act in her or his place.
2. Any member acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 17

If any of the officers of the Committee ceases to serve or declares her/his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of her/his predecessor.

V. SECRETARIAT

Statements

Rule 18

The Secretary-General or her/his representative shall attend all meetings of the Committee and, subject to Rule 24 of the present rules, may make oral or written statements at those meetings.

Financial implications of proposals

Rule 19

Before any proposal which involves expenditures is approved by the Committee, the Secretary-General shall prepare and circulate to its members, as early as possible, a written estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee.

VI. LANGUAGES

Official and working languages

Rule 20

1. English, French and Spanish shall be the official and working languages of the Committee.
2. All formal decisions of the Committee shall be issued in the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 21

The meetings of the Committee shall be held in public, unless the Committee decides otherwise.

VIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 22

Documents of the Committee shall be documents for general distribution, unless the Committee decides otherwise.

IX. CONDUCT OF BUSINESS

Quorum

Rule 23

Six members of the Committee shall constitute a quorum for the adoption of formal decisions. When the number of members of the Committee rises to 14 in accordance with article 72, paragraph 2(a), of the Convention, eight members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 24

1. The Chairperson, in accordance with these rules, shall control the proceedings of the Committee and ensure the maintenance of order at its meetings. She or he shall ensure that the Committee proceeds with its work efficiently, including limitation of time allowed to speakers.
2. The Chairperson shall rule immediately on points of order, which may be raised by a member at any time during the discussion.
3. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.
4. The Chairperson may propose to the Committee to adjourn or close the debate, or to suspend or adjourn the meeting.
5. **Any member may request that a decision regarding the conduct of the Committee's business be immediately put to the vote.**

Adoption of decisions

Rule 25

1. The Committee shall attempt to reach all of its decisions by consensus. If consensus cannot be reached, decisions shall be put to a vote.

2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote.

Voting

Rule 26

1. Each member of the Committee shall have one vote.
2. Any proposal or motion put to the vote shall be passed by the Committee if it has the support of a simple majority of the members present and voting. For the purpose of these rules, “members present and voting” means all members casting an affirmative or negative vote; members who abstain from voting are considered as not voting

X. PARTICIPATION OF SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES, INTER-GOVERNMENTAL ORGANIZATIONS AND OTHER CONCERNED BODIES

International Labour Office

Rule 27

- 1 In accordance with article 74, paragraph 2, of the Convention, the Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by State parties concerned and information relevant to the consideration of these reports in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the Convention and falling within the sphere of competence of the International Labour Organization. The Committee shall consider in its deliberations such comments and materials as the Office may provide.
2. In accordance with article 74, paragraph 5, of the Convention, the Committee shall invite the International Labour Office to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.

Submission of information, documentation and written statements by other bodies

Rule 28

The Committee may invite specialized agencies and organs of the United Nations, as well as inter-governmental organizations and other concerned bodies (including national human rights institutions, non-governmental organizations, and other bodies), to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities.

XI. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 29

1. In accordance with article 74, paragraph 7, of the Convention, the Committee shall submit an annual report on the implementation of the Convention to the General Assembly, containing its considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.
2. In accordance with article 74, paragraph 8, of the Convention the Secretary-General shall transmit the annual reports of the Committee to the States parties to the present Convention, the Economic and Social Council, the Commission on Human Rights, the Director-General of the International Labour Office and other relevant organizations.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XII. REPORTS FROM STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Since the Secretary-General has initiated a reform process aimed at streamlining and harmonizing reporting procedures for all treaty bodies, the Committee may wish to defer adoption of more detailed rules on submission and consideration of reports until the reform process comes to a conclusion.

Submission of reports

Rule 30

The Committee may adopt guidelines regarding the form and contents of the reports to be submitted under article 73 of the Convention.

Consideration of reports

Rule 31

1. The Committee shall consider reports, submitted by States parties under article 73 of the Convention, in accordance with the procedure set out in the article 74 of the Convention.
2. The Committee may adopt more detailed rules of procedure relating to the submission and consideration of reports submitted by States parties under the Convention.

Rule 32

No member of the Committee shall participate in the examination of state party reports or the discussion and adoption of concluding observations if they involve the State party in respect of which she or he was elected to the Committee.

XIII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 76 OF THE CONVENTION

Since the procedure under article 76 of the Convention has not yet entered into force, the Committee may wish to consider rules relating to it at a later stage.

XIV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 77 OF THE CONVENTION

Since the procedure under article 77 of the Convention has not yet entered into force, the Committee may wish to consider rules relating to it at a later stage.

PART THREE. RULES RELATING TO INTERPRETATION

XV. INTERPRETATION

Headings

Rule 33

For the purpose of interpretation of these rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 34

The rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.
