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DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Report of the Working Group of the Whole on the
Drafting of the Convention on the Elimination
of Discrimination against Women

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* The balance of the present report and the annexes will be issued separately as an addendum to this document.

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I. INTRODUCTION

1. The Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women was established by the decision of the Third Committee of the thirty-third session of the General Assembly at its 6th meeting on 29 September 1978, with the purpose of continuing the consideration of the draft Convention on the Elimination of Discrimination against Women. 1/ In so doing the Third Committee of the General Assembly had in mind resolution 32/136. In this resolution the General Assembly took note with satisfaction of the report of the Working Group of the Third Committee at the thirty-second session of the General Assembly on the drafting of the Convention on the Elimination of Discrimination against Women; 2/ recommended that a working group should be established at the beginning of the thirty-third session to continue consideration of the articles which were not completed during that session; expressed the hope that the draft Convention would be adopted during the thirty-third session of the General Assembly; and decided to include in the provisional agenda of its thirty-third session, as a matter of high priority, an item entitled "Draft Convention on the Elimination of Discrimination against Women".

II. ORGANIZATION OF THE WORK OF THE WORKING GROUP

Duration of the work

2. The Working Group met at United Nations Headquarters from 29 September to ___ December 1978, and held ___ meetings.

Attendance

3. The meetings were attended by representatives of States Members of the Third Committee of the General Assembly at its thirty-third session. The representatives of the United Nations specialized agencies, as well as of non-governmental organizations in consultation status with the Economic and Social Council attended the meeting as observers.

1/ A Working Group of the Third Committee on the Drafting of the Convention on the Elimination of Discrimination against Women was established on 19 October 1977 at its 23rd meeting. It held 12 meetings from 21 October to 2 December 1977 and adopted 10 preambular paragraphs, 2 preambular paragraphs which require pending decisions by the Third Committee, 8 articles and 1 article which requires further decisions by the Third Committee. The Working Group also decided to delete four paragraphs of the draft Convention and to transmit to the Third Committee alternative texts and/or amendments submitted to it on the title of the Convention and on five paragraphs in which it could not reach a decision. For further details see A/C.3/33/WG.1/CRP.1 and Add.1.

2/ A/C.3/32/L.59.

Election of officers

4. At its 1st meeting on 29 September 1978 the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women elected the following officers:

Chairman: Ms. Marcella Martinez (Jamaica)

Rapporteur: Ms. Jeliseveta Djurickovic (Yugoslavia)

Agenda

5. At its 1st meeting on 29 September 1978 the Working Group decided to initiate its work by the consideration and redrafting, if necessary, of the sections of the draft Convention which were not considered by the Working Group at the thirty-second session of the General Assembly due to lack of time, that is, section III. SOCIAL AND ECONOMIC RIGHTS (arts. 10 to 13); section IV. CIVIL AND FAMILY RIGHTS (arts. 14 and 15); section V. FINAL PROVISIONS (arts. 16 to 22 and an additional article on reservations).

Procedures of work

6. At its 1st meeting, the Working Group decided to follow the procedures used at the thirty-second session of the General Assembly, that is, the rule of silence, whereby only those delegations which opposed a particular phraseology should speak. It was agreed, however, that arguments in favour of an article or a provision could be presented also.

7. At the same meeting, the Working Group decided that wherever possible all amendments should be presented in written form and at least one day before the meeting at which they would be considered. The Working Group decided that amendments proposed by the United Nations specialized agencies would be considered only if they were submitted by Governments. The Working Group also decided not to vote on particular articles. On the proposal of the Chairman, it was also decided that the Working Group, after having completed its work should, if time permitted, review once again the paragraphs that were left open or where alternative texts were proposed, before transmitting the report to the Third Committee. It was further decided that the Rapporteur would act as Vice-Chairman if the need arose.

8. The results of the Working Group's deliberations are presented below. Where the Working Group did not reach a consensus and alternative texts were proposed or objections or reservations expressed, these have been reflected in connexion with the relevant articles.

III. CONSIDERATION OF THE DRAFT CONVENTION ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN

9. The Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women began consideration of section III of the draft Convention, SOCIAL AND ECONOMIC RIGHTS, at its 2nd meeting, on 5 October 1978.

10. Yugoslavia orally proposed to amend the title of section III as follows: to replace "SOCIAL AND ECONOMIC RIGHTS" by "ECONOMIC AND SOCIAL RIGHTS", to make this title consistent with the wording of other United Nations legal instruments.

11. At the same meeting the Working Group adopted the Yugoslav amendment to the title of section III of the draft Convention.

Article 10

12. The Working Group considered the introductory part of article 10 at its 2nd meeting on 5 October 1978. The following amendments were submitted to it (A/C.3/33/WG.1/CRP.1/Add.2, p. 2):

Argentina

The words "married or unmarried" should be replaced by "irrespective of their civil status,".

United Kingdom

The introductory sentence should be reworded as follows: "Each State Party shall take all appropriate measures to eliminate discrimination against women, whether married or unmarried, in the field of education and in particular shall ensure, on an equal basis with men".

United States of America

The introductory sentence should be reworded as follows: "Each State Party agrees to take all appropriate measures to ensure women ... and, in particular to ensure:".

13. During the discussion, the representative of the United States of America withdrew her amendment; the representative of Argentina stated that she would withdraw her amendment after its eventual incorporation in article 1, with a view to covering the whole Convention. This understanding was supported by Iran. The following oral subamendments were submitted to the United Kingdom amendment, which was taken as a basis for discussion:

Netherlands

Replace the words "on an equal basis with men" at the end of the amendment with the words "on a basis of equality of men and women".

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Iran

Delete the words "on an equal basis with men" at the end of the amendment.

India

After the words "shall ensure" in the amendment add the words "to them".

USSR

Replace the words "eliminate discrimination against women" by the words "to ensure to women".

14. The representative of the United Kingdom accepted the oral subamendment submitted by Netherlands to its amendment.

15. The Working Group decided to delete the words "whether married or unmarried" and the words "which education shall be directed towards the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms" from the introductory sentence to article 10.

16. At the 3rd meeting of the Working Group the representative of the United Kingdom introduced a revised text of the introductory part of article 10, after consultation with the USSR and other interested delegations. The text reads as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women and to ensure to women equal rights with men in the field of education and, in particular, to provide on a basis of equality of men and women ...".

17. At its 5th meeting on 13 October 1978 the representative of the United Kingdom orally revised this text by substituting the word "provide" by the word "ensure" before the words "on a basis of equality of men and women". The Working Group adopted this text at the same meeting. The representative of Morocco reserved the right of her delegation to amend, at a later date, this text, which she considered to be a repetitive and unclear draft of the introductory phrase of this very important article.

18. The representative of Japan orally proposed to delete the words "on the basis of equality of men and women" from the revised text by the United Kingdom. The representative of Jordan orally proposed to delete the words "in particular" in the same text. During the discussion which followed, several representatives objected to the oral subamendments proposed by Japan and Jordan. It was agreed that the Group should review the final wording of the introductory phrase after the adoption of the texts of subparagraphs.

19. Subparagraph (a) was considered by the Working Group at its 3rd meeting on 9 October 1978. An amendment had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 2):

Austria

Replace "career guidance" by "vocational guidance".

20. The representative of Kenya proposed an oral subamendment to the Austrian amendment which was accepted by Austria:

Retain "career" and insert "and vocational" before the word "guidance".

21. The representative of the United Kingdom orally proposed, as a consequential amendment in view of the introductory phrase to article 10, to:

Replace the word "Equal" in the first sentence by the words "the same" and replace the words "is to be" by the words "shall be".

22. During the course of the discussion the representative of Japan withdrew her amendment.

23. The Working Group adopted subparagraph (a) of article 10 as amended. It reads as follows:

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

24. Subparagraph (b) of article 10 was discussed by the Working Group at its 3rd and 5th meetings on 9 and 13 October 1978. The following amendments had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 3):

Japan

Replace the words "Equal access to the same curricula, the same examinations" by the words "Equal access to curricula and examinations of the same or equivalent standard".

Kenya

Add the following 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;" and delete subparagraph (c) since this amendment merges the ideas of (b) and (c).

25. The representative of the United Kingdom orally proposed to replace the word "equal" at the beginning of the subparagraph by the words "the same" as a consequential amendment, in view of the introductory phrase to article 10. The representatives of Morocco and New Zealand proposed to delete the words "whether the institutions are co-educational or not" at the end of the subparagraph.

26. During the discussion several representatives expressed the view that subparagraphs (b) and (c) should remain separate.

27. The Working Group accepted the amendments of the United Kingdom, Morocco and New Zealand and decided to consider subparagraph (c) before taking a decision on the Kenyan amendment. The text of subparagraph (b) as amended for further consideration of the Working Group reads as follows:

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

28. At its 5th meeting the Working Group adopted this text of subparagraph (b) of article 10.

29. Subparagraph (c) of article 10 was considered by the Working Group at its 3rd and 5th meetings on 9 and 13 October 1978. The following amendments had been presented to it (A/C.3/33/WG.1/CRP.1/Add.2, p. 3):

Austria

Replace the words "co-education, which will also help" with the words "Co-education and other means which will help".

United Kingdom

Replace this paragraph with 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;"

Kenya

Delete the subparagraph.

30. The representative of Iran orally proposed a revised version of the subparagraph which read as follows:

"The elimination of any stereotyped concept of masculine and feminine roles, at all levels and in all forms of education, in particular by revising school books and curricula for that purpose and by encouraging co-education;"

Some representatives spoke in favour of this proposal while others preferred the original text which calls for the speedy achievement of co-education while yet others expressed reservations with regard to co-education.

31. During the course of the discussion the representative of Austria withdrew his amendment.

32. At the 5th meeting the representative of Iran orally presented to the Working

Group a new formulation for the subparagraph reached through consultation with other interested delegations. The text read as follows:

"(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 co-education and other types of education which will achieve this aim and in particular by the revision of school books and programmes and the adaptation of teaching methods".

33. The representative of the Byelorussian SSR orally proposed to subamend this text by adding the words "help to" before the words "achieve this aim". The representative of Nigeria orally proposed to subamend this text by substituting the words "school books and programmes" by the words "textbooks and school programmes". The representative of Iran accepted these subamendments.

34. The representative of Belgium who had proposed a new subparagraph (c) to article 10 (A/C.3/33/WG.1/CRP.1/Add.2, p. 3) withdrew her amendment in support of the new compromise text. The representative of Kenya, who had proposed to delete the original version of subparagraph (c), (A/C.3/33/WG.1/CRP.1/Add.2), stated that his delegation could support the new compromise text and would not, therefore, insist on his amendment.

35. The representative of Argentina stated that her delegation could accept the new compromise text on the understanding that the word "co-education" be translated into Spanish by "educación mixta" since the word "co-education" does not exist in the Spanish language.

36. At the same meeting the Working Group adopted subparagraph (c) which reads as follows:

"(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 co-education and other types of education which will help to achieve this aim and in particular by the revision of text books and school programmes and adaptation of teaching methods".

37. The representatives of Pakistan and Oman stated that, in their opinion, further attention should be paid to the wording of this subparagraph.

38. Subparagraph (d) of article 10 was considered by the Working Group at its 4th meeting on 10 October 1978.

39. At this meeting the Working Group adopted the subparagraph, as orally amended by the representative of the United Kingdom to read as follows:

"The same opportunities to benefit from scholarships and other study grants,".

40. Subparagraph (e) of article 10 was considered by the Working Group at the same meeting. The representative of the United Kingdom orally proposed to replace the word "Equal" by the words "The same". Several representatives orally proposed to replace the words "the knowledge gap" by the words "any gap in education".

41. At the same meeting, the Working Group decided to adopt subparagraph (e) of article 10, as orally amended. The text reads as follows.

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

42. Subparagraph (f) of article 10 was considered by the Working Group at its 4th meeting on 10 October 1978. Two amendments had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 4):

Argentina

Replace the word "girls" by the word "women".

United Kingdom

Replace the subparagraph 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".

43. Several delegations agreed that the United Kingdom amendment did not solve the problem encountered by the translation of the word "girls" into other languages because it did not cover all the females intended to benefit from this provision.

44. The representative of Canada orally proposed to subamend the United Kingdom amendment to the subparagraph to read as follows:

"To identify and eliminate factors causing the increase of school-female-drop-out rates and to provide special programmes for those who leave school prematurely".

45. The representative of the Philippines proposed to delete the word "special" before the word "programmes". The representative of Canada agreed.

46. The representative of Iran orally proposed a revised text for the subparagraph which reads as follows (A/C.3/33/WG.1/CRP.4):

"(f) Reduction of the female school drop-out rate, and the provision of programmes for young girls and women who left school too early;"

47. The representative of Argentina formally requested the Secretariat to see to it that the word "girls" not be translated into Spanish by the word "muchachas", a pejorative term not suited for an instrument of international law. At the same meeting the Working Group decided to adopt the French language version of this text on the understanding that the Spanish translation should not use the word "muchachas". The adopted text reads as follows:

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

48. A new subparagraph (g) was proposed by the representative of Cuba at the same meeting, to read as follows (A/C.3/33/WG.1/CRP.5):

"(g) The same opportunities as men to participate actively in sports, physical education and the enjoyment of these activities;"

49. At the 5th meeting of the Working Group on 13 October 1978, a number of representatives supported the substance of the subparagraph. Some delegations, however, wondered whether this provision belonged in an article on education since this right continues to be important beyond the schooling period. Some felt that this idea was essential in the article on education. Others felt that the Cuban text contained two different ideas - one, the active participation in sports and the other, the enjoyment of these activities - which would be more properly placed in article 11, since it dealt with the right to leisure.

50. The representative of Romania called the attention of the Secretariat to the fact that the word "enjoyment" was inappropriately translated in French by the word "profiter". The representative of Iran agreed and suggested replacing the word "profiter" with "bénéficier".

51. The representatives of the United States of America and Australia stated that if the introductory phrase to article 10 proposed by the United Kingdom were to be adopted the words "as men" in the Cuban text should be deleted.

52. The representative of Cuba stated that her delegation would hope that the first part of the provision might remain within the context of the article on education and would accept the deletion of the last part and its incorporation into article 11.

53. At the same meeting, on the proposal of the Chairman and in the light of the discussion, it was decided to delete the words "and the enjoyment of these activities" at the end of the subparagraph, with the understanding that the idea would be incorporated in article 11. The Working Group decided to adopt the subparagraph as revised. The revised text reads as follows:

"The same opportunities to participate actively in sports and physical education;"

54. Subparagraph (g) /new (h)/ was considered by the Working Group at the same meeting.

55. The representative of New Zealand withdrew her amendment contained in A/C.3/33/WG.1/CRP.1/Add.2 on the understanding that the revised version of the introductory sentence proposed by the United Kingdom would be adopted.

56. The representative of the United Kingdom withdrew the first of its amendments to this subparagraph contained in A/C.3/33/WG.1/CRP.1/Add.2 on the same understanding and explained to the Working Group that its second amendment, to replace the words "this to include" by the word "including" was intended to make the English text consistent with the French and Spanish versions.

57. At the same meeting, the Working Group adopted the subparagraph as amended by the United Kingdom, which reads as follows:

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

58. At the same meeting, the Working Group also adopted article 10 as a whole.

59. At its 15th meeting on 14 November 1978 the Working Group decided to restructure section III of the draft Convention (ECONOMIC AND SOCIAL RIGHTS), to renumber the articles therein, so that the article on education would remain article 10. It would be followed by one dealing exclusively with employment as article 11, one on health as article 12, one dealing with other aspects of economic and social life as article 13 and the one dealing with rural women would become article 14. The Working Group also decided that these titles, which were used for working purposes, should be deleted in order to make this section more consistent with the rest of the Convention.

Article 11

60. The discussion of this article took place at the 5th, 6th, 7th, 8th, 9th, 10th and 11th meetings of the Working Group on 13, 19, 20, 25, 26, 30 October and 6 November respectively. The following amendments were submitted to the introductory sentence of article 11 (A/C.3/33/WG.1/CRP.1/Add.2, p. 5):

Argentina

Replace "married or unmarried" by "irrespective of their civil status,".

United Kingdom

Reword the introductory sentence as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women, whether married or unmarried, in the field of economic and social life and in particular shall ensure, on an equal basis with men:".

61. The Argentine amendment was discussed at the 5th meeting of the Working Group. Some delegations felt that although they had taken the position that mention of marital status should be placed at the beginning of the Convention rather than in article 10, the idea should be maintained in article 11 and they would therefore support the amendment. Others stated that they could not see the

difference between articles 10 and 11 in this regard and would therefore, for the sake of consistency, oppose the amendment. The representative of the United States of America stated that as a general rule, whenever the words "married or unmarried" appeared they should be deleted, on the understanding that the principle will be contained in article 1, as decided when the Working Group adopted article 10.

62. In response to the Chairman's suggestion that the Argentine representative might withdraw her amendment on the understanding that the principle be included in the article, the representative from Argentina stated that she would maintain her amendment until it was accepted as a formal amendment to article 1. If this were not the case she would put it forward to the Third Committee.

63. The Working Group decided not to take any action on the Argentinian amendment.

64. Concerning the amendment of the United Kingdom to the introductory sentence of article 11 the representative of that country orally introduced a revised version of his amendment, explaining that it was an exact parallel to the introductory sentence of article 10, already adopted by the Working Group. The text read as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women and to ensure to women equal rights with men in the field of economic and social life, and in particular to ensure, on a basis of equality of men and women".

65. The representative of Morocco also made an oral revision to the United Kingdom amendment. Her text read as follows (A/C.3/33/WG.1/CRP.5/Add.3):

"Each State Party shall take all appropriate measures to eliminate discrimination against women in the field of economic and social life, and to ensure for women on a basis of equality the same rights as men, in particular:".

66. The representative of France supported this formulation and stated that it should also be used for the introduction to article 10.

67. Several representatives spoke in favour of the United Kingdom amendment. The representative of the United States of America stated that the negotiations carried out to reach agreement on the introductory sentence to article 10, were satisfactory. All other substantive articles, therefore, should be consistent with it. Some representatives stated that they would prefer to have the written text of both revisions in their respective language before adopting the introductory sentence to article 11. The representative of Sweden stated that his delegation was of the opinion that in principle, all lengthy amendments should be presented in writing and translated before the Working Group took a position on them. In this case, however, the United Kingdom text was identical to the introductory sentence to article 10 already adopted by the Working Group, except that instead of the word "education" this text referred to "economic and social life". The representative of Ireland stated that the situation with article 11 was not the same as it was with article 10, in view of the nature of the subparagraphs of the article under consideration.

68. The Working Group continued consideration of the introductory sentence to article 11 at its 6th meeting. After a lengthy discussion, the representative of the Syrian Arab Republic orally revised the Moroccan revision of the United Kingdom amendment to read as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women in the field of economic and social life, in order to ensure on a basis of equality of men and women the same rights, in particular:".

69. At the same meeting this text was adopted by the Working Group.

70. At the 10th meeting, the representative of the Netherlands introduced an amended version of the introductory sentence to article 11 in accordance with the revised structure of section III, proposed by Denmark and her own delegation (A/C.3/33/WG.1/CRP.5/Add.11). According to it article 11 would deal exclusively with employment. The text of the introductory sentence to article 11 would remain as adopted, except that the word "employment" would replace the words "economic and social life". At the same meeting the Working Group adopted this text, which reads as follows:

"1. Each State Party 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:".

71. The representative of the Union of Soviet Socialist Republics stated that he would have preferred the words "to ensure the rights of".

72. Subparagraph 1 (a) of article 11 was considered by the Working Group at its 6th meeting. An amendment was submitted by Kenya (A/C.3/33/WG.1/CRP.1/Add.2, p. 5) and orally revised when introduced to the Working Group to read as follows:

"(a) The right to work and enjoy benefits accruing therefrom, as an inalienable right of all human beings;".

Many representatives felt that Kenya's concern was covered by subparagraphs (b) and (c). Most of them stated that they preferred the original wording of the subparagraph. The representative of Kenya withdrew her amendment. Subparagraph 1 (a) of article 11 was adopted by the Working Group at the same meeting. The text reads as follows:

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

73. Subparagraph 1 (b) was considered by the Working Group at its 6th meeting on 19 October 1978. The following amendments had been submitted to it (A/C.3/33/WG.1/CRP.1/Add.2, pp. 5 and 6):

Argentina

Delete "without discrimination on grounds of civil status or any other grounds".

Belgium

Amend to read as follows:

"The right, without discrimination on grounds of civil status or any other grounds, to free choice of profession and employment, to promotion and job security, to receive vocational training and retraining, which also include apprenticeship, advanced vocational training and permanent training;"

74. The amendment submitted by Argentina (A/C.3/33/WG.1/CRP.1/Add.2, p. 5) had been withdrawn at the 5th meeting of the Working Group. At the 6th meeting the representative of Argentina emphasized that her delegation's amendment had been withdrawn on the understanding that discrimination on account of civil status would be covered elsewhere in the Convention.

75. Several representatives supported the amendment of Belgium. The representative of Sweden accepted it on condition that the words "permanent training" be replaced by the words "recurrent training". The representative of Australia, supported by the representative of Spain, proposed to delete the words "without discrimination on grounds of civil status or any other grounds" from the Belgian amendment.

76. The representative of Ireland proposed to replace the words "which also include" by the word "including". This was accepted by the representative of Belgium. At the 6th meeting the Working Group adopted the subparagraph as amended by Belgium and subamended by Australia and Ireland, and renumbered it as subparagraph 1 (c) since the Working Group decided to place subparagraph 1 (f) as subparagraph 1 (b). The text reads as follows:

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

77. Subparagraph 1 (c) was considered by the Working Group at its 6th and 7th meetings on 19 and 20 October 1978 respectively. Amendments were submitted by the United Kingdom (A/C.3/33/WG.1/CRP.1/Add.2, p. 6) to delete the words "the evaluation of quality of"; since these words did not exist in the text adopted by the Commission on the Status of Women and were included here by mistake; and (A/C.3/33/WG.1/CRP.5/Add.2) to delete the words "with men" between the words "remuneration" and "for work", as a consequence of the adopted introductory phrase.

78. An amendment to former subparagraph 1 (b) had been submitted by Guyana (A/C.3/33/WG.1/CRP.5/Add.4) to replace the word "and" following the word "promotion"

by a comma, and add the following words to the end of this subparagraph: "and all benefits and other conditions of service;". This amendment was considered by the Working Group at its 6th meeting, while considering subparagraph 1 (b) of article 11. At that time many representatives supported it, they expressed the view, however, that it belonged in subparagraph (c) rather than in (b). The representative of Zambia stated that she would support the Guyana amendment if the word "other" before the words "conditions of service" was deleted. The representative of Guyana accepted the Zambian suggestion.

79. At the 6th meeting the representative of the Netherlands stated that if the idea contained in the Guyana amendment was accepted, she would withdraw her amendment to include a new subparagraph 1 (g) (A/C.3/33/WG.1/CRP.1/Add.2, p. 7).

80. At the same meeting the Working Group decided to defer further discussion of this amendment to the time when it would consider subparagraph 1 (c) of article 11.

81. At the 7th meeting of the Working Group the representative of Guyana proposed to amend subparagraph 1 (c) to read as follows:

"The right to equal remuneration and to all benefits and conditions of service as men for work of equal value and to equality of treatment in respect of the evaluation of quality of work of equal value as defined in the Convention of the International Labour Organisation on this subject;".

82. This oral revision incorporated the amendment that Guyana had submitted to subparagraph 1 (b) (A/C.3/33/WG.1/CRP.5/Add.4).

83. The representative of the United States of America (A/C.3/33/WG.1/CRP.3) proposed to delete the phrase "as defined in the Convention of the International Labour Organisation on this subject".

84. Several delegations opposed the deletion of the reference to the evaluation of quality of work as proposed by the United Kingdom since they considered the principle of the evaluation process an important element. The majority agreed with the deletion of the mention of the International Labour Organisation Convention. The representative of Ireland proposed to delete the words "of equal value".

85. The representative of Iran proposed to replace the second mention of the word "including" by the words "as well as". The representative of the Ivory Coast stated that the word "treatment" should be translated into French by the word "prestation".

86. At the 7th meeting the compromise text was adopted as orally amended as subparagraph 1 (d) of article 11. The text reads as follows:

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

87. The Working Group agreed that the meaning of the word "remuneration" in this Convention would be the same as the one defined in article 1 of the Equal Remuneration Convention of the International Labour Organisation.

88. Subparagraph 1 (d) was considered by the Working Group at its 7th meeting on 20 October 1978. An amendment was submitted by the United Kingdom, consequential to the adoption of its amendment to the introductory phrase to article 11 (A/C.3/33/WG.1/CRP.5/Add.2) to delete the words "equality with men" between the words "right" and "to social security". The representative of Sweden orally proposed to replace the words "paid leave" by the words "paid holidays". This was opposed by several representatives. The representative of the International Labour Organisation was asked to define both concepts. He stated that "paid leave" was a much broader term which included annual, educational, sick, compassionate and other kinds of leave. Several representatives stated that they preferred the original text proposed by the Commission on the Status of Women. On the suggestion of the Chairman it was decided to leave it as it stood, on the understanding that it could be reconsidered at the Third Committee.

89. At the same meeting the Working Group decided to adopt subparagraph 1 (d) as amended by the United Kingdom as subparagraph 1 (e). The text reads as follows:

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

90. Subparagraph 1 (f) was considered by the Working Group at its 7th meeting on 20 October 1978. An amendment had been submitted by Belgium (A/C.3/33/WG.1/CRP.1/Add.2, p. 6) to add the following at the end of the subparagraph:

"and the elimination of discrimination in the criteria used for selection in matters of employment."

91. An amendment was submitted by the United Kingdom (A/C.3/33/WG.1/CRP.5/Add.2) consequential to the adoption of its amendment to the introductory phrase to article 11, to replace the word "equal" before "employment" by the words "the same" and delete the words "for women" between the words "opportunities" and "and prevention".

92. Several representatives spoke in favour of the Belgian amendment. Some felt, however, that it was more logical that it follow subparagraph 1 (a) of article 11. The representative of Australia proposed to rephrase the Belgian amendment as follows:

"The right to the same employment opportunities, including the right to freedom from discrimination in the criteria used for job selection."

93. The representative of Iran orally revised this text to read as follows:

"The right to the same employment opportunities including the application of the same criteria with respect to selection in matters of employment;"

94. At the same meeting the Working Group adopted this subparagraph as orally reworded and decided to renumber it as subparagraph 1 (b). The text reads as follows:

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

95. A new subparagraph 1 (f) drawn from articles 13 (2) and (4) was introduced by Denmark on behalf also of the Netherlands at the 10th meeting of the Working Group (A/C.3/33/WG.1/CRP.5/Add.11).

96. After a discussion on the meaning of the "function of reproduction", in which some delegates preferred "social functions of reproduction", some "social and biological function of maternity" and some "social and biological function of reproduction", this subparagraph was adopted by the Working Group. The text reads as follows:

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

97. The introductory phrase of subparagraph 2 of article 11 was considered by the Working Group at its 8th meeting on 25 October 1978. The representative of the United States of America proposed (A/C.3/33/WG.1/CRP.3) to insert the word "appropriate" before the word "measures". At the same meeting the Working Group adopted the clause as orally amended by the United States of America. The text reads as follows:

"In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, the States Parties shall undertake all appropriate measures:"

98. Subparagraph 2 (a) was considered by the Working Group at the same meeting. The following amendments were submitted to it.

United States of America (A/C.3/33/WG.1/CRP.3)

2 (a) Divide this subparagraph into two paragraphs, as follows:

"(a) Prohibiting subject to the imposition of penalties discrimination against women in dismissals on the basis of marital status;

(aa) Prohibiting, subject to the imposition of penalties, dismissal on grounds of pregnancy or maternity leave;"

Austria (A/C.3/33/WG.1/CRP.5/Add.5)

Add the words "or declaring void any such dismissals;" after the word "leave".

Japan (A/C.3/33/WG.1/CRP.5/Add.7)

Replace the words "Prohibiting, subject to the imposition of penalties," by the words "Eliminating, through imposition of sanctions where appropriate,".

99. During the discussion, the representative of Japan explained that the main point of her amendment was to insert the word "appropriate" after the word "sanctions". Several delegates felt that this would be repetitious in view of the inclusion of the same word in the introductory phrase of subparagraph 2. Others felt it would weaken the provision whereas the task of the Working Group should be to strengthen it. The representative of Japan withdrew her amendment, maintaining her reservation with regard to this paragraph.

100. Opinions were divided with regard to dividing subparagraph 2 (a) into two as proposed by the United States of America. The representative of the United Kingdom proposed a compromise text, which was accepted by the representative of the United States of America. At the same meeting the Working Group adopted this text. It reads as follows:

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

101. Subparagraph 2 (b) of article 11 was considered by the Working Group at its 8th meeting. The following amendments had been submitted to it (A/C.3/33/WG.1/CRP.1/Add.2, p. 7):

Japan

Delete the word "paid" before the word "leave" and the phrase "the periods of leave ... performed".

United Kingdom

Delete the words "the periods of leave being treated as equivalent to periods of work actually performed".

United States of America (A/C.3/33/WG.1/CRP.3)

Delete "the cost of this protection should be borne by social security systems or other public funds or collective systems".

102. After a lengthy discussion on the concepts of "paid leave", "without loss of the job held", "social allowances and benefits", and "social security systems", the Working Group adopted a compromise text to subparagraph 2 (b). It reads as follows:

"(b) To introduce paid leave or leave with comparable social benefits for maternity without loss of the job held, seniority or social allowances".

103. Subparagraph 2 (c) of article 11 was considered by the Working Group at its 8th and 9th meetings. The following amendments had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 8):

Japan

Replace the words "and to grant women ... post-natal period" by "to implement health measures for women during pregnancy and post-natal period, and to adopt relief measures, including financial assistance for confinement expenses:".

New Zealand

Replace the words "possibilities of" with the word "appropriate".

Netherlands

Replace the words "and to grant women free medical services" by the words "and to ensure women access to medical services".

United States of America (A/C.3/33/WG.1/CRP.3)

Insert the word "needy" before the word "women".

Sweden (A/C.3/33/WG.1/CRP.5/Add.1/Rev.1)

Replace subparagraph 2 (c) by the following two new subparagraphs (c) and (d)

"(c) To encourage the provision of the necessary supporting services to enable parents to combine family obligations with work responsibilities and participation in public life and, for that purpose, to promote in particular the establishment of child-care facilities sponsored by the public or the private sector;

(d) To grant women free medical services in connexion with pregnancy, confinement and the post-natal period".

India (A/C.3/33/WG.1/CRP.5/Add.6)

Replace the words "medical services" by the words "easily available health care services".

104. A new subparagraph 2 (d) had been proposed by the Union of Soviet Socialist Republics (A/C.3/33/WG.1/CRP.1/Add.2, p. 8). It reads as follows:

"To establish and develop a wide network of children's institutions, to pay maternity benefits, to grant allowances and benefits for large families and to provide other kinds of family allowances and assistance".

This amendment was considered by the Working Group together with those submitted to subparagraph 2 (c).

105. Explaining her amendment, the representative of the Netherlands stated that even though in her country there were free medical services to some extent, they are not, however, available to everyone. Her delegation's amendment was intended to ensure that if a Government were not in a position to provide all women with free medical services, those who could not afford them would be taken care of. In view of this explanation, the representative of the United States of America withdrew his amendment.

106. Several representatives expressed the view that the reference to child care facilities contained in article 13 should be merged with the new formulation of subparagraph 2 (c) of article 11 as proposed by Sweden.

107. At its 9th meeting, on 26 October 1978 the Working Group decided to take the Swedish amendment as a basis for discussion. Some representatives felt that it was not necessary to give such emphasis to child care facilities. Other steps, such as short work-days, flexible working hours, etc. could also be taken to allow women to continue working.

108. The representative of the Union of Soviet Socialist Republics orally proposed to add the word "social" between the word "support" and "services" in the Swedish amendment. This was accepted by the representative of Sweden.

109. After a very lengthy discussion the Swedish amendment as subamended was adopted by the Working Group on the understanding that this subparagraph leaves Governments free to work out the combination most appropriate to them between the public and private sectors for the provision of such services. The text reads as follows:

"(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;"

110. Subparagraph 2 (d) as proposed by Denmark and the Netherlands (A/C.3/33/WG.1/CRP.5/Add.11) was considered by the Working Group at its 10th and 11th meetings on 30 October and 6 November 1978 respectively. The representative of Denmark explained that this subparagraph had been drawn from the original article 13 (4) of the draft Convention.

111. The representative of Belgium orally proposed at the 10th meeting to insert the words "without loss of income" after the words "To extend". The representative of Denmark stated that this would not be acceptable to her delegation. Still

other representatives felt there was a need to strengthen the clause on the lines suggested by Belgium and to protect pregnant women from abuse by their employers. Several representatives referred to the increased use of chemicals and radiation by industry. Reference was made to the need to make grassroots women aware of the protection that this provision confers upon them.

112. Subparagraph 2 (d) of article 11 as proposed by Denmark and the Netherlands was adopted by the Working Group at its 12th meeting. The text reads as follows:

"(d) To extend special protection to women during pregnancy for types of work proved to be harmful to them".

113. Subparagraph 3 of article 11 was considered by the Working Group at its 10th meeting on 30 October 1978. The representative of Ecuador orally proposed to insert the words "the advances in" between the words "in the light of" and the word "scientific" and to delete the words "and should be revised, repealed or extended, as necessary". After discussing this proposal, the Working Group adopted subparagraph 3 as proposed by Denmark and the Netherlands. The text reads as follows:

"3. Protective legislation should be reviewed periodically in the light of scientific and technological knowledge and should be revised, repealed or extended as necessary."

The representatives of Ecuador and Pakistan expressed their reservations with regard to this text.

Article 12

114. A new article on health was proposed by Denmark and the Netherlands (A/C.3/33/WG.1/CRP.5/Add.11) and discussed by the Working Group at its 11th meeting on 6 November 1978.

115. Subparagraph 1 of this article was discussed at length by the Working Group. Some delegations expressed preference for the words "and to ensure" instead of "in order to ensure". Several objected to the reference to "services" in connexion with family planning, since there are no family planning services in some countries, and this might result in the refusal to ratify the Convention by some Governments. Several others, however, stated that the Convention should reflect the state of affairs desired and should contain guidelines for the future.

116. Several amendments concerning medical services, including family planning information, counselling, and/or advice and services were orally proposed. At its 12th meeting, on 8 November 1978 the Working Group adopted subparagraph 1 of this article as orally amended by Finland, India and Iran, the text reads as follows:

"1. Each State Party 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."

117. Subparagraph 2 was considered by the Working Group at its 11th meeting. The representative of the Netherlands explained that this subparagraph had been drawn from former article 11 (2) (c) of the draft Convention. A new subparagraph 2 (d) of article 11 had been proposed by Sweden (A/C.3/33/WG.1/CRP.5/Add.1/Rev.1) and considered by the Working Group at its 9th meeting on 26 October 1978. At the 11th meeting the representative of Finland orally amended the subparagraph and the Working Group adopted it as orally amended by merging it in a formulation which took into account the amendment proposed by Bangladesh regarding nutrition during pregnancy and lactation. The text reads as follows:

"2. Notwithstanding the provisions of paragraph 1 above, the State Party 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."

118. At its 15th meeting on 14 November 1978 the Working Group decided to number this article as article 12 of the draft Convention.

Article 13

119. A new article was proposed by Denmark and the Netherlands (A/C.3/33/WG.1/CRP.5/Add.11, art. 12) based on sections of the original article 11 which did not deal specifically with employment.

120. The introductory phrase of the new article had been adopted as the introductory phrase to former article 11 (1). At its 10th meeting the representative of the United Kingdom orally proposed to revise this text by substituting the words "the field" before the words "of economic and social life" by the words "other areas".

121. At the same meeting the Working Group adopted the introductory phrase to this article as revised by the United Kingdom. The text reads as follows:

"Each State Party 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:"

122. Subparagraph (a) of this article was considered by the Working Group at its 11th meeting on 6 November 1978. The representative of Denmark explained that this subparagraph was drawn from the original article 11 (1) (f) already adopted by the Working Group. This subparagraph was formerly 11 (1) (e) (A/C.3/33/WG.1/CRP.1/Add.2, p. 6). It had been considered by the Working Group at its 7th meeting on 20 October 1978. An amendment had been submitted by the United Kingdom (A/C.3/33/WG.1/CRP.5/Add.2) consequential to the adoption of its amendment to the introductory phrase of article 11, to delete the words "on equal terms for men and women".

123. At the same meeting the Working Group adopted the subparagraph, as amended by the United Kingdom, as subparagraph (f). The text reads as follows:

"(f) The right to family benefits".

124. Subparagraph (b) of this article was originally a new subparagraph (g) proposed by Guyana at the 7th meeting of the Working Group on 20 October 1978 (A/C.3/33/WG.1/CRP.5/Add.4). It reads as follows:

"Equal access to bank loans, mortgages and any other forms of financial credit:".

125. The representative of Guyana orally revised this amendment and the text was adopted by the Working Group as subparagraph 1 (f) of article 11, at the same meeting. At the 10th meeting the Working Group decided to adopt it as subparagraph (b) of this article. The text reads as follows:

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

126. Subparagraph (c) of this article was originally a new subparagraph 1 (h) of article 11. It was considered by the Working Group at its 7th meeting on 20 October 1978. It had been submitted by Guyana (A/C.3/33/WG.1/CRP.5/Add.4) and it read as follows:

"The right to participate in, and enjoy, leisure and cultural activities".

127. The representative of Cuba stated that her delegation supported this amendment but would propose to word it as follows:

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

This text was adopted at the same meeting by the Working Group. At its 10th meeting on 30 October 1978 the Working Group decided to adopt this text as subparagraph (c) to this article. At its 15th meeting on 14 November 1978 the Working Group decided to adopt this article as article 13 of the draft Convention.
