

**CMW – CONTRIBUTION TO THE DURBAN REVIEW PROCESS
ADOPTED 25 APRIL 2008**

In reply to the questionnaire drafted by the Preparatory Committee for the Durban Review Conference to obtain information on the follow-up of the Durban Declaration and the Programme of Action, the Committee on Migrant Workers would like to begin by noting that there is a strong correlation between the provisions of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (hereafter: the Convention) and the part dedicated to migrants in the Programme of Action (paragraphs 24 to 33), which reflects generally the provisions of the Convention.

As specified by Article 7 of the Convention, the Convention aims to enforce the rights of the migrant workers without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. Through its work under the Convention, the Committee is at the same time promoting the implementation of the Durban Programme of Action as far as it relates to migrants workers and members of their families.

The Committee notes with appreciation that the Durban Programme of Action already calls upon all States to ratify or accede to the Convention. At the time of the adoption of the Durban Programme of Action, the Convention had not yet entered into force. Now that the Convention has been in force since 2003, the Committee would like to re-emphasize the need for States that have not yet done so to ratify the Convention. Through ratification of the Convention States can show their willingness to assure the implementation of the Durban Declaration and Programme of Action as far as it concerns migrants.

The Committee would like to assist with the preparations of the Durban Review Conference by sharing its knowledge gained through the consideration of States parties' reports. In this context, the Committee has noted that armed conflicts gravely impact the situation of protection and promotion of human rights of migrant workers and members of their families.

The Committee has noted in its concluding observations, discriminatory attitudes and stigmatisation of migrant workers and members of their families; lack of registration of births of children of irregular migrant workers; lack of access to education for children of migrant workers, especially those in irregular status; difficulties for irregular migrant workers and members of their families to access the public health system; limited access to justice; absence of legal protection for domestic migrant workers; ill-treatment, extortion and theft by State officials and private security personnel against migrant workers and members of their families, including children and women, particularly those who have no migration papers; and finally acts of violence and attacks against migrants by ordinary criminals, which frequently go unpunished.

As reflected in the concluding observations adopted by the Committee, there are also a number of good practices which the Committee would like to bring to the attention, such as implementation of migration regularisation programmes; bilateral agreements between countries of origin and countries of employment in order to facilitate regular migration and protect migrants' rights; efforts to regularise the recruitment of migrant domestic workers and protect their rights; training courses on the human rights of migrants for police, security personnel and administrative officials; and consular services provided to migrant workers.

In its recommendations to States parties, the Committee endeavours to make concrete suggestions to States on how to prevent and remedy discriminatory practices against migrant workers and members of their families. The Committee's work thus helps to further the implementation of the Durban Programme of Action as far as it relates to migrants. In view of the relevance of the Convention and the Committee's work to the Durban Review Process, the Committee is looking forward to a mutual beneficial cooperation with the Preparatory Committee in order to promote the elimination of discrimination against migrant workers and members of their families.