

**13. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL
MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES**

New York, 18 December 1990

ENTRY INTO FORCE: 1 July 2003, in accordance with article 87(1).
REGISTRATION: 1 July 2003, No. 39481.
STATUS: Signatories: 31. Parties: 42.
TEXT: Doc. A/RES/45/158.

Note: The Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, was adopted by Resolution 45/158¹ of 18 December 1990 at the forty-fifth session of the General Assembly of the United Nations. The Convention is open for signature by all States in accordance with its article 86 (1).

<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature, Succession to signature(d)</i>	<i>Ratification, Accession(a), Succession(d)</i>
Albania.....		5 Jun 2007 a	Kyrgyzstan.....		29 Sep 2003 a
Algeria.....		21 Apr 2005 a	Lesotho.....	24 Sep 2004	16 Sep 2005
Argentina.....	10 Aug 2004	23 Feb 2007	Liberia.....	22 Sep 2004	
Azerbaijan.....		11 Jan 1999 a	Libyan Arab Jamahiriya.....		18 Jun 2004 a
Bangladesh.....	7 Oct 1998		Mali.....		5 Jun 2003 a
Belize.....		14 Nov 2001 a	Mauritania.....		22 Jan 2007 a
Benin.....	15 Sep 2005		Mexico.....	22 May 1991	8 Mar 1999
Bolivia.....		16 Oct 2000 a	Montenegro ²	23 Oct 2006 d	
Bosnia and Herzegovina.....		13 Dec 1996 a	Morocco.....	15 Aug 1991	21 Jun 1993
Burkina Faso.....	16 Nov 2001	26 Nov 2003	Nicaragua.....		26 Oct 2005 a
Cambodia.....	27 Sep 2004		Niger.....		18 Mar 2009 a
Cameroon.....	15 Dec 2009		Nigeria.....		27 Jul 2009 a
Cape Verde.....		16 Sep 1997 a	Paraguay.....	13 Sep 2000	23 Sep 2008
Chile.....	24 Sep 1993	21 Mar 2005	Peru.....	22 Sep 2004	14 Sep 2005
Colombia.....		24 May 1995 a	Philippines.....	15 Nov 1993	5 Jul 1995
Comoros.....	22 Sep 2000		Rwanda.....		15 Dec 2008 a
Congo.....	29 Sep 2008		Sao Tome and Principe.....	6 Sep 2000	
Ecuador.....		5 Feb 2002 a	Senegal.....		9 Jun 1999 a
Egypt.....		19 Feb 1993 a	Serbia.....	11 Nov 2004	
El Salvador.....	13 Sep 2002	14 Mar 2003	Seychelles.....		15 Dec 1994 a
Gabon.....	15 Dec 2004		Sierra Leone.....	15 Sep 2000	
Ghana.....	7 Sep 2000	7 Sep 2000	Sri Lanka.....		11 Mar 1996 a
Guatemala.....	7 Sep 2000	14 Mar 2003	Syrian Arab Republic....		2 Jun 2005 a
Guinea.....		7 Sep 2000 a	Tajikistan.....	7 Sep 2000	8 Jan 2002
Guinea-Bissau.....	12 Sep 2000		Timor-Leste.....		30 Jan 2004 a
Guyana.....	15 Sep 2005		Togo.....	15 Nov 2001	
Honduras.....		9 Aug 2005 a	Turkey.....	13 Jan 1999	27 Sep 2004
Indonesia.....	22 Sep 2004		Uganda.....		14 Nov 1995 a
Jamaica.....	25 Sep 2008	25 Sep 2008	Uruguay.....		15 Feb 2001 a

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

ALGERIA

Reservation:

The Government of the People's Algerian Democratic Republic does not consider itself bound by article 92, paragraph 1 of this Convention which provides that any dispute between two or more States Parties concerning the interpretation or application of the present Convention, that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration or to the International Court of Justice.

The Government of the People's Algerian Democratic Republic considers that any such dispute may be submitted to arbitration only with the agreement of all the parties to the conflict.

ARGENTINA

Declaration:

As provided for in article 92 (2), the Republic of Argentina does not consider itself bound by the provisions of article 92 (1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

CHILE

Reservations:

The Republic of Chile makes a reservation with respect to the provisions of article 22, paragraph 5, of this Convention which it considers to be inapplicable to Chile.

The Republic of Chile will consider the provisions of article 48, paragraph 2, to be fulfilled under the terms of international conventions for the avoidance of double taxation that either have been entered into or will be entered into in the future.

COLOMBIA

Reservation:

Articles 15, 46 and 47 of the [said Convention], which was adopted by means of Act No. 146 of 1994, shall be executed with the understanding that the State of Colombia retains the right to promulgate taxation, exchange and monetary regulations establishing equality of treatment of migrant workers and their families with that of nationals in respect of the import and export of personal and household effects and the transfer of earnings and savings abroad, and in respect of expropriation for reasons of equity and the nullification of ownership of property in the cases envisaged in article 34 of the Political Constitution.

EGYPT

Reservation concerning article 4:

For the purposes of the present Convention the term 'members of the family' refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

Reservation concerning article 18, paragraph 6:

When a migrant worker or a member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partially attributable to that person.

EL SALVADOR

Declarations:

The Government of the Republic of El Salvador does not consider itself bound by article 92, paragraph 1, of the Convention. With respect to articles 46, 47, 48 and 61, paragraph 4, governing exemption from import and export duties and taxes in respect of personal and household effects and the right to transfer earnings and savings, the Government of El Salvador wishes to make it clear that the exemption shall apply only after any taxes that the articles in question might incur have been paid. Moreover, the right of workers to transfer their earnings to their State of origin or State of habitual residence may be exercised without restriction, provided that the tax obligations arising in each particular case have been fulfilled. With regard to article 32, transfer of earnings and savings shall include amounts accumulated under retirement social security schemes, whether public or private. The Government of the Republic of El Salvador wishes to reiterate its respect for all universal and regional human rights principles and norms enshrined in international human rights instruments.

GUATEMALA

11 September 2007

Declarations:

[Agrees to] recognize the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to receive and examine communications in which one State Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families alleges non-compliance by another State Party with obligations arising under the Convention, as well as to receive and examine communications sent by persons subject to the jurisdiction of a State Party, alleging the violation by that State Party of their individual rights as recognized under the Convention.

MEXICO

Interpretative declaration:

Upon ratifying the [Convention], the Government of the United Mexican States reaffirms its political will to ensure international protection of the rights of all migrant workers, in accordance with this international instrument. All the provisions of this Convention will be applied in conformity with its national legislation.

Reservation:

The Government of the United Mexican States makes an express reservation with regard to article 22, paragraph 4, of this Convention, insofar as it refers to the

application of article 33 of the Political Constitution of the United Mexican States and article 125 of the General Population Act.

15 September 2008

Declaration under article 77:

The United Mexican States recognizes as fully binding the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, established by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted in New York on 18 December 1990.

In accordance with article 77 of the Convention, the United Mexican States declares that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that the United Mexican States has violated their individual rights as established by the Convention.

MOROCCO

Reservation:

The Government of the Kingdom of Morocco does not consider itself bound by article 92, paragraph 1 of this Convention which provides that any dispute between two or more States Parties concerning the interpretation or application of the present Convention shall, at the request of one of them, be submitted to arbitration.

The Government of the Kingdom of Morocco considers that any such dispute may be submitted to arbitration only with the agreement of all the parties to the conflict.

NICARAGUA

Declaration and reservation:

Declaration

The Republic of Nicaragua, on acceding to this Convention, agrees to apply it in accordance with its domestic laws.

Reservations:

The Republic of Nicaragua, in the exercise of its sovereignty, does not allow foreigners to enjoy political rights; this is embodied in articles 27 and 182 of the Constitution.

Article 91 of the Convention establishes the possibility of formulating reservations at the time of signature, ratification or accession. Consequently, by virtue of the provisions of article 42, paragraph 3, of this Convention, the Republic of Nicaragua will not grant political rights to migratory workers owing to the express prohibition contained in article 27, paragraph 2, of its Constitution, which states:

"Foreigners have the same rights and obligations as Nicaraguans, with the exception of political rights and others established by law; they may not intervene in the political affairs of the country."

The Republic of Nicaragua considers that this reservation is not incompatible with the object and purpose of the Convention.

SRI LANKA

Declarations:

Article 8 (2):

"The right of non-Sri Lankans to enter and remain in Sri Lanka shall be subject to existing visa regulations.

Article 29:

According to the citizenship Act No. 18 of 1948, citizenship rights flow from the father and in the event a child is born out of wedlock, from the mother. A child will be deemed to be a citizen of Sri Lanka if he and his father were born in Sri Lanka before 1.11.49 or if at the time of his birth the father was a Sri Lankan.

Article 49:

Resident visas to expatriate workers are allowed in respect of identified professions where there is a dearth of qualified personnel. Existing visa regulations do not permit migrant workers either to change their professions or the institutions in which they have been authorised to work, which is the basis on which the visa is issued.

Article 54:

Protection against dismissal, quantum of remuneration, period of employment, etc., are governed by the terms of individual contracts entered into between the worker and the organisation which employs him. A visa issued to an expatriate worker under the visa regulations is limited to a pre-identified job assignment."

SYRIAN ARAB REPUBLIC

Declaration:

.....accession of the Syrian Arab Republic to the said Convention thereof by its Government does not, in any way, imply recognition of Israel, nor shall it lead to any such dealing with the latter as are governed by the provisions of the Convention.

TURKEY

Declarations:

"A) *The declaration regarding Article 15:*

The restrictions by the related Turkish laws regarding acquisition of immovable property by the foreigners are preserved....

B) *The reservation regarding Article 40:*

The Turkish Law on Trade Unions allows only the Turkish citizens to form trade unions in Turkey."

C) *The declaration regarding Article 45:*

The stipulations of the paragraphs 2, 3 and 4 of the Article 45 will be implemented in accordance with the provisions of the Turkish Constitution and the related Laws.

D) *The declaration regarding Article 46:*

The implementation of the Article 46 will be made in accordance with the national laws.

E) *The declaration regarding Articles 76 and 77:*

Turkey will recognize the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at a later time."

UGANDA

Reservation:

Article 18:

"The Republic of Uganda cannot guarantee at all times to provide free legal assistance in accordance with the provisions of article 18 paragraph 3(d)."

Notes:

¹ *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 49 (A/45/49)*, p. 261.

² See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

