

A/C.3/45/WG.1/CRP.2/Add.5

1 June 1990

ORIGINAL: ENGLISH

Forty-fifth session  
THIRD COMMITTEE  
Item 12 of the preliminary list\*

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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

Chairman: Mr. Claude HELLER (Mexico)

Vice-Chairman: Mr. Juhani LONNROTH (Finland)

Addendum

III. TEXT OF THE PARAGRAPHS AND ARTICLES OF THE DRAFT INTERNATIONAL  
CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT  
WORKERS AND THEIR FAMILIES ADOPTED ON SECOND READING BY THE  
WORKING GROUP DURING THE SPRING OF 1990

Article 50

1. In the case of death of the migrant worker or dissolution of marriage, the State of employment shall favourably consider granting family members of such migrant worker residing in that State on the basis of family reunion an authorization to stay; the State of employment shall take into account the length of time for which they have already resided in that State.

2. Members of the family to whom such authorization is not granted shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.

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\* A/45/50.

3. The provisions of the preceding paragraphs may not be interpreted as adversely affecting any right to stay and work otherwise granted to such family members by the legislation of the State of employment or by treaties applicable to that State.

Article 61

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3. Subject to bilateral or multilateral agreements in force for them States Parties concerned shall endeavour to enable project-tied workers to remain adequately protected by the social security systems of their States of origin or normal residence during their engagement in the project. The States Parties concerned shall take appropriate measures with the aim of avoiding any denial of rights or duplications of payments in this respect.

4. Without prejudice to the provisions of article 47 and to specific bilateral or multilateral agreements the States Parties concerned shall permit payment of the earnings of project-tied workers in their State of origin or normal residence.

Alternatives for Article 72, paragraph 8

8. [The members of the Committee shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.]

OR

[States Parties shall be responsible for:

- (a) the expenses of the members of the Committee while they are performing Committee duties; and
- (b) expenses incurred in connection with the holding of meetings of States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 7 of this article.]

Article 87

A State ratifying or acceding to the present Convention may not exclude the application of any part of it, or without prejudice to article 3 exclude any particular category of migrant workers from its application.

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Article 88

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3. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

4. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

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