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Agenda item 85

UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE

Draft Convention on the Elimination of
Discrimination against Women

Decisions taken by the Working Group on the Draft Convention
on the Elimination of Discrimination against Women up to and
including its 10th meeting

(21 October-18 November 1977)

Title

"Draft Convention on the Elimination of Discrimination against Women"

Amendment by Romania, the Philippines and Rwanda

Replace the title by the following:

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

The Working Group considered the title at its 2nd meeting on
25 October 1977 and postponed decision on it.

Preamble

First paragraph: Adopted by consensus at the 2nd meeting on
25 October 1977. The text reads as follows:

"The States Parties to the present Convention

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

Second paragraph: Adopted at the 4th meeting on 28 October 1977. The text reads as follows:

"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,"

Third paragraph: Adopted by consensus as drafted by interested delegations at the 7th meeting on 11 November 1977. The text reads as follows:

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

Fourth paragraph: Adopted by consensus as orally amended by the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic at the 2nd meeting on 25 October 1977, the text reads as follows:

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

Fifth paragraph (new paragraph, orally submitted by Denmark): Adopted by consensus at the 2nd meeting on 25 October 1977. The text reads as follows:

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

Sixth paragraph (former fifth paragraph): Adopted by consensus at the 2nd meeting on 25 October 1977. The text reads as follows:

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

Seventh paragraph (former sixth paragraph): Adopted by consensus at the 3rd meeting on 27 October 1977. The text reads as follows:

"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 humanity."

New paragraph (submitted by Bangladesh, Indonesia, Pakistan, Singapore and Somalia (A/C.3/32/WG.1/CRP.2)): Adopted by consensus at the 3rd meeting on 27 October 1977, place to be decided. The text reads as follows:

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

Eighth paragraph (former seventh paragraph): Deleted at the 7th meeting on 11 November 1977.

Ninth paragraph (former eighth paragraph): The discussion was postponed at the 3rd meeting on 27 October 1977.

The following compromise texts were submitted. The first was proposed by some interested delegations at the 7th meeting on 11 November 1977. It reads as follows:

"Convinced that the establishment of a new, just and equitable international economic order will contribute significantly toward the promotion of equality between men and women,

"Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism and foreign domination, 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 under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the right to self-determination are of paramount importance in promoting fundamental rights, in the achievement of which women should play their full part,"

The second compromise text was proposed by Australia at the 8th meeting on November 1977. It reads as follows:

"Convinced that the establishment of a new, just and equitable international economic order will contribute significantly toward the promotion of equality between men and women,

"Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism and foreign domination is of paramount importance to the full enjoyment of the rights of men and women,

"Affirming that women and men should play an equal part in 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 under strict and

effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the implementation of the right to self-determination,"

Tenth paragraph (former ninth paragraph): Adopted by consensus at the 3rd meeting on 27 October 1977. The text reads as follows:

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

Eleventh paragraph (former tenth paragraph): Adopted by consensus as orally amended by Ireland at the 3rd meeting on 27 October 1977, with the understanding that it will be presented to the Third Committee together with the amendment introduced by Mexico contained in A/C.3/32/WG.1/CRP.2. The text reads as follows:

"Bearing in mind the great contribution of women to the development of society, so far not fully recognized, the social significance of maternity and of the role of both parents in the family and in the rearing of children,"

The amendment by Mexico (A/C.3/32/WG.1/CRP.2) reads as follows:

"... and aware that the role of women in procreation should not be a basis for discrimination but that, instead, the rearing of children requires a sharing of responsibility between men and women and society as a whole,"

New paragraph: Introduced by the representative of Sweden at the 4th meeting on 28 October 1977 (A/32/218/Add.1, para. 16). The representative of the Byelorussian Soviet Socialist Republic submitted an alternative wording. The Working Group was unable to reach a consensus on this paragraph and decided to present two alternative versions to the Third Committee:

(1) Sweden

"Aware that the position of women cannot be changed without narrowing the existing differences in the role of men and women in the society and the family,"

(2) Byelorussian Soviet Socialist Republic

"Aware that the position of women cannot be changed without ensuring equality between men and women in the society and the family,"

Twelfth paragraph (former eleventh paragraph): Adopted by consensus at the 4th meeting on 28 October 1977, as orally amended by the Union of Soviet Socialist Republics. The text reads as follows:

"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:"

Article 1: Adopted by consensus as amended by the Netherlands (A/C.3/32/WG.1/CRP.8) at the 5th meeting on 3 November 1977. The text reads as follows:

"For the purpose 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 of or the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Article 2

Introductory phrase: The Working Group discussed it at the 5th meeting on 3 November 1977. No consensus was reached. Two versions will appear in the report of the Working Group to the Third Committee. They read as follows:

Introductory sentence contained in the draft Convention

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

Text proposed by the Byelorussian Soviet Socialist Republic

"The States Parties condemn discrimination against women in all its forms denying or limiting their equality of rights with men."

Paragraph (a): Adopted by consensus as amended by Australia, Denmark, Finland, the Netherlands, Norway, Sweden and as orally amended by the Union of Soviet Socialist Republics at the 5th meeting on 3 November 1977. The text reads as follows:

"Each State Party undertakes to embody the principle of the equality of men and women in its national Constitution or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle;"

Paragraph (b): Adopted by consensus at the 6th meeting on 4 November 1977, as drafted by the small drafting group. The text reads as follows:

/...

"Each State Party undertakes to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;"

Paragraph (c): At its 7th meeting on 11 November 1977, the Working Group decided to postpone decision on this paragraph. Indonesia, Kenya and Mexico proposed to delete it and the German Democratic Republic withdrew its amendment (A/C.3/32/WG.1/CRP.8/Add.1).

Paragraph (d): Adopted by consensus at the 7th meeting on 11 November 1977, as drafted by the small drafting group. The text reads as follows:

"Each State Party undertakes not to engage in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;"

Paragraph (e): At its 7th meeting on 11 November 1977, the Working Group decided to postpone decision of this paragraph. The small drafting group proposed the following version of the paragraph:

"Each State Party shall take all appropriate preventive measures to eliminate discrimination against women by any person, organization or enterprise;"

The following oral amendments had been submitted to that paragraph. The representative of Mali proposed to put after the word "enterprise" the words "irrespective of fundamental values;"

The representative of Morocco offered to delete all words after the word "take all" and to put instead the words "measures to prevent discrimination against women;"

Paragraph (f): At the 6th meeting on 4 November 1977, the Working Group decided to present the text of this paragraph as it appears in the draft Convention to the Third Committee through its report, together with all the written amendments to it. The text reads as follows:

"Each State Party shall take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which are discriminatory to women;"

The amendments are as follows:

Kenya proposed to delete that paragraph, feeling that it is a repetition of paragraph (b) of the same article.

The United States proposed to replace paragraph (f) by the following:

"Each State Party shall take all appropriate measures, including legislation, with a view to achieving the elimination of discrimination against women, whether based upon law, regulation, custom or practice;"
(doc. A/C.3/32/WG.1/CRP.2)

/...

An oral amendment was submitted by the representative of Mali to reword the paragraph as follows:

"Each State Party shall take within the framework of its policies for economic, social and cultural advancement, all appropriate measures including legislation, to modify or abolish existing laws and regulations which are discriminatory to women;"

Paragraph (g): Adopted at the 6th meeting on 4 November 1977 as amended by the Syrian Arab Republic. The text reads as follows:

"Each State Party shall endeavour to promote national organizations and movements whose purpose is to advance the status of women and eliminate discrimination against them."

Article 3: Adopted by consensus at the 5th meeting on 3 November 1977. The text reads as follows:

"The States Parties shall undertake in all fields, in particular the political, social, economic and cultural, 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

Paragraph 1: At its 8th meeting on 15 November 1977, the Working Group decided to postpone discussion of this paragraph. A compromise text had been submitted by Canada, Denmark, Kenya, the United States of America, and the Union of Soviet Socialist Republics (A/C.3/32/WG.1/CRP.6/Add.6). The text reads as follows:

"Adoption by States of temporary special measures aimed at accelerating de facto equality of women with men 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 and shall be discontinued when the objectives of equality of opportunity and treatment have been achieved."

Paragraph 2: Adopted by consensus at its 8th meeting on 15 November 1977. The text reads as follows:

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

Article 5

Paragraph 1: Adopted by consensus at its 8th meeting on 15 November 1977. The text reads as follows:

/...

"The States Parties shall take all appropriate measures 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."

Paragraph 2: At its 8th meeting on 15 November 1977, the Working Group decided to postpone the discussion of this paragraph. Amendments to the paragraph had been submitted by Austria, Kenya and Sweden (doc. A/C.3/32/WG.1/CRP.8/Add.2). They read as follows:

Kenya

Replace the word "motherhood" by "parenthood"

Sweden

The word "motherhood" should be replaced by either "parenthood" or "maternity"

Austria

Replace the paragraph by the following:

"The States Parties shall take all appropriate measures 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 the sexes."

The representative of the United Kingdom proposed an oral amendment to start the paragraph with the words:

"The States Parties shall take all appropriate measures to ensure that ..."

The representative of the United States subamended the oral amendment of the United Kingdom by proposing to begin the paragraph as follows:

"The States Parties shall take all appropriate measures to ensure that the education of men and women include a proper ..."

The Working Group agreed by consensus to change in the English text the word "motherhood" for "maternity".

A compromise text was submitted by Mali, the Syrian Arab Republic, the United States of America and the Union of Soviet Socialist Republics (A/C.3/32/WG.1/CRP.6/Add.6). It reads as follows:

"to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of both men and women in the upbringing and development of their children."

/...

Article 6

The Working Group, with the exception of Argentina, adopted this article at its 8th meeting on 15 November 1977. The representative of Argentina suggested that its amendment should be submitted to the Third Committee together with the text of article 6 and the Working Group accepted it. The text as adopted, reads as follows:

"Each State Party agrees to repeal all provisions of national penal codes which constitute discrimination against women."

Amendment suggested by Argentina

Replace "natural penal codes" by "all national legislation"

Article 7

Adopted at its 9th meeting on 17 November 1977, as amended by Argentina, the text reads as follows:

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

Article 8

Introductory phrase: Adopted as amended by the United Kingdom and subamended by Australia and the Union of Soviet Socialist Republics. The text reads as follows:

"Each State Party 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:"

Paragraph (a): Adopted at its 9th meeting on 17 November 1977 as amended by the Syrian Arab Republic and Denmark. The text reads as follows:

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

Paragraph (b): At its 9th meeting on 17 November 1977, the Working Group decided to postpone discussion on this paragraph. Three amendments had been introduced by Austria, the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic.

Austria: After "national" insert "regional" (A/32/218/Annex I)

Union of Soviet Socialist Republics: After "functions at the" add "international" (A/32/218/Annex I)

Byelorussian Soviet Socialist Republic: Insert the word "international" before the word "national" (A/32/218/Add.1, para. 27)

/...

The representatives of Denmark and Canada orally proposed to substitute the words "at the national and local levels" for the words "at all levels of Government, national and international."

Some delegations were in favour of retaining the word "international" in this paragraph. Morocco and others preferred to have a new paragraph (d) which would deal with this same concept at the international level.

Paragraph (c): Deleted at the 9th meeting on 17 November 1977.

Paragraph (d): Adopted by consensus at the 9th meeting on 17 November 1977. The text reads as follows:

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

Article 9

At its 9th meeting on 17 November 1977, the Working Group decided to postpone discussion of this article.

Paragraph 1: Discussed at the 10th meeting of the Working Group on 18 November 1977. No decision was taken on this paragraph.

An amendment to it had been submitted by Kenya (A/C.3/32/WG.1/CRP.8/Add.2) and orally subamended by the Union of Soviet Socialist Republics. The text reads as follows:

"The States Parties shall grant women equal rights 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."

Paragraph 2: Discussed by the Working Group at its 10th meeting on 18 November 1977. The Working Group postponed decision on this paragraph.

An amendment to it had been submitted by Austria (A/C.3/32/WG.1/CRP.8/Add.2). The text reads as follows:

Replace the word "provisions" with the word "sanctions"

Byelorussian Soviet Socialist Republic and Canada proposed to delete this paragraph; some delegations preferred to maintain it.

Paragraph 3: Discussed by the Working Group at its 10th meeting on 18 November 1977. The Working Group did not make any decision on this paragraph.

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The representatives of Argentina and the United Kingdom proposed to delete the paragraph. However, some delegations noted that if paragraph 3 was to be deleted, paragraph 2 should be deleted as well.

United Kingdom (oral amendment)

Insert the word "both" between the words "practice by which" and "alien husband"

Australia (oral amendment)

At the end of the paragraph, add the words "provided it is not of a discriminatory nature."

Paragraph 4: Discussed by the Working Group at its 10th meeting on 18 November 1977. The Working Group did not make any decision on this paragraph.

Some delegations proposed to delete the paragraph; others, however, preferred to retain it.

Netherlands (oral amendment)

Replace the words "to transmit their nationality to their children" with "with respect to nationality".

Article 10

At its 10th meeting on 18 November 1977, the Working Group decided to postpone decision on this article.

The following amendments have been proposed:

Yugoslavia (oral amendment)

Proposes to change the title of the section of the Convention from "III. Social and Economic Rights" to "III. Economic and Social Rights".

Introductory part

Argentina (A/32/218/Add.1, para. 35)

Replace the words "married or unmarried" by the words "irrespective of their status".

United Kingdom (A/C.3/32/WG.1/CRP.6/Add.3 and orally revised)

Redraft the introductory part as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women, in the field of education and in particular shall ensure equal opportunities for them on an equal basis with men:"

/...

Paragraph (a)

Australia (A/32/218/Annex I)

Replace the words "career guidance" by the words "vocational guidance"

Paragraph (b)

Japan (A/32/218/Annex I)

Replace "equal access to the same curricula, the same examinations" by "equal access to the curricula and examinations of the same or equivalent standard"

Kenya (A/C.3/32/WG.1/CRP.6/Add.2)

At the end of the subparagraph: "so as to eliminate any stereotyped concept of masculine and feminine roles at all levels and in all forms of education."

Paragraph (c)

Austria (A/32/218/Annex I)

Replace the words "co-education, which will also help" by "co-education and other means, which will help"

Kenya (A/C.3/32/WG.1/CRP.6/Add.2)

Delete this paragraph.

United Kingdom (A/C.3/32/WG.1/CRP.6/Add.3)

Replace the paragraph by the following:

"(c) Education which will help to eliminate any stereotyped concept of masculine and feminine roles, at all levels and in all forms of education;"

New paragraph

Belgium (A/C.3/32/WG.1/CRP.6/Add.1)

After paragraph 10 (c) add the following new paragraph:

"The application of teaching methods adapted to the presence of male and female students together, aimed at an apprenticeship to the relationship between men and women"

/...

Paragraph (f)

Argentina (A/32/218/Add.1, para. 37)

Replace the term "girls" by "women"

United Kingdom (A/32/218/Add.1, para. 38)

Replace the wording of this paragraph by the following:

"Measures to eliminate any factors causing a higher school drop-out rate among girls and the provision of programmes for young girls who have left school too early;"

Paragraph (g)

New Zealand (A/32/218/Annex I)

Replace the word "Access" by the words "Equal access for men and women"

United Kingdom (A/C.3/32/WG.1/CRP.6/Add.3)

Before the word "access" insert the word "equal" and replace the words "this to include" by the word "including"
