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Working Group 1  
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft report of the open-ended Working Group on the Elaboration  
of an International Convention on the Protection of the Rights  
of All Migrant Workers and Their Families

Chairman: Mr. Antonio GONZALEZ DE LEON (Mexico)

INTRODUCTION

1. The Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families, open to all Member States, was established under General Assembly resolution 34/172 of 17 December 1979.
2. By its resolution 38/86 of 16 December 1983, the General Assembly, inter alia, took note of the previous reports 1/ of the Working Group and expressed its satisfaction with the substantial progress that the Working Group had so far made in the accomplishment of its mandate; decided that, in order to enable it to complete its task as soon as possible, the Working Group should again hold an inter-sessional meeting of two weeks' duration in New York, immediately after the first regular session of 1984 of the Economic and Social Council; and invited the Secretary-General to transmit to Governments the report of the Working Group so as to allow the members of the Group to continue their task during the inter-sessional meeting to be held in the spring of 1984, as well as to transmit the results obtained at that meeting so that the General Assembly might consider them during its thirty-ninth session. The General Assembly also invited the Secretary-General to transmit the above-mentioned documents to the competent organs of the United Nations system and to international organizations concerned, for their information, so as to enable them to continue their co-operation with the Working Group. It also decided that the Working Group should meet during the thirty-ninth session of

the General Assembly, preferably at the beginning of the session, to continue and, if possible, to complete the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

3. In accordance with paragraphs 3 and 4 of General Assembly resolution 38/86 the Secretary-General has transmitted the results obtained during the thirty-eighth session of the General Assembly and the spring session of 1984 to Governments, competent organizations of the United Nations system and international organizations concerned.

4. By its resolution 1984/41 of 24 May 1984, the Economic and Social Council, inter alia, welcomed the progress made by the Working Group and expressed the hope that substantial progress would be made by the Working Group during its two subsequent meetings to be held in 1984, in accordance with General Assembly resolution 38/86 of 16 December 1983.

5. The Working Group held the following sessions at United Nations Headquarters: (a) the first session during the thirty-fifth session of the General Assembly, from 8 October to 19 November 1980; (b) a first inter-sessional meeting from 11 to 22 May 1981; (c) a second session during the thirty-sixth session of the General Assembly from 12 October to 20 November 1981; (d) a second inter-sessional meeting from 10 to 21 May 1982; (e) a third session during the thirty-seventh session of the General Assembly from 18 October to 16 November 1982; (f) a third inter-sessional meeting from 31 May to 10 June 1983; (g) a fourth session during the thirty-eighth session of the General Assembly from 27 September to 6 October 1983; (h) a fourth inter-sessional meeting in the spring of 1984; (i) a fifth session during the thirty-ninth session of the General Assembly.

6. In pursuance of General Assembly resolution 38/86, the Working Group met at United Nations Headquarters at the beginning of the thirty-ninth session of the General Assembly, from \_\_\_\_\_ to \_\_\_\_\_ under the chairmanship of Mr. Antonio González de León. It held 11 meetings with the participation of delegations from all regions. Observers for the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the United Nations Conference on Trade and Development and the Economic Commission for Africa also attended the meetings.

7. The Working Group had before it the following documents:

(a) Report of the Open-ended Working Group during the thirty-ninth session of the General Assembly (A/C.3/39/\_\_\_);

(b) Report of the Open-ended Working Group on its inter-sessional meeting from 29 May to 8 June 1983 (A/C.3/39/1);

(c) Text of the preamble and articles of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families to which the Working Group provisionally agreed during the first reading in previous sessions (A/C.3/39/WG.1/CRP.1/Rev.1);

(d) Texts of the pending articles of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families together with the proposals relating thereto (A/C.3/39/WG.1/CRP.3);

(e) Working Paper submitted by Finland, Greece, Italy, Norway, Portugal, Spain and Sweden concerning the definitions of "migrant workers" (A/C.3/39/WG.1/CRP.4);

(f) Compilation of proposals made by members of the Working Group (A/C.3/36/WG.1/WP.1).

8. For reference, the following documents were also available to the Working Group:

(a) Report of the Chairman of the open-ended Working Group (A/C.3/35/13);

(b) Letter dated 25 May 1981 from the Chairman of the open-ended Working Group on the elaboration of an International Convention on the Protection of the Rights of all Migrant Workers and Their Families to the Secretary-General (A/36/378 and annexes I to XIX);

(c) Communications submitted by the Governments of Denmark (on behalf of the Nordic countries), Italy, the Netherlands, Spain and the United States, relating to the draft report of the Chairman of the Working Group on its inter-sessional meetings (A/36/383);

(d) Further suggestions submitted by Finland, Norway, Portugal, Spain and Sweden for parts III, IV and V of the Convention (A/C.3/36/WG.1/CRP.1/Add.3 and 4);

(e) Report of the open-ended Working Group to the Third Committee of the General Assembly at its thirty-sixth session (A/C.3/36/10);

(f) Report of the open-ended Working Group on its inter-sessional meeting from 10 to 21 May 1982 (A/C.3/37/1);

(g) Report of the open-ended Working Group during the thirty-seventh session of the General Assembly (A/C.3/37/7 and Corr.1 and 2 (English only));

(h) Suggestions submitted by Finland, Greece, Italy, Norway, Portugal, Spain and Sweden: revised proposals for articles 2 and 4 and part IV of the draft International Convention (A/C.3/38/WG.1/CRP.5);

(i) Suggestions submitted by Finland, Greece, Italy, Norway, Portugal, Spain and Sweden relating to proposals presented in document A/C.3/35/WG.1/CRP.15 and Corr.1 and 2 (A/C.3/38/WG.1/CRP.6);

(j) Further suggestions submitted by Finland, Greece, Italy, Norway, Portugal, Spain and Sweden relating to proposals presented in part VI of the draft International Convention appended to the report of the Working Group (A/C.3/38/5).

I. CONSIDERATION OF ARTICLES OF THE INTERNATIONAL CONVENTION  
ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS  
AND THEIR FAMILIES

9. The present report contains exclusively the results of discussion in the Working Group of its meeting during the thirty-ninth session of the General Assembly from 29 May to 8 June 1984 regarding specific provisions of the Convention and does not contain statements of a general nature made during the debate. In the texts set forth throughout this report which were considered by the Working Group, only the language which has been provisionally agreed upon 2/ at first reading is that outside square brackets. Square brackets indicate that the Working Group has not reached provisional agreement on the proposed language, which therefore remains only a proposal.

10. It may be recalled that, at its meetings held during the thirty-sixth session of the General Assembly, the Working Group had concluded its first reading of the preamble of the draft Convention. At its inter-sessional meeting in May 1982, the Working Group concluded its first reading of part II of the draft Convention on the understanding that the text which was provisionally agreed upon would be further examined at a later stage in order to harmonize it with the rest of the Convention and to adopt a text without brackets. At the same session the Working Group also concluded its preliminary consideration of part I of the Convention and agreed to postpone further consideration of articles 2 and 4, which were still pending, to a later stage. At its spring inter-sessional meeting of 1983, the Working Group concluded consideration of part III with the exception of article 55 which the Group agreed to take up together with part IV dealing with particular categories of migrant workers and members of their families, which the Group decided to consider at a later stage. During the thirty-eighth session of the General Assembly, the Group concluded part V on the promotion of sound, equitable and humane conditions in connection with lawful international migration of workers and their families and part VII on general provisions. The text of the preamble, part I on scope and definitions (arts. 1, 3, 5 and 6), part II on the fundamental human rights of migrant workers and members of their families, part III on additional rights of all migrant workers and members of their families in a regular situation (arts. 35-54 and art. 56), part V (arts. 62-68) and part VII appeared in document A/C.3/39/WG.1/CRP.1. In the spring 1984 session, the Working Group concluded its first reading of part VIII on final provisions, part VI on the application of the Convention as well as paragraph 1 of article 2.

Notes

1/ A/C.3/38/1 and A/C.3/38/5.

2/ "Provisionally agreed upon" means that the text is subject to further review.

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