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Thirty-fourth session  
Item 75

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN

WORKING PAPER PREPARED BY THE SECRETARY-GENERAL

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## I. Introduction

1. In order to comply with the requests contained in General Assembly resolution 33/177, the Working Group will have before it to facilitate its work, in addition to an historical development of the drafting Convention on the Elimination of Discrimination against Women (section II), the following: the final provisions of the draft Convention with the corresponding amendments contained in the report of the Secretary-General to the thirty-second session of the General Assembly (A/32/218 (annex IV) and Add.1) (section III of this paper); also, in a Chart Form, those articles together with alternative texts and amendments on which the Working Group could not reach a decision (section IV). In the annex are reproduced the provisions already adopted by the Working Group. 1/

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

2. 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), 2/ 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".

3. A report was prepared by the Secretariat on the basis of 28 replies received from Governments 3/ (E/CN.6/573). The working group held meetings from

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1/ Section IV as well as the annex will be submitted as an addendum to the present paper.

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

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

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).

4. 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, 4/ 4 specialized agencies 5/ and 10-non-governmental organizations. 6/

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, 7/ which calls for the 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.

6. 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)

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4/ 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.

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

6/ 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.

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

on the basis of the 26 replies received from Governments 8/ and from four specialized agencies. 9/ This report was before the General Assembly at its thirty-second session.

7. 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, 10/ two preambular paragraphs requiring decisions by the Third Committee, 11/ eight articles 12/ and one article which requires further decisions by the Third Committee. 13/ The Working Group also decided to delete four paragraphs of the draft Convention, 14/ 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 on which it could not reach a decision. 15/

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8/ 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, USSR and the United Kingdom of Great Britain and Northern Ireland.

9/ 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.

10/ 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.

11/ 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.

12/ 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); a new art. 9, as revised and amended.

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

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

15/ 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.

8. 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, 16/ 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".

9. A Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women was established by a decision of the Third Committee of the General Assembly at its 6th meeting, on 29 September 1978. It held 21 meetings from 29 September to 6 December 1978, and adopted article 1 (under I. General provisions), articles 10, 11, 12, 13 and 14 (under III. Economic and social rights) and articles 15 and 16 (under IV. Civil and family rights).

10. In its resolution 33/177 of 20 December 1978, the General Assembly took note with appreciation of the report of the Working Group of the Third Committee on the Drafting of the Convention on the Elimination of Discrimination against Women 17/ recommended that a working group be established at the beginning of the thirty-fourth session of the General Assembly and be provided with adequate facilities to enable it to complete its task, to consider the final provisions of the draft Convention and reconsider the articles which have not yet been completed, with a view to the adoption of the draft Convention at its thirty-fourth session and decided to include in the provisional agenda of its thirty-fourth session, as a matter of high priority, the item entitled "Draft Convention on the Elimination of Discrimination against Women".

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

17/ A/C.3/33/L.47 and Corr.1 and 2, Add.1 and Add.1/Corr.1, and Add.2 and Add.2/Corr.1. These documents are now contained in A/34/60 and Corr.1 and 2.

FINAL PROVISIONS

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED <u>18/</u> SOURCE: A/32/218 and Annex 1, and Add.1
<p style="text-align: center;">ARTICLE 16</p> <p style="text-align: center;"><u>Paragraph 1</u></p> <p>Nothing in the present Convention shall affect the provisions of domestic legislation in force in a State Party if they are more favourable to women.</p> <p style="text-align: center;"><u>Paragraph 2</u></p> <p>Similarly, nothing in the present Convention shall affect existing conventions adopted under the auspices of the United Nations or the specialized agencies and having as their object the regulation of various aspects of the status of women, if they provide for more extensive rights for women.</p>	<p style="text-align: center;"><u>Additional article</u></p> <p><u>Proposed by the United Kingdom</u> A/32/218/Add.1, para. 56</p> <p>This Convention shall not apply in relation to service in the naval military or air forces of States parties.</p>
<p style="text-align: center;">ARTICLE 17</p> <p style="text-align: center;"><u>Paragraph 1</u></p> <p>The present Convention shall be open for signature by all States.</p> <p style="text-align: center;"><u>Paragraph 2</u></p> <p>The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.</p>	<p style="text-align: center;"><u>Paragraph 1</u></p> <p>- No changes proposed</p> <p style="text-align: center;"><u>Paragraph 2</u></p> <p><u>Proposed by the USSR</u> A/32/218, para. 145</p> <p>Add at the end of the paragraph the words "who are designated to be the depository of the Convention".</p>

18/ In accordance with the decision of the Working Group, amendment proposed by specialized agencies are not reflected in this paper. /...

FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p style="text-align: center;"><u>Paragraph 3</u></p> <p>The present Convention shall be open to accession by any State. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.</p> <p style="text-align: center;">ARTICLE 18</p>	<p style="text-align: center;"><u>Paragraph 3</u></p> <p>- No changes proposed</p>
<p style="text-align: center;"><u>Paragraph 1</u></p> <p>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.</p>	<p style="text-align: center;"><u>Paragraph 1</u></p> <p>- No changes proposed</p>
<p style="text-align: center;"><u>Paragraph 2</u></p> <p>The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.</p>	<p style="text-align: center;"><u>Paragraph 2</u></p> <p>- No changes proposed</p>
<p style="text-align: center;">ARTICLE 19</p> <p style="text-align: center;"><u>Paragraph 1</u></p> <p>The States Parties undertake to adopt measures at the national level, including the establishment of machinery and procedures, aimed at achieving the full realization of the rights recognized in the present Convention.</p>	<p style="text-align: center;"><u>Paragraph 1</u></p> <p>- No changes proposed</p>

FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p style="text-align: center;"><u>Paragraph 2</u></p> <p>(a) Every two years following the entry into force of the present Convention, the States Parties undertake to submit to the Secretary-General of the United Nations reports on the legislative, judicial, administrative or other measures which they have adopted and on the progress made in implementing the provisions of the Convention; reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the Convention;</p> <p>(b) In preparing their reports, the States Parties shall make use of national machinery established to promote the advancement of women and of appropriate non-governmental organizations;</p> <p>(c) The States Parties shall furnish their reports in stages, in accordance with a programme to be established by the <u>ad hoc</u> Group set up under this article after consultation with the States Parties and the specialized agencies concerned.</p>	<p style="text-align: center;"><u>Paragraph 2</u></p> <p>(a) <u>Amendment proposed by New Zealand A/32/218, para. 154</u> Substitute the word "shall" for the word "may"</p> <p>(b) - No changes proposed</p> <p>(c) - No changes proposed</p>
<p style="text-align: center;"><u>Paragraph 3</u></p> <p>For the purpose of considering the progress made in the implementation of the present Convention by the States Parties, the Commission on the Status of Women shall establish an <u>ad hoc</u> Group consisting of 10 to 15 persons. The Group shall be elected by the Commission from among its own members who are States Parties</p>	<p style="text-align: center;"><u>Paragraph 3</u></p> <p><u>Amendment proposed by Norway A/32/218/Add.1, p. 10</u> Insert after the words "Commission on the Status of Women" the words "or other body under the Economic and Social Council that the Parties to the Convention may nominate". Subsequent mention of the Commission on the Status of Women should be supplemented</p>



FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS; REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p>to the Convention and from an additional list of persons nominated by States Parties to the Convention who are not members of the Commission, consideration being given to the principle of equitable geographical distribution and representation of differing legal systems. Those elected to the Group shall serve in their personal capacity and shall be elected for a two-year term.</p>	<p>by "or other relevant body under the Economic Social Convention".</p>
<p style="text-align: center;"><u>Paragraph 4</u></p> <p>The <u>ad hoc</u> Group shall normally meet for a period of not more than two weeks before the opening of the regular session of the Commission on the Status of Women, to consider the reports submitted in accordance with paragraph 2 above.</p>	<p style="text-align: center;"><u>Paragraph 4</u></p> <p>- No changes proposed</p>
<p style="text-align: center;"><u>Paragraph 5</u></p> <p>The <u>ad hoc</u> Group shall report to the Commission on the Status of Women on its activities and may make general recommendations based on the examination of the reports from the States Parties. The Commission shall transmit the report of the Group, together with its own comments, to the Economic and Social Council.</p>	<p style="text-align: center;"><u>Paragraph 5</u></p> <p>- No changes proposed</p>
<p style="text-align: center;"><u>Paragraph 6</u></p> <p>Specialized agencies shall be entitled to be represented at different stages of the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. They shall be entitled</p>	<p style="text-align: center;"><u>Paragraph 6</u></p> <p>- No changes proposed</p>

FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p>to submit reports on the implementation of relevant instruments adopted by them or under their auspices.</p> <p style="text-align: center;"><u>Paragraph 7</u></p> <p>The Economic and Social Council shall submit periodically to the United Nations General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Convention and the specialized agencies on the measures taken and the progress made in achieving full observance of the rights recognized in the present Convention.</p> <p style="text-align: center;"><u>Paragraph 8</u></p> <p>The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Convention, which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Convention.</p>	<p style="text-align: center;"><u>Paragraph 7</u></p> <p>- No changes proposed</p> <p style="text-align: center;"><u>Paragraph 8</u></p> <p>- No changes proposed</p>

FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p>ARTICLE 20</p> <p><u>Paragraph 1</u></p> <p>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.</p> <p><u>Paragraph 2</u></p> <p>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.</p>	<p><u>Paragraph 1</u></p> <p>- No changes proposed</p> <p><u>Paragraph 2</u></p> <p>- No changes proposed</p>
<p>ARTICLE 21</p> <p><u>Paragraph 1</u></p> <p>The Secretary-General of the United Nations shall inform States of the following:</p> <p>(a) Signatures, ratifications and accessions under article 17;</p> <p>(b) The date of entry into force of the present Convention under article 20.</p>	<p><u>Paragraph 1</u></p> <p>- No changes proposed</p>

FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p style="text-align: center;">ARTICLE 22</p> <p style="text-align: center;"><u>Paragraph 1</u></p> <p>The present Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the United Nations. Duly certified copies of the present Convention shall be transmitted to the Governments of the signatory and acceding States.</p> <p>IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.</p> <p style="text-align: center;">AN ADDITIONAL ARTICLE ON RESERVATIONS</p> <p style="text-align: center;"><u>Paragraph 1</u></p> <p>The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to the present Convention the text of reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of 90 days from the date of the said communication, notify the Secretary-General that it does not accept it.</p> <p style="text-align: center;"><u>Paragraph 2</u></p> <p>A reservation incompatible with the object and purpose of the present Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of <u>ad hoc</u></p>	<p style="text-align: center;"><u>Paragraph 1</u></p> <p style="text-align: center;">- No changes proposed</p>

FINAL PROVISIONS (continued)

DRAFT CONVENTION SOURCE: A/32/218/Annex IV	AMENDMENTS, REVISIONS AND ADDITIONS PROPOSED SOURCE: A/32/218 and Annex 1, and Add.1
<p>Group established by the Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to the Convention object to it.</p> <p style="text-align: center;"><u>Paragraph 3</u></p> <p>Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.</p>	