

Committee on Migrant Workers

**Day of General Discussion on the Rights of  
Migrant Workers in an Irregular Situation and Members of Their Families  
19 September 2011**

**Guidelines for participants on registration and submissions**

On 19 September 2011, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families will hold a day of general discussion in Geneva on *The Rights of Migrant Workers in an Irregular Situation and Members of Their Families*. The discussion day will assist the Committee in clarifying the normative content of the rights of migrant workers in an irregular situation and members of their families, as provided for in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with a view to developing a General Comment on this issue. Such clarity, it is hoped, will help promote a better understanding of the scope of the Convention, thus facilitating its ratification, and will ultimately help improve the protection of the rights of this vulnerable group of migrant workers and members of their families. The discussion day is a public meeting in which government representatives, United Nations bodies and specialized agencies, inter-governmental organizations, non-governmental organizations and individual experts are welcome to participate.

**Participation and oral statements**

In order to facilitate the exchange of views between participants and Committee members, there will be three themes of discussion:

- (1) *The criminalization of migrant workers in an irregular situation and members of their families and their vulnerability to exploitation, abuse and arbitrary detention.*
- (2) *Protection and restriction of economic and social rights of migrant workers in an irregular situation and members of their families.*
- (3) *International cooperation in the protection of the rights of migrant workers in an irregular situation and members of their families.*

Please see the Background Note prepared by the Secretariat for more details on the three themes of discussion.

The format of the discussion day is designed to enable participants to exchange views in a frank, open and interactive dialogue. The Committee therefore asks participants to **avoid making lengthy formal statements** during the discussion day.

## **Submission of written contributions**

The Committee encourages the submission of written contributions or case studies on the themes of the discussion day. The submissions may include examples/case studies/good practices and could focus, *inter alia*, on the following non-exhaustive aspects:

(1) *The criminalization of migrant workers in an irregular situation and members of their families and their vulnerability to exploitation, abuse and arbitrary detention:*

- What is the extent and nature of the vulnerability of migrants in an irregular situation?
- What is the impact of criminalization of migrants in an irregular situation on their enjoyment of basic social rights?
- How can awareness about the rights of migrants in an irregular situation be increased among the public and migrants themselves?
- How can the right of migrant workers in an irregular situation to organize collectively be ensured?
- On what grounds, if any, can migrants in an irregular situation and members of their families be lawfully detained and which rights are applicable to them in this situation (including access to detention centres by non-governmental organizations, right to access consular services, etc)?
- What are examples of effective monitoring mechanisms to ensure respect for the economic social and cultural rights of migrant workers during detention?
- What are alternative measures to administrative detention of migrants in an irregular situation and what has been the experience in their application?
- How can access to effective complaint mechanisms be ensured for migrant workers in an irregular situation claiming violations of their rights? What are good practices in that regard?

(2) *Protection and restriction of economic and social rights of migrant workers in an irregular situation and members of their families:*

- What is the scope of protection of economic and social rights of migrant workers in an irregular situation and members of their families under international treaties other than the Migrant Workers Convention?
- What are the trends with regard to the protection of economic and social rights of migrants in an irregular situation under domestic law?

*(3) International cooperation in the protection of the rights of migrant workers in an irregular situation and members of their families:*

- What are the main challenges faced by States when implementing the rights of migrant workers in an irregular situation and members of their families? How can those challenges be addressed?
- Is there any evidence that the protection of the rights of migrant workers influences patterns of migration?
- How can misunderstandings about the scope of protection of the Convention in relation to irregular migration be addressed with a view to promoting ratification of the Convention?

**Written contributions** may be submitted in English, French and Spanish. Please note that written contributions will not be translated.

**The deadline for the submission of written contributions is 13 September 2011.** The Committee requests that written contributions be limited to a **maximum of 15 pages**. In order to facilitate the exchange of information, the Secretariat will make all written contributions electronically available to registered participants. Please note that only written contributions received in **electronic form** (Word) will be made available. The Committee reserves the right not to accept contributions that do not correspond to the themes.

Previously published materials may also be submitted to the Committee, or distributed during the discussion day to other participants. Sufficient copies must be provided, as the Secretariat does not have resources for reproduction and distribution of such materials.

### **Registration**

For organizational purposes, all participants are asked to fill out a registration form, which can be downloaded from the OHCHR website: (<http://www.ohchr.org/english/bodies/cmw>). Please send the duly completed form back to the Secretariat by e-mail ([nbarrita-chagoya@ohchr.org](mailto:nbarrita-chagoya@ohchr.org)) or fax (+41 22 917-9052) preferably before **6 September 2011**.

Since the discussion day will be held during the public meeting time of the Committee on Migrant Workers, no individual invitations will be sent to participants. **The United Nations is not able to provide assistance with visa, travel or accommodation arrangements.** Participants are responsible for all expenses and arrangements related to their participation in the discussion day.

### **Logistics**

The discussion day will take place on Monday, 19 September 2011, from 10:00 am to 6:00 pm at Palais Wilson (52 rue des Paquis) in Geneva. Participants are requested to

bring a valid identification document such as a passport or identity card to the discussion day in order to obtain a security badge to enter the Palais Wilson.

For any additional information, please contact the Secretariat, Committee on Migrant Workers, Office of the High Commissioner for Human Rights, UNOG-OHCHR.

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Geneva, 19 August 2011