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

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

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

Pending articles and parts of articles still in brackets
on second reading

PART VII

Application of the Convention

Article 70, paragraphs 8 and 9

8. [Same text as in the right-hand column of document A/C.3/43/WG.1/CRP.1/Rev.1.]

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.

9. [Same text as in the right-hand column of document A/C.3/43/WG.1/CRP.1/Rev.1.]

The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

* A/44/50/Rev.1.

Article 74

1. A State Party to the present Convention may at any time declare under this article that it recognizes the competence of the Committee to the effect that a State Party considers that another State Party is not giving effect to the provisions of this Convention. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following paragraphs.

2. If a State Party to the present Convention considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of the Committee. The Committee shall then transmit the communications to the other State Party concerned. This State shall, within three months, submit to the Committee written explanations or statements clarifying the matter and the remedy that may have been taken by that State.

[Rest of the article same text as in the left-hand column of document A/C.3/43/WG.1/CRP.1/Rev.1, but renumbered (2=3, 3=4, etc.).]

3. If within six months of the Committee's transmission of the initial communication to the State Party concerned the matter is not adjusted to the satisfaction of both Parties, either State shall have the right to request the Committee to deal with the matter in accordance with the following paragraphs of this article.

4. The Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the present Convention.

5. The Committee shall hold closed meetings when examining communications under this article.

6. In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in paragraph 3, to supply any relevant information.

7. The States Parties concerned, referred to in paragraph 3, shall have the right to be heard by the Committee and to make submissions in writing.

8. The Committee shall, within twelve months after the transmission of the initial communication under paragraph 3, submit a report:

(a) If a solution within the terms of paragraph 6 is reached, the Committee shall confine its report to a brief statement of the facts and the solution reached;

(b) If a solution within the terms of paragraph 6 is not reached, the Committee shall confine its report to a brief statement of facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

The report shall be communicated to the States Parties concerned.

Article 75

The provision of the present Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field covered by the present Convention laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with international agreements in force between them.

PART VIII

Final provisions

Article 84

1. Where a State Party is constituted as a federal State, the national Government of such State Party shall implement all the provisions of the present Convention over whose subject matter it exercises jurisdiction.

2. With respect to the provisions over whose subject matter the constituent units of the federal State have jurisdiction, the national Government shall immediately take suitable and effective measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units adopt appropriate measures for the fulfilment of the present Convention.

Article 85

[At the time of signature, ratification, acceptance, approval or accession, any State may declare that it shall apply [articles 52, 53, 54, 55 and 56] of the present Convention only in relation to nationals of other States Parties.]

Article 86

[At the time of signature, ratification, acceptance, approval or accession, any State may indicate the provisions of parts III and IV of the present Convention which it will apply only to the nationals of other States Parties.]

Article 89

[(1) Any State Party which ratifies this Convention may, by a declaration appended to its ratification, exclude from application of the Convention, parts or articles and/or one or more particular categories of migrant workers.

(2) Such declaration does not affect the rights established for migrant workers and members of their families in the Covenant on Civil and Political Rights.

(3) Any State Party which has made such a declaration may at any time cancel that declaration by a subsequent declaration.]
