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DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Report of the Third Committee

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I. INTRODUCTION

1. The item entitled "Draft Convention on the Elimination of Discrimination against Women" was included in the provisional agenda of the thirty-fourth session of the General Assembly, in accordance with its resolution 33/177 of 20 December 1978.
2. At its 4th plenary meeting, on 21 September 1979, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered this item at its 3rd meeting, held on 21 September and at its 70th to 73rd meetings, held on 6 and 7 December. The views expressed by representatives of Member States on this item are contained in the summary records of those meetings (A/C.3/34/SR.3 and 70-73).
4. At its 3rd meeting, on 24 September, the Committee established a Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women.
5. The Committee had before it the following documents:
  - (a) Note by the Secretary-General transmitting the report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women (A/34/60 and Corr.1 and 2);
  - (b) Letter dated 6 July 1979 from the Permanent Representative of Sri Lanka to the United Nations addressed to the Secretary-General, transmitting

documents of the Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at Colombo from 4 to 9 June 1979 (A/34/357);

- (c) Letter dated 1 October 1979 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General, transmitting the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979 (A/34/542).

## II. CONSIDERATION OF PROPOSALS

### A. Draft Convention on the Elimination of Discrimination against Women

6. At the 70th meeting, on 6 December, the representative of India, in her capacity as Chairman of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women, introduced the report of the Working Group of the Whole (A/C.3/34/14), and drew the attention of the Committee, in particular, to annex I of the report containing the text of the "Draft Convention on the Elimination of All Forms of Discrimination against Women".

7. At the 70th meeting, the following amendments to the draft convention were submitted:

(a) The representative of Morocco introduced amendments (A/C.3/34/L.73) which, as revised, read as follows:

- (i) In the first line of the thirteenth preambular paragraph, after the words "contribution of women", insert the words "to the welfare of the family and";
- (ii) In article 2, paragraph (f), after the words "customs and practices which" insert the words "in their view";
- (iii) In article 5, at the end of paragraph (b), add the words "it being understood that the interest of the children is the primordial consideration in all cases";
- (iv) In article 16, paragraph 1 (c), replace the words "The same rights and responsibilities" by the words "Respect for the rights of women";
- (v) In article 16, paragraph 1 (d), after this paragraph insert another paragraph reading as follows:

"In the event of separation or divorce, the custody of minor children shall be given as a matter of priority to the mother, in the absence of an express and reasoned decision by the competent courts".

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(b) The representative of Morocco introduced two oral amendments which, as revised, read:

(i) Replace article 6 with the following:

"States parties shall take all appropriate measures, including legislation, to suppress all forms of prostitution, traffic in women and exploitation of prostitution of women";

(ii) Article 9, subparagraph 2, would read as follows:

"States parties shall grant their nationals equal rights with respect to the nationality of their children.";

(c) The representative of the United Kingdom of Great Britain and Northern Ireland introduced an amendment (A/C.3/34/L.76), also sponsored by France, to replace the preamble with the following:

"Recognizing that the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as several other instruments adopted by the United Nations and the specialized agencies, have sought to promote equality between women and men,

"Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

"Convinced that world economic and social development will contribute significantly towards the promotion of equality between women and men,

"Aware that further evolution in the traditional role of women in society and in the family will be needed in order to achieve full equality between women and men,

"Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, to that end, to adopt measures required for the elimination of such discrimination in all its forms,";

(d) The representative of China introduced an amendment (A/C.3/34/L.77), which, after revision taking into account a proposal by the Syrian Arab Republic, would, in the tenth preambular paragraph, replace the words "foreign domination and foreign occupation" by the words "aggression, foreign occupation and domination and interference in the internal affairs of States";

(e) The representative of Argentina introduced two oral amendments as follows:

(i) In the fourteenth preambular paragraph, replace the word "traditional" by the word "stereotyped";

(ii) Delete subparagraph 2 of article 9;

(f) The representative of Algeria introduced an oral amendment to the eleventh preambular paragraph which, after being subamended by India read as follows: replace the words "and the right to self-determination" by the words "and the realization of the rights of peoples under alien and colonial domination and foreign occupation to self-determination and independence";

(g) The representative of Sweden revised the proposal under part V of annex I (A/C.3/34/14) by deleting subparagraph (c) of paragraph 2 of article X.

8. At the 71st meeting, on 6 December, the representative of the United Kingdom on behalf of the co-sponsors, withdrew its amendments (see para. 7 (c)).

9. At the 72nd meeting, on 6 December, the Committee:

(a) Decided to eliminate the brackets in the tenth and eleventh preambular paragraphs;

(b) Adopted the amendment (A/C.3/34/L.77), as revised, to the tenth preambular paragraph by 90 votes to 1, with 23 abstentions (see para. 7 (d));

(c) Adopted the oral amendment proposed by Algeria to the eleventh preambular paragraph, as revised, by 90 votes to 1, with 22 abstentions (see para. 7 (f));

(d) Adopted the amendment (A/C.3/34/L.73) to the thirteenth preambular paragraph by 85 votes to none, with 28 abstentions (see para. 7 (a) (i));

(e) Rejected the oral amendment proposed by Argentina to the fourteenth preambular paragraph by 26 votes to 20, with 55 abstentions (see para. 7 (e) (i));

(f) Rejected the amendment (A/C.3/34/L.73) to article 2, subparagraph (f) by 60 votes to 25, with 25 abstentions (see para. 7 (a) (ii));

(g) Adopted the amendment (A/C.3/34/L.73) to article 5 by 60 votes to 1, with 54 abstentions (see para. 7 (a) (iii));

(h) Rejected the oral amendment proposed by Morocco to article 6 by a recorded vote of 48 to 19, with 46 abstentions (see para. 7 (b) (i)); the result of the voting was as follows:

In favour: Bahrain, Congo, Ecuador, Egypt, Guinea, Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, Yemen.

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Against: Australia, Austria, Bahamas, Belgium, Burundi, Canada, Colombia, Costa Rica, Cuba, Czechoslovakia, Democratic Kampuchea, Denmark, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guatemala, Iceland, Ireland, Israel, Italy, Japan, Kenya, Lao People's Democratic Republic, Luxembourg, Mozambique, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Rwanda, Sierra Leone, Singapore, Spain, Sweden, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Viet Nam.

Abstaining: Afghanistan, Algeria, Bangladesh, Barbados, Benin, Botswana, Brazil, Bulgaria, Burma, Beylorussian Soviet Socialist Republic, Chile, China, Cyprus, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Jamaica, Lesotho, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Nepal, Poland, Sao Tome and Principe, Senegal, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Zaire, Zambia.

(i) Rejected the oral proposal by Argentina to delete article 9, subparagraph 2 by 58 votes to 34, with 22 abstentions (see para. 7 (e) (ii));

(j) Rejected the oral amendment proposed by Morocco to article 9, subparagraph 2 by 83 votes to 10, with 11 abstentions (see para. 7 (b) (ii));

(k) Rejected the amendment (A/C.3/34/L.73) to article 16, subparagraph 1 (c) by 68 votes to 13, with 24 abstentions (see para. 7 (a) (iv));

(l) Rejected the amendment (A/C.3/34/L.73) to article 16, subparagraph 1 (d) by 58 votes to 28, with 23 abstentions (see para. 7 (a) (v));

(m) Adopted the proposal by Bangladesh under part V of the draft Convention by 72 votes to 12, with 27 abstentions and made the consequential deletions in the text;

(n) Adopted the proposals by Sweden under part V of the draft Convention, as revised and amended, by 98 votes to 1, with 12 abstentions (see para. 7 (g));

(o) Adopted the tenth preambular paragraph, as amended, in a separate recorded vote of 88 to 1, with 23 abstentions; the result of the voting was as follows:

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In favour: Afghanistan, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

(p) Adopted the eleventh preambular paragraph, as amended, in a separate recorded vote of 85 to 1, with 23 abstentions; the result of the voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, China, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

(q) Adopted article 9, paragraph 2, by 61 votes to 25, with 21 abstentions.

(r) Adopted former article 23 by 62 votes to 1, with 39 abstentions.

10. The Committee had before it the statement of administrative and financial implications of the report of the Working Group of the Whole (A/C.3/34/L.78).

11. At the 72nd meeting, the Committee adopted the draft Convention, as a whole, and as amended, by 104 votes to none, with 10 abstentions (see para. 18, annex to the draft resolution).

#### B. Draft resolution A/C.3/34/L.75

12. At the 72nd meeting, on 6 December, the representative of the Netherlands introduced a draft resolution (A/C.3/34/L.75) sponsored by Australia, Bulgaria, Cuba, Finland, India, Kenya, the Netherlands, Norway, Papua New Guinea, the Philippines, Yugoslavia and also by the Bahamas, subsequently joined by Belgium, Canada, Guatemala, Jamaica, Sao Tome and Principe and Romania. The draft resolution read as follows:

"The General Assembly,

"Considering that one of the purposes of the United Nations, as stated in articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms without distinction of any kind, including any distinction as to sex,

"Recalling the proclamation of the General Assembly on 7 November 1967 of the Declaration on the Elimination of Discrimination against Women in its resolution 2263 (XXII),

"Taking into account the conventions, resolutions, declarations and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

"Noting in particular General Assembly resolution 33/177 concerning the drafting of a Convention on the Elimination of Discrimination against Women,

"Considering that discrimination against women is incompatible with human dignity and the welfare of society and constitutes an obstacle to the full realization of the potentialities of women,

"Affirming that women and men should participate and contribute on a basis of equality in the social, economic and political processes of development and should share equally in improved conditions of life,

"Recognizing that the welfare of the world and the cause of peace require the full participation of both men and women in society,

"Convinced that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

"1. Adopts and opens for signature, ratification and accession the Convention on the Elimination of All Forms of Discrimination against Women, the text of which is annexed to the present resolution:

"2. Expresses the hope that the Convention will be signed and ratified or acceded to without delay and will come into force at an early date."

13. At the same meeting, the representative of the Netherlands, on behalf of the sponsors, revised the draft resolution by adding an operative paragraph which read as follows:

"3. Requests the Secretary-General to present the text of the Convention to the World Conference of the United Nations Decade for Women for its information."

14. At the same meeting, the representative of Mexico introduced a draft decision (A/C.3/34/L.79) which read as follows:

"The General Assembly,

"Having examined document A/C.3/34/L.79 containing the 'Draft Convention on the elimination of discrimination against women',

"Warmly commends the Working Group convened to prepare the draft Convention and decides to refer it to the Governments of Member States with a view to giving them an opportunity to submit their final observations to the Secretariat so that the General Assembly may consider them at its thirty-fifth session, within the Sixth Committee, and proceed to adopt it in 1980."

15. Later, the draft decision was withdrawn and replaced by amendments to draft resolution A/C.3/34/L.75. The amendments (A/C.3/34/L.80), which the representative of Mexico introduced and orally revised, taking into account proposals by Algeria, Guinea, the Philippines and Mauritania, read as follows: delete operative paragraphs 1 and 2 and replace them by the following text:

"1. Warmly congratulates the Working Group which prepared the draft Convention on the Elimination of All Forms of Discrimination against Women, contained in annex I to document A/C.3/34/L.79;



"2. Decides to transmit the revised draft Convention to the Governments of Member States in order that they may have an opportunity to submit their final observations to the Secretariat so that the General Assembly may consider them at its thirty-fifth session and adopt the draft in 1980."

16. At the 73rd meeting, on 7 December, the representative of Mexico further revised his amendments by adding a new operative paragraph 3, which read as follows:

"3. Requests the Secretary-General to present the text of the Draft Convention to the World Conference of the United Nations Decade for Women for its information."

17. At the same meeting, the Committee voted on draft resolution A/C.3/34/L.75 as revised and the amendments thereto (A/C.3/34/L.80) as revised, as follows:

(a) It rejected the amendments (A/C.3/34/L.80 as revised) by 69 votes to 33, with 25 abstentions;

(b) It adopted draft resolution A/C.3/34/L.75, as revised by a recorded vote by 112 to 1, with 13 abstentions (see para. 18); the voting was as follows:

In favour: Afghanistan, Algeria, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mauritania, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Sierra Leone, Singapore, Spain, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: Mexico.

Abstaining: Brazil, Burma, China, Dominican Republic, Malawi, Mali, Morocco, Saudi Arabia, Senegal, Sri Lanka, Upper Volta, Venezuela, Yemen.

III. RECOMMENDATION OF THE THIRD COMMITTEE

18. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Draft Convention on the Elimination of All Forms of  
Discrimination against Women

The General Assembly,

Considering that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms without distinction of any kind, including any distinction as to sex,

Recalling the proclamation by the General Assembly of the Declaration on the Elimination of Discrimination against Women in its resolution 2263 (XXII) of 7 November 1967,

Taking into account the conventions, resolutions, declarations and recommendations of the United Nations and of the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Noting in particular its resolution 33/177 of 20 December 1978 concerning the drafting of a Convention on the Elimination of Discrimination against Women,

Considering that discrimination against women is incompatible with human dignity and the welfare of society and constitutes an obstacle to the full realization of the potentialities of women,

Affirming that women and men should participate and contribute on a basis of equality in the social, economic and political processes of development and should share equally in improved conditions of life,

Recognizing that the welfare of the world and the cause of peace require the full participation of both men and women in society,

Convinced that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

1. Adopts and opens for signature, ratification and accession the Convention on the Elimination of All Forms of Discrimination against Women, the text of which is annexed to the present resolution;

2. Expresses the hope that the Convention will be signed and ratified or acceded to without delay and will come into force at an early date;

3. Requests the Secretary-General to present the text of the Convention to the World Conference of the United Nations Decade for Women for its information.

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## ANNEX

Convention on the Elimination of All Forms of Discrimination  
against WomenThe States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind including distinction based on sex,

Noting that States Parties to the International Covenant on Human Rights have the obligation to secure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family, and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence as well as respect for national sovereignty and territorial integrity will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## PART I

### Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

## Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national Constitutions or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

## Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

## Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in this Convention, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

#### Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### PART II

#### Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

### Article 8

States Parties shall take all appropriate measures to ensure to women on equal terms with men and, without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

### Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## PART III

### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

#### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;



(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 above, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

#### Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and in all aspects of cultural life.

#### Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as the benefit of all community and extension services, inter alia, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

#### PART IV

#### Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contract and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage:

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children. In all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation. In all cases the interest of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

### PART V

### Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of 13 and, after its ratification or accession by the thirty-fifth State Party, of

23 experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of the present article following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, 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. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

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#### Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

#### Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

#### Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

#### Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained

- (a) in the legislation of a State Party; or
- (b) in any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

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.

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2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

#### Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

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

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

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