



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 Twenty-sixth session

Summary record (partial)* of the 342nd meeting

Held at the Palais Wilson, Geneva, on Monday, 3 April 2017, at 10 a.m.

Chair: Mr. Brillantes

Contents

Opening of the session

Statement by the representative of the United Nations High Commissioner for Human Rights

Adoption of the agenda

Promotion of the Convention

Informal meeting with non-governmental organizations and national human rights institutions

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **The Chair** declared open the twenty-sixth session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Statement by the representative of the United Nations High Commissioner for Human Rights

2. **Mr. Abdelmoula** (Director, Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that the Secretary-General of the United Nations had emphasized, in his remarks upon taking the oath of office in December 2016, that a key element of his reform agenda would be to support Member States in achieving the Sustainable Development Goals and the objectives of the Paris Agreement on climate change. In his remarks, the Secretary-General had committed as well to reforming the United Nations development system by bringing the humanitarian and development spheres closer together from the very beginning of a crisis in order to support all those affected, and he had stressed that humanitarian response, sustainable development and sustaining peace were interconnected, complementary and mutually reinforcing.

3. The large-scale movements of migrants and refugees due to conflicts, disasters and other factors around the world added to the challenges that would need to be faced in implementing the Sustainable Development Goals. That situation made respecting the principles underlying the international human rights treaty framework, including those of the Convention, all the more relevant, especially since at least 10 of the 169 targets set under the Goals made reference to issues that pertained directly to international migration and migrant workers. The Committee's decision to incorporate references to relevant Sustainable Development Goal targets in its concluding observations, coupled with its recent collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) on the formulation of recommendations for addressing gender perspectives in the development of a global compact on migration, would reinforce the linkages between the Convention and the 2030 Agenda for Sustainable Development.

4. In his opening remarks to the 2016 high-level plenary meeting on addressing large movements of refugees and migrants, the President of the General Assembly at its seventy-first session had urged all Member States to implement the commitments set forth in the New York Declaration for Refugees and Migrants and had announced that the session would be focused on launching a universal push to implement all 17 Sustainable Development Goals, while also beginning the process to develop two global compacts on migration and refugees. In the Declaration, States committed to addressing the special needs of people in vulnerable situations; ensuring border management procedures in full conformity with international human rights and refugee law; saving lives; giving primary consideration at all times to the best interests of the child; considering the review of policies that criminalized cross-border movements; pursuing alternatives to detention for migrants; combating xenophobia and discrimination against refugees and migrants; and improving data collection. In addition, the work done by the Global Migration Group to develop principles and practical guidance on protecting the human rights of migrants in vulnerable situations was acknowledged, and OHCHR was requested to contribute to the process of developing a global compact for safe, orderly and regular migration that would set out principles, commitments and a common understanding among Member States regarding international migration in all its dimensions.

5. Ahead of the high-level meeting, the United Nations High Commissioner for Human Rights had urged Member States to address gaps in the protection of the human rights of migrants in vulnerable situations; challenge the criminalization of migrants and end immigration detention; take immediate steps to stop the detention of children; confront xenophobia against migrants and refugees; and initiate a paradigm shift in the governance of migration. In a statement delivered at the meeting, he had lamented the fact that the international community had largely failed millions of migrants and refugees, who deserved

far better than lives marked by cradle-to-grave indignity and desperation. He had called on world leaders to use the opportunity provided by the high-level meeting to change that narrative by collectively ensuring respect, safety and dignity for all.

6. In conjunction with that meeting, OHCHR had advocated for universal respect of the human rights of migrants through various means, such as participation in thematic round tables, side events and the United Nations Private Sector Forum and interaction with key intergovernmental counterparts. The treaty bodies, including the Committee on Migrant Workers, and special procedure mandate holders had similarly played a role in advocating for the human rights of migrant workers by participating in round tables, bilateral meetings and side events and issuing press statements.

7. In addition, OHCHR had been involved in the development of the draft resolution on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration. The resolution envisaged a two-year process consisting of consultations, stocktaking and intergovernmental negotiations of a draft text of the compact. The draft resolution included specific reference to the participation of special procedure mandate holders, treaty bodies, civil society and national human rights institutions, and it recognized the importance of a whole-of-system approach to migration.

8. On 9 March 2017, Louise Arbour, a former United Nations High Commissioner for Human Rights, had been appointed as the Special Representative of the Secretary-General on Migration to work with Member States, in partnership with other stakeholders, as they developed the first-ever global compact on safe, orderly and regular migration and implemented the migration-related components of the New York Declaration.

9. With regard to the human rights mechanisms, the High Commissioner had shared with the Human Rights Council at its thirty-third session his concern over the refusal of an increasing number of Member States to grant OHCHR or the human rights mechanisms access to their territory or to specific regions. Noting the growing polarization within the Council and the increasing attempts by States to block or evade human rights scrutiny, he had emphasized that human rights were not just a national issue; rather, the human rights of all people and in all countries required the Organization's collective attention.

10. In a report submitted to the Council concerning the promotion and protection of the human rights of migrants in the context of large movements (A/HRC/33/67), OHCHR had addressed a set of recommendations to States ahead of the high-level meeting and had called for the global compact to be premised on the protection of the human rights of all migrants and firmly based on international human rights law and other relevant standards.

11. In his 2016 report to the General Assembly (A/71/285), the outgoing Special Rapporteur on the human rights of migrants had made proposals for the development of the global compact, in particular so as to ensure that human rights were effectively included and mainstreamed in the compact. The report underlined the importance of taking a long-term strategic approach to developing the global compact for regular, safe, accessible and affordable mobility policies and practices that would place States in a better position to respond to the significant demographic, economic, social, political and cultural challenges that lay ahead.

12. In its resolution 33/7 of 29 September 2016, on unaccompanied migrant children and adolescents and human rights, the Human Rights Council had called upon countries of origin, transit and destination to facilitate family reunification, as appropriate, as an important objective that promoted the welfare and the best interests of those young people. The Council's Advisory Committee had discussed, at its eighteenth session, the draft report on the issue of unaccompanied migrant children and adolescents that had been prepared pursuant to Council resolution 29/12; Mr. Ceriani Cernadas of the Committee on Migrant Workers had participated in that session via video link.

13. OHCHR was leading the effort of drafting principles and guidelines on the protection of the human rights of migrants in vulnerable situations. The High Commissioner had presented a draft text to the Human Rights Council at its thirty-fourth session; and a briefing had been scheduled for the Committee at the current session.

14. Speaking before the Human Rights Council for the first time at its March 2017 session, the new Secretary-General had stressed the Council's important role in addressing disregard for human rights worldwide, including the rights of migrants and refugees. At the session, the High Commissioner had expressed concern at the increasing calls within the European Union to establish extraterritorial processing centres for asylum seekers and migrants, the xenophobic public narratives that appeared to be deliberately aimed at stirring up fear, and the xenophobic rhetoric against migrants and immigration bans issued by the new Administration in the United States of America. On 10 March 2017, the Council had held an enhanced interactive dialogue on the human rights of migrants in the context of large movements as a contribution to the process of developing a global compact on migration.

15. With regard to the treaty body strengthening process, the first biennial report of the Secretary-General on the status of the treaty body system (A/71/118) had showed that the measures taken further to General Assembly resolution 68/268 had allowed the system to address some of its most pressing challenges, while also noting that further progress could be made in harmonizing treaty body working methods. In that regard, the Assembly had adopted resolution 71/185 reconfirming its approach to the human rights treaty bodies as a system.

16. A consultative meeting between the treaty bodies and national human rights institutions had been held on 9 and 10 March 2017 in Geneva and had been attended by Ms. Dzumhur of the Committee. Organized by OHCHR in cooperation with the Geneva Academy of International Humanitarian Law and Human Rights and the Global Alliance of National Human Rights Institutions, the meeting had provided a forum for treaty bodies and national institutions to exchange experiences and perspectives about the engagement of national institutions with United Nations treaty bodies and to examine common approaches to the treaty bodies' engagement with national human rights institutions. A summary discussion paper with recommended guidelines for a common treaty body approach would be provided to the treaty bodies for discussion and endorsement.

17. He commended the Committee for its collaboration with other mechanisms and stakeholders in promoting and protecting the human rights of migrants, as evidenced by such activities as its participation in the Global Forum on Migration and Development; its advocacy efforts around the high-level meeting on addressing large movements of refugees and migrants; its cooperation with partners, including in the preparation of the recommended principles and guidelines on the human rights of women in situations of migration in conjunction with UN-Women and the Committee on the Elimination of Discrimination against Women; and the preparation of a very timely joint general comment with the Committee on the Rights of the Child on children in the context of international migration.

18. **The Chair** said that, notwithstanding all those accomplishments, the Committee had experienced difficulty in gaining admittance to a number of important migration forums and conferences, in particular those relating to the global compact for safe, orderly and regular migration and the draft resolution on the modalities for its negotiation. He asked whether and in what way OHCHR intended to facilitate the Committee's efforts to pursue its advocacy in forums concerning the most pressing issues of migration, as those issues stood to benefit from analysis in the light of the Convention.

19. **Mr. Tall** said that global events had thrust migration issues to the forefront in recent years, but the Committee's efforts to respond to those issues had been frustrated and its potential contribution seemed to be undervalued. In view of the many migration crises unfolding around the world, it was urgent for the Committee to be fully involved whenever migration issues were debated at the global level, especially within the United Nations system, in order to promote the Convention and to give proper effect to the Committee's concluding observations.

20. **Mr. Abdelmoula** (Director, Human Rights Council and Treaty Mechanisms Division, OHCHR) said that he would convey those legitimate concerns to the High Commissioner so that they could be addressed. The Committee's wish to be included in all forums that related to its mandate would be supported to the fullest extent possible.

21. **Ms. Dzumhur** said that a key problem was the Committee's lack of visibility within the United Nations family, as reflected in the slow pace of ratifications and the complaint by labour-sending States parties that it was difficult to advance in implementing the Convention when many labour-receiving States were not parties to it. Given the magnitude of migration flows around the world, OHCHR and the Human Rights Council needed to lend greater support for the Committee's mandate and for strengthening dialogue with destination countries on the matter of ratification.

22. **Mr. Smith** (Secretary of the Committee) said that the secretariat had recently been informed of additional ratifications, which had brought the total number of ratifications to 51. The many activities that the Committee had engaged in over the past few years had helped to foster recognition of its value. For its part, OHCHR had worked hard to ensure that the draft resolution concerning the global compact for safe, orderly and regular migration included language that reflected the extent to which the United Nations treaty bodies and human rights mechanisms had been involved in all the preliminary discussions leading up to the adoption of the compact.

23. **Mr. Abdelmoula** (Director, Human Rights Council and Treaty Mechanisms Division, OHCHR) said that migration was a system-wide concern. The Secretary-General frequently engaged in discussions on migration, including with destination countries, and he had appointed a high-level, system-wide coordinator for migration issues who would pursue advocacy with Member State representatives from countries of origin as well as countries of destination. For his part, the High Commissioner regularly spoke with representatives of Member States to advocate on behalf of migrants from a human rights perspective.

24. Although progress in the number of ratifications of the Convention had indeed been slow, it had nevertheless shown a steady increase. He had recently met with representatives of the Government of Kenya, who had agreed to take steps to ratify the Convention; in addition, they would invite representatives from Rwanda, Uganda and the United Republic of Tanzania to a workshop to be held in Nairobi in 2017 with the aim of encouraging those States to ratify the Convention.

25. **Mr. Kariyawasam** said that, although he welcomed the prospect of additional ratifications of the Convention, all the States that had been invited to the Nairobi workshop were labour-sending countries. He asked what OHCHR was doing to encourage the ratification of the Convention by labour-receiving countries — especially Western countries — without which the Convention could not completely achieve its purpose.

26. **Mr. Ünver** said that, while he shared the view expressed by Mr. Kariyawasam, he was not optimistic about the results of encouraging ratification of the Convention by Western labour-receiving countries. His impression was that those countries were tired of receiving migrants and that the prevailing populist discourse in many of them would serve to prevent Governments from ratifying the Convention or taking any further steps to benefit migrant workers. The Committee had to find new ways to convince those States, which would not be an easy task. He wished to state that, in meetings related to the global compact on safe, orderly and regular migration, he had seen first-hand just how valuable and necessary the Committee's expertise was in forums on migration.

27. **Mr. Nowosad** (Chief, Groups in Focus Section, Human Rights Council and Treaty Mechanisms Division, OHCHR) said that efforts by the United Nations to partner with the Global Forum on Migration and Development provided a promising means of encouraging labour-receiving States to heed the work of the Committee. There were many other alliances and areas of synergy that the Committee could pursue with the help of OHCHR. For example, the Committee could meet regularly with the new Special Rapporteur on the human rights of migrants to exchange experiences. At its twenty-seventh session, the Committee would receive a briefing on ways of giving greater visibility to the Convention, particularly in view of its resonance within the contemporary migration dialogue.

Adoption of the agenda

28. **The Chair** said that he took it that the Committee wished to adopt the agenda of the twenty-sixth session and the programme of work annexed thereto, subject to any adjustments that might become necessary in the course of the session.

29. *The agenda (CMW/C/26/1) was adopted.*

Promotion of the Convention

Informal meeting with non-governmental organizations and national human rights institutions

30. **Ms. Khatoon** (Welfare Association for the Rights of Bangladeshi Emigrants) said that nearly 10.5 million Bangladeshi nationals lived abroad as migrant workers and contributed to the nation's economy through the transfer of remittances. Although the Government of Bangladesh had taken a number of initiatives to regulate various aspects relating to emigration, the briefings it sponsored prior to migration failed to provide workers with sufficient information concerning their rights and obligations as migrants; the culture, language and laws of destination countries; or procedures for returning to Bangladesh. The Government should provide comprehensive pre-departure training using a rights-based, gender-sensitive, country-specific approach and updated training methods and materials.

31. Although the Government had recently initiated work on drafting a recruitment code of conduct and improving the regulation, licensing and rating of recruitment agencies, a number of reports had shown that recruitment agencies and their subcontractors charged high fees to prospective migrants and failed to provide them with proper receipts or employment contracts, thus leaving them vulnerable to legal uncertainty. Moreover, the Government did not have a proper complaint mechanism for dealing with violations of migrant workers' rights. The Government should ensure that effective systems were in place for the regulation, monitoring and holding to account of recruitment agencies and their subcontractors and that migrant workers enjoyed effective access to complaints mechanisms and redress for violations.

32. Given that many Bangladeshi migrants preferred non-bank transfers because of the lower cost and faster processing times compared with bank transfers, the Government should strengthen the Expatriate Welfare Bank of Bangladesh and arrange for remittance transfers to be processed efficiently and cost-effectively, with special arrangements for transfers to rural areas. It should also ensure that sufficient budget resources were allocated for the implementation of the Overseas Employment and Migration Act of 2013, including building the capacity of the judiciary and law enforcement agencies and of the National Human Rights Commission as the sole agency for dealing with allegations of violations of migrant workers' rights. Finally, the Government should involve civil society organizations more closely in promoting and protecting the rights of migrant workers and members of their families, as set forth in the Convention.

33. **Ms. Akter** (HELVETAS Swiss Intercooperation) said that the Government of Bangladesh had established diverse institutional mechanisms to support the rights of Bangladeshi migrant workers, but their rights were nonetheless frequently violated both when they were abroad and when they returned and sought reintegration into their home country.

34. Migrant workers from Bangladesh were denied access to proper medical care, a balanced diet, leisure time and regular payment of wages. Women migrants who resided in their employers' home were more vulnerable, since they were exposed to sexual harassment and isolated from their community. Migrants lacked insurance to cover medical care and work-related accidents. The frequent confiscation of their identity documents rendered them vulnerable to abuse and exploitation. As significant restrictions were imposed on the right to seek alternative employment in countries where the *kafalah* (individual sponsorship) system operated, they were frequently forced to return to Bangladesh.

35. Bilateral agreements between States were not made public and civil society was not involved in their development. Foreign missions in Bangladesh often failed to respond to

detained migrant workers' urgent need for legal support. Undocumented migrant workers were especially vulnerable. Civil society and legal service organizations operating in destination countries also received little support from foreign missions. As concern had been expressed regarding the accountability of the staff of foreign missions, provision should be made for the monitoring of their performance.

36. The Government of Bangladesh should allocate sufficient financial and human resources to ensure migrant-friendly services, including appropriate legal aid, shelters and advisory support. Bilateral agreements should address the concerns of migrant workers in destination countries, and civil society should be involved in their development. There should be a database of documented and undocumented migrant workers, including returnees who had been trafficked, and civil society organizations should have access to the database. Arrangements should be made for the rehabilitation and reintegration of returnee migrant workers.

37. The Government of Bangladesh should involve civil society organizations from both home and destination countries in addressing the rights of Bangladeshi migrant workers. It was also crucial to arrange for visits by special procedure mandate holders to Bangladesh and other destination countries in order to achieve a full understanding of the situation of Bangladeshi migrant workers.

38. **Ms. Chok** (Humanitarian Organization for Migration Economics) said that her organization had encountered Bangladeshi construction workers in March 2017 who had paid between 1,500 and 20,000 Singapore dollars for their jobs in Singapore, a sum equivalent to about three or four years' wages. It encouraged the Government of Bangladesh to work with the Singaporean authorities to investigate and monitor cross-border recruitment fee transactions. According to migrant workers, a significant proportion of the fees they paid were sent to counterpart agents and employers in Singapore, enabling the latter to evade liability for collecting inflated recruitment fees.

39. The conditions encountered by migrant workers in Singapore included deceptive recruitment, long working hours, multiple forms of wage theft, restrictions on personal mobility, hazardous working environments, denial or premature termination of medical treatment, unequal pay for equal work, and intimidation and threats of blacklisting, dismissal and deportation by employers. The Bangladeshi Government did not seem to have engaged substantially with the Government of Singapore to address such violations of articles 10, 11, 21, 25 and 64 of the Convention.

40. Migrant workers who filed complaints often had their work permits cancelled by employers. Temporary accommodation and livelihood support were usually needed under those circumstances. Her organization had assisted thousands of Bangladeshi workers with salary and work injury complaints. None of them had received any meaningful assistance from the Bangladeshi foreign mission in Singapore.

41. **Mr. Au Wai Pang** (Transient Workers Count Too) said that the recruitment costs imposed on Bangladeshi workers in Singapore placed them in a highly vulnerable situation. Their indebtedness exposed them to coercion and conditions akin to forced labour. According to surveys conducted by his organization, most Bangladeshi workers had paid a recruitment fee equivalent to between two and four years of wages during the past two or three years, a situation that led to disempowerment and abuse. Recruitment in Bangladesh for employment abroad was effectively an unregulated industry.

42. The State party had referred in its report (CMW/C/BGD/1) and replies to the list of issues (CMW/C/BGD/Q/1/Add.1) to the legislation in place, the requirement for recruiters to be licensed and the capping of fees and charges. Yet almost every one of the thousands of Bangladeshi workers that his organization had met over the years had been recruited through informal agents or undocumented procedures. The fees that were charged bore no relationship to the applicable legislation, and the State party seemed to exercise no effective control over recruitment costs. Moreover, Bangladeshi workers possessed no documentation of transactions with recruitment agents, such as contracts, invoices, receipts or even the agent's name. He therefore queried the State party's assurances that there were avenues of redress for workers who had been victimized. His organization urged the Committee to ask whether the legislation was being enforced, whether unlicensed agents

were continuing to operate and whether migrant workers from Bangladesh were really free from victimization abroad.

43. **Ms. Inohiaban** (Migrant Forum in Asia), drawing attention to gaps in the monitoring and implementation of the policies of the Government of Bangladesh, said that the Government should also address concerns regarding corruption in the area of migration, including irregularities in almost every step of the migration process. According to a report by Transparency International Bangladesh, corruption was one of the key reasons for the high cost of migration. For example, 90 per cent of the 525,000 workers who had been sent to Bahrain, Malaysia, Oman, Qatar, Saudi Arabia, Singapore and the United Arab Emirates in 2016 had been subjected to corruption.

44. Workers were required to obtain a national identity document and passport, to undergo a medical test and to obtain biometric identification at the Bangladeshi Bureau of Manpower, Employment and Training. A potential worker was required to complete 24 to 27 procedures, including 11 at the Bureau, in order to obtain a visa and migration clearance. The visa cost workers between 13,000 and 15,000 takas (Tk). It was also alleged that the Bureau collected Tk 100-200 for emigration certificates.

45. The inadequate regulation and monitoring of recruitment agencies permitted persistent malpractice in the recruitment process, including irregularities and corruption within the Government.

46. **Mr. Chouicha** (Syndicat National Autonome des Personnels de l'Administration Publique) said that migrant workers in Algeria, especially those from sub-Saharan Africa, were marginalized in a number of aspects. Those who sought accommodation were dependent on slum landlords and they relied on smugglers for transport. When sub-Saharan workers and their families were subjected to aggression and ill-treatment, their complaints were frequently rejected on the pretext that they were illegal migrant workers. The police took action only when information and photographs of assaults were disseminated in the social media. Care in hospitals and medical centres had improved, but the State refrained from sanctioning persons who adopted a discriminatory attitude to migrant workers and their families or who refused to assist them. The practice of collective expulsion persisted, both at the request of migrant workers' country of origin and in the absence of such a request. Children were denied the right to enrol in school and hence marginalized.

47. Non-governmental organizations that provided support to migrant workers were denied explicit approval. There was a tendency to punish and criminalize persons who were unwilling to discriminate against migrant workers and who dared to speak out about the problem at the international level. Mr. Fouad Hassam had been dismissed from his post in December 2016 for denouncing the first mass expulsion on 6 December 2016. Two militants had applied for political asylum in Switzerland to escape repression. His own son had been summoned by the police in response to a fabricated complaint.

48. His organization therefore made a number of recommendations. Expulsion procedures that violated international law and international and regional treaties ratified by Algeria should be terminated. Human rights defenders should be protected and Mr. Hassam should be reinstated. All migrants, regardless of their status, should be guaranteed access to justice and to economic and social rights. Algerian legislation, especially Act No. 09-01 of 25 February 2009 and Act No. 09-11 of 2008, should be aligned with the Convention.

49. The Committee should ask the Algerian authorities about the source of the collective expulsion order of 6 December 2016. It should enquire about the existence of an order from the Prefect of Tamanrasset to public and private transport companies to deny transport towards the north for sub-Saharan migrants. Lastly, it should ask whether the Government intended to regularize the situation of migrants with irregular status.

50. **Mr. Hoque** (National Human Rights Commission of Bangladesh) said that the preamble to the Bangladeshi Constitution declared that the aim of the State was to establish a society free from exploitation, based on the rule of law, and underpinned by respect for fundamental human rights and freedoms. The enactment of the Overseas Employment and Migrants Act of 2013, the adoption of the Expatriates' Welfare and Overseas Employment Policy of 2016 and the drafting of the Expatriates' Welfare Board Law of 2017 were steps

in the right direction. A well-grounded action plan with milestones and indicators should be developed to monitor progress made under the policy and legislation. It was also of the utmost importance to ensure that the Government retained the matter as one of its national priorities and allocated more resources to protection of the rights of migrants.

51. The Overseas Employment and Migrants Act of 2013 was being implemented through three sets of rules that had been drawn up prior to ratification of the Convention. They should therefore be reviewed and replaced.

52. Bangladesh should consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and other ILO conventions.

53. The Ministry of Expatriates' Welfare and Overseas Employment should compile data disaggregated by sex, demographics, and accidents or deaths with a view to ensuring greater accountability. Memorandums of understanding and bilateral agreements between the Government of Bangladesh and host countries of Bangladeshi migrant workers should be made available in the public domain. They should also be thoroughly reviewed to ensure consistency with the Convention.

54. Strong action should be taken to control the rapidly escalating costs of migration. The Commission recommended that a ceiling should be imposed and strictly enforced.

55. The legislation that provided for the monitoring of recruiting agents was not fully implemented. As close monitoring was necessary to guarantee the safety of migration, the Commission recommended that a rating system should be introduced so that aspirant migrants could choose responsible recruiting agents and the agents themselves were motivated to adopt sound practices. The Overseas Employment and Migrants Act of 2013 should be effectively enforced to ensure that recruiting agents were held accountable.

56. While the Commission appreciated the key achievements secured under the 2013 National Skills Development Policy, it drew attention to a number of challenges identified in an ILO report published in 2015. The Commission encouraged closer collaboration with relevant stakeholders, including civil society and intergovernmental organizations, with a view to aligning all skills development curricula with international standards. Curricula should also include health and well-being, with a focus on HIV/AIDS.

57. The Commission had conducted many human rights awareness programmes, for instance through television spots, video documentaries and text messages, to reach out to millions of Bangladeshis in all walks of life. Special programmes had targeted 800 students, 160 legal professionals, 1,600 law enforcement officers, 60 judges and 50 journalists. Training had been provided for 2,200 students and 97 teachers. In addition, 60 courtyard sessions had been conducted with cluster village representatives and community facilitators. The Commission recommended that the Government should expand its awareness-raising programmes.

58. Access to justice should be guaranteed without discrimination. Migrant workers were denied adequate access to forums for redressing grievances. The Commission had received 34 complaints from migrant workers, 5 of which concerned human trafficking. One third of both categories of complaint had been submitted by females. The Commission had successfully addressed 56 per cent of the complaints.

59. The Commission advocated a zero-tolerance policy on harassment of migrant workers both locally and abroad. It strongly recommended the provision of efficient services to all migrant workers, including travel documents, information on rights, shelter, legal aid and medical services. Adequate female staff should be appointed to the labour welfare wings of embassies to provide better services to female migrant workers. Subsidiary offices should be established in areas beyond capital cities where there was a high concentration of migrant workers. Such entities should focus on efficient service delivery and work towards eradicating corruption.

60. The Commission intended to forge links with its counterparts in host countries. Regional and international bodies should promote links and areas of synergy with a view to enabling national human rights institutions in source and receiving countries to collaborate in addressing the plight of migrant workers.

61. Saudi Arabia, Malaysia and the United Arab Emirates were the principal destination countries for Bangladeshi migrant workers, but they had not yet ratified the Convention. OHCHR should encourage them to ratify it as soon as possible.
62. **Mr. Kariyawasam** said that the cost of recruitment in Singapore was alarming and virtually equivalent to bonded labour. He wished to know who was profiting from such practices so that the Committee could address specific questions to the Bangladeshi delegation.
63. **Mr. Au Wai Pang** (Transient Workers Count Too) said that the cost was truly exorbitant for first-time workers going to Singapore. It was about half as much for workers seeking subsequent employment, but it still amounted to between one and two years' wages. The components for first-time workers were training costs and the cost of placement by the recruiting agent. They were required to attend a three-month training course in Bangladesh, which cost about US\$ 6,000, and to acquire a certificate of basic skills before seeking employment in Singapore. The conditions in the training centres were deplorable. All workers were required to pay between US\$ 5,000 and US\$ 8,000 for a twelve-month job. The recruitment process was not subjected to any form of regulation by the Bangladeshi authorities.
64. **Ms. Dzumhur** said that Bangladesh had adopted legislation in line with the Convention and reformed or established relevant institutions during the past two years. She asked whether the practical shortcomings were attributable to the State's lack of political will or to its lack of capacity. She also wished to know whether the costly recruitment process was attributable to corruption or to other issues, and how the situation could best be improved. She enquired about the procedure for categorizing migrant workers from Myanmar as refugees.
65. **Ms. Dicko** asked whether there was a specific procedure in Algeria for the recruitment of workers from sub-Saharan Africa and whether they received labour contracts that would enable them to invoke rights to social security, pensions and other benefits. She requested additional information concerning the case of the human rights defender Fouad Hassam.
66. **Mr. El-Borai** asked whether Algerian legislation had been aligned with the Convention. Although the Constitution accorded primacy to international treaties over domestic legislation, the Criminal Code still contained provisions that were inconsistent with the Convention. He requested practical examples of such inconsistencies in the case of undocumented or irregular migrants.
67. **Ms. Akter** (HELVETAS Swiss Intercooperation) said that the practical shortcomings in Bangladesh were due to lack of political will. The Government prioritized the economic perspective and migrant workers were perceived as a source of income. The Committee should therefore underscore the importance of bilateral agreements on the human rights of migrant workers, and civil society organizations in the home and destination countries should be involved.
68. Negotiations should be conducted with all destination countries on a standard job contract and on other rights-related issues, such as the accountability and transparency of governmental bodies, foreign missions and recruitment agencies.
69. **Mr. Au Wai Pang** (Transient Workers Count Too) said that it was difficult to specify who was profiting from the recruitment costs. Private parties had taken advantage of their connections to raise costs to the highest possible level, and the lack of governmental intervention added to the problem. During the 24 to 27 procedures to be completed by a potential migrant worker, there were as many as 11 known opportunities at the Bureau of Manpower, Employment and Training for corruption.
70. If the three-month training course was conducted in Singapore, it would cost about US\$ 1,000. If it was conducted in Dhaka, it would cost between US\$ 5,000 and US\$ 7,000. The Bangladeshi Government should therefore ask training agencies why their fees were so exorbitant.

71. The Government should also abolish all private profit-making intermediaries in the recruitment process and replace them with intergovernmental arrangements. It should conclude a memorandum of understanding to that effect with Singapore. New digital technology allowed Bangladeshi workers to access job opportunities via the Internet without any need for intermediaries.

72. The Government should collaborate with Singapore in abolishing the link between employers and work permits. Migrant workers should be permitted to change jobs in order to escape exploitation and abuse. Singapore currently operated a system that was similar to the *kafalah* system.

73. **Ms. Chok** (Humanitarian Organization for Migration Economics) said that the Government of Bangladesh should advocate ethical recruitment, particularly of female domestic workers, in line with the ILO Fair Recruitment Initiative and the policy of the International Organization for Migration on ethical recruitment of migrants. Persons who reported cases of corruption should benefit from witness protection. As to bilateral agreements, they should be transparent and based on negotiations.

74. **Mr. Islam** (National Human Rights Commission of Bangladesh) said that the Government should take action against the high costs involved in the recruitment of migrant workers, particularly the cost of training courses. The Commission also recommended a more vigorous approach to the negotiation of bilateral agreements with a view to safeguarding the rights of migrant workers.

75. **Mr. Chouicha** (Syndicat National Autonome des Personnels de l'Administration Publique) said that many migrant workers in Algeria, especially those from sub-Saharan Africa, were denied any formal status. They were criminalized and either prohibited from working or exploited by employers. Algerian law and practice drew a clear distinction between irregular and regular migrant workers.

76. There had been a number of cases of assault and rape of migrant workers or members of their families, but when the victims reported the incidents to law enforcement agencies, their complaints had been rejected on account of their irregular migratory status. Furthermore, some victims of rape had been criminalized by the courts and expelled from the country. Defendants were also denied interpreters and hence were unable to present testimony.

77. A request by Mr. Hassam to hold a meeting of the Maghreb forum on migration had been rejected by the Prefecture. On issuing a statement expressing concern about the collective deportation of some 1,200 persons, he had been summoned by the Department of Public Works, which informed the company for which he worked that it would receive no further public-sector contracts unless he was dismissed from his post.

78. Many migrant workers, even those who had a passport and visa or who enjoyed protected status with the Office of the United Nations High Commissioner for Refugees (UNHCR), had been detained. UNHCR representatives had exerted pressure to secure their release, but they had no right of appeal at the domestic level.

The discussion covered in the summary record ended at noon.