



**UN Committee on the Protection of the Rights of All Migrant Workers
and Members of Their Families (CMW)**

**Half Day General Discussion marking the 25th Anniversary of the Adoption
of the International Convention on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**8 September 2015 from 3:00 to 6:00 PM
Palais des Nations
Conference Room XI**

Background Note Prepared by the Secretariat

I. Introduction

To mark the 25th anniversary of the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Convention), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Committee) will hold a half-day panel discussion focusing on the multiple human rights abuses faced by migrant workers, and challenges for States on how to best address these issues in the context of migrant workers in the Gulf, undocumented children in the Americas, and irregular migration flows in the Mediterranean. Each of these discussions will underline the importance of an agreed international human rights framework, including stepping up ratifications of the Convention. This discussion will also include perspectives, including best practices, by States parties and non-States parties on how to address migration-related issues and the role of the Convention in this regard. The half day of general discussion is a public meeting at which representatives of States, United Nations bodies and specialised agencies, civil society and other relevant organisations as well as individual experts are welcome.

II. Background

The Convention sets out the best strategy to prevent abuses and address the challenges that migrant workers face. It also provides guidance on the elaboration of national migration policies for international co-operation based on respect for human rights and rule of law. Increasingly, labour migration and mobility is being addressed at the regional and sub-regional levels, and the Convention can also provide important guidance in this respect. In addition to setting minimum obligations for the protection of migrant workers and members of their families, the Convention is a helpful tool for the governance of migration. The Convention explicitly provides a framework for human-rights based policy-making on migration, including irregular migration. For instance, States parties are enjoined to maintain appropriate services to deal with questions about international migration and formulate and implement policies on migration, exchange information with other States parties, provide information to employers and workers on policies, laws and regulations, and provide information and appropriate assistance to migrant workers and members of their families. Moreover, it deals with prevention and elimination of unauthorized or clandestine movements of migrants.



III. Purpose

International migration is a complex phenomenon dealing with overlapping issues relating to human rights of migrants, mixed migration flows, international protection, smuggling and trafficking, as well as other push and pull factors affecting migration, which calls for a comprehensive approach placing the human rights of migrants at the forefront. Speakers would be invited to focus on a number of issues to shed light on those areas where protection of migrant workers is of urgency, to highlight the challenges of States and the international community, and to promote a deeper understanding of this multi-faceted phenomenon which calls for a variety of responses.

IV. Format

After a general introduction, a panel discussion will take place, which will be followed by an interactive dialogue with participants. Taking into account the Convention, and in order to facilitate the exchange of views between panellists and participants, the discussion will center around the themes of the discussion, including solutions and examples of best practices.

A. Issues

News reports from all over the world describe a wide spectrum of work conditions and situations faced by migrant workers that constitute violations of international standards. Examples of these exploitative situations sustained by some migrant workers include working in dangerous or harmful conditions; high incidences of occupational injuries, deaths and sickness; receiving wages under the minimum baseline or not receiving wages at all; fraudulent practices; excessive working hours; illegal confinement by their employers; sexual harassment; threats and intimidation. In addition, at land, sea and air borders around the world, migrants experience discrimination and arbitrary decision-making, unlawful profiling and disproportionate interference with the right to privacy, torture and sexual and gender-based violence, and prolonged or arbitrary detention. All migrant workers are, first and foremost, human beings with human rights. The protection of all migrant workers against exploitation and abuse in the workplace or against discrimination at international borders, regardless of their migration status, is in line with the principle of non-discrimination as set-out in the Convention and other international human rights instruments as well as States' responsibilities to respect, protect and fulfil the enjoyment of human rights for all persons within their jurisdiction or effective control.

B. Solutions:

More regular migration channels: The undeniable demand for migrant workers at all skill levels needs to be governed in a fairer, safer and more regular manner in accordance with human rights standards, reducing the attraction of smugglers and their promises which often turn into violence, exploitation and death. More attention must be paid to increasing regular channels of migratory movement, in terms of labour migration, family reunification and refugee resettlement. The overemphasis on law enforcement and border security issues to address irregular migration and smugglers without looking at the root causes will not address the problems linked to smuggling networks.



Looking at root causes: The drivers of poverty and conflict that push people to take extreme action by crossing deserts and seas in search of decent work, peace and better livelihoods are not going to disappear without concerted action by States, including investments in infrastructure, education, job creation, resolution of conflict, etc. This aspect of the discussion dovetails with the Secretary-General's report on the post-2015 agenda entitled "The Road to Dignity: Ending Poverty, Transforming All Lives and Protecting the Planet" which calls for a universal, human rights based post-2015 sustainable development agenda. It proposes that all elements of the new agenda be fully consistent with international law, and fully coherent with international human rights standards. Migrants, among other groups, have received explicit attention and their proposed inclusion in the post-2105 development agenda must be retained.

International cooperation: The above actions require the concerted action of governments in States of origin, transit and destination as well as by the various organizations and agencies involved. Weak institutional arrangements make international cooperation in governing international migration all the more difficult to achieve.

V. Participation

The format of the discussion is designed to enable participants to exchange views through a frank and open dialogue. Questions and brief comments are welcome from all participants. In this regard, the Committee asks participants to avoid presenting formal statements during the discussion. Interpretation will be provided in Arabic, English, French, Russian and Spanish.

VI. Accreditation

Please fill out the conference registration form available on the web site and send it to the Secretariat by email at cmw@ohchr.org by **31 August 2015**. For more information please contact the Secretariat, Committee on Migrant Workers, Office of the UN High Commissioner for Human Rights, Mr. Bradford Smith, at bsmith@ohchr.org or the CMW Secretariat cmw@ohchr.org.
