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Item 75

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN

DRAFT REPORT OF THE WORKING GROUP OF THE WHOLE ON THE  
DRAFTING OF THE CONVENTION ON THE ELIMINATION OF  
DISCRIMINATION AGAINST WOMEN

Working paper prepared by the Secretariat

ANNEX

Text of the Draft Convention as of the end of the 11th meeting  
of the Working Group on 22 November 1979

Draft Convention on the Elimination of All Forms of  
Discrimination against Women

Preamble

The States Parties to the present Convention

Noting that the Charter of the United Nations reaffirmed faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirmed the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind including distinction based on sex,

Noting that under the International Covenants on Human Rights States Parties have the obligation to secure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and specialized agencies promoting equality of rights of women and men,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies to promote equality of rights of women and men,

Concerned, however, that despite those various instruments, extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family, and makes more difficult the full development of potentialities of women in the service of their countries and humanity,

Concerned, that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

/...

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, foreign domination and foreign occupation is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the right to self-determination as well as respect of national sovereignty and territorial integrity will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world, and the cause of peace requires the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the development of society, so far not fully recognized, the social significance of maternity and of the role of both parents in the family and in the rearing of children, and aware that the role of women in procreation should not be a basis for discrimination but that instead, the rearing of children requires a sharing of responsibility between men and women and society as a whole,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Have agreed on the following:

## I. General provisions

### Article 1

For the purpose of the present Convention the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect of or the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status,

on a basis of equality of men and women, of human rights, and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

## Article 2

The States Parties condemn discrimination against women in all its forms and undertake to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end:

(a) Each State Party undertakes to embody the principle of the equality of men and women in its national Constitution or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) Each State Party undertakes to adopt appropriate legislative and other measures including sanctions where appropriate, prohibiting all discrimination against women;

(c) Each State Party undertakes to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) Each State Party undertakes not to engage in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) Each State Party shall take all appropriate measures to eliminate discrimination against women by any person;

(f) Each State Party shall take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which are discriminatory to women;

(g) Each State Party agrees to repeal all national penal provisions which constitute discrimination against women.

## Article 3

The States Parties shall undertake in all fields, in particular the political, social, economic and cultural, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

1. Adoption by States of temporary special measures aimed at accelerating de facto equality of women with men shall not be considered discrimination as defined in this Convention, but shall in no way entail, as a consequence the maintenance of unequal or separate standards and shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

#### Article 5

The States Parties shall take all appropriate measures:

1. To modify the social and cultural patterns of conducts of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

2. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of both men and women in the upbringing and development of their children.

#### Article 6

The States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### II. Political rights

#### Article 7

Each State Party shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and in particular shall ensure on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the administration thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### Article 8

Each State Party shall undertake all appropriate measures to ensure to women on equal terms with men and without any discrimination the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

## Article 9

1. The States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. The States Parties agree to grant women equal rights with men with respect to the nationality of their children.

## III. Economic and social rights

## Article 10

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 ensure, on a basis of equality of men and women:

(a) 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;

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

(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 coeducation and other types of education which will help to achieve this aim and in particular by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(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;

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

(g) The same opportunities to participate actively in sports and physical education;

/...

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

#### Article 11

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:

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

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

(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;

(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;

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

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

2. 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 appropriate measures:

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

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

(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;

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

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

#### Article 12

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.

2. Notwithstanding the provisions of paragraph 1 above, each 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.

#### Article 13

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:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and in all aspects of cultural life.

#### Article 14

1. Each State Party shall take into account the particular problems faced by rural women and the significant roles they play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. Each State Party shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, participation in and benefits from rural development and, in particular, the right:

- (a) To participate in the formulation and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;



(d) To obtain all types of training and education, formal and non-formal, including functional literacy, as well as the benefit of all community and extension services, inter alia, to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

#### IV. Civil and family rights

##### Article 15

1. The States Parties shall accord to women equality with men before the law.

2. The States Parties shall accord to women a civil and legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall in particular give them equal rights to conclude contracts and administer property and treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contract and all other private instruments of any kind with legal effect directed at restricting the legal capacity of women shall be deemed null and void.

4. The States Parties shall accord to men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence and domicile.

##### Article 16

1. Each State Party shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right to free choice of a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise this right;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar social forms when these concepts exist in national legislation. In all cases the interest of the children shall be paramount;

(g) The same personal rights of husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary action including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

#### Final provisions

##### Article 17

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 18

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

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

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

/...

3. 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 19

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.

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 20

1. 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.

2. 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.

3.

Original version

/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 revised amendment

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 should nominate". Subsequent mention of the Commission on the Status of Women should be supplemented

Swedish proposal

/(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 18 and after its ratification or accession by the 35 States Parties, of 23 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

Ecuadorian proposal

/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./

3. (continued)

Original version

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

Swedish proposal

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  
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

Ecuadorian proposal

3. (continued)

Original version

Swedish proposal

Ecuadorian proposal

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. /

3.

/(a) The Committee shall adopt its own rules of procedure;

(b) The Committee shall elect its own officers for a term of two years;

(c) The secretariat of the Committee shall be provided by the Secretary-General of the United Nations;

Original version

Swedish proposal

Ecuadorian proposal

4. /The Ad Hoc 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 two above./

/The Committee shall normally meet for a period of not more than two weeks annually to consider the reports submitted in accordance with paragraph two above./

/The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee./

/The Ad Hoc Group shall normally meet annually for a period of not more than two weeks during the first regular session of the Economic and Social Council, to consider reports submitted in accordance with paragraph two above./

4.

(a) /The Ad Hoc Group shall report to the Commission on the Status of Women./

/The Committee shall, through the Economic and Social Council, report annually to the General Assembly./

/The Ad Hoc Group shall report annually to the Economic and Social Council./

... 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.

(b) /The Commission shall transmit the report of the Group, together with its own comments, to the Economic and Social Council./

/The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women, for its information./

/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./

/The Economic and Social Council shall submit periodically to the United Nations General Assembly reports with recommendations

/The Economic and Social Council shall submit periodically to the United Nations General Assembly reports with recommendations of a general

Original version

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./

/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 matter arising out of the report 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./

5. 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.

Swedish proposal

Ecuadorian proposal

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./



#### Article 21

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.

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 22

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.

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

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.

#### Article 23

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.

#### Article 24

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.

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