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THIRD COMMITTEE  
Working Group 1  
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft International Convention on the Protection of the Rights of  
All Migrant Workers and Their Families

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

PART VII

General provisions

Part VII - 1

1. Nothing in this Convention shall have the effect of diminishing or limiting any rights or freedoms that may be afforded to migrant workers and members of their families by virtue of:

- (a) The law or practice of a State Party; or
- (b) Any international convention, treaty or agreement in force for the State Party concerned.

2. Nothing in the present Convention may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Convention.

Part VII - 2

The rights provided for in this Convention shall not be capable of renunciation. It shall be unlawful to exert any form of pressure upon migrant workers and members of their families with a view to their relinquishing or foregoing any of the said rights. Any agreement to relinquish or forego any of the said rights shall be void.

Part VII - 3

Everyone whose rights as set forth in this Convention are violated shall have an effective remedy, including cases in which the violation has been committed by persons acting in an official capacity.

Part VII - 4

States Parties undertake to adopt all necessary measures aimed at implementing the provisions of the present Convention.

PART VIII

Final provisions

Part VIII - 1

1. This Convention shall be open for signature by ... It is subject to ratification, acceptance or approval.

2. This Convention shall be open to accession by any State referred to in paragraph 1 of this article.

3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Part VIII - 2

1. This Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the fifteenth instrument of ratification, acceptance, approval or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the fifteenth instrument of ratification, acceptance, approval or accession, it shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instruments of ratification, acceptance, approval or accession.

Part VIII - 3

1. The provisions of this Convention shall extend to all parts of federal States without any limitations or exceptions.

2. Any State may, at the time of signature, ratification, acceptance, approval or accession or at any other date, declare that the Convention shall extend to all territories for the international relations of which it is responsible, or to one or more of them. Such declaration shall take effect at the time the Convention enters into force for the State or, if made subsequently, on the first day of the month following the expiration of a period of three months after the date of the receipt of such declaration by the Secretary-General of the United Nations. Such declarations, as well as any subsequent extension and their withdrawal, shall be notified to the Secretary-General of the United Nations.

Part VIII - 4

At the time of signature, ratification, acceptance, approval or accession, any State may declare that it shall apply articles III.16, III.17, III.18, III.19 and III.20 of this Convention only in relation to nationals of other States Parties.

Part VIII - 5

1. Any State Party may denounce this Convention, not earlier than five years after the Convention has entered into force for the State concerned, by means of notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of the receipt of the notification by the Secretary-General.

Part VIII - 6

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the State Parties to the present Convention with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by two thirds of the State Parties shall be submitted to all States Parties for approval.

2. Amendments shall come into force when they have been accepted by two thirds of the States Parties to the present Convention in accordance with their respective constitutional processes. Such acceptance shall be communicated by the

States Parties to the Secretary-General of the United Nations who shall notify all States Parties of such communications and, when the amendment has entered into force, of what States Parties are bound by it.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment which they have accepted. When amendments have come into force, the Convention shall be open for signature and subject to ratification, acceptance or approval only in its amended form.

Part VIII - 7

The Secretary-General of the United Nations shall notify all States which have signed, ratified, accepted, approved this Convention or acceded thereto of the following:

1. Any signature.
2. The deposit of any instrument of ratification, acceptance, approval or accession.
3. Any date of entry into force of this Convention in accordance with article VIII-2.
4. Any other act, notification or communication relating to this Convention.

Part VIII - 8

1. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General shall transmit certified copies of this Convention to all the States referred to in article VIII-1.

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