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Item 75

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN

Addendum

CONTENTS

|   | <u>Pages</u> |
|---|--------------|
| Article 20 (former article 19) . . . . .  | 2            |
| Measures at the national level . . . . .  | 2            |
| Section on reports on implementation of the Convention . . . . .  | 2            |
| Section on the body which considers progress in implementing<br>the Convention . . . . .                        | 4            |
| Section on the report of the body which considers progress in the<br>implementation of the Convention . . . . . | 7            |
| Section on role of the specialized agencies . . . . .   | 8            |

Former article 19 (now article 20)

The Working Group considered former article 19 of the draft convention at its 6th to 11th meetings on 1, 8, 14, 20 and 22 November 1979.

It had before it the original version of the article of the Commission on the Status of Women with amendments proposed thereto (A/C.3/34/WG.1/CRP.1), a new Swedish proposal (with amendments to it) (A/C.3/34/WG.1/CRP.2/Add.2) and amendments to both texts proposed by Ecuador (A/C.3/34/WG.1/CRP.2/Add.5) which were later replaced by a new comprehensive proposal.

After considerable discussion as to what text would serve as a basis for discussion, the Working Group agreed to use a chart containing all three texts (A/C.3/34/WG.1/CRP.3 and Corr.1) and to proceed with the consideration of the various sections of the texts in the chart before them in whatever order the Group may wish to follow. It was agreed that those sections for which agreement could not be reached would be transmitted, in brackets, to the Third Committee.

Measures at the national level

The Working Group considered the section on "Measures at the national level" which appeared in all paragraphs 1 of the three texts at its 8th meeting (A/C.3/34/WG.1/CRP.3 and Corr.1).

Various delegations were in favour of the Swedish proposal, which was considered to be more comprehensive than the other two as it did not make a reference to "machinery".

Brazil orally proposed the insertion of the word "all" between the words "adopt" and "measures" and the deletion of the words "including the establishment of procedures".

Sweden accepted the Brazilian amendment and proposed the insertion of the word "necessary" before the word "measures".

At its eighth meeting, on 14 November, the Working Group adopted paragraph 1 of the Swedish proposal as revised. The text reads as follows:

"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."

Section on reports on implementation of the Convention

The Working Group considered the section on "Reports on implementation of the Convention" at its 8th meeting. This section appears in paragraph 2 of the original version and amendments thereto, paragraph 4 of the Swedish proposal (and amendment thereto) and paragraph 2 of the Ecuadorian proposal (A/C.3/34/WG.1/CRP.3 and Corr.1).

/...

The discussion focused on the Swedish proposal, in particular on subparagraph (b), and on the Australian amendment to it.

Concerning subparagraph (b) of paragraph 4 of the Swedish proposal, views were mixed regarding the issue of periodicity of reports. While some delegations were in favour of a four-year cycle, which would permit planning and implementation of national measures, others were of the view that it should be a two-year cycle in order to place more pressure on States parties to implement the Convention. A few delegations felt that there was no need for reference to periodicity, as is the case in paragraph 40 of the Covenant on Civil and Political Rights.

The USSR proposed the deletion of the words "every four years and", so that the subparagraph (b) would read: "(b) thereafter whenever the (organ) so requests".

Belgium proposed the insertion of the word "further" between the word "and" and the word "whenever".

The representative of New Zealand proposed the following wording: "(b) thereafter at least every four years and further whenever the /body/ so requests".

At its 8th meeting on 14 November 1979, the Working Group adopted the new version of subparagraph 4 (b) proposed by New Zealand.

At the same meeting on 14 November 1979, the Working Group adopted paragraph 4 of the Swedish proposal, as amended. The text reads as follows:

"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

/body/ "(b) Thereafter at least every four years and further whenever the /body/ so requests.

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

Concerning the Australian amendment to the Swedish proposal, to insert a new penultimate sentence reading: "The /Committee/ may request further information from the States Parties", various delegations were of the view that it either dealt with a procedural matter falling within the jurisdiction of the organ to be established, or that it was wrongly placed. Other delegations fully supported the amendment, which in their view, was of a substantive nature and would permit the establishment of a fruitful dialogue as between the organ and the States Parties.

Australia later withdrew its amendment.

/...

Section on the body which considers progress in  
implementing the Convention

The Working Group considered the section on the "body which considers progress in implementing the Convention" at its 9th, 10th and 11th meetings. The section appears in paragraph 3 of the original version - together with the Norwegian amendment - paragraph 2 of the Swedish proposal - together with the Libyan Arab Jamahiriya amendment to subparagraph 2 (a) - and paragraph 3 of the Ecuadorian proposal (A/C.34/WG.1/CRP.3 and Corr.1).

The Working Group first considered the amendment of the Libyan Arab Jamahiriya to subparagraph 2 (a) of the Swedish proposal.

There was considerable discussion as to what should be the proper number of experts in the /body/. Some delegations favoured a 23-member body as proposed by the Libyan Arab Jamahiriya even if this added to the costs, as this number would be more consonant with the expanded membership of the United Nations and would permit a more adequate representation of the smaller countries within the requirements of equitable geographic distribution. Other delegations were opposed to the expansion of the membership of the body. While some of them favoured an 18-member committee, the others, who opposed the expansion, were of the view that a greater number would conflict with the requirement of 20 States Parties for the Convention to come into force under article 20, which had already been adopted. Some members referred to the CERD Committee, which was an 18-member committee, and which had done an excellent job because inter alia it was a smaller group of experts.

Following a suggestion by France that membership could be enlarged at a later stage, Sweden proposed the insertion in paragraph 2 (a) of its own proposal, after the word "consisting" and the word "experts", of the following words: "at the time of the entry into force of the Convention of eighteen and after the ratification or accession of the fortieth State Party, of twenty-three".

The Libyan Arab Jamahiriya accepted the Swedish proposal.

The Swedish proposal was later amended, after informal consultations, to substitute for the number "fortieth" the number "thirty-fifth".

Norway orally revised its amendment to paragraph 3 of the original version to read as follows:

"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."

The Working Group discussed subparagraph 2 (a) of the Swedish proposal relating to expenses of the body to be established (A/C.3/34/WG.1/CRP.3) at its 10th meeting.

Referring to the wish expressed by various delegations to be provided with the financial implications of all three proposals before them, the representative of the Centre for Social Development and Humanitarian Affairs explained that the Secretariat would be in a position to do so only when the proposals are formally before the Third Committee.

The Working Group expressed its disappointment at not having been provided with this information as it would have helped them greatly in the discussion of the matter. It requested that this information be made available to the Third Committee as soon as the report of the Working Group is transmitted to it.

An exchange of views took place as to how and by whom the costs regarding the body proposed by Sweden should be borne. Regarding expenses other than services there was agreement that States Parties should bear such costs. Bangladesh proposed to use the formula contained in article 35 and 36 of the International Covenant on Civil and Political Rights relating to the expenses of the Human Rights Committee.

Regarding the costs of services, views were divided as to whether they could be borne by the United Nations under its regular budget.

No agreement was reached on either of these issues.

At its 10th meeting, on 20 November 1979, the Working Group decided to transmit to the Third Committee, in brackets, subparagraph 2 (g) of the Swedish proposal together with the texts of articles 35 and 36 of the International Covenant on also in brackets.

The texts transmitted to the Third Committee read as follows:

Paragraph 3

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 ad hoc 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.

Norwegian amendment as 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".

Paragraph 2

(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 eighteen and after its ratification or accession by the thirty-fifth 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;

(b) The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals;

(c) The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties;

(d) Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting;

(e) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;

(f) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee;

(g) States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Paragraph 3

For the purpose of considering the progress made in the implementation of the present Convention, an ad hoc 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 ad hoc Working Group, account shall be taken of the principle of equitable geographical distribution and the representation of differing socio-economic and legal systems.

Section on the report of the body which considers progress  
in the implementation of the Convention

The Working Group considered the section on the report of the body which considers progress in the implementation of the Convention at its 8th and 9th meetings. This section appears in paragraph 5 of the original version, paragraph 6 of the Swedish proposal together with the amendment to subparagraph (a) proposed by Australia and paragraph 5 of the Ecuadorian proposal (A/C.3/34/WG.1/CRP.3 and Corr.1).

Sweden orally proposed a revision of subparagraph (a), arrived at in consultation with various delegations, to replace all the words after "on its activities and" by the words "may make suggestions and general recommendations based on the examination of the 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". The Australian amendment to subparagraph (a) of the Swedish proposal was later withdrawn.

At its 9th meeting, on 16 November 1979, the Working Group adopted the revised Swedish proposal to be included in all three texts to be transmitted to the Third Committee.

Regarding subparagraph (b) of the Swedish proposal, Belgium orally proposed, and Sweden accepted the addition of the words "for its information" at the end of the subparagraph.

At its ninth meeting, on 16 November 1979, the Working Group decided to transmit to the Third Committee the first sentence of subparagraph (a) of all three proposals in brackets, the second portion of subparagraph (a) which had been agreed upon for all three texts without brackets, and all subparagraphs (b) contained in all three texts - the Swedish text having been revised - in brackets. The text of the section read as follows:

| <u>Original version</u>  | <u>Swedish proposal</u>   | <u>Ecuadorian proposal</u>  |
|--|---|---|
| (a) <u>/The ad hoc Group shall report to the Commission on the Status of Women./</u> | <u>/The Committee shall, through the Economic and Social Council, report annually to the General Assembly./</u> | <u>/The ad hoc Group shall report annually to the Economic and Social Council./</u> |

... 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.

| <u>Original version</u>   | <u>Swedish proposal</u>   | <u>Ecuadorian proposal</u>  |
|---|---|---|
| (b) <u>/The Commission shall transmit the report of the Group, together with its own comments, to the Economic and Social Council./</u> | <u>/The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women, for its information./</u> | <u>/The Secretary-General of the United Nations shall transmit the reports of the ad hoc Working Group to the Commission on the Status of Women./</u> |

Section on role of the specialized agencies

The Working Group considered the section on role of the specialized agencies at its 9th meeting. The section appears in identical terms in paragraph 6 of the original version which was slightly corrected for the sake of conformity and paragraph 7 of both the Swedish and the Ecuadorian proposal (A/C.3/34/WG.1/CRP.3 and Corr.1).

The discussion centred on the second sentence of all three texts particularly (i) on the functions of the reports of the specialized agencies, which in the view of some delegations should be for the information of the /body/ only, (ii) the scope of the reports which, it was felt, should not cover implementation of instruments adopted by the specialized agencies but the convention itself and (iii) the advisability of imposing an obligation upon the agencies to report to the /body/.

France, referring to the formulation of article 18 of the Covenant on Economic, Social and Cultural Rights, proposed to replace the last sentence by the following text:

"The /body/ can ask the specialized agencies for reports on the implementation of the Convention increase under their auspices."

Sweden proposed a reformulation of the French proposal as follows:

"The /body/ may invite the specialized agencies to submit reports on the implementation of the Convention falling within the scope of their activities."

At the 9th meeting on 16 November 1979, the Working Group adopted the above amendment proposed by Sweden.

At the same meeting, the Working Group adopted the section on the role of the specialized agencies, as amended. The text reads as follows:

"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 falling within the scope of their activities."