

Ο περί της Συμβάσεως περί τῶν Μεταναστῶν Ἑργατῶν (Συμπληρωματικαὶ Διατάξεις) (Κυρωτικὸς) Νόμος τοῦ 1977 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἐφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφώνως τῷ ἄρθρῳ 52 τοῦ Συντάγματος.

Ἀριθμὸς 36 τοῦ 1977

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΒΑΣΙΝ ΠΕΡΙ ΤΩΝ ΜΕΤΑΝΑΣΤΩΝ
ΕΡΓΑΤΩΝ ΣΥΜΠΛΗΡΩΜΑΤΙΚΑΙ ΔΙΑΤΑΞΕΙΣ ΤΟΥ 1975

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρὼν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμβάσεως Συνοπτικὸς
τίτλος.
περί τῶν Μεταναστῶν Ἑργατῶν (Συμπληρωματικαὶ Διατάξεις) (Κυρωτικὸς) Νόμος τοῦ 1977.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἐὰν ἐκ τοῦ κειμένου προκύπη Ἑρμηνεία.
διάφορος ἔννοια—

«Σύμβασις» σημαίνει τὴν Σύμβασιν περί τῶν Μεταναστῶν Ἑργατῶν (Συμπληρωματικαὶ Διατάξεις) τοῦ 1975 τῆς ὁποίας τὸ κείμενον ἐν τῷ ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν Ἑλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος :

Πίναξ.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξύ τῶν δύο κειμένων ὑπερισχύει τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Διὰ τοῦ παρόντος Νόμου κυροῦται ἡ Σύμβασις.

Κύρωσις
Συμβάσεως.

Π Ι Ν Α Ξ

(Ἄρθρον 2).

ΠΡΩΤΟΝ ΜΕΡΟΣ

CONVENTION 143 CONCERNING MIGRATIONS IN ABUSIVE
CONDITIONS AND THE PROMOTION OF EQUALITY
OF OPPORTUNITY AND TREATMENT OF MIGRANT WORKERS

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June, 1975, and
Considering that the Preamble of the Constitution of the International Labour Organisation assigns to it the task of protecting "the interests of workers when employed in countries other than their own", and
Considering that the Declaration of Philadelphia reaffirms, among the principles on which the Organisation is based, that "labour is not a commodity", and that "poverty anywhere constitutes a danger to prosperity everywhere",

and recognises the solemn obligation of the ILO to further programmes which will achieve in particular full employment through "the transfer of labour, including for employment ...".

Considering the ILO World Employment Programme and the Employment Policy Convention and Recommendation, 1964, and emphasising the need to avoid the excessive and uncontrolled or unassisted increase of migratory movement because of their negative social and human consequences, and

Considering that in order to overcome underdevelopment and structural and chronic unemployment, the governments of many countries increasingly stress the desirability of encouraging the transfer of capital and technology rather than the transfer of workers in accordance with the needs and request of these countries in the reciprocal interest of the countries of origin and the countries of employment, and

Considering the right of everyone to leave any country, including his own, and to enter his own country, as set forth in the Universal Declaration of Human Rights and the International Covenant of Civil and Political Rights, and

Recalling the provisions contained in the Migration for Employment Convention and Recommendation (Revised), 1949, in the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955, in the Employment Policy Convention and Recommendation, 1964, in the Employment Service Convention and Recommendation, 1948, and in the Fee-Charging Employment Agencies Convention (Revised), 1949, which deal with such matters as the regulation of recruitment, introduction and placing of migrant workers, the provision of accurate information relating to migration, the minimum conditions to be enjoyed by migrants in transit and on arrival, the adoption of an active employment policy and international collaboration in these matters, and

Considering that the emigration of workers due to conditions in labour markets should take place under the responsibility of official agencies for employment or in accordance with the relevant bilateral or multilateral agreements, in particular those permitting free circulation of workers, and

Considering that evidence of the existence of illicit and clandestine trafficking in labour calls for further standards specifically aimed at eliminating these abuses, and

Recalling the provisions of the Migration for Employment Convention (Revised), 1949, which require ratifying Members to apply to immigrants lawfully within their territory treatment not less favourable than that which they apply to their nationals in respect of a variety of matters which it enumerates, in so far as these are regulated by laws or regulations or subject to the control of administrative authorities, and

Recalling that the definition of the term "discrimination" in the Discrimination (Employment and Occupation) Convention, 1958, does not mandatorily include distinctions on the basis of nationality, and

Considering that further standards, covering also social security, are desirable in order to promote equality of opportunity and treatment of migrant workers and, with regard to matters regulated by laws or regulations or subject to the control of administrative authorities, ensure treatment at least equal to that of nationals, and

Noting that, for the full success of action regarding the very varied problems of migrant workers, it is essential that there be close co-operation with the United Nations and other specialised agencies, and

Noting that, in the framing of the following standards, account has been taken of the work of the United Nations and of other specialised agencies and that, with a view to avoiding duplication and to ensuring appropriate co-

ordination, there will be continuing co-operation in promoting and securing the application of the standards, and

Having decided upon the adoption of certain proposals with regard to migrant workers, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention supplementing the Migration for Employment Convention (Revised), 1949, and the Discrimination (Employment and Occupation) Convention, 1958,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Migrant Workers (Supplementary Provisions) Convention, 1975:

Part I.—MIGRATIONS IN ABUSIVE CONDITIONS

Article 1

Each Member for which this Convention is in force undertakes to respect the basic human rights of all migrant workers.

Article 2

1. Each Member for which this Convention is in force shall systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations.

2. The representative organisations of employers and workers shall be fully consulted and enabled to furnish any information in their possession on this subject.

Article 3

Each Member shall adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members—

- (a) to suppress clandestine movements of migrants for employment and illegal employment of migrants, and
- (b) against the organisers of illicit or clandestine movements of migrants for employment departing from, passing through or arriving in its territory, and against those who employ workers who have immigrated in illegal conditions,

in order to prevent and to eliminate the abuses referred to in Article 2 of this Convention.

Article 4

In particular, Members shall take such measures as are necessary, at the national and the international level, for systematic contact and exchange of information on the subject with other States, in consultation with representative organisations of employers and workers.

Article 5

One of the purposes of the measures taken under Articles 3 and 4 of this Convention shall be that the authors of manpower trafficking can be prosecuted whatever the country from which they exercise their activities.

Article 6

1. Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and the application of administrative, civil and penal sanctions, which include imprisonment in their range, in respect of the illegal employment of

migrant workers, in respect of the organisation of movements of migrants for employment defined as involving the abuses referred to in Article 2 of this Convention, and in respect of knowing assistance to such movements, whether for profit or otherwise.

2. Where an employer is prosecuted by virtue of the provisions made in pursuance of this Article, he shall have the right to furnish proof of his good faith.

Article 7

The representative organisations of employers and workers shall be consulted in regard to the laws and regulations and other measures provided for in this Convention and designed to prevent and eliminate the abuses referred to above, and the possibility of their taking initiatives for this purpose shall be recognised.

Article 8

1. On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit.

2. Accordingly, he shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining.

Article 9

1. Without prejudice to measures designed to control movements of migrants for employment by ensuring that migrant workers enter national territory and are admitted to employment in conformity with the relevant laws and regulations, the migrant worker shall, in cases in which these laws and regulations have not been respected and in which his position cannot be regularised, enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits.

2. In case of dispute about the rights referred to in the preceding paragraph, the worker shall have the possibility of presenting his case to a competent body, either himself or through a representative.

3. In case of expulsion of the worker or his family the cost shall not be borne by them.

4. Nothing in this Convention shall prevent Members from giving persons who are illegally residing or working within the country the right to stay and to take up legal employment.

Part II.—EQUALITY OF OPPORTUNITY AND TREATMENT

Article 10

Each Member for which the Convention is in force undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory.

Article 11

1. For the purpose of this Part of this Convention, the term "migrant worker" means a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker.

2. This Part of this Convention does not apply to—

- (a) frontier workers ;
- (b) artistes and members of the liberal professions who have entered the country on a short - term basis ;
- (c) seamen ;
- (d) persons coming specifically for purposes of training or education ;
- (e) employees of organisations or undertakings operating within the territory of a country who have been admitted to temporarily to that country at the request of their employer to undertake specific duties or assignments, for a limited and defined period of time, and who are required to leave that country on the completion of their duties or assignments.

Article 12

Each Member shall, by methods appropriate to national conditions and practice—

- (a) seek the co-operation of employers and workers' organisations and other appropriate bodies in promoting the acceptance and observance of the policy provided for in Article 10 of this Convention ;
- (b) enact such legislation and promote such educational programmes as may be calculated to secure the acceptance and observance of the policy ;
- (c) take measures, encourage educational programmes and develop other activities aimed at acquainting migrant workers as fully as possible with the policy, with their rights and obligations and with activities designed to give effective assistance to migrant workers in the exercise of their rights and or their protection ;
- (d) repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy ;
- (e) in consultation with representative organisations of employers and workers, formulate and apply a social policy appropriate to national conditions and practice which enables migrant workers and their families to share in advantages enjoyed by its nationals while taking account, without adversely affecting the principle of equality of opportunity and treatment, of such special needs as they may have until they are adapted to the society of the country of employment ;
- (f) take all steps to assist and encourage the efforts of migrant workers and their families to preserve their national and ethnic identity and their cultural ties with their country of origin, including the possibility for children to be given some knowledge of the mother tongue ;
- (g) guarantee equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of the employment.

Article 13

1. A Member may take all necessary measures which fall within its competence and collaborate with other Members to facilitate the reunification of the families of all migrant workers legally residing in its territory.

2. The members of the family of the migrant worker to which this Article applies are the spouse and dependent children, father and mother.

Article 14

A Member may—

- (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose

of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term or less than two years, that the worker has completed his first work contract ;

- (b) after appropriate consultation with the representative organisations of employers and workers, make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas ;
- (c) restrict access to limited categories of employment or functions where this is necessary in the interests of the state.

Part III.—FINAL PROVISIONS

Article 15

This Convention does not prevent Members from concluding multilateral or bilateral agreements with a view to resolving problems arising from its application.

Article 16

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude either Part I or II from its acceptance of the Convention.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate in its reports upon the application of this Convention the position of its law and practice in regard to the provisions of the Part excluded from its acceptance, the extent to which effect has been given, or is proposed to be given, to the said provision and the reasons for which it has not yet included them in its acceptance of the Convention.

Article 17

The formal ratifications of this Convention shall be communicated to the Director - General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director - General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director - General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 19

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director - General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned on the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 20

1. The Director - General of the International Labour Office shall notify all Members of the International Labour Organisation of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director - General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 21

The Director - General of the International Labour Office shall communicate to the Secretary - General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 22

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 23

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of the Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 24

The English and French versions of the text of this Convention are equally authoritative.

ΔΕΥΤΕΡΟΝ ΜΕΡΟΣ

ΣΥΜΒΑΣΙΣ 143 ΠΕΡΙ ΤΩΝ ΜΕΤΑΝΑΣΤΕΥΣΕΩΝ ΥΠΟ ΣΥΝΘΗΚΑΣ ΑΘΕΜΙΤΟΥΣ ΚΑΙ ΤΗΣ ΠΡΟΩΘΗΣΕΩΣ ΙΣΟΤΗΤΟΣ ΕΥΚΑΙΡΙΩΝ ΚΑΙ ΜΕΤΑΧΕΙΡΙΣΕΩΣ ΜΕΤΑΝΑΣΤΩΝ ΕΡΓΑΤΩΝ

Ἡ Γενική Συνδιάσκεψις τῆς Διεθνούς Ὀργανώσεως Ἑργασίας,

Συγκληθεῖσα ἐν Γενεύῃ ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου τοῦ Διεθνούς Γραφείου Ἑργασίας καὶ συνελθοῦσα εἰς τὴν Ἐξηκοστὴν Σύνοδον αὐτῆς τὴν 4ην Ἰουνίου, 1975,

Ἐχούσα ὑπ' ὄψιν ὅτι τὸ Προοίμιον τοῦ Καταστατικοῦ τῆς Διεθνούς Ὀργανώσεως Ἑργασίας ἀναθέτει εἰς αὐτὴν τὸ ἔργον τῆς προασπίσεως «τῶν συμφερόντων τῶν ἐργατῶν δσάκις οὗτοι ἐργοδοτῶνται ἐν τῇ ἀλλοδαπῇ»,

"Εχουσα υπ' ὄψιν ὅτι ἡ Διακήρυξις τῆς Φιλαδελφείας ἐπαναβεβαιοῖ, μεταξύ τῶν ἀρχῶν ἐπὶ τῶν ὁποίων ἐρεῖδεται ἡ Ὀργάνωσις, ὅτι «ἡ ἐργασία δὲν εἶναι ἐμπόρευμα» καὶ ὅτι «ἡ πενία ὅπουδῆποτε ἀπαντᾷται συνιστᾷ κίνδυνον διὰ τὴν ἀπανταχοῦ εὐημερίαν», καὶ ἀναγνωρίζει τὴν ἐπίσημον ὑποχρέωσιν τῆς ΔΟΕ πρὸς προώθησιν προγραμμάτων δυναμένων νὰ ἐπιτύχουν κυρίως τὴν πλήρη ἀπασχόλησιν μέσω «τῆς μεταφορᾶς ἐργασίας, περιλαμβανομένης τῆς ἀπασχολήσεως.....»,

"Εχουσα υπ' ὄψιν τὸ Παγκόσμιον Πρόγραμμα Ἀπασχολήσεως τῆς ΔΟΕ, τὴν Σύμβασιν καὶ τὴν Σύστασιν ἐπὶ τῆς Πολιτικῆς τῆς Ἀπασχολήσεως τοῦ 1964, καὶ τονίζουσα τὴν ἀνάγκην ἀποφυγῆς τῶν ὑπερμέτρων καὶ ἀνεξλέγκτων ἢ τῶν ἀνευ ὑποστηρίξεως μεταναστευτικῶν κινήσεων λόγῳ τῶν ἀρνητικῶν συνεπειῶν τῶν ἐπὶ τῆς κοινωνίας καὶ τῶν ἀνθρώπων,

"Εχουσα υπ' ὄψιν ὅτι πρὸς τὸν σκοπὸν ὑπερνικήσεως τῆς ὑπαναπτύξεως καὶ τῆς ὀργανικῆς καὶ χρονίας ἀνεργίας, αἱ κυβερνήσεις πλείστων χωρῶν ὑπογραμμίζουν διαρκῶς καὶ περισσότερον τὴν ἐπιθυμίαν ἐνθαρρύνσεως τῆς μεταφορᾶς κεφαλαίου καὶ τεχνολογίας μᾶλλον παρὰ τῆς μεταφορᾶς ἐργατῶν συμφώνως πρὸς τὰς ἀνάγκας καὶ ἀπαιτήσεις τῶν χωρῶν τούτων πρὸς ἀμοιβαῖον ὄφελος τόσον τῶν χωρῶν προελεύσεως ὅσον καὶ τῶν χωρῶν ἀπασχολήσεως,

"Εχουσα υπ' ὄψιν τὸ δικαίωμα ἐκάστου νὰ ἐγκαταλείπη οἰανδήποτε χώραν, περιλαμβανομένης καὶ τῆς ἰδικῆς του, καὶ νὰ εἰσέρχεται εἰς τὴν ἰδίαν αὐτοῦ χώραν, ὡς ἐκτίθεται εἰς τὴν Παγκόσμιον Διακήρυξιν τῶν Ἀνθρωπίνων Δικαιωμάτων καὶ εἰς τὸ Διεθνὲς Σύμφωνον περὶ τῶν Ἀστικῶν καὶ Πολιτικῶν Δικαιωμάτων,

"Υπενθυμίζουσα τὰς διατάξεις αἰτίνες περιέχονται εἰς τὴν περὶ τῆς Μεταναστεύσεως πρὸς Ἀπασχόλησιν Σύμβασιν καὶ Σύστασιν (Ἀναθεωρηθεῖσα) τοῦ 1949, εἰς τὴν περὶ τῆς Προστασίας τῶν Μεταναστῶν Ἑργατῶν (Ὑπανάπτυκτοι Χῶραι) Σύστασιν τοῦ 1955, εἰς τὴν περὶ τῆς Πολιτικῆς Ἀπασχολήσεως Σύμβασιν καὶ Σύστασιν τοῦ 1964, εἰς τὴν περὶ τῶν Ὑπηρεσιῶν Ἀπασχολήσεως Σύμβασιν καὶ Σύστασιν τοῦ 1948, ὡς καὶ εἰς τὴν περὶ τῶν Ἐπὶ Πληρωμῇ Γραφείων Ἐξευρέσεως Ἑργασίας Σύμβασιν (Ἀναθεωρηθεῖσα) τοῦ 1949, αἰτίνες πραγματεύονται τοιαῦτα θέματα ὡς εἶναι ἡ ρύθμισις τῆς προσλήψεως, ἡ παρουσίαις καὶ ἡ τοποθέτησις μεταναστῶν ἐργατῶν, ἡ παροχὴ ἐπακτιβῶν πληροφοριῶν σχετικῶν πρὸς τὴν μετανάστευσιν, τὸ κατώτατον ὄριον συνθηκῶν ἄτινας δέον ν' ἀπολαύουν οἱ μετανάστες κατὰ τὴν μεταφορὰν καὶ τὴν ἀφίξιν, ἡ υἱοθέτησις δραστηρικῆς πολιτικῆς ἀπασχολήσεως καὶ διεθνoῦς συνεργασίας ἐπὶ τῶν θεμάτων τούτων,

"Εχουσα υπ' ὄψιν ὅτι ἡ μετανάστευσις ἐργατῶν λόγῳ τῶν ἐπικρατουσῶν εἰς τὰς ἀγορὰς ἐργασίας συνθηκῶν ἔδει νὰ λαμβάνη χώραν ὑπὸ τὴν εὐθύνην ἐπισήμων γραφείων ἀπασχολήσεως ἢ συμφώνως πρὸς τὰς σχετικὰς διμερεῖς ἢ πολυμερεῖς συμφωνίας, ἰδίως ἐκεῖνας αἰτίνες ἐπιτρέπουν τὴν ἐλευθέραν κυκλοφορίαν ἐργατῶν,

"Εχουσα υπ' ὄψιν ὅτι αἱ μαρτυρίαι περὶ ὑπάρξεως παρανόμου καὶ λαθραίας διακινήσεως ἐργασίας δικαιολογοῦν τὴν προώθησιν ἐπιτέδων ειδικῶς ἀποσκοπούντων εἰς τὴν ἐξάλειψιν τῶν ἐν λόγῳ καταχρήσεων,

"Υπενθυμίζουσα τὰς διατάξεις τῆς περὶ Μεταναστεύσεως πρὸς Ἀπασχόλησιν Συμβάσεως (Ἀναθεωρηθεῖσα) τοῦ 1949, αἰτίνες απαιτοῦν παρὰ τῶν ἐπικυρῶντων ταύτην Μελῶν νὰ ἐφαρμόζουν ἐπὶ τῶν νομίμως ἐν τῷ ἐδάφει των εὐρισκομένων μεταναστῶν μεταχειρίσιν οὐχὶ ὀλιγώτερον εὐνοϊκὴν ἐκείνης ἣν ἐφαρμόζουν εἰς τοὺς ὑπηκόους των ἐν σχέσει πρὸς ποικιλίαν θεμάτων ἅτινα αὕτη ἀπαριθμεῖ, εἰς ἣν ἔκτασιν ταῦτα διέπονται ὑπὸ νόμων ἢ Κανονισμῶν ἢ ὑπόκεινται εἰς τὸν ἔλεγχον τῶν διοικητικῶν ἀρχῶν,

"Υπενθυμίζουσα ὅτι ὁ ὁρισμὸς «διάκρισις» εἰς τὴν περὶ τῆς Διακρίσεως (Ἀπασχολήσεως καὶ Ἐπάγγελμα) Σύμβασιν τοῦ 1958 δὲν περιλαμβάνει ὑποχρεωτικῶς διακρίσεις ἐπὶ τῇ θάσει τῆς ὑπηκοότητος,

"Εχουσα υπ' ὄψιν ὅτι νεώτερα ἐπίπεδα, καλύπτοντα ἐπίσης τὴν κοινωνικὴν ἀσφάλισιν, εἶναι ἐπιθυμητὰ πρὸς τὸν σκοπὸν προωθήσεως ἰσότητος εὐκαιριῶν καὶ μεταχειρίσεως τῶν μεταναστῶν ἐργατῶν καί, ἀναφορικῶς πρὸς θέματα διεπόμενα ὑπὸ νόμων καὶ κανονισμῶν ἢ ὑποκείμενα εἰς τὸν ἔλεγχον διοικητικῶν ἀρχῶν, ἐξασφαλίσεως μεταχειρίσεως τοῦλάχιστον ἴσης πρὸς τὴν τῶν ὑπηκόων,

Σημειῶσα ὅτι, διὰ τὴν πλήρη ἐπιτυχίαν τῶν ἐνεργειῶν ἐν σχέσει πρὸς τὰ πολυποίκιλα προβλήματα τῶν μεταναστῶν ἐργατῶν, εἶναι οὐσιώδης ἡ ὑπαρξίς στενῆς συνεργασίας μετὰ τῶν Ἠνωμένων Ἐθνῶν καὶ ἐτέρων ἐξειδικευμένων Ὄργανώσεων,

Σημειῶσα ὅτι, κατὰ τὴν διαμόρφωσιν τῶν ἀκολουθῶν ἐπιπέδων, ἐλήφθη, ὑπ' ὄψιν ἡ ἐργασία τῶν Ἠνωμένων Ἐθνῶν καὶ ἐτέρων ἐξειδικευμένων ὀργανώσεων καὶ ὅτι, πρὸς τὸν σκοπὸν ἀποφυγῆς ἐπαναλήψεως καὶ πρὸς ἐξασφάλισιν καταλλήλου συντονισμοῦ, δεόν νὰ ὑπάρχη συνεχῆς συνεργασία εἰς τὴν προώθησιν καὶ ἐξασφάλισιν τῆς ἐφαρμογῆς τῶν ἐπιπέδων,

Ἀποφασίσασα τὴν υἱοθέτησιν ὠρισμένων προτάσεων ἀναφορικῶς πρὸς τοὺς μετανάστας ἐργάτας, ζητήμα ἀποτελοῦν τὸ πέμπτον σημεῖον τῆς ἡμερησίας διατάξεως τῆς συνόδου, καὶ

Ἀποφασίσασα ὅπως αἱ ἐν λόγῳ προτάσεις λάβουν τὸν τύπον διεθνοῦς Συμβάσεως συμπληρώσης τὴν περὶ Μεταναστεύσεως πρὸς Ἀπασχόλησιν Σύμβασιν (Ἀναθεωρηθεῖσα) τοῦ 1949, ὡς καὶ τὴν περὶ Διακρίσεως (Ἀπασχόλησις καὶ Ἐπάγγελμα) Σύμβασιν τοῦ 1958,

υἱοθετεῖ σήμερον τὴν εἰκοστὴν τετάρτην Ἰουνίου τοῦ ἔτους χίλια ἑννεακόσια ἑβδομήκοντα πέντε τὴν ὡς ἔπεται Σύμβασιν, ἥτις δύναται ν' ἀναφέρηται ὡς ἡ περὶ τῶν Μεταναστῶν Ἐργατῶν (Συμπληρωματικαὶ Διατάξεις) Σύμβασιν τοῦ 1975 :

Μέρος Ι.—ΜΕΤΑΝΑΣΤΕΥΣΕΙΣ ΥΠΟ ΣΥΝΘΗΚΑΣ ΑΘΕΜΙΤΟΥΣ

"Ἀρθρον 1

"Ἐκαστον Μέλος ἔναντι οὐτινος ἰσχύει ἡ παρούσα Σύμβασις ἀναλαμβάνει τὴν ὑποχρέωσιν σεβασμοῦ τῶν θεμελιωδῶν ἀνθρωπίνων δικαιωμάτων πάντων τῶν μεταναστῶν ἐργατῶν.

"Ἀρθρον 2

1. "Ἐκαστον Μέλος ἔναντι οὐτινος ἰσχύει ἡ παρούσα Σύμβασις ὀφείλει νὰ ἐπιδιώκῃ συστηματικῶς τὴν ἐξακρίβωσιν περὶ τοῦ κατὰ πόσον ὑπάρχουν παρὰ νόμῳ ἀπασχολούμενοι μετανάσται ἐργάται ἐπὶ τοῦ ἐδάφους του, ὡς ἐπίσης κατὰ πόσον οἰαδήποτε μεταναστευτικὰ ρεύματα ἐπὶ σκοπῷ ἀπασχολήσεως ἀναχωροῦν, διέρχονται ἢ ἀφικνοῦνται εἰς τὸ ἔδαφός του ἐντὸς τοῦ ὁποίου οἱ μετανάσται ὑποβάλλονται διαρκοῦντος τοῦ ταξιδίου των, κατὰ τὴν ἀφίξιν ἢ, διαρκούσης τῆς παραμονῆς καὶ ἀπασχολήσεώς των εἰς μεταχειρίσιν ἀντιθαίνουσας πρὸς σχετικὰ διεθνή πολυμερῆ ἢ διμερῆ ἐπίσημα ἔγγραφα ἢ συμφωνίας ἢ πρὸς τοὺς ἐθνικοὺς νόμους καὶ κανονισμούς.

2. Μετὰ τῶν ἀντιπροσωπευτικῶν ὀργανώσεων τῶν ἐργοδοτῶν καὶ ἐργατῶν δεόν νὰ λαμβάνουν χώραν πλήρεις συνεννοήσεις καὶ νὰ παρέχεται εἰς ταύτας πᾶσα δυνατότης διὰ νὰ παράσχουν οἰαδήποτε ἐν τῇ κατοχῇ των πληροφορίας περὶ τοῦ θέματος.

"Ἀρθρον 3

"Ἐκαστον Μέλος ὀφείλει νὰ υἱοθετήσῃ ἅπαντα τὰ ἀναγκαῖα καὶ προσήκοντα μέτρα τὰ ἐμπίπτοντα εἰς τὴν ἀρμοδιότητά του ὡς καὶ τὰ ἀπαιτοῦντα συνεργασίαν μετ' ἐτέρων Μελῶν—

- (α) πρὸς καταστολὴν τῶν λαθραίων μετακινήσεων μεταναστῶν πρὸς ἀπασχόλησιν καὶ τῆς παρανόμου ἀπασχολήσεως μεταναστῶν, καὶ
- (β) κατὰ τῶν ὀργανισμῶν παρανόμων ἢ λαθραίων μετακινήσεων μεταναστῶν πρὸς ἀπασχόλησιν οἵτινες ἀναχωροῦν, διέρχονται ἢ ἀφι-

κινούνται εις τὸ ἑδαφὸς του, ὡς ἐπίσης κατ' ἐκείνων οἵτινες ἐργοδο-
τοῦν ἐργάτας μεταναστεύσαντας ὑπὸ παρανόμους συνθήκας,
πρὸς τὸν σκοπὸν προλήψεως καὶ ἐξαλείψεως τῶν ἐν τῷ "Αρθρῷ 2 τῆς παρούσης
Συμβάσεως ἀναφερομένων καταχρήσεων.

"Αρθρον 4

Εἰδικώτερον, τὰ Μέλη ὀφείλουν νὰ λαμβάνουν τὰ ἀναγκαῖα μέτρα, τόσον
ἐπὶ ἐθνικοῦ ὅσον καὶ διεθνοῦς πεδίου, διὰ τὴν συστηματικὴν ἐπαφὴν καὶ ἀνταλ-
λαγὴν πληροφοριῶν ἐπὶ τοῦ θέματος μεθ' ἐτέρων Κρατῶν, ἐν συνεννοήσει μετὰ
τῶν ἀντιπροσωπευτικῶν ὁργανώσεων τῶν ἐργοδοτῶν καὶ ἐργατῶν.

"Αρθρον 5

Εἰς ἐκ τῶν σκοπῶν τῶν δυνάμει τῶν "Αρθρῶν 3 καὶ 4 τῆς παρούσης Συμ-
βάσεως λαμβανομένων μέτρων δέον νὰ εἶναι ἡ ποινικὴ δίωξις τῶν πρωτε-
ργατῶν τῆς διακινήσεως τῆς ἀνθρωπίνης ἐργασίας οἰαδήποτε καὶ ἐάν εἶναι ἡ
χώρα ἐκ τῆς ὁποίας οὗτοι ἀσκοῦν τὰς δραστηριότητάς των.

"Αρθρον 6

1. Δέον ὅπως θεσπίζονται διατάξεις ἐπὶ τῇ θάσει ἐθνικῶν νόμων ἢ κανο-
νισμῶν διὰ τὴν ἀποτελεσματικὴν ἀνακάλυψιν τῆς παρανόμου ἀπασχολήσεως
μεταναστῶν ἐργατῶν, ὡς καὶ διὰ τὸν καθορισμὸν καὶ τὴν ἐφαρμογὴν διοικη-
τικῶν, ἀστικῶν καὶ ποινικῶν κυρώσεων, ἐξικνουμένων μέχρι καὶ τῆς φυλα-
κίσεως, ἐν σχέσει πρὸς τὴν παράνομον ἀπασχόλησιν μεταναστῶν ἐργατῶν, τὴν
ὁργανῶσιν ἀποστολῶν μεταναστῶν πρὸς ἀπασχόλησιν ἐνέχουσιν τὰς ἐν τῷ
"Αρθρῷ 2 τῆς παρούσης Συμβάσεως ἀναφερομένας καταχρήσεις, ὡς καὶ τὴν
ἐν γνώσει ὑποβόηθαι τοιούτων ἀποστολῶν, εἴτε χάριν κερδοσκοπίας εἴτε
ἄλλως πως.

2. Ὅσακις ἐργοδότης τις διώκεται ποινικῶς δυνάμει τῶν κατ' ἐφαρμογὴν
τοῦ παρόντος "Αρθρου θεσπιζομένων διατάξεων, οὗτος δικαιούται νὰ προσκο-
μίσῃ ἀπόδειξιν περὶ τῆς καλῆς του πίστεως.

"Αρθρον 7

Μετὰ τῶν ἀντιπροσωπευτικῶν ὁργανώσεων τῶν ἐργοδοτῶν καὶ ἐργατῶν
δέον νὰ λαμβάνουν χώραν πλήρεις συνεννοήσεις προκειμένου περὶ νόμων καὶ
κανονισμῶν ὡς καὶ περὶ τῶν λοιπῶν μέτρων τῶν προβλεπομένων ὑπὸ τῆς πα-
ρούσης Συμβάσεως καὶ ἀποσκοπούντων εἰς τὴν πρόληψιν καὶ ἐξάλειψιν τῶν
ἀνωτέρω ἀναφερομένων καταχρήσεων, θὰ ἀναγνωρίζηται δὲ ἡ δυνατότης
αὐτῶν ὅπως ἀναλαμβάνουν πρωτοβουλίας πρὸς τοῦτο.

"Αρθρον 8

1. Ὑπὸ τὴν προϋπόθεσιν ὅτι οὗτος ἔχει παραμείνει νομίμως ἐν τινι ἐδάφει
πρὸς τὸν σκοπὸν ἀπασχολήσεως, ὁ μετανάστης ἐργάτης δέον νὰ μὴ θεωρῇται
ὅτι τελεῖ εἰς παράνομον ἢ ἀντικανονικὴν κατάστασιν ἐκ μόνον τοῦ λόγου τῆς
ἀπωλείας τῆς ἐργοδοτήσεώς του, ἥτις ἀφ' ἐαυτῆς δὲν δύναται νὰ συνεπάγῃται
τὴν ἀνάκλησιν τῆς ἀδείας παραμονῆς του ἢ, ἀναλόγως τῆς περιπτώσεως τῆς
ἀδείας ἐργασίας.

2. Ἐπομένως, οὗτος θὰ ἀπολαύῃ ἰσότητα μεταχειρίσεως πρὸς ἐκείνην τῶν
ὕπηκων ἐν σχέσει ἰδίως πρὸς τὰς ἐγγυήσεις ἐξασφαλίσεως ἀπασχολήσεως,
τὴν παροχὴν ἐναλλακτικῆς ἀπασχολήσεως, τὴν ἀνακουφιστικὴν ἐργασίαν καὶ
τὴν ἐπανεκπαίδευσιν.

"Αρθρον 9

1. Ἄνευ ἐπηρεασμοῦ τῶν μέτρων ἅτινα ἀποσκοποῦν εἰς τὸν ἔλεγχον τῶν
μεταναστευτικῶν ρευμάτων πρὸς ἀπασχόλησιν διὰ τῆς διασφαλίσεως ὅτι οἱ
μετανάσται ἐργάται θὰ εἰσέρχονται εἰς τὸ ἐθνικὸν ἑδαφὸς καὶ θὰ γίνονται
δεκτοὶ πρὸς ἀπασχόλησιν συμφώνως πρὸς τοὺς σχετικoὺς νόμους καὶ κανο-
νισμοὺς, ὁ μετανάστης ἐργάτης δέον ὅπως, εἰς τὰς περιπτώσεις καθ' ἃς οἱ ἐν
λόγῳ νόμοι καὶ κανονισμοὶ δὲν ἔχουν τηρηθῇ καὶ ἡ θέσις αὐτοῦ δὲν δύναται

νά τακτοποιηθῇ, ἀπολαύη ἰσότητα μεταχειρίσεως δι' ἑαυτὸν καὶ τὴν οἰκογένειάν του ἐν σχέσει πρὸς δικαιώματα προκύπτοντα ἐκ παρωχημένης ἀπασχολήσεως ἀναφορικῶς πρὸς ἀντιμισθίαν, κοινωνικὴν ἀσφάλισιν καὶ ἕτερα ὠφελήματα.

2. Ἐν περιπτώσει ἀμφισβήτησεως τῶν ἐν τῇ προηγουμένη παραγράφῳ ἀναφερομένων δικαιωμάτων, ὁ ἐργάτης δέον νὰ ἔχῃ τὴν δυνατότητα παρούσιάζεως τῆς ὑποθέσεώς του ἐνώπιον ἀρμοδίου σώματος, εἴτε αὐτοπροσώπως εἴτε μέσῳ ἀντιπροσώπου.

3. Ἐν περιπτώσει ἀπελάσεως τοῦ ἐργάτου ἢ τῆς οἰκογενείας του, αἱ δαπάναι δὲν θὰ βαρύνουν τούτους.

4. Οὐδὲν τῶν ἐν τῇ παρούσῃ Συμβάσει διαλαμβανομένων θέλει ἐμποδίζει τὰ Μέλη ἀπὸ τοῦ νὰ χορηγήσουν εἰς πρόσωπα παρανόμως διαμένοντα ἢ ἐργαζόμενα ἐντὸς τῆς Χώρας τὸ δικαίωμα παραμονῆς καὶ ἀναλήψεως νομίμου ἀπασχολήσεως.

Μέρος II.—ΙΣΟΤΗΣ ΕΥΚΑΙΡΙΩΝ ΚΑΙ ΜΕΤΑΧΕΙΡΙΣΕΩΣ

Ἄρθρον 10

Ἐκαστον Μέλος ἐναντι οὗτινος ἰσχύει ἡ παρούσα Σύμβασις ἀναλαμβάνει νὰ διακηρύξῃ καὶ ἀκολουθῇ ἐθνικὴν πολιτικὴν ἀποσκοποῦσαν νὰ προωθῇ καὶ ἐξασφαλίσῃ, διὰ μεθόδων ἀρμοζουσῶν εἰς τὰς ἐθνικὰς συνθήκας καὶ πρακτικὴν ἰσότητα εὐκαιριῶν καὶ μεταχειρίσεως ἐν σχέσει πρὸς τὴν ἀπασχόλησιν καὶ τὸ ἐπάγγελμα, τὴν κοινωνικὴν ἀσφάλισιν, τὰ συνδικαλιστικὰ καὶ μορφωτικὰ δικαιώματα, τὰς ἀτομικὰς καὶ συλλογικὰς ἐλευθερίας τῶν προσώπων ὅτινα ὡς μετανάστai ἐργάται ἢ ὡς μέλη τῶν οἰκογενειῶν των εὐρίσκονται νομίμως ἐντὸς τοῦ ἐδάφους του.

Ἄρθρον 11

1. Ἐν τῇ ἐννοίᾳ τοῦ Παρόντος Μέρους τῆς παρούσης Συμβάσεως ὁ ὅρος «μετανάστης ἐργάτης» σημαίνει πρόσωπον ὅπερ μεταναστεῦει ἢ ἔχει μεταναστεῦσαι ἀπὸ μίαν χώραν εἰς ἑτέραν πρὸς τὸν σκοπὸν νὰ εὕρῃ ἀπασχόλησιν ἄλλως ἢ ὡς αὐτοτελῶς ἐργαζόμενος καὶ περιλαμβάνει πᾶν πρόσωπον κανονικῶς γενόμενον δεκτὸν ὡς μετανάστης ἐργάτης.

2. Τὸ παρὸν Μέρος τῆς παρούσης Συμβάσεως δὲν ἐφαρμόζεται εἰς—

- (α) τοὺς μεθοριακοὺς ἐργάτας·
- (β) τοὺς καλλιτέχνas καὶ τὰ μέλη ἐλευθερίων ἐπαγγελματιῶν οἵτινες εἰσῆλθον εἰς τὴν χώραν ἐπὶ βραχυχρονίου θάσεως·
- (γ) τοὺς ναυτικούς·
- (δ) τὰ πρόσωπα τὰ ἐρχόμενα εἰδικῶς διὰ σκοποὺς εἰδικεύσεως ἢ ἐκπαίδευσσεως.
- (ε) τοὺς ὑπαλλήλους ὁργανισμῶν ἢ ἐπιχειρήσεων λειτουργουσῶν ἐντὸς τοῦ ἐδάφους χώρας τινός, οἵτινες ἐγένοντο δεκτοὶ προσωρινῶς εἰς τὴν ἐν λόγῳ χώραν κατόπιν αἰτήσεως τοῦ ἐργοδότη τοῦ διὰ τὴν ἀνάληψιν εἰδικῶν καθηκόντων ἢ ἐργασιῶν, διὰ περιορισμένην καὶ καθωρισμένην χρονικὴν περίοδον καὶ οἵτινες ὑποχρεοῦνται νὰ ἐγκαταλείψουν τὴν χώραν ταύτην ἅμα τῇ συμπληρώσει τῶν καθηκόντων ἢ ἐργασιῶν των.

Ἄρθρον 12

Ἐκαστον Μέλος ὀφείλει διὰ μεθόδων ἀρμοζουσῶν εἰς τὰς ἐθνικὰς αὐτοῦ συνθήκας καὶ πρακτικὴν :

- (α) νὰ ἐπιδιώκῃ τὴν συνεργασίαν ἐργοδοτικῶν καὶ ἐργατικῶν ὁργανώσεων καὶ ἐτέρων ἀρμοδίων σωμάτων κατὰ τὴν προώθησιν τῆς ἀποδοχῆς καὶ τηρήσεως τῆς ἐν τῷ Ἄρθρῳ 10 τῆς παρούσης Συμβάσεως προβλεπομένης πολιτικῆς·
- (β) νὰ θεσπίζῃ τοιαύτην νομοθεσίαν καὶ προωθῇ τοιαῦτα ἐκπαιδευτικὰ προγράμματα οἷα ἤθελον εἶναι κατάλληλα διὰ τὴν ἐξασφάλισιν τῆς ἀποδοχῆς καὶ τηρήσεως τῆς πολιτικῆς·

- (γ) νά λαμβάνη μέτρα, ἐνθαρρύνῃ ἐκπαιδευτικά προγράμματα καὶ ἀντιπύσῃ ἑτέρας δραστηριότητας ἀποσκοποῦσας εἰς τὸ νά γνωρίσουν οἱ μετανάστες ἐργάται ὅσον τὸ δυνατόν πληρέστερον τὴν διακηρυχθεῖσαν πολιτικὴν, τὰ δικαιώματα καὶ τὰς ὑποχρεώσεις των, ὡς καὶ τὰς δραστηριότητας αἰτίνες ἀποσκοποῦν εἰς τὸ νά παράσχουν ἀποτελεσματικὴν βοήθειαν εἰς τοὺς μετανάστες ἐργάτας ἐν τῇ ἀσκήσει τῶν δικαιωμάτων των καὶ διὰ τὴν προάσπισιν τούτων·
- (δ) ν' ἀναθεωρῇ οἰασδήποτε νομοθετικὰς διατάξεις καὶ τροποποιῇ οἰασδήποτε διοικητικὰς ὁδηγίας ἢ πρακτικὴν αἰτίνες ἀντίκεινται πρὸς τὴν ὡς ἄνω πολιτικὴν·
- (ε) ἐν συνεννοήσει μετὰ τῶν ἀντιπροσωπευτικῶν ἐργοδοτικῶν καὶ ἐργατικῶν ὁργανώσεων, νά διαμορφώῃ καὶ ἐφαρμόζῃ κοινωνικὴν πολιτικὴν ἀρμόζουσαν εἰς τὰς ἐθνικὰς συνθήκας καὶ πρακτικὴν ἥτις θὰ παρέχῃ εἰς τοὺς μετανάστες ἐργάτας καὶ τὰς οἰκογενεῖας των τὴν δυνατότητα συμμετοχῆς εἰς τὰ πλεονεκτήματα ἄτινα ἀπολαύουν οἱ ὑπήκοοί του, ἐνῶ θὰ λαμβάνῃ ὑπ' ὄψιν, ἄνευ δυσμενοῦς ἐπηρεασμοῦ τῆς ἀρχῆς τῆς ἰσότητος εὐκαιριῶν καὶ μεταχειρίσεως, τὰς ἰδιαιτέρας ἀνάγκας ἄτινας δυνατόν νά ἀντιμετωπίζουν μέχρις οὗτοι οὗτοι προσαρμολογῶν εἰς τὴν κοινωνίαν τῆς χώρας ἀπασχολήσεώς των·
- (στ) νά προβαίνει εἰς πᾶσαν ἐνέργειαν ὑποβοηθήσεως καὶ ἐνθαρρύνσεως τῶν προσπαθειῶν τῶν μεταναστῶν ἐργατῶν καὶ τῶν οἰκογενειῶν των νά διατηρήσουν τὴν ἐθνικὴν καὶ ἐθνολογικὴν των ταυτότητα (ιδιότητα) καὶ τοὺς πολιτιστικούς των δεσμούς μετὰ τῶν χωρῶν καταγωγῆς των περιλαμβανομένης τῆς δυνατότητος διὰ τὰ παιδιά νά διδάσκωνται ἐν τινὶ μέτρῳ τὴν μητρικὴν των γλῶσσαν·
- (ζ) νά ἐγγυᾶται ἰσότητα μεταχειρίσεως ἀναφορικῶς πρὸς τὰς συνθήκας ἐργασίας εἰς ἅπαντας τοὺς μετανάστες ἐργάτας τοὺς ἀσκούοντας τὴν αὐτὴν δραστηριότητα οἰαιδήποτε καὶ ἐὰν εἶναι αἱ ἰδιαιτέρας συνθήκαι ἀπασχολήσεως αὐτῶν.

Ἄρθρον 13

1. Πᾶν Μέλος δύναται νά λαμβάνῃ ἅπαντα τὰ ἐμπίποντα εἰς τὴν ἀρμοδιότητά του ἀναγκαῖα μέτρα καὶ νά συνεργάζηται μεθ' ἑτέρων Μελῶν διὰ τὴν διευκόλυνσιν τῆς ἐπανενώσεως τῶν μελῶν τῶν οἰκογενειῶν πάντων τῶν μεταναστῶν ἐργατῶν τῶν νομίμως διαμενόντων εἰς τὸ ἔδαφος αὐτοῦ.

2. Τὰ μέλη τῆς οἰκογενείας τοῦ μετανάστου ἐργάτου εἰς τὰ ὁποῖα ἀναφέρεται τὸ παρὸν Ἄρθρον εἶναι ἡ σύζυγος καὶ τὰ ἐξ αὐτοῦ ἐξαρτώμενα τέκνα, μῆτηρ καὶ πατήρ.

Ἄρθρον 14

Πᾶν Μέλος δύναται --

- (α) νά ἐξαρθῇ τὴν ἐλευθέραν ἐπιλογὴν ἀπασχολήσεως, ἐφ' ὅσον ἐξασφαλίζει εἰς τοὺς μετανάστες ἐργάτας τὸ δικαίωμα γεωγραφικῆς διακινήσεως, ἐκ τῆς προϋποθέσεως ὅτι ὁ μετανάστης ἐργάτης διαμένει νομίμως ἐντὸς τοῦ ἐδάφους του πρὸς τὸν σκοπὸν ἀπασχολήσεως διὰ προκαθωρισμένην περίοδον μὴ ὑπερβαίνουσαν τὰ δύο ἔτη ἢ, ἐὰν οἱ νόμοι καὶ κανονισμοὶ τούτου προβλέπουν περὶ συμβολαίων καθωρισμένης τινὸς διάρκειας μικροτέρας τῶν δύο ἐτῶν, ὅτι ὁ ἐργάτης συνεπλήρωσε τὸ πρῶτον αὐτοῦ συμβόλαιον ἐργασίας·
- (β) κατόπιν καταλλήλων συνεννοήσεων μετὰ τῶν ἀντιπροσωπευτικῶν ἐργοδοτικῶν καὶ ἐργατικῶν ὁργανώσεων, νά θεσπίζῃ κανονισμοὺς περὶ ἀναγνωρίσεως ἐπαγγελματικῶν προσόντων, περιλαμβανομένων πιστοποιητικῶν καὶ διπλωμάτων, κτηθέντων ἐν τῇ ἁλλοδαπῇ·
- (γ) νά περιορίζῃ τὴν εἰσοδὸν εἰς περιωρισμέναν κατηγορίαν ἀπασχολήσεως ἢ ὑπηρεσιῶν, ὡσάκις τοῦτο καθίσταται ἀναγκαῖον πρὸς τὸ συμφέρον τοῦ Κράτους.

ΜΕΡΟΣ ΙΙΙ.—ΤΕΛΙΚΑΙ ΔΙΑΤΑΞΕΙΣ

"Αρθρον 15

Ἡ παροῦσα Σύμβασις δὲν ἀπαγορεύει εἰς τὰ Μέλη νὰ συνάπτουν πολυμερεῖς ἢ διμερεῖς συμφωνίας πρὸς τὸν σκοπὸν ἐπιλύσεως προβλημάτων προκύπτόντων ἐκ τῆς ἐφαρμογῆς αὐτῆς.

"Αρθρον 16

1. Πᾶν Μέλος ἐπικυροῦν τὴν παροῦσαν Σύμβασιν δύναται διὰ δηλώσεως προσαρτωμένης εἰς τὴν ἐπικύρωσιν αὐτοῦ, νὰ ἀποκλείσῃ ἐκ τῆς ἀποδοχῆς τοῦ τὸ Μέρος I ἢ τὸ Μέρος II τῆς Συμβάσεως.

2. Πᾶν Μέλος ὅπερ προέβη εἰς μίαν τοιαύτην δήλωσιν δύναται κατὰ πάντα χρόνον ν' ἀνακαλέσῃ ταύτην διὰ μεταγενεστέρως δηλώσεώς του.

3. Πᾶν Μέλος δι' ὃ ἰσχύει δήλωσις γενομένη συμφώνως πρὸς τὴν παράγραφον I τοῦ παρόντος "Αρθρου ὀφείλει νὰ ἀναφέρῃ εἰς τὰς ἐπὶ τῆς ἐφαρμογῆς τῆς παρούσης Συμβάσεως ἐκθέσεις αὐτοῦ τὴν θέσιν τῆς οἰκείας αὐτοῦ νομοθεσίας καὶ πρακτικῆς ἐν σχέσει πρὸς τὰς διατάξεις τοῦ Μέρους ὅπερ δὲν ἐγένετο ἀποδεκτόν, τὴν ἑκτασιν καθ' ἣν ἐδόθη πρακτικὴ ἰσχὺς, ἢ προτίθεται νὰ δοθῇ, εἰς τὰς ἐν λόγω διατάξεις καὶ τοὺς λόγους δι' οὓς δὲν συμπεριέλαθεν εἰσέτι ταύτας ἐν τῇ οἰκείᾳ τούτου ἀποδοχῇ τῆς Συμβάσεως.

"Αρθρον 17

Αἱ ἐπίσημοι ἐπικυρώσεις τῆς παρούσης Συμβάσεως δεόν ὅπως ἀνακοινούνται εἰς τὸν Γενικὸν Διευθυντὴν τοῦ Διεθνoῦς Γραφείου Ἑργασίας παρ' οὗ καὶ καταχωρίζονται.

"Αρθρον 18

1. Ἡ παροῦσα Σύμβασις δεσμεύει μόνον τὰ Μέλη τῆς Διεθνoῦς Ὀργανώσεως Ἑργασίας ὧν αἱ ἐπικυρώσεις κατεχωρίσθησαν ὑπὸ τοῦ Γενικοῦ Διευθυντοῦ.

2. Αὕτη θέλει τεθῇ ἐν ἰσχύϊ δώδεκα μῆνας μετὰ τὴν ὑπὸ τοῦ Γενικοῦ Διευθυντοῦ καταχώρισιν τῶν ἐπικυρώσεων δύο Μελῶν.

3. Μετὰ ταῦτα, ἡ παροῦσα Σύμβασις θέλει ἄρχεται ἰσχύουσα δι' ἕκαστον Μέλος μετὰ παρέλευσιν δώδεκα μηνῶν ἀφ' ἧς ἡ ὑπὸ τούτου ἐπικύρωσις ἤθελεν ἔχει καταχωρισθῇ.

"Αρθρον 19

1. Πᾶν Μέλος ἐπικυρώσας τὴν παροῦσαν Σύμβασιν δύναται νὰ καταγγείλῃ ταύτην μετὰ πάροδον δεκαετίας ἀφ' ἧς αὕτη τὸ πρῶτον ἤρξατο ἰσχύουσα, διὰ πράξεως ἀνακοινουμένης εἰς τὸν Γενικὸν Διευθυντὴν τοῦ Διεθνoῦς Γραφείου Ἑργασίας καὶ ὑπ' αὐτοῦ καταχωριζομένης. Ἡ τοιαύτη καταγγελία δὲν θέλει λάβει ἰσχύν εἰμὴ μόνον μετὰ πάροδον ἔτους ἀπὸ τῆς καταχωρίσεώς της.

2. Πᾶν Μέλος ὅπερ ἐπεκύρωσε τὴν παροῦσαν Σύμβασιν καὶ ὅπερ, ἐντὸς τοῦ ἐπομένου ἔτους ἀπὸ τῆς λήξεως τῆς ἐν τῇ προηγουμένη παραγράφῳ μνημονευομένης δεκαετίας, δὲν ἤθελε ἀσκήσει τὸ ὑπὸ τοῦ παρόντος "Αρθρου προβλεπόμενον δικαίωμα καταγγελίας, δεσμεύεται διὰ μίαν νέαν δεκαετίαν καὶ, μετὰ ταύτην, δικαιούται νὰ καταγγείλῃ τὴν παροῦσαν Σύμβασιν ὅμα τῇ λήξει ἐκάστης δεκαετίας ὑπὸ τοὺς εἰς τὸ παρὸν "Αρθρον προβλεπομένους ὅρους.

"Αρθρον 20

1. Ὁ Γενικὸς Διευθυντὴς τοῦ Διεθνoῦς Γραφείου Ἑργασίας γνωστοποιεῖ εἰς ἅπαντα τὰ Μέλη τῆς Διεθνoῦς Ὀργανώσεως Ἑργασίας τὴν καταχώρισιν πασῶν τῶν ἐπικυρώσεων καὶ καταγγελιῶν αἵτινες ἀνακοινούνται πρὸς αὐτὸν ὑπὸ τῶν Μελῶν τῆς Ὀργανώσεως.

2. Γνωστοποιῶν εἰς τὰ Μέλη τῆς Ὀργανώσεως τὴν καταχώρισιν τῆς δευτέρας ἐπικυρώσεως ἣτις τῷ ἔχει ἀνακοινωθῇ, ὁ Γενικὸς Διευθυντὴς ἐπισύρει τὴν προσοχὴν τῶν Μελῶν τῆς Ὀργανώσεως ἐπὶ τῆς ἡμερομηνίας ἐνάρξεως ἰσχύος τῆς παρούσης Συμβάσεως.

"Αρθρον 21

Ὁ Γενικός Διευθυντής τοῦ Διεθνoῦς Γραφείου Ἑργασίας, θέλει ἀνακοινοῖ εἰς τὸν Γενικὸν Γραμματέα τῶν Ἠνωμένων Ἐθνῶν πρὸς καταχωρίσιν, συμφῶνως πρὸς τὸ "Αρθρον 102 τοῦ Καταστατικοῦ Χάρτου τῶν Ἠνωμένων Ἐθνῶν, πλήρεις λεπτομερείας σχετικῶς πρὸς πάσας τὰς ἐπικυρώσεις καὶ τὰς πράξεις καταγγελίας τὰς ὁποίας ἔχει καταχωρίσει συμφῶνως πρὸς τὰ προηγούμενα "Αρθρα.

"Αρθρον 22

Ὅσάκις κρίνῃ τοῦτο ἀναγκαῖον, τὸ Διοικητικὸν Συμβούλιον τοῦ Διεθνoῦς Γραφείου Ἑργασίας ὑποβάλλει εἰς τὴν Γενικὴν Διάσκεψιν ἔκθεσιν ἐπὶ τῇ λειτουργίᾳ τῆς παρούσης Συμβάσεως καὶ ἐξετάζει τὴν σκοπιμότητα ἐγγραφῆς εἰς τὴν ἡμερησίαν διάταξιν τῆς Διασκέψεως θέματος ὀλικῆς ἢ μερικῆς ἀναθεωρήσεως ταύτης.

"Αρθρον 23

1. Ἐν ἡ περιπτώσει ἡ Διάσκεψις ἀποδεχθῇ νεωτέραν τινὰ Σύμβασιν ἐπαγομένην ἐν ὅλῳ ἢ ἐν μέρει ἀναθεώρησιν τῆς παρούσης καὶ ἐφ' ὅσον ἡ νέα Σύμβασις δὲν ὀρίζει ἄλλως:—

(α) ἡ ὑπὸ τινος Μέλους ἐπικύρωσις τῆς νεωτέρας ἀναθεωρούσης Συμβάσεως ἐπάγεται αὐτοδικαίως, παρὰ τὰς διατάξεις τοῦ ὡς ἄνω "Αρθρου 19, ἄμεσον καταγγελίαν τῆς παρούσης Συμβάσεως, ἐὰν καὶ ἀφ' ἧς ἡ νεωτέρα ἀναθεωροῦσα Σύμβασις ἤθελε τεθῇ ἐν ἰσχύϊ·

(β) ἀφ' ἧς ἡμερομηνίας ἡ ἐπαγομένη τὴν ἀναθεώρησιν νεωτέρα Σύμβασις τεθῇ ἐν ἰσχύϊ, ἡ παροῦσα Σύμβασις παύει οὐσα δεκτικὴ ἐπικυρώσεως ὑπὸ τῶν Μελῶν.

2. Ἡ παροῦσα Σύμβασις θέλει παραμείνῃ ἐν πάσῃ περιπτώσει ἐν ἰσχύϊ ὑπὸ τὴν πραγματικὴν μορφήν καὶ περιεχόμενον αὐτῆς διὰ τὰ Μέλη ἐκεῖνα ἅτινα ἔχουν ἐπικυρώσει αὐτὴν ἀλλὰ δὲν ἤθελον ἐπικυρώσει τὴν ἀναθεωροῦσαν Σύμβασιν.

"Αρθρον 24

Τὸ Γαλλικὸν καὶ Ἀγγλικὸν κείμενον τῆς παρούσης Συμβάσεως εἶναι ἐξ ἴσου αὐθεντικά.