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A/C.3/34/WG.1/CRP.5  
19 November 1979

ORIGINAL: ENGLISH

Thirty-fourth session  
Agenda item 75

UN/SA COLLECTION

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Working paper prepared by the Secretariat\*

Contents

Text of the Final Provisions of the Draft Convention on the  
Elimination of Discrimination against Women as of the end of  
the ninth meeting of the Working Group, on 16 November 1979

Final Provisions

Article 16\*\*

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

(a) in the legislation of a State Party

(b) or in any other international Convention, treaty or agreement in force for that State.

Article 17

Paragraph 1

The present Convention shall be open for signature by all States.

Paragraph 2

The Secretary-General of the United Nations is designated as the depository of the Convention.

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\* At the request of the representative of the Netherlands.

\*\* This numbering corresponds to the original version. Since a new article was adopted by the Working Group at the thirty-third session of the General Assembly, this article will become article 17.

Paragraph 3

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Paragraph 4

The present Convention shall be open to accession to any State. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 18

Paragraph 1

A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

Paragraph 2

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

Article 19

Amendment proposed by Kenya

Add a new subheading before the section dealing with final provisions, to read "Implementation", and have article 19 appear under it, or place article 19 as an annex to the Convention (A/C.3/34/WG.1/CRP.2).

Measures at the national level

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

Reports on implementation of the Convention

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

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

(b) thereafter at least every four years and further whenever the organ so requests.

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

(Amendment to paragraph 4 proposed by Australia

Insert the new penultimate sentence: "The Committee may request further information from the States Parties.")

Report of the Body which considers progress in the implementation of the Convention

<u>ORIGINAL VERSION AND AMENDMENTS PROPOSED TO IT</u>	<u>SWEDISH PROPOSAL AND AMENDMENTS PROPOSED TO IT</u>	<u>ECUADORIAN PROPOSAL</u>
<u>Paragraph 5</u> (a) (The <u>ad hoc</u> Group shall report to the Commission on the Status of Women.)	<u>Paragraph 6</u> (a) (The Committee shall, through the Economic and Social Council, report annually to the General Assembly.)	<u>Paragraph 5</u> (a) (The <u>ad hoc</u> Group shall report annually to the Economic and Social Council.)

Agreed portion:

... on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the (body) together with comments, if any, from States Parties.

Amendment to the Swedish proposal (para. 6 (a)) proposed by Australia

Add additional sentence at the end of paragraph 6 (a): ("States Parties comments, if any, on the suggestions and recommendations put forward by the Committee shall also be reported to the General Assembly.")

<u>ORIGINAL VERSION AND AMENDMENTS PROPOSED TO IT</u>	<u>SWEDISH PROPOSAL AND AMENDMENTS PROPOSED TO IT</u>	<u>ECUADORIAN PROPOSAL</u>
(b) (The Commission shall transmit the report of the Group, together with its own comments, to the Economic and Social Council.)	(b) (The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women, for its information.)	(b) (The Secretary-General of the United Nations shall transmit the reports of the <u>ad hoc</u> Working Group to the Commission on the Status of Women.)

The Role of the Specialized Agencies

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

Body to consider progress in implementing the Convention

ORIGINAL VERSION AND AMENDMENTS PROPOSED TO IT	SWEDISH PROPOSAL AS ORALLY REVISED BY SWEDEN TAKING INTO ACCOUNT LIBYAN AMENDMENT	ECUADORIAN PROPOSAL
<p><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 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><u>Paragraph 2</u></p> <p>(a) For the purpose of considering the progress made in the implementation of the present Convention a Committee on the Elimination of Discrimination against Women shall be established (hereinafter referred to as the Committee) consisting, at the time of entering into force of the Convention, of <u>eighteen</u> and after its ratification or accession by the <u>      </u> State Party, of twenty-three experts of high moral standing and competence in the field covered by this Convention, elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems;</p>	<p><u>Paragraph 3</u></p> <p>For the purpose of considering the progress made in the implementation of the present Convention, an <u>ad hoc</u> Working Group of the Economic and Social Council of the United Nations shall be established consisting of 23 States being Parties to the Convention and members of the Council. In the composition of the <u>ad hoc</u> Working Group, account shall be taken of the principle of equitable geographical distribution and the representation of differing socio-economic and legal systems.</p>

Amendment proposed by Norway A/32/218/Add.1, p. 10 as orally revised

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 by "or the body under the Economic and Social Council."

Article 20

Paragraph 1

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

Paragraph 2

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

Article 21

The Working Group considered article 21 of the Draft Convention at its fourth meeting on 19 October 1979 (A/C.3/34/WG.1/CRP.1) and decided to delete it.

Article 22

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

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

Additional article on reservations

Paragraph 1

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.

Paragraph 2

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

Paragraph 3

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

Amendment proposed by Kenya:  
(A/C.3/34/WG.1/CRP.2, p. 2)

Place the additional article on reservations between articles 21 and 22, leaving the final place in the Convention for the sentence "In witness whereof ..." in article 22.

New article on the settlement of disputes

United States of America:

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

France: Compromise text 1/

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

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

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

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1/ This text constitutes article 15 of the Report of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages (A/34/39, pp. 27-28).