



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

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

Sixth session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 23 April 2007, at 10 a.m.

Chairperson: Mr. KARIYAWASAM

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The meeting was called to order at 10.10 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the sixth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and invited the representative of the United Nations High Commissioner for Human Rights to make a statement before the Committee.

STATEMENT BY THE REPRESENTATIVE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. NDIAYE (Director of the Human Rights Procedures Division) said that since the Committee's last session, the General Assembly had adopted the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance; both instruments would establish independent monitoring mechanisms. In addition, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had held its first session in February.

3. The Human Rights Council had held several sessions, including two special sessions, one on Israeli military incursions into occupied Palestinian territory and one on the situation of human rights in Darfur. It had also held interactive dialogues with special procedures mandate-holders, including the Special Rapporteur on the human rights of migrants.

4. As a follow-up to the fifth inter-committee meeting of human rights treaty bodies and the eighteenth meeting of chairpersons of human rights treaty bodies, the Working Group on Reservations had met in December 2006, and had issued recommendations for harmonizing the approach of the treaty bodies to treaty reservations issued by States. The International Law Commission would also address that issue, in May 2007. In response to a recommendation made at the fifth inter-committee meeting, another working group had met in November 2006 and April 2007 to discuss the harmonization of the working methods of the treaty bodies and to draw up a response to the High Commissioner's proposal for the creation of a single standing body. As no member of the Committee on Migrant Workers had taken part in the April meeting, the secretariat would provide a briefing on it later in the current session. In June, the chairpersons of the treaty bodies were to meet with the States parties to discuss treaty body reform in further detail.

5. In November 2006 the Office of the United Nations High Commissioner for Human Rights (OHCHR) had organized a seminar on technical cooperation and follow-up to concluding observations, which had included extensive participation by representatives of treaty bodies, special procedures, the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, United Nations specialized agencies and staff of OHCHR field offices.

6. The Government of Belgium had invited States to take part in a global forum on migration and development in July 2007. OHCHR had contacted the organizers of the forum to underscore the importance of inviting the relevant human rights mechanisms to the event, but it was still

unclear whether the Committee would be able to take part. OHCHR also continued to convene meetings of the steering committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants, which organized parallel events during sessions of the Human Rights Council. The Office also intended to hold briefings for representatives of permanent missions in Geneva to dispel misunderstandings about the Convention. Since the Committee's previous session Mauritania had acceded to the Convention, Argentina had ratified it and the Government of Indonesia had indicated that it was preparing to ratify it. The Syrian Arab Republic, Bolivia and El Salvador had submitted their initial reports. In order to deal with the reports now ready for consideration, the Committee might wish to consider holding a single yearly session of three weeks, instead of two one-week sessions a year.

7. Lastly, he said he had recently attended a forum on migration and human rights organized by the International Federation for Human Rights Leagues (FIDH) in Lisbon, where he had seen first-hand that the Convention had garnered much support. He was pleased to report that Portuguese government officials had been receptive to calls for its ratification.

ADOPTION OF THE AGENDA (CMW/C/6/1)

8. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS

Adoption of the programme of work (document without a symbol, distributed in the meeting room in English only)

9. The draft programme of work was adopted.

Organization of work

10. The CHAIRPERSON pointed out that with 36 States parties to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and with many of those States parties about to submit their initial reports, it would soon be necessary to reorganize the Committee's schedule of work, as sessions of a single week would no longer suffice. The session or sessions in 2008 should be two or three weeks long. The Committee would also have to assign country rapporteurs for some of the pending reports.

Review of developments since the last session

11. The CHAIRPERSON said that in April 2007, during the Human Rights Council session, he had taken part in a side-event devoted to the Convention and had included the participation of the President of the Council and the Special Rapporteur on the human rights of migrants. At that event, and at the signing ceremony for the Convention on the Rights of Persons with Disabilities, he had met many representatives of Western countries, including the Minister of Social Solidarity of Italy and representatives of Spain and Ireland, who had indicated increasing interest in the possibility of accession to the Convention, albeit without making any firm commitments. He had spoken about the Convention and the work of the Committee during a seminar organized

by the United Nations Institute for Training and Research (UNITAR) for the diplomatic corps in New York. Regarding the Global Forum on Migration and Development, to be held in Brussels in July 2007, the rights-based approach to migration was simply not reflected in its agenda, which focused on ostensibly practical issues such as remittances, the contribution of migrants to local development and commercial matters.

12. Mr. EL JAMRI said that the global forum would not be focused solely on commercial aspects, but would follow up on the High-Level Dialogue on International Migration and Development held in New York in September 2006 and would be addressing migration and development from a rights perspective. The Belgian Government had sought his participation in preparing for the forum, and it was encouraging that Belgium, as a northern country, was showing such an interest in the Convention and was so active in the protection of migrant rights. Some countries had expressed, in different forums, some uncertainty as to the best way to address the specific issue of migration and development; the Committee was well placed to provide them with guidance in that respect, and thus help them to take the appropriate initiatives.

13. The CHAIRPERSON said the Committee should seek to reintroduce a rights perspective into the global forum's programme of work since, as it stood, the programme made no mention of any such perspective, unlike the High-Level Dialogue in New York.

14. Mr. BRILLANTES said that in January 2007 the Association of South-East Asian Nations (ASEAN) had adopted a decision to encourage its members to ratify the Convention, which helped explain why Indonesia was considering ratifying it in the near future.

15. Mr. SEVIM said that, while the documents prepared for the forthcoming global forum did indicate that the commercial and social aspects of migration would be addressed, it was encouraging that, during a preparatory meeting for that forum in Geneva, many countries had voiced concern that the documents did not sufficiently take into account the human rights dimension of migration.

16. Mr. CARRIÓN-MENA said that the issue of migration had been very actively discussed in Latin America in recent months. For example, he had participated in a number of regional and multilateral events which had addressed the issue of migration, including the sixteenth Ibero-American summit held in Montevideo in 2006, at which migration and development had been a major theme. At those events, he had stressed the importance of accession to the Convention, and he urged other Committee members to do the same at multilateral and other events in order to raise the Convention's profile.

17. Mr. ALBA said that in the context of the United Nations Development Programme (UNDP) Informe sobre Desarrollo Humano: México 2006-2007 (Human Development Report: Mexico 2006-2007), which focused on how migration affected Mexico, he had drawn up a background document on relevant national and regional policies, which included the rights dimension of the migrant issue. He had also been invited to attend a meeting on indicators for monitoring compliance with international human rights instruments, which was a subject the Committee might like to follow up on.

18. Mr. TAGHIZADE said he was concerned about the recent adoption in the Russian Federation of discriminatory laws which violated the rights of migrants, such as laws prohibiting migrants from practising certain professions, such as small-scale retailing. Such laws constituted a violation of human rights in general, not just of migrants' rights, and should be addressed in a cross-cutting manner by the Committee and other treaty bodies as well.

19. The CHAIRPERSON said it was important to dispel the generalized sense of denial that seemed to prevail in the international community over the issue of migrant rights, especially as the majority of States parties to the Convention were countries of origin rather than receiving countries. Migrant workers' rights were an issue in the Middle East, for example, where few countries had acceded to the Convention; the same was true of Europe. Moreover, few States parties were countries of origin, transit and destination to the same extent as Mexico and Egypt.

20. He reminded the Committee that two of its members would need to participate in the sixth inter-committee meeting of human rights treaty bodies, to be held in June 2007 - preferably, members who had not already participated in such a meeting - and that the Committee would need to adopt a formal position on treaty body reform for that meeting.

21. Mr. EL-BORAI and Mr. ALBA stressed the need for the Committee to set aside enough time during its current session to come to a common position on treaty body reform.

22. Mr. TAGHIZADE said it might be useful for Committee members who had attended meetings of other committees to give a brief overview of the major issues and problems, especially any contentious issues, being discussed at those meetings.

The meeting was suspended at 11.10 a.m. and resumed at 11.40 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Preparations for consideration of the initial report of Egypt (CMW/C/EGY/1, CMW/C/EGY/Q/1 and Add.1)

23. The CHAIRPERSON invited Ms. Jeyla Takla, a representative of the Egyptian National Council for Human Rights to address the meeting.

24. Ms. TAKLA (National Council for Human Rights) said the National Council for Human Rights had been closely following the human rights situation in Egypt, including as it related to migrant workers. Egypt's location made it easy for job-seeking Egyptians to travel abroad, and Egypt had become a destination or stopover for workers from different continents. As far as the protection of the rights and freedoms of Egyptian migrant workers abroad was concerned, the Egyptian Government had concluded a number of international treaties in recent years and was trying to improve its diplomatic and consular relations with other countries. Nevertheless, Egyptian workers abroad continued to face various forms of human rights violations, and, in many instances, the Egyptian Government's response to those violations had been inadequate. The Council had received a number of complaints from some of the 2 million Egyptians working

aboard, including complaints about employers' failure to pay their wages or other entitlements, the disappearance of their belongings, imprisonment for indeterminate periods, and relatives who had disappeared.

25. To ensure the protection of migrants' rights, a vigorous programme, involving the Council, non-governmental organizations, the legislature and the ministries concerned, should be instituted, and a database on migrant workers abroad should be set up to keep track of their numbers and whereabouts and assess their living conditions, as the current lack of information impeded migrant workers' from exercising their rights to vote, take out medical insurance and receive medical treatment. The "sponsorship" system under which foreign workers were employed in a number of countries in the region also posed a serious threat to the rights of migrant workers, especially to their right to freedom of movement and security of person, and should be abolished.

26. She expressed concern about the large number of authorities dealing with migrant workers and the lack of coordination among those authorities. Egyptian missions abroad did not know local laws and regulations and had only limited knowledge of the Convention. In addition, many Egyptian workers were unaware of their rights under the Convention and, as a result, accepted salaries which were below the minimum wage.

27. The positive steps taken by the authorities included the confiscation by the Ministry of Labour of the licences of 216 employment agencies which had deceived young people into travelling abroad for jobs which did not exist. Such young people were placed in dilapidated boats and some died on the way to the foreign country. Steps were also being taken to identify and take legal action against employment agencies which operated without authorization.

28. She called on the Committee to request the Government to establish a database on migrant workers and members of their families, as well as mechanisms for the provision of legal assistance to Egyptian expatriate workers. The Egyptian Government should cooperate with other countries in the region to abolish the sponsorship system and other sources of human rights violations. Special programmes should be conducted to raise the awareness of consular staff of the rights of migrant workers. Migrant workers themselves must be informed of their rights through trade unions and the media. Steps should also be taken to help Egyptian workers preserve their cultural identity abroad through clubs, cultural groups, mosques and churches.

29. With regard to foreign workers working in Egypt, she said that there were significant gaps in information on their number, status and situation. A lack of complaints from foreign workers was not an indication of a lack of violations of their rights, but of the Government's failure to raise the workers' awareness of the Convention. Migrant workers in Egypt faced a number of problems, and incidents requiring the intervention of the National Council for Human Rights had occurred. The most serious of those incidents had involved a group of Sudanese people seeking asylum in Egypt on their way to Europe. They had been waiting for the Office of the United Nations High Commissioner for Refugees (UNHCR) to finalize their travel documents, but the UNHCR regional office had refused to see them. The members of the group had organized a demonstration in front of the UNHCR office. Despite their poor physical condition, they had continued to protest for days simply by remaining in the street. The incident had led to bloodshed following a clash with the security forces. The Council had protested against the use of force and had organized a number of meetings, which had been attended by members of the

Sudanese group, eyewitnesses and representatives of all the authorities concerned. The Council had ensured that none of the Sudanese people would be persecuted or deported to Sudan, and continued to urge the Government to guarantee and protect the rights of foreign migrant workers under the Convention. She called on the Committee to request the Government to open a thorough and impartial investigation into the killings of 30 December 2005. The results of the investigation should be made public and the law enforcement officers who had planned, ordered or executed those killings must be prosecuted.

30. She drew the attention of Committee members to the problem of forced labour. There were 12.3 million victims of forced labour in the world, of whom 2.5 million were victims of trafficking. Although trafficking in persons was not a serious problem in Egypt, the Council and Egyptian non-governmental organizations made every effort to combat the phenomenon. A round table in Athens entitled “The business community against the trafficking of human beings” had resulted in the adoption of the Athens Ethical Principles against Human Trafficking, which had been signed by over 2,000 business leaders. The proposals submitted by the Council to the round table had included: the establishment of a United Nations task force to monitor and ensure the implementation of national anti-trafficking measures; more active participation by the International Criminal Police Organization (Interpol) in combating trafficking and the extension of the jurisdiction of the International Criminal Court to the crime of trafficking.

31. Mr. BAGHAT (Egyptian Initiative for Personal Rights), presenting the report submitted to the Committee by the Egyptian Initiative for Personal Rights in cooperation with the International Federation of Human Rights Leagues, drew the attention of the Committee to the numerous restrictions imposed on Egyptian non-governmental organizations and, in particular, to the continuing attacks on the Centre for Trade Union and Worker Services, a leading labour rights organization which provided legal assistance to trade unions and factory workers. Two of its branches had been closed by local officials and threats to close the organization altogether had been made. The report listed all the legal restrictions imposed on non-governmental organizations in Egypt, as well as the concluding observations of treaty bodies which had criticized those restrictions. The Committee should express its concern about such restrictions and should request the Government to stop its attacks on the Centre for Trade Union and Worker Services.

32. With regard to the killings of Sudanese migrants on 30 December 2005, he called on the Committee to request the Government to reopen the investigation. The impunity enjoyed by the security forces led to further abuses. For example, in March 2006, nine Sudanese asylum-seekers had been arrested and charged with illegal assembly for trying to approach the UNHCR office to obtain information. They were still in detention and their allegations of torture had not been investigated.

33. Furthermore, the Committee should urge the Government to ensure that the anti-terrorist legislation which the Government planned to introduce in the near future was in line with its international human rights obligations. Lastly, he urged the Committee to address the issue of mandatory HIV-testing and discrimination against migrant workers with HIV/AIDS, which was in violation of the Convention as well as of the recommendations and principles of a number of international organizations.

34. Ms. GUIMONT (Hotline for Migrant Workers) said that the Hotline for Migrant Workers was an Israeli non-governmental organization dedicated to the promotion of the human rights of migrant workers and victims of trafficking. The Hotline, together with KavLaOved, another Israeli non-governmental organization and member of the International NGO Platform on the Migrant Workers' Convention, had submitted a report to the Committee in connection with its consideration of the initial report of Egypt. She stressed that the report in no way reflected the opinion of the Platform.

35. The report shed light on the violation of the rights of several illegal Egyptian migrant workers who had been arrested by officers from the Egyptian embassy in Tel Aviv for illegal entry into Israel. Of the 32 Egyptians arrested between September and December 2005, 12 had been held in administrative detention for an average of 10 months, although the normal length of detention was two weeks. The 12 detainees had had no valid identity documents and had had to apply to the Egyptian consulate for the travel documents required for their deportation. However, their deportation had had to be postponed owing to the delay in issuing those documents. The last Egyptian detainees had been deported in November 2006. An inquiry had revealed that all the detainees had been Bedouins, who accused the Egyptian authorities of discriminating against them on the grounds of ethnic origin.

36. Since February 2006, the Israeli authorities had arrested several Egyptian nationals illegally residing in Israel under the Prevention of Infiltration (Offences and Jurisdiction) Law of 1952. Since no transparent judicial inquiry had taken place, the number of Egyptian nationals arrested was difficult to evaluate.

37. Mr. EL JAMRI asked whether the National Council for Human Rights had reported on the injustices suffered by Egyptian migrant workers in host countries and what it thought of the Egyptian Government's response to those injustices. He would like to know if the National Council for Human Rights had issued a report on the events of 30 December 2005 that had led to the deaths of 27 Sudanese migrants, and whether it had initiated its own inquiry into those events. He would also like to know to what extent the National Council for Human Rights considered that the state of emergency affected the application of specific laws and international treaties, bearing in mind the recent amendments to the Egyptian Constitution and the new anti-terrorist legislation. He wondered whether the legislative changes were something of a cosmetic exercise that was unlikely to solve the underlying problems.

38. He would be interested to know what civil society in general thought of the decree issued by the Minister of Education concerning access by the children of migrants to Egyptian schools, particularly with regard to the fees to be paid by foreigners and positive discrimination for certain nationalities. He expressed surprise, given the increasing numbers of migrants coming to Egypt, at the lack of precise immigration statistics. Finally, he wondered what was being done by civil society to promote the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and asked how many non-governmental organizations worked specifically to defend the rights of migrants.

39. The CHAIRPERSON said he would welcome information on what was being done by civil society and the National Council for Human Rights in the important area of clarifying the legal status of migrant workers. For example, were the Sudanese who entered Egypt migrant workers or refugees?

40. Mr. ABDEL-NOOR (National Council for Human Rights) said that the main problem faced by Egyptian migrant workers in what were predominantly Arab host countries concerned the sponsorship system and the often unacceptable working and financial conditions attached to it. The Egyptian Government had in many cases complained to the authorities of the countries in question. The National Council for Human Rights had not yet issued a specific report on that subject, but would do so shortly.

41. The National Council for Human Rights had examined the different aspects of the events of 30 December 2005 in detail. An inquiry had been held, during which all parties concerned had been heard. Subsequently, the National Council for Human Rights had issued a detailed report, recommending that the judicial inquiry be reopened in order to establish clear responsibility for the tragedy.

42. The National Council for Human Rights had opposed the replacement of state-of-emergency measures by anti-terrorist legislation, requesting, inter alia, guarantees of judicial control along the lines of article 55, paragraph 2, of the Spanish Constitution. It had sent a report containing its reservations to the proposed amendments to the Constitution to the Egyptian Government and had requested the Government to respect and enforce court judgements.

43. Mr. BAGHAT (Egyptian Initiative for Personal Rights) reiterated a number of concerns addressed in the report submitted to the Committee by his organization, such as the requirement for Egyptian migrant workers to test negative for hepatitis C if they were to work in the States of the Gulf Cooperation Council; the sponsorship system operating in those States; and the denial to millions of Egyptians living abroad of the right to vote and thus participate in public life. The same report summarized the findings of an independent investigation into the events of 30 December 2005. While welcoming the fact that the National Council for Human Rights had held special hearings on the killings, he regretted, that the findings of those hearings had not been published, and hoped that a transcript of the hearings would be made available.

44. With regard to the recent anti-terrorist legislation and amendments to the Constitution, he agreed that legal window-dressing would not prevent existing violations from continuing. Since the declaration of the state of emergency in 1981 his organization had campaigned against the vast powers enjoyed by the Ministry of the Interior and by security forces in areas such as prolonged detention, the interception of telecommunications and search and arrest. The Egyptian police would continue to have those rights under the recently amended article of the Constitution.

45. With regard to access to public schools, he expressed support for positive discrimination, including for some nationalities. It was difficult to say how the policy was implemented in practice, however, given the absence of statistics in the Government's reports. With regard to the status of Sudanese migrants in Egypt, he expressed concern that the provisions of the Four Freedoms Agreement were not being implemented. For example, Sudanese migrants required a visa to enter Egypt, but Egyptians did not need one to enter Sudan. Moreover, Sudanese migrants were still required to prove they had special skills in order to obtain a work permit.

46. With regard to the promotion of the Convention by civil society, he said that Egyptian non-governmental organizations had not been consulted in relation to the drafting of the report submitted to the Committee. They had an important role to play, however, in providing assistance to migrants, asylum-seekers and refugees. The consideration by the Committee of Egypt's report was in itself a golden opportunity to raise the profile of the Convention in Egypt, particularly since it was the first time that Egypt had reported to a United Nations human rights treaty body since the start of its ongoing crackdown on public freedoms.

47. Mr. ABDEL-NOOR (National Council for Human Rights) clarified that the issue of the events of 30 December 2005 had been covered in detail in the relevant annual report of the National Council for Human Rights, which was available on its website.

The meeting rose at 12.50 p.m.