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UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE

Draft Convention on the Elimination of Discrimination
against Women

Working paper prepared by the Secretary-General

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I. Introduction

This working paper contains the historical development of the draft Convention. It should be considered in conjunction with A/C.3/33/WG.1/CRP.1/Add.1 and 2. Add.1 contains the decisions taken by the Working Group of the Whole on the drafting of the Convention on the Elimination of Discrimination against Women at the thirty-second session of the General Assembly and the proposals it transmitted to the Third Committee. Add.2 amalgamates in chart form the text of the draft Convention, as well as all the amendments, revisions and new paragraphs submitted by Governments contained in the report of the Secretary-General (A/32/218, annex 1 and Add.1 and 2), in the Conference Room Papers and in the report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women (A/C.3/32/L.59), which are before the Working Group of the Whole at the thirty-third session of the General Assembly. These charts have been prepared with the aim of facilitating the work of the representatives to the Working Group.

II. Historical development of the draft Convention on the Elimination of Discrimination against Women

Former United Nations efforts for the advancement of women have been consolidated on Conventions dealing with specific rights for women such as the Convention on the Political Rights of Women (1952), the Convention on the Nationality of Married Women (1957), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962), and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950), among others. In 1967 the Declaration on the Elimination of Discrimination against Women was adopted unanimously by the General Assembly, after four years of debate and detailed drafting work in the Commission on the Status of Women and in the General Assembly. The Convention is based on the Declaration and the process of drafting it began early in 1972 when, in its resolution 5 (XXIV), 1/ the Commission on the Status of Women invited the Secretary-General to call upon the States Members of the United Nations to transmit their views or proposals concerning the nature and content of a new instrument or instruments of international law to eliminate discrimination against women, and to prepare a working paper taking into account the replies of Governments. The Commission further decided, in order to facilitate this work, to establish a working group which was to meet five days before the twenty-fifth session of the Commission and "begin work on the preparation of a new draft instrument or instruments in the light of Governments' replies and of the Secretary-General's report".

1/ Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 6, chap. VIII, sect. A, para. 240.

A report was prepared by the Secretariat on the basis of 28 replies received from Governments 2/ (E/CN.6/573). The working group held meetings from 7 to 11 January and on 18 January 1974 and produced a report on the preparation of a new instrument or instruments of international law to eliminate discrimination against women (E/CN.6/574).

At its twenty-fifth session in 1974 the Commission on the Status of Women considered the report of the working group, decided to transmit it to Governments, specialized agencies and non-governmental organizations for their comments and requested the Secretary-General to prepare a report for its twenty-sixth session. The report was prepared (E/CN.6/591) on the basis of replies received from 40 Governments, 3/ 4 specialized agencies 4/ and 10 non-governmental organizations. 5/

In its resolution 3521 (XXX) of 15 December 1975, the General Assembly requested the Commission on the Status of Women to complete, in 1976, the elaboration of the draft Convention on the Elimination of Discrimination against Women. The Commission completed the draft Convention at its resumed twenty-sixth session in December 1976. It was submitted to the Economic and Social Council at its sixty-second session which, at its 2058th plenary meeting on 12 May 1977, adopted resolution 2058 (LXII). This resolution recalls General Assembly resolution 31/136 of 16 December 1976, in which the Assembly, *inter alia*, approved the programme for the United Nations Decade for Women, 6/ which calls for the

2/ Austria, Barbados, Belgium, Brazil, Bulgaria, Byelorussian SSR, Canada, Central African Empire, Czechoslovakia, Democratic Kampuchea, Egypt, Finland, France, Guyana, Hungary, Iraq, Italy, Kuwait, Luxembourg, Netherlands, Phillipines, Poland, Sierra Leone, Spain, Sweden, Ukrainian SSR, USSR, United Kingdom of Great Britain and Northern Ireland.

3/ Afghanistan, Argentina, Austria, Barbados, Benin, Bulgaria, Byelorussian SSR, Canada, Chad, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, German Democratic Republic, Germany (Federal Republic of), Guatemala, Hungary, Indonesia, Iran, Ireland, Iraq, Italy, Japan, Mauritania, Netherlands, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Sierra Leone, Singapore, Sweden, Thailand, USSR and the United Kingdom of Great Britain and Northern Ireland.

4/ International Labour Organisation, the Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

5/ The International Planned Parenthood Federation, the Women's International Democratic Federation, the All-African Women's Conference, the Associated Country Women of the World, the Friends World Committee for Consultation, the International Association for Social Progress, the International Council of Social Democratic Women, the International Federation of University Women, the World Union of Catholic Women's Organizations and the World Young Women's Christian Association.

6/ Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 3 (E/5909), annex V.

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adoption of such a Convention by the Assembly and its entry into force in the first half of the Decade 1976 to 1980. Economic and Social Council resolution 2058 (LXII) further invites Member States and the specialized agencies to present their comments on the draft Convention and recommends that the General Assembly, at the outset of its thirty-second session, consider the draft Convention as a matter of urgency, in the light of comments received, with a view to its adoption at that session.

As requested, the Secretary-General prepared a report analysing the replies received from Governments and specialized agencies (A/32/218 and Add.1 and 2) on the basis of the 26 replies received from Governments 7/ and from 4 specialized agencies. 8/ This report was before the General Assembly at its thirty-second session.

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, 9/ 2 preambular paragraphs which require pending decisions by the Third Committee, 10/ 8 articles 11/ and 1 article which requires further decisions by the Third Committee. 12/ The Working Group also decided

7/ Argentina, Austria, Bahrain, Belgium, Byelorussian SSR, Canada, Chad, Denmark, El Salvador, Finland, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, India, Japan, Mauritius, Netherlands, New Zealand, Norway, Philippines, Portugal, Sweden, Ukrainian SSR, Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland.

8/ The International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

9/ Preambular paras. 1 and 2, a new formulation of 3, as amended, 4, as amended, a new preambular para. 5, preambular paras. 6 and 7 (former 5 and 6), a new preambular para. 8, as amended, preambular para. 10 (former 9), and preambular paras. 11 and 13, as amended.

10/ A new compromise text of preambular para. 9 (former 8) with the understanding that it will be forwarded to the Third Committee with amendments submitted by Yugoslavia, Syrian Arab Republic, the Philippines, Romania, Rwanda, and Morocco; preambular para. 11 (former 10), as amended, to be forwarded to the Third Committee with an amendment by Mexico adding a new sentence to it.

11/ Art. 1, as amended; art. 2, para. (a), as amended, a new version of para. (b), a new version of para. (c), as amended, a new version of para. (d), a new version of para. (e), as amended, and para. (g), as amended; art. 3; a new version of art. 4, para. 1, art. 4, para. 2; art. 5, para. 1; a new version of art. 5, para. 2; a new version of art. 7; art. 8, introductory sentence and paras. (a) and (b), as amended, and para. (d); and new art. 9, as revised and amended.

12/ Art. 6 adopted with the understanding that it would be forwarded to the Third Committee with an amendment from Argentina.

to delete four paragraphs of the draft Convention, 13/ 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. 14/

In its resolution 32/136 of 16 December 1977, the General Assembly took note with satisfaction of the report of the Working Group of the Third Committee on the Drafting of the Convention on the Elimination of Discrimination against Women, 15/ 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".

13/ Former preambular para. 7, art. 8, para. (c) and art. 10 (former 9), paras. 2 and 3.

14/ New preambular para. 12, versions submitted by Sweden and by the Byelorussian SSR; art. 2, introductory sentence contained in the draft Convention and text proposed by the Byelorussian SSR, art. 2, para. (f) and amendments submitted by Kenya, the United States of America and Mali as subamended by Morocco. Art. 9, para. 1, versions submitted by Kenya and the USSR; and art. 9, para. 4, and amendments submitted by the Netherlands and Argentina.

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