

**Steering Committee for the Global Campaign for Ratification of the
International Convention on the Protection of the Rights of All Migrant Workers
and Members of Their Families**

**Summary of the Panel Presentation Marking the Entry into Force of the
Convention**

1 July 2003 from 11h30-13h00 at the Palais des Nations

Featured Speakers:

Mr. Bertrand Ramcharan, UN Acting High Commissioner for Human Rights; Mr. Brunson McKinley, Director General of IOM; Mr. Gustavo Albin, Ambassador of the Mission of Mexico to the UN at Geneva; Mr. Kari Tapiola, Executive Director of the Division of Standards and Fundamental Rights at Work of the ILO; Mr. Georges Malempré, Director, UNESCO Liaison Office Geneva; Ms. Gabriela Rodriguez Pizarro, UN Special Rapporteur on the Human Rights of Migrants; Mrs. Mamounata Cisse, Assistant General Secretary of the International Confederation of Free Trade Unions (ICFTU). Moderator: Mariette Grange, Convener of the Steering Committee (International Catholic Migration Commission, ICMC)

Summary:

The first speaker of the panel was the UN Acting High Commissioner for Human Rights, Mr. Bertrand Ramcharan. His statement began with thanks to both the States who have ratified or acceded to the Convention along with words of appreciation for the work of the Steering Committee, the Special Rapporteur, NGOs and civil society at large. He also reiterated the commitment of UN organizations and agencies in promoting the Convention.

Next, he dealt with the importance of the Convention, quoting the Secretary General, Kofi Annan, who affirmed that refugees and migrants should not be seen as burdens. Mr. Ramcharan also recognized the positive contributions migrants make both to their host and sending countries. These contributions are conducive to economic and social stability thus making the Convention recognizing migrants' rights an important treaty for all.

The Convention also pertains to all migrants, even those in situations of irregularity and can assist States in managing migratory flows by laying a framework for protecting the rights of migrants. If States manage migratory flows while respecting migrants' rights, conditions of peace and security will increase. The Convention also seeks to end clandestine migration and trafficking that will help protect all migrant workers and members of their families from exploitation.

He concluded by adding that promoting the Convention has to be considered as an additional effort to affirm the rule of law, paramount in the present conditions of Globalization. Migrants who are involved in the global phenomenon of migration deserve to be protected with international standards.

The second speaker on the panel was Mr. Brunson McKinley the Director General of IOM. He introduced his statement by making reference to the difficulties migrants face, including being used as scapegoats for various ills of society and attracting unwarranted suspicion since the terrorist acts of September 11th.

Mr. McKinley indicated that IOM welcomed the entry into force of the Convention as a necessary contribution towards ensuring effective respect for migrants' rights. He cited three aspects of the Convention including its provision to provide protection to all migrants regardless of their situation; its protection provided to cover all stages of the migration process; its pursuit to establish a framework for migration management.

He further continued to highlight IOM's work that in many ways coincides directly with the objectives of the Convention. IOM is dedicated to advancing the principal that human and orderly migration benefits migrants and society. Thus it has programs to meet the various aspects of the migration phenomenon. IOM is also committed to working towards the respect for migrants' rights as is reflected in its activities, projects and programs.

IOM also works with various partners such as NGOs and international agencies, and believes that cooperation is crucial given the global nature of lack of respect for migrants' rights. In conclusion, the Director General acknowledged the work of the Steering Committee and the Special Rapporteur and reiterated IOM's objective to respecting the human rights of migrants.

The third speaker on the panel was the Ambassador of the Mexican Mission to the UN at Geneva, Mr. Gustavo Albin. Mr. Albin gave the audience an historical overview of the Convention since Mexico played a lead role in its drafting process. Nevertheless, despite Mexico's pivotal responsibility in the Convention's creation, Mr. Albin pointed out that its historical origins date farther back than its drafting. They originate from three needs: the very nature of migration which has always existed in humanity; humanity's fight for equality and justice which eventually led to the concept of human rights; and the imperative ethics inherent in international organizations that have duties to solve problems of an economic, social, intellectual and humanitarian character.

In 1979, Mexico along with Algeria, Egypt, India, Morocco and Yugoslavia presented the Convention initiative to the UN General Assembly. They saw a need to address the ever growing phenomenon of migration especially the human side of migration and not just the economics.

The Working Group to draft the Convention was established and headed by the Mexican Ambassador Antonio Gonzalez along with other diplomatic personalities from Morocco and Finland who participated in the negotiations throughout the whole drafting process.

Ambassador Albin concluded with a call to continue the work for universalization of the Convention as migrants continue to be victims of discrimination, xenophobia and abuse. He also encouraged work at the national level to promote legislative and cultural changes in line with the objectives of the Convention along with giving thanks to those who have promoted the Convention.

Mr. Kari Tapiola, ILO Executive Director for Standards and Principals was the fourth speaker of the panel. He began by welcoming the entry into force of the Convention

which recognizes the need for legal protection of the rights and dignity of migrant workers who contribute to their host and home societies.

He also mentioned that factors of globalization are diminishing many peoples ability to survive at home. The demand for foreign workers is also increasing as are abuses of these workers. Regularization of migration is necessary and requires organization through bilateral and multilateral agreements along with adherence to international standards. In ILO's view, there are three prerequisites for achieving a balanced sustainable migration regime: acknowledgment of increasing demands for labor, achieving social consensus and ensuring decent treatment for migrants.

The 1990 Convention is a framework for policy, legislation and practices of States in regulating migration. There are also two ILO Conventions which deal with migration. These three Conventions provide for a comprehensive "values-based" definition and legal basis for national policy and practice regarding non-national migrant workers and members of their families.

Mr. Tapiola concluded by mentioning that the General Discussion of the 2004 International Labour Conference will be labor migration. In preparation for this, the ILO is reviewing its own standards and activities to see how they can be more effective. Finally, if the rule of law and democracy are to be strengthened, the labor market and migration must be regularized. The 1990 Convention can provide the necessary framework for national and international migration policies world-wide.

The fifth speaker on the panel was Mr. Georges Malempré, Director of the UNESCO liaison Office to the UN and specialized agencies in Geneva. He started by welcoming the entry into force of the Convention, calling it a good day for not only migrant workers but for humanity and its fundamental values that UNESCO strives to promote, namely protection of human rights and respect for cultural diversity.

Mr. Malempré then highlighted aspects of the Convention which seem central to UNESCO including its assurance that fundamental rights are granted to all migrants, its provisions to put an end to exploitation of migrant workers, the establishment of a committee to hear individual complaints and its stipulations for the establishment of migration policies and information exchange among States Parties.

The Convention provides not only an effective approach to the phenomenon of migration but it also looks at migration from a human rights point of view instead of a purely economic, political and security view. UNESCO also emphasized the Convention includes the right to cultural identity which fits with the promotion of tolerance, understanding and cultural diversity, all of them important issues and areas of expertise of UNESCO.

Historically speaking, UNESCO has worked for migrants' rights since almost their beginning as an organization. Their founding Constitution includes respect for cultural diversity along with promoting cooperation among nations to further respect the human rights and fundamental freedoms for the peoples of the world. In recent years UNESCO has focused on policy-oriented research in order to provide the scientific analysis and empirical evidence that is necessary for better national and

international policies in the field of migration, the impact of migration and the social integration of migrants in their host societies.

In conclusion, Mr. Malempré thanked the States Parties to the Convention and called on them to further implementation. He also encouraged international organizations and NGOs to continue promoting the Convention.

Ms. Gabriela Rodriguez Pizarro, the UN Special Rapporteur on the Human Rights of Migrants was the sixth speaker of the panel. She gave an overview of the rights guaranteed to migrants in the Convention in reference to her work as Special Rapporteur. First, the Convention explicitly defines a minimum of rights granted to migrant workers and their families, including those who are irregular, by States Parties. In her experience, Ms. Rodriguez has observed that most of the abuses committed against migrants are those against irregular migrants. Secondly, the Convention gives migrants the right to leave their host country and return to their own and vice-versa. She has received many complaints from migrants who are not allowed to leave their own countries even when it is a question of family reunification or who have left their homes without proper documentation and thus face imprisonment upon return.

Thirdly, the Convention prohibits migrant workers from being exploited by their employers or forced into servitude. Their conditions of work as well as their remuneration should be equal to those of nationals. This provision is particularly important for women migrant workers who are often more vulnerable to abuse. Fourthly, the Convention offers guarantees to migrants against any type of violence, as many migrants are victims of xenophobic or racist attacks. Finally, the Convention provides for respect of economic, social and cultural rights and gives migrants the right to seek reparations.

In conclusion, Ms. Rodriguez also highlighted the duties of State Parties including their commitment to exchange information with other States Parties, take measures to combat irregular migration and to provide migrants and their organizations with information on migration laws, rules and aid in general. The Special Rapporteur has noted in her experience that respect for the rights of migrants goes hand in hand with a sound system of regularized migration. Migration is a dynamic phenomenon that deserves a response to the needs of migrants from host countries, countries of origin and transit. It is also necessary to prevent trafficking and find solutions to irregular migration.

The last speaker of the day was Mrs. Mamounata Cisse, the Assistant General Secretary of the International Confederation of Free Trade Unions (ICFTU). Mrs. Cisse began her statement by giving thanks to the 22 States Parties and the government of Mexico who helped initiate the Convention. She also addressed the members of the Steering Committee which include both intergovernmental agencies and international NGOs, highlighting the particular role of NGOs who form the link between the international and national level.

The number of migrants today, continued Mrs. Cisse, is at 175 million. Some migrate for political or reasons of conflict while others for economic reasons. No matter what their motivations are however, all are vulnerable to abuse, exploitation and

trafficking. This is why States are obliged to protect the human rights of migrants even those in situations of irregularity.

The ratification of the Convention should be in tandem with the ratification of the ILO Conventions 97 and 143 which deal with labor conditions as well as the ILO Convention 111 concerning non-discrimination at work which could benefit women migrants.

Mrs. Cisse continued that although migration has always existed, today it has been exacerbated by the globalization of the economy. While goods, technology and capital are easily transferred across borders, the workers have been forgotten. For them, the borders still exist and those who try to cross these borders are qualified as “problems”. For unions, the phenomenon of migration is the result of political and economic reasons which are producing greater differences between poor and rich countries. Thus efforts from international financial institutions along with political and economic, as well as universities, governments and civil society are indispensable. Migration should not be synonymous with exploitation or discrimination.

Finally, the communication of information in countries of origin and in host countries is necessary to avoid exploitation. The Unions also demand the free exercise of affiliation of migrant worker unions and will continue to work for universal ratification of the Convention.

In conclusion, the moderator emphasized the usefulness of a multi-agency, multi-disciplinary approach to the Convention. She announced that the four inter-governmental members of the Steering Committee, Executive Heads of the International Labor Office (ILO), International Organization for Migration (IOM), Office of the High Commissioner for Human Rights (OHCHR), and United Nations Educational, Scientific and Cultural Organization (UNESCO) had issued a joint statement on the occasion of the entry into force of the Convention.

She stressed the need for universalisation of ratifications and for non States Parties to study and increase their knowledge of the contents of the Convention. NGO members of the Steering Committee had launched a call to governments for ratification. The call had been signed by over 300 NGOs, in all world regions, in some 60 countries. Furthermore, she informed the audience that the Steering Committee would keep raising awareness about this seventh core international human rights treaty and would keep organizing activities to overcome governments’ lack of knowledge of the Convention and encourage them to integrate its provisions in their legislation.

For further reference:

For full text of the respective presentations and the joint IGO statement see:

<http://www.migrantsrights.org>

For the NGO Call for ratification see:

<http://www.december18.net>