



**UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL**



Distr.
GENERAL

E/CN.6/591
21 June 1976

ENGLISH

ORIGINAL: ENGLISH/FRENCH/
SPANISH

COMMISSION ON THE STATUS OF WOMEN
Twenty-sixth session
Item 3 (a) of the provisional agenda

INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN

**DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS
OF DISCRIMINATION AGAINST WOMEN**

Working paper prepared by the Secretary-General

SUMMARY

The working paper is based on comments received from Governments, United Nations specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council on the draft articles contained in the report of the Working Group on the Preparation of a New Instrument or Instruments of International Law to Eliminate Discrimination against Women (E/CN.6/574) and in response to the request contained in resolution 1 (XXV) of the Commission on the Status of Women that the Secretary-General be invited to prepare a working paper taking into account the replies received.

The first five paragraphs of the working paper contain an account of the establishment and work of the above-mentioned Working Group, and of the way the draft articles are presented in the report of the Group (E/CN.6/574).

The working paper contains an analysis of the 40 replies received. They deal with general observations on the draft convention (paras. 10-20), comments concerning the title of the Convention (paras. 21-24), the preamble (paras. 25-29), general provisions (paras. 29-79), articles on political rights (paras. 80-105), articles on economic and social rights (paras. 106-151), articles on civil and family rights (paras. 152-164), and with the final provisions (paras. 165-206).

The paper also contains three annexes: texts of amendments to articles and new versions proposed (annex I); draft conventions submitted by Benin, Indonesia and the All-African Women's Conference (annex II) and the text of the draft Convention on the Elimination of All Forms of Discrimination against Women, prepared by the working group and reproduced from the report of the Commission on the Status of Women on the work of its twenty-fifth session (E/CN.6/589, annex III).

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INTRODUCTION

A. Origin of the working paper

1. In resolution 5 (XXIV) the Commission on the Status of Women invited the Secretary-General to call upon Member States 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 also decided in the same resolution to establish a working group to meet five days before the beginning of the Commission's twenty-fifth session and begin work on the preparation of a new draft instrument or instruments.

2. The Working Group met at the United Nations Headquarters from 7 to 11 January and on 18 January 1974. It examined a working paper prepared by the Secretary-General (E/CN.6/573) summarizing the replies of Governments with respect to the elaboration of a new instrument or instruments of international law to eliminate discrimination against women and concerning also the possible content of such instrument or instruments. The Working Group submitted its report to the Commission at its twenty-fifth session (E/CN.6/574).

3. At that session, at the 615th meeting on 24 January 1974, the Commission decided in principle that a single comprehensive draft convention should be prepared without prejudice to recommendations concerning the preparation of any future instrument (or instruments) which might be elaborated either by the United Nations or by the specialized agencies, especially as regards discrimination in specific fields. It also noted, at the same meeting, that the Working Group had decided not to vote on any articles of the draft convention. Where the Working Group did not reach a consensus and alternative texts were proposed or recommendations made or reservations expressed, that was reflected in connexion with the relevant articles contained in the report of the Working Group.

4. Also, in resolution 1 (XXV), the Commission invited the Secretary-General to call on States Members of the United Nations, on specialized agencies and on non-governmental organizations in consultative status with the United Nations, to transmit their comments on the draft articles contained in the report of the Working Group and to prepare for the consideration of the Commission at its twenty-sixth session, a working paper taking into account the replies of Governments, specialized agencies and non-governmental organizations. The present working paper has been prepared in response to this request.

5. It may be recalled that the General Assembly, in resolution 3521 (XXX) requested the Commission to complete, in 1976, the elaboration of the draft Convention on the Elimination of Discrimination against Women.

B. Nature of the working paper

6. As requested, the Secretary-General has prepared the present working paper on the basis of the replies received from Governments, the United Nations specialized agencies and non-governmental organizations. As of 21 May 1976, replies were received from the following 40 Governments: Afghanistan, Argentina, Austria, Barbados, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, 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, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland. Replies were also received from the International Labour Organisation, the Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as from the following 10 non-governmental organizations: 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. In order to conform with United Nations directives on control and limitation of documentation, the full texts of the replies received are not reproduced in the working paper. However, they are available for consultation in the United Nations Secretariat. Only the replies of Benin, Indonesia and the All-African Women's Conference are reproduced in annex II to the present document, because each of them proposes a new draft convention.

8. The working paper consists for the most part of an analysis of the replies received with respect to the different parts and articles of the draft Convention. It contains general observations on the draft Convention as well as comments concerning the title of the Convention, the preamble, general provisions, articles on political rights, social and economic rights, civil and family rights and final provisions. Since the draft conventions submitted by Benin, Indonesia and the All-African Women's Conference are based on the text elaborated by the Working Group, they are analysed together with all replies received.

9. The Working Paper contains three annexes. Annex I reproduces the amendments and new versions proposed. Annex II reproduces the texts of the draft Conventions submitted respectively by Benin, Indonesia and the All-African Women's Conference. Annex III contains the draft articles resulting from the deliberations of the Working Group and the decisions of the Commission on the Status of Women at its twenty-fifth session.

I. GENERAL OBSERVATIONS ON THE DRAFT CONVENTION,
THE TITLE AND THE PREAMBLE

A. General observations

10. Most Governments, the United Nations specialized agencies as well as non-governmental organizations who sent replies take a favourable view of the instrument proposed by the Working Group considered as a whole. They view the draft as a basis for a good and effective instrument for the world-wide elimination of discrimination against women in all fields of life and call for its prompt and final formulation and adoption. However, Norway expresses the opinion that since the fundamental rights formulated in the draft convention are already recognized in the United Nations' conventions on human rights as well as in a number of other conventions adopted by the United Nations system, a convention on women's rights is unnecessary.

11. Though in most of the replies the draft convention is considered article by article some of them contain general observations either on the original or to the alternative texts as a whole. Thus, Italy expresses preference for alternative texts of the articles while the Byelorussian SSR, the German Democratic Republic, Singapore, USSR, the All African Women's Conference and the Women's International Democratic Federation prefer the original texts. Moreover, the Byelorussian SSR, the German Democratic Republic, USSR and the Women's International Democratic Federation share the view that the alternative texts weaken the document and that in the case of their adoption the Convention would be below the norms contained in the United Nations, the ILO and UNESCO conventions adopted many years ago.

Relationship between the future Convention and existing international instruments

12. The Byelorussian SSR, the German Democratic Republic and USSR share the view that due to the changes which have taken place in the world since the adoption of relevant United Nations, ILO and UNESCO conventions, the new instrument should be a step forward as compared with them. Finland expresses the view that such a convention should complement the Declaration on the Elimination of Discrimination against Women, and, at the same time, constitute a codification of existing provisions, amending and supplementing them when necessary. Denmark underlines the necessity to harmonize the draft Convention with the World Plan of Action so as to avoid discrepancies between the two sets of rules. The United Kingdom of Great Britain and Northern Ireland notes that it will be necessary to take into account the outcome of the discussions of the International Labour Conference in June 1975 which considered the question of equality of opportunity and treatment for women workers.

13. The International Labour Organisation, the International Federation of University Women and the Young Women's Christian Association note that the Convention should be read in conjunction with the other instruments concerning the status of women though it should not unnecessarily duplicate the provisions of these instruments or the machinery for their implementation.

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Relationship between the future Convention and national legislation and suggestions for improvement of the draft in general

14. The United Kingdom and the International Federation of University Women observe that the Convention should be of sufficient flexibility to cater to different social and economic conditions from region to region, from country to country, and in some countries at both the federal and state levels. They remark however, that such flexibility should be combined with precise drafting in order to avoid possible confusion over interpretation. In that respect, Egypt and Iraq notice that this draft Convention will be acceptable as long as it will not conflict with their national legislations and traditions.

15. Barbados and Norway note that the list of rights provided in the draft is too detailed and comprehensive, and that a lower standard will have to be set by the Convention before a significant number of States will feel able to sign it, since such provisions will have a binding effect on national legislation and will have to apply even in cases where solutions other than those put forward in the Convention may be equally appropriate.

16. Japan, the United Kingdom, ILO and the World Young Women's Christian Association observe that in order to be acceptable to as many countries as possible, the Convention should contain fundamental principles leaving details on ways and means for their detailed formulation to national laws and other action at the national level.

17. Finland notes that the drafting may need to be improved and that the formulation of the intermediary titles should be reconsidered since in their present form they are incoherent and do not correspond to the grouping of the International Covenants on Human Rights. France remarks that the draft is concentrated too much on women - mothers; however, both parents' rights and responsibilities should be underlined.

18. Some replies contain suggestions concerning the inclusion of new subjects in the draft Convention. Thus, Norway and Sweden note that it is desirable to extend the scope of the Convention to comprise men as well, since discrimination against women and discrimination against men (though the latter is less obvious and not yet fully recognized) are two aspects of the same problem, and therefore the Convention should cover discrimination on the ground of sex in general.

19. In the view of France and the United Kingdom, the Convention should in no way require Governments to impose "reverse discrimination" - that is discrimination in favour of women - since save in certain carefully defined circumstances this would represent a permanent departure from the objective of equal status and opportunities and would not be in the long-term interest of women themselves. The United Kingdom observes, however, that the Convention should permit (but not require) positive action in specific fields designed to equalize the opportunities open to women in situations where such action may be necessary to overcome an undesirable historical link. But this should be seen, essentially, as a temporary measure which in the long term should become unnecessary.

20. As far as additional provisions are concerned, Finland proposes to include family planning and birth control. FAO notes that the Convention deals primarily with the rights and obligations of urban women and most of the articles make no reference to the political, social, legal and economic rights and responsibilities of rural women. The World Union of Catholic Women's Organizations considers that the Convention should also include provisions with respect to housewives.

B. Title

21. As regards the title of the Convention, different points of view are expressed. Benin, El Salvador, Hungary, Indonesia and the All-African Women's Conference consider necessary to keep the words "all forms" in the title since they find it more comprehensive and therefore more useful.

22. The Byelorussian SSR, the German Democratic Republic, USSR and UNES state that they would have no objection to exclude the words "all forms" since it is in line with the United Nations practice that conventions adopted on the basis of declarations already adopted, receive the same title. Thus the title would correspond to that of the Declaration on the Elimination of Discrimination against Women, 1967, which is the basis for the preparation of the present draft.

23. Finland, Poland, the United Kingdom, the International Council of Social Democratic Women and the International Federation of University Women express their firm conviction that the title of the Convention should correspond to the title of the Declaration which it is supposed to complement.

24. Austria considers that the title of the draft is not congruent with its contents since the draft Convention not only contains bans on discrimination but requires a number of positive measures.

C. Preamble

25. Most of the Governments and international organizations commenting on the preamble of the draft, give preference to the alternative text. ^{1/} The main reason, is that the alternative text of the preamble almost fully corresponds to the preamble of the Declaration. Other reasons are also mentioned.

26. Thus, Portugal notices that the alternative version is shorter and that it touches basically on the same points as the first version through a more organized and logical structure. Indonesia notes that the alternative text of the preamble is better organized and more systematic, that its wording is more general and does not over-emphasize the importance or significance of the women, and finally, that it places women on an equal footing with men. Ethiopia finds that the alternative text is better phrased. The Federal Republic of Germany observes

^{1/} Ethiopia, Finland, German Democratic Republic, Germany (Federal Republic of), Indonesia, Italy, Portugal, United Kingdom, International Council of Social-Democratic Women, World Young Women's Christian Association, International Federation of University Women and World Union of Catholic Women's Organizations.

that the alternative text refers more clearly and consistently to available instruments of the United Nations. The International Federation of University Women considers the alternative version more straightforward than the original one. The World Young Women's Christian Association believes that it explains the reasons for the new instrument more directly and comprehensively than the first text. Benin, Canada, the German Democratic Republic, Indonesia, the Netherlands, Sweden, UNESCO, the Friends World Committee for Consultation and the International Federation of University Women while expressing preference for the alternative text, propose different amendments to improve it. 2/

27. Argentina, Hungary and the Federal Republic of Germany propose new versions of the preamble combining both the original and the alternative texts. A new version of the preamble is also offered by Mauritania. 3/ In that respect, Hungary notes that it is the order of paragraphs which is different on the whole in the two texts of the preamble. However, in the view of Hungary, the following ideas should be taken from the original text and be included into the alternative one: the mention of the scientific and technical revolution and its impact on the status of women; the mention of the significance of the international covenants on human rights; the fact that the status of women is affected by the stage of development in different parts of the world; the inclusion of a provision which would state that the cause of peace also requires the greatest possible participation of women in public life. Some suggestions are made concerning new subjects to be included in the preamble. Thus, the German Democratic Republic observes that in the preamble it is necessary to reaffirm principles included in the final documents adopted at the United Nations World Conference of the International Women's Year in Mexico City and the World Congress in connexion with the International Women's Year, at Berlin, in 1975 and to underline the commitment of States to promote and encourage women in their struggle for the promotion of international co-operation, the development of friendly relations between nations, the strengthening of world peace for disarmament, against imperialism, fascism, colonialism, neo-colonialism, alien domination and foreign rule, apartheid, zionism, racial discrimination and for the implementation of the right to self-determination. The United Kingdom notes that it might be desirable to draft a more concise and succinct preamble to serve as a framework in which the Convention as a whole may be interpreted. Poland expresses preference for the original text.

28. WHO and the All-African Women's Conference accept the original text of the preamble with some amendments. 4/

2/ See annex I.

3/ For the proposals of Argentina, the Federal Republic of Germany and Mauritania, see annex I.

4/ See annex I.

II. GENERAL PROVISIONS

29. Denmark considers appropriate to bring the initial provisions more into line with those of the International Convention on the Elimination of All Forms of Racial Discrimination.

Article 1

30. Opinions are divided between the original and the alternative text with a slight majority in favour of the latter. 5/

31. Denmark, Portugal and the World Young Women's Christian Association explain their preference for the alternative text by the fact that it includes the idea of preference together with those of distinction, exclusion and restriction. Moreover, the World Young Women's Christian Association notes that by defining "discrimination" as either against or in favour, the alternative text is more objective while the original text defines "discrimination" only as against women. The German Democratic Republic is of the view that the alternative text meets the purpose of such an article better than the original text. Finland believes that the alternative text is more logical and corresponds to the definition contained in the International Convention on the Elimination of All Forms of Racial Discrimination as well as to the definition given by the International Court of Justice on 21 June 1971 in connexion with the Namibia question. Canada, Benin, the Netherlands, Portugal, the International Federation of University Women and the Friends World Committee for Consultation while expressing preference for the alternative text, propose, however, some amendments. 6/

32. On the other hand, Afghanistan, Italy, Ireland, Pakistan, Poland, Sierra Leone, Singapore and the Women's International Democratic Federation prefer the original text of article 1. Explaining their position, Italy notes that the original text has a well-balanced language as compared with the alternative one. Afghanistan and Sierra Leone share the view that the original text is better since it specifically contains the words "discrimination against women", while in the alternative text the term "discrimination" carries with it the general meaning and use of the term. The Women's International Democratic Federation is of the opinion that the word "preference" in the alternative text makes it necessary to enter into details that are out of place here, since article 12 of the draft clearly states that motherhood justifies special protection such as child-care facilities and other types of protection. Hungary and Japan give preference to the original text of article 1, but propose several amendments to it. 6/

5/ Argentina, Bulgaria, Denmark, Finland, the German Democratic Republic, Guatemala, Indonesia, Mauritania, Norway, the All-African Women's Conference, the International Council of Social Democratic Women, the World Young Women's Christian Association, the Friends World Committee for Consultation support the alternative text.

6/ See annex 1.

/...

33. In the United Kingdom's view however, neither of the suggested definitions is satisfactory because the first text could mean for example that a distinction made on the basis of sex and resulting in the impairment of the rights of a man would still be classified as "discrimination against women", while the alternative text on the other hand contains no reference to the grounds for discrimination. The United Kingdom therefore proposes a new version of article 1. 6/ New versions of article 1 are also given by El Salvador, Federal Republic of Germany and Sweden. 6/ UNESCO notes that the words "of public life" in both texts proposed might be too restrictive which might not be desirable in an instrument intended to be comprehensive in its scope.

Article 2

34. Most Governments and non-governmental organizations express their preference for the original text of this article. 7/ Explaining their position, Afghanistan, Finland and Hungary note that this text is more precise and contains more concrete provisions regarding the obligations of States. Portugal, Sierra Leone, USSR and the International Association for Social Progress believe that it is more positive and action-oriented than the alternative one. In that respect, USSR underlines in particular that the original text of article 2 makes States Parties responsible for policies aimed at eliminating discrimination against women.

35. Most of those preferring the original text draw attention to the inadequacy of the alternative text of article 2. 8/ Portugal notes that the alternative version only contains the introduction of the original one, and is not specific, thus creating the danger that the Convention might be limited to the formulation of very vague concepts. The Byelorussian SSR observes that the contents of the alternative text are limited to the condemnation of discrimination in general terms without indicating concrete measures which States Parties must undertake to eliminate discrimination against women. The German Democratic Republic believes that due to the above-mentioned short-comings, the alternative text falls short of earlier United Nations instruments, in particular the Declaration on the Elimination of Discrimination against Women, which went further. The Women's International Democratic Federation states that if the new convention limits itself to repeating the condemnation of discrimination against women, as in the alternative version, if it does not provide for legislative action to prohibit discrimination against women and put an end to it, this article cannot significantly change the conditions that exist. Commenting on separate paragraphs of the original text of article 2, Singapore observes that though giving preference to the original text, it considers necessary to state that subparagraph (d) does not take into account the existence and recognition in Singapore of Muslim law which applies to Muslims in

7/ Afghanistan, Benin, Byelorussian SSR, Canada, Finland, German Democratic Republic, Hungary, Mauritania, Netherlands, Poland, Portugal, Sierra Leone, Singapore, Sweden, USSR, Women's International Democratic Federation, All-African Women's Conference, International Association for Social Progress, the Associated Country Women of the World and International Council of Social Democratic Women.

8/ Finland, German Democratic Republic, Portugal, Sweden, USSR and Women's International Democratic Federation.

Singapore. Commenting on the same paragraph, Sweden indicates that it should be borne in mind that there are areas which, because they touch on personal questions do not allow for legislative action, and that therefore discriminatory customs may persist. Sweden feels that the obligations of Governments should consist in abolishing discriminatory laws, introducing non-discriminatory legislation, and eradicating prejudice as to the roles of men and women through education and information. It is the view of Sweden that Governments should also undertake active and concrete measures such as special programmes for women during a transitional period.

36. Commenting on subparagraph (b) of article 2, Sweden observes that the provision that Governments should ensure that public authorities and institutions do not engage in any act or practice of discrimination, does not take into account the fact that local authorities and communities in some countries including Sweden enjoy a high degree of autonomy. Sweden notes that the same may be true of public broadcasting corporations and other cultural and educational institutions, for example, and therefore finds more appropriate to use a less mandatory expression than "ensure".

37. Austria, while accepting in principle the original text of article 2, proposes some amendments. Amendments to the original text are also proposed by UNESCO. 9/

38. With respect to new provisions to be included in article 2, Bulgaria believes that it would be appropriate to formulate in a special text the necessity of eliminating all discriminatory normative regulations by indicating as examples some of the more typical normative acts: family laws, labour laws, penal laws.

39. A number of countries and non-governmental organizations give preference to the alternative version of article 2. 10/

40. Explaining their point of view, the Federal Republic of Germany, Ethiopia, Indonesia and Ireland observe that the alternative text of article 2 is flexible, concise and clear as well as more general and therefore more acceptable. Besides, they see flaws in the original text. Thus, the Federal Republic of Germany, Indonesia and Ireland believe that the original text is too detailed, so that its meaning becomes narrow in scope and difficulties might arise in interpretation and implementation. Moreover, Ecuador and Indonesia share the view that the original text of article 2 would cause interference in the internal affairs of countries.

41. Japan and the United Kingdom expressing preference for the alternative text propose a number of amendments to it. Modifications to the alternative version are also submitted by UNESCO. 11/

9/ See annex 1.

10/ Argentina, Ecuador, Ethiopia, Germany (Federal Republic of), Indonesia, Ireland, Italy, Norway, Pakistan, International Federation of University Women and World Young Women's Christian Association.

11/ See annex 1.

42. The International Federation of University Women points out that it is difficult to indicate a preference for one of the texts of article 2, since while the alternative text is shorter and less specific, the original one is more explicit though it needs to be clarified.

43. New versions of article 2 are given by El Salvador and the Friends World Committee for Consultation. 11/

Article 3

44. All countries except Finland, as well as all non-governmental organizations commenting on this article accept it. 12/

45. Benin, the Netherlands, Portugal, UNESCO and the World Union of Catholic Women's Organizations propose some modifications to article 3. 13/

46. Finland expresses the view that this article contains a general provision on matters which later on are dealt with by articles 10 to 14 in a more detailed form and therefore finds it questionable whether this article in its present form is necessary at all.

47. Ireland notes that the terms "and other fields" could be elaborated.

Article 4

Article 4 as a whole

48. Afghanistan, Bulgaria, Ethiopia, the German Democratic Republic, Hungary, Portugal and Sierra Leone accept the article as it is. Moreover, they underline its extreme importance. In that respect Ethiopia notes that it is necessary that States take certain measures to accelerate the elimination of all forms of discrimination against women, if such a discrimination exists in their respective States, since such measures, though they may seem apparently discriminatory, are necessary to right the wrongs done against women because of their sex in the past. Sierra Leone considers that this article could be retained to accommodate States which, through no fault of their own, do not have the means to provide comprehensive programmes which would bring complete equality between men and women. However, as the article states, these conditions should be of a temporary nature with the aim of very quickly providing better and permanent facilities.

12/ Afghanistan, Barbados, Canada, Indonesia, Mauritania, Pakistan, Singapore, Sweden, United Kingdom, All-African Women's Conference and Friends World Committee for Consultation.

13/ See annex 1.

49. The German Democratic Republic notes that measures provided in article 4 correspond to the World Plan of Action adopted at the World Conference of the International Women's Year at Mexico, which, among other things, offers convincing proof of the necessity to promote the well-being of mothers.
50. Ireland feels that this article could usefully be examined in the context of similar provisions in existing instruments of the International Labour Organisation.
51. The Federal Republic of Germany questions whether the physical constitution of women requires special protective measures in certain branches of work. It expresses the opinion that physical constitution with respect to branches of work is not a matter of sex but one of individual physical condition which applies to women as well as to men. Singapore believes that article 4 tends to place women on a higher footing than men.
52. Amendments are proposed by Denmark, the Netherlands, Norway and Sweden on paragraph 1; and by the Federal Republic of Germany, Norway, Portugal and the International Council of Social Democratic Women on paragraph 2. 13/
53. Argentina, Benin, Ecuador, France, Italy, Indonesia and five non-governmental organizations 14/ prefer the deletion of the article. Explaining its position, Benin states that it is up to each State-Party to choose appropriate means. Moreover, Benin believes that this article would create possibilities for State Parties to avoid the implementation of the Convention, since the special conditions which are mentioned here will have no general definition, and besides, it would be difficult to define their special character.
54. Italy notes that the article is unnecessary, since the ideas contained in it may be considered as a logical consequence of the preceding articles and the preamble. France is of a view that this article justifies discrimination against women instead of fighting it.
55. El Salvador and the United Kingdom submit new versions of article 4. 15/

Article 4, paragraph 1

56. Canada and the International Council of Social Democratic Women report their acceptance of paragraph 1. Canada observes that this paragraph should be maintained to permit temporary measures, such as the special recruiting of women, should such programmes be considered necessary to accelerate the achievement of equality of rights. Finland remarks that this paragraph may be considered as justified in societies where women traditionally have been in a subordinate position. However, Finland points out that measures envisaged in it should not lead to the maintenance of separate rights for men and women and that they should not be continued after the objectives for which they were taken have been achieved.

14/ International Federation of University Women, World Friends Committee for Consultation, World Young Women's Christian Association, Associated Country Women of the World and World Union of Catholic Women's Organizations.

15/ See annex I.

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57. Denmark, the Netherlands, Norway and Sweden propose several amendments to paragraph 1. 15/

58. The Federal Republic of Germany prefers the deletion of the paragraph. Mauritania and the All-African Women's Conference suggest a new version of the paragraph. 15/

59. Sweden expresses the opinion that this paragraph should be incorporated into article 1.

Article 4, paragraph 2

60. Commenting on paragraph 2 of article 4, Finland observes that the protection of women in certain branches of work, due to their physical nature and for the promotion of the welfare of mothers, is based on certain ILO conventions. Therefore, it is fair that such protection be not considered discriminatory although it seemingly puts men and women on an unequal footing.

61. The Byelorussian SSR, USSR and the United Kingdom share the view that the words "promotion of the welfare of mothers" should be retained. The Byelorussian SSR and USSR note in that respect that these words reflect the need to protect an important aspect of women's rights and that reference only to the "physical nature" is not sufficient. On the other side, Pakistan and the International Council of Social Democratic Women while accepting the paragraph, propose to delete the words "and for the promotion of the welfare of mothers".

62. As far as the words "due to their physical nature" are concerned, Portugal proposes to add after them the words "mainly in what concerns their maternal role". Panama considers necessary to add after these words the phrase "in accomplishment of the maternal functions which is in the general interests of society".

63. Sweden believes that paragraph 2 should be reformulated so as to conform with the ideas expressed in the ILO Declaration on Equality of Opportunity and Treatment for Women Workers 16/ and the World Plan of Action for the Implementation of the Objectives of the International Women's Year. 17/

64. The ILO notes that the analogous exception in its Convention No. 111 extends to protective provisions established either by international agreement or, on the national level, under procedures such as consultation of employers' and workers'

16/ The Declaration adopted by the International Labour Conference at the sixtieth session states in that respect: "Measures shall be taken to extend special protection to women only for types of work scientifically proved to be harmful for them from the standpoint of their social function of reproduction, and such measures shall be reviewed and brought up to date periodically in the light of advances in scientific and technological knowledge."

17/ The World Plan of Action provides that: "Protective legislation applying to women only should be reviewed in the light of scientific and technological knowledge, and should be revised, repealed or extended to all workers as necessary" (United Nations publication, Sales No. E.76.IV.1, para. 102).

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organizations designed to ensure that the interests of all concerned are considered and respected.

65. Mauritania and the All-African Women's Conference report their acceptance of paragraph 2, while the Federal Republic of Germany, Norway, Portugal and the International Council of Social Democratic Women submit some amendments to it. 18/

66. Deletion of paragraph 2 was proposed by Canada and Denmark. Explaining their point of view, they observe that other articles in the draft already deal with the security of women workers and the promotion of the welfare of working mothers. They express the opinion that many forms of protectionist legislation in respect to women can be used to their disadvantage, and therefore adequate and proper legislation should be afforded to both males and females who are involved in certain kinds of work situations. The Netherlands and WHO submit new versions of paragraph 2. 18/

Article 5

General observations on the original and the alternative texts

67. The opinions concerning the original and the alternative texts are divided. Acceptance of the original text was reported by the Byelorussian SSR, Ethiopia, the German Democratic Republic, Hungary, Poland and the USSR. Canada and UNESCO accepting the original text, submit modifications to it. 18/

68. The Byelorussian SSR, the German Democratic Republic, Hungary, and USSR underline that the eradication of prejudices, customs and practices based on the idea of "inferiority" of women and the protection of motherhood as a social function correspond to the interests of the entire society, and therefore the original text of article 5 should be retained as a whole. They draw the attention to the inadequacy of the alternative text, noting that it excludes the responsibility of the State and of society with respect to the protection of motherhood which cannot be justified. On the other side Argentina, Austria, Chad, Denmark, France, Japan, Indonesia, Ireland, Mauritania, the Netherlands, Pakistan, the United Kingdom and two non-governmental organizations 19/ prefer the alternative version. Sweden and the World Young Women's Christian Association, although expressing preference for the alternative text, submit a number of amendments. 20/ The World Young Women's Christian Association sees some advantages in the alternative text as compared with the original one, noting that it deals with the subject far more directly than the first text. Denmark is of the view that the original text places an outmoded emphasis on the protection of motherhood, and besides, might imply violation of the freedom of speech. The All-African Women's Conference submits a new version of article 5. 20/ Many comments were made concerning paragraphs 1 and 2 of the original text, which are given a separate consideration.

18/ See annex I.

19/ The International Council of Social Democratic Women and the Friends World Committee for Consultation.

20/ See annex I.

Paragraph 1 (original text)

69. Acceptance of the paragraph was reported by Afghanistan, the Federal Republic of Germany, Italy, Norway, Singapore, the International Association for Social Progress, the World Union of Women's Catholic Organizations and the Associated Country Women of the World.

70. WHO proposes an amendment to paragraph 1. 20/ Making a general observation on the paragraph, Sierra Leone observes that customary practices have to be carefully studied to ascertain whether in fact they are based on the idea of inferiority of women, since it may very well be that certain roles performed by women are not based on the idea of inferiority of their sex. With respect to the contents of paragraph 1, as well as its formulation, different opinions are expressed. The Federal Republic of Germany and Portugal believe that it is preferable to the alternative text since it makes specific reference to the protection of motherhood for the common interest of the entire society which is omitted in the alternative one. However, Japan, Norway and the United Kingdom express their objection with respect to paragraph 1.

71. Japan notes that provisions contained in paragraph 1 are adequately covered by paragraph 2 of the preceding article (article 4) and therefore seem to be unnecessary. Norway remarks that the last sentence in paragraph 1 is not clear and may easily be used to tie women to the role of motherhood. The United Kingdom feels that the reference to "the protection of motherhood" is vague and may raise a number of questions about social policy not strictly within the scope of the Convention.

72. Canada suggests that the word "maternity" should be substituted for "motherhood".

Paragraph 2 (original text)

73. Most Governments as well as non-governmental organizations commenting on paragraph 2, find that it should be deleted. 21/ In the majority of cases, the explanation is that it might be interpreted as restricting freedom of expression, which may violate national legislation and relevant international instruments. Portugal, however, gives another reason for objecting, feeling that paragraph 2 does not seem to be justified here, as its content is already implied in previous articles. On the other hand, Ethiopia and Sierra Leone feel that paragraph 2 should not be considered as a restriction of freedom of expression and should be kept. In that respect, Ethiopia remarks that fundamental freedoms, including freedom of speech are not generally granted to citizens without exceptions and bounds.

21/ Afghanistan, Austria, Barbados, Benin, Canada, Ecuador, Ireland, Germany (Federal Republic of), Japan, Indonesia, Italy, Netherlands, Norway, Portugal, Singapore, Sweden, International Association for Social Progress, World Union of Catholic Women's Organizations and Associated Country Women of the World.

74. The Byelorussian SSR, the German Democratic Republic, Poland and the USSR underline the extreme importance of the legislative prohibition of any advocacy of the superiority of one sex over another, which would conform to the need for the general protection of women's rights. They note that the Declaration on the Elimination of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights contain a similar provision. Bulgaria, although accepting the paragraph submits an amendment to it. 22/

Article 6

75. Most Governments as well as non-governmental organizations, commenting on this article, accept it. 23/ Singapore, the United Kingdom and the International Federation of University Women propose a number of modifications to article 6, while the International Association for Social Progress gives a new version of it. 24/

76. However, several countries report their objection to the article. They give different reasons. Thus, Canada, Benin and Finland believe that article 6 is redundant, as article 2 already calls for States to abolish laws which are discriminatory against women, and that, if necessary, article 2 could be rephrased to satisfy the objections.

77. In that connexion, the Netherlands remarks that it would be better to include the provision contained in article 6 into article 2, paragraph (d).

78. Iran states that article 6 is not compatible with Iranian law. Guatemala, proposing the deletion of the article, is of the view that capital punishment should not be applied to women. In that respect Hungary and the United Kingdom suggest that there should be provisions for appropriate but limited exceptions to the general principle of equality of treatment so that those provisions of the Penal Code which for definite reasons, for example pregnancy, give preference to women, should not be considered discriminatory.

22/ See annex I.

23/ Afghanistan, Barbados, Finland, Hungary, Indonesia, Mauritania, Pakistan, All-African Women's Conference, World Friends Committee for Consultation and World Union of Catholic Women's Organizations.

24/ See annex I.

Article 7

79. All Governments and organizations commenting on article 7, except Norway, accept it. 25/ Norway gives a new version of the article, which in the main corresponds to paragraph 146 of the World Plan of Action adopted by the World Conference of the International Women's Year at Mexico, 1975. 26/ The All-African Women's Conference proposes an amendment to article 7. 26/ Portugal remarks that article 7 should include, together with the ideas of "traffic in women and exploitation of prostitution of women", the idea of combating also those forms of commercial advertisement and exploitation which use the female body in a way contrary to human dignity.

25/ Afghanistan, Barbados, Benin, Canada, Finland, Indonesia, Mauritania, Norway, Singapore, Sweden, Pakistan, United Kingdom, Friends World Committee for Consultation, World Union of Catholic Women's Organization, and International Federation of University Women.

26/ See annex I.

III. POLITICAL RIGHTS

Article 8

80. All Governments (except the United Kingdom) as well as non-governmental organizations commenting on article 8, accept it. 27/

81. It should be mentioned that Benin, UNESCO, the International Federation of University Women and the Friends World Committee for Consultation propose some modifications to it. 28/ The United Kingdom, accepting the opening sentence, considers preferable for the subparagraphs to be identical to those in article 4 of the Declaration on the Elimination of Discrimination against Women.

82. Ireland regards as indispensable the emphasis which this article puts on equality for both sexes in the field of political rights as embodied in the words "on equal terms with men".

83. Also several comments are made with respect to separate paragraphs. Thus, the Federal Republic of Germany commenting on subparagraph (b), notes that the right to hold public office should be granted at the international level as well.

84. Concerning subparagraph (d), Canada and the United Kingdom share the view that its provision may apply to private social clubs which are organized on a single sex basis though it is doubtful if the existence of such bodies constitutes discrimination against women. Furthermore such a provision could be interpreted as an interference with the principle of freedom of association. In the light of the foregoing the United Kingdom proposes to delete subparagraph (d). Canada believes that it should be amended to include the indication that it concerns non-governmental organizations and associations concerned with public and political life. Finland, commenting on the same subparagraph remarks that it could be argued that non-governmental organizations and associations, being autonomous in that eligibility to their membership is determined by their own statutes, fall beyond the power of the State.

85. El Salvador submits a new version of article 8. 28/

Article 9

86. Though there are some comments about article 9 as a whole, the majority of them concern paragraph 1 of the original text, paragraph 2 of the original and alternative texts and paragraph 3 of the alternative text. Therefore, it seems appropriate to consider such comments separately, first, with respect to article 9, as a whole, and then concerning separate paragraphs.

27/ Afghanistan, Barbados, El Salvador, Indonesia, Mauritania, Pakistan, Singapore, Sweden, All-African Conference and World Union of Catholic Women's Organizations.

28/ See annex I.

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General observations

87. Acceptance of the original text was reported by the Byelorussian SSR, the German Democratic Republic, El Salvador, Pakistan, Poland, Sierra Leone, USSR as well as FAO and the All-African Women's Conference.

88. The Byelorussian SSR, the German Democratic Republic, Poland and Sierra Leone, while accepting the original text, propose to include paragraph 3 of the alternative text in it. Underlining the advantages of the original text, the Byelorussian SSR notes that it is in accordance with the provisions of the United Nations Convention on the Nationality of Married Women, 1957.

89. Poland emphasizes that the original text is based on article 5 of the Declaration on the Elimination of Discrimination against Women.

90. Iraq states its objection to article 9 believing that it violates its religious teachings, and also an Ordinance issued by the Government prohibiting marriages between Iraqi officials and foreigners with the exceptions of Arab citizens.

91. Reservations were expressed by Afghanistan, Argentina, Ethiopia and the United Kingdom. Explaining the reasons of the reservation, Ethiopia notes that both versions of the article differ from the Ethiopian Nationality Law of 1930. The United Kingdom reports that since the Nationality Law of the United Kingdom is currently being revised, it reserves the right to comment on this article at a later date.

Paragraph 1

92. Commenting on this paragraph the Federal Republic of Germany remarks that it should be adapted to article 1 of the United Nations Convention on the Nationality of Married Women, 1957. In addition to States and international organizations which reported the acceptance of the original text of article 9 as a whole, paragraph 1 is acceptable to Hungary, Norway, Sweden, the All-African Women's Conference, the International Association for Social Progress and the Friends World Committee for Consultation. Canada proposes an amendment to paragraph 1. 29/

Paragraph 2 (original and alternative texts)

93. The opinions with respect to the original and alternative texts of paragraph 2 are divided. Apart from those States and international organizations which reported the acceptance of the original text of article 9, as a whole, paragraph 2 of the original text is accepted by Barbados and the Associated Country Women of the World.

29/ See annex I.

94. However, Denmark, the Federal Republic of Germany, Sweden and the International Association for Social Progress share the opinion that paragraph 2 of the original text is unacceptable since it gives women married to aliens the right to enjoy specially privileged naturalization procedures, while the law should treat men and women equally.

95. Several States and non-governmental organizations express their preference for the alternative text of paragraph 2. 30/ Explaining their position Denmark, Portugal, the International Federation of University Women and the World Young Women's Christian Association pointed out that paragraph 2 of the alternative text applied not only to women, but to women and men on equal footing.

96. However, the Byelorussian SSR, Finland, the German Democratic Republic and USSR believe that the inclusion of men's rights concerning nationality into the Convention would not correspond to the purpose of the Convention which deals with women's rights, and not with the general protection of human rights.

97. France expresses reservations with respect to paragraph 2, noting that the meaning of "naturalization" is not clearly expressed.

98. Commenting on paragraph 2 of the alternative text, UNESCO remarks that if its objective is to consider separately the legal relevance of the respective nationalities of mothers and fathers in the determination of the nationality of their children, then the text proposed may have to be reworded in order to make such intent more clear.

99. Commenting on subparagraph 2 (a) of the alternative text, Denmark notes that it should be worded in a manner which would leave no room for doubt that a State remains entitled to require the fulfilment of certain other conditions such as good conduct, ability to support oneself, payment of tax, and command of the national language.

100. Barbados reports its objection to subparagraph 2 (a), remarking that its present law does not allow the alien husband of a national to acquire the nationality of his spouse through specially privileged naturalization procedures.

101. As far as subparagraph 2 (b) of the alternative text is concerned, Italy and Norway object to it, finding it vague and superfluous which moreover could cause misunderstandings.

102. Netherlands and the Friends World Committee for Consultation, approving paragraph 2 of the alternative text, propose some modifications to it. 31/

30/ Benin, Denmark, Germany (Federal Republic of), Hungary, Indonesia, Mauritania, Norway, Portugal, Sweden, Thailand, All-African Women's Conference, International Federation of University Women and World Young Women's Christian Association.

31/ See annex I.

Paragraph 3 (alternative text)

103. Most States and non-governmental organizations, commenting on paragraph 3, accept it, ^{32/} considering it an important provision in the interest of children as well as of women's civil rights. Denmark and Finland while accepting the paragraph observe however that its wording may cause difficulties in interpretation. They note, in particular, that it should not be interpreted to mean that the parents of different nationalities have a complete power of discretion to decide upon the nationality of their children since the nationality of a State is determined by the law of that State, taking into account both the public interest and the interest of the child. Denmark points out that what actually is at stake in this matter, is the right of the child not to be left stateless in any circumstances rather than the right of the mother to transmit her nationality to her children and notes that an addition to paragraph 3 could solve this problem.

104. The Federal Republic of Germany considers necessary to make clear in paragraph 3 that children born out of wedlock are not excluded from acquiring the mother's nationality. Objections to paragraph 3 were reported by Austria, Barbados, Chad and Norway. Barbados observes that its national legislation restricts the transmission of nationality to children through the father, except where the child is born out of wedlock. Chad states that paragraph 3 is in conflict with their national customs.

105. Reservations to paragraph 3 were expressed by Italy and Japan. Japan states that the provision in paragraph 3 is incompatible with its national laws. Italy is of the view that paragraph 3 has a very questionable legal foundation and observes, in particular, that if both spouses have equal rights to transmit their nationality to their children and if they do not agree, the children may have dual nationality or even no nationality at all. Italy notes, that even though the present tendency in this area is to respect the wishes of the individual, it is essential in establishing the "status" of a person to abide by certain fixed rules which lay down precise and useful co-ordinated directives. The Netherlands also notes that the application of the provision contained in paragraph 3 would entail double nationality of children in mixed marriages, which is not desired and therefore underlines that the problem merits further attention and might perhaps be dealt with in a different framework.

^{32/} Benin, Byelorussian SSR, Denmark, Finland, Germany (Federal Republic of), Mauritania, the Friends World Committee for Consultation, the International Council of Social Democratic Women, the Associated Country Women of the World and the Women's International Democratic Federation.

IV. ECONOMIC AND SOCIAL RIGHTS

Articles 10-14

General observations

106. The opinions with respect to the original and alternative texts are divided. In some replies however the inadequacy of both texts is mentioned. As far as the original texts are concerned, the Byelorussian SSR, the German Democratic Republic, Poland and USSR observe that the provisions of articles 10-14, though they need some editorial clarifications, would help achieve genuine equality between men and women. They underline that they are in agreement with generally accepted provisions contained in a number of earlier conventions and declarations adopted by the United Nations, the ILO and UNESCO and that they reflect the views expressed in the final documents of the World Conference of the International Women's Year held at Mexico City in June-July 1975 and the World Congress in connexion with International Women's Year held at Berlin, 1975.

107. An opposite opinion is expressed by Ethiopia, Japan, Norway and the United Kingdom which find the original texts too detailed, overloaded with provisions on protection and welfare which might have the effect of discouraging some countries from accepting the convention.

108. As regards the alternative texts of articles on economic and social rights, preference for them is expressed by Ethiopia, Ireland, Japan, Norway, the United Kingdom and the World Young Women's Christian Association. They find that the alternative texts are more condensed and combine adequate protection for the rights of women with a degree of flexibility for Governments in implementing the obligations imposed.

109. On the other hand the Byelorussian SSR, the German Democratic Republic, USSR as well as the International Association for Social Progress find the alternative texts inadequate in that they omit completely a number of important problems connected with the economic and social rights of women. Moreover, they share the opinion that the alternative texts refer to the rights of both parents which goes beyond the purpose of the Convention.

110. Portugal expresses a particular view, noting that articles 11, 12, 13 and 14 could well be replaced by a single comprehensive text which should contain the fundamental principles as well as the additional articles broadening some of these fundamental rights beyond the sphere of work.

111. Ireland notes that in so far as the retention of draft articles 12, 13 and 14 or the reformulation of draft article 11 is envisaged, account should be taken of the various relevant instruments of the ILO with a view to ensuring an over-all consistency with their provisions.

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112. As regards new provisions to be included among the economic and social rights, FAO notes that measures provided by the Convention should include the expansion of social services in rural areas, which would make it possible for pregnant women and nursing mothers to be relieved from the normal work on their farms in order to fulfil their maternal duties without risks to their health or loss of family earnings. FAO believes that in addition to social services, it would seem important to expand also social security coverage, in particular as regards sickness, disability and old-age pensions. The World Union of Women's Catholic Organizations remarks that in both the original and the alternative texts the equality of treatment as between men and women is largely predicated on the assumption of dependent employment which is not adequate.

113. The ILO feels that articles concerning economic and social rights, though comprehensive, should be kept brief and to the point, referring to but not repeating existing standards adopted by the United Nations and by UNESCO and the ILO.

Article 10

114. No objection is made to article 10. Acceptance of the article is reported by Afghanistan, Barbados, Indonesia, Italy, Mauritania, Pakistan, Sweden and the All-African Women's Conference. Several Governments 33/ as well as specialized agencies and non-governmental organizations accepting the article, propose some modifications. 34/

115. Commenting on subparagraph (a) of article 10, Argentina notes that it is not comprehensive and does not indicate other types of education. Finland, on the other side, finds the phrase "in rural as well as in urban areas" too ambitious and feels that obviously it would be impossible to implement it in practice as it would imply for example, the establishment of universities all over the country, both in rural and urban areas.

116. Commenting on subparagraph (e), the Federal Republic of Germany feels that its wording should be expanded to include "preparation for a responsible family life, especially the access to information and advice on family planning" with a special reference about the accessibility of such information to men and women and/or boys and girls. As regards new subjects to be included in article 10, the ILO notes that it may be preferable to broaden article 10 to cover education and training of girls and women, and to relevant provisions of article 11 into this article.

33/ Benin, Canada, Finland, France, Germany (Federal Republic of), United Kingdom.

34/ UNESCO, WHO, International Planned Parenthood Federation, International Federation of University Women and Friends World Committee for Consultation (see annex I).

Article 11

117. Acceptance of the original text of article 11 was reported by Bulgaria, Canada, Finland, Hungary, the International Association for Social Progress, the Women's International Democratic Federation and the Friends World Committee for Consultation. 35/ Explaining its position, Finland observes that the original text goes further than article 10 of the Declaration on the Elimination of Discrimination against Women and contains elements also from article 6 of the International Covenant on Economic, Social and Cultural Rights and therefore is preferable to the alternative text. Hungary notes in that respect that a detailed and satisfactory regulation of the employment of women is in fact an essential prerequisite of the realization of the equality of women in all other fields.

118. However, many Governments as well as non-governmental organizations, express preference for the alternative text of article 11, which was in substitution of articles 11, 12, 13 and 14. 36/

119. Denmark, El Salvador, Indonesia, Ireland, Mauritania, the Netherlands, Panama, Sweden, the ILO, WHO and the All-African Women's Conference submit amendments to the alternative text of article 11. 37/ Reporting their preference for the alternative text, which they consider less specific and less detailed than the original, some Governments underline, however, the importance of the provisions of the original text. Thus Austria notes that a reformulation of article 11 taking account of both versions might be considered. (Giving its understanding of article 11, Austria remarks that it should not be understood to imply the obligation to ensure generally the rights enumerated therein, but that it is to mean that such rights - wherever they are granted - shall equally be applied to men and women.)

120. Italy notes that apart from the question of part-time work, the two texts proposed are not substantially different. The World Union of Women's Catholic Organizations, finding the alternative text more concise, remarks nevertheless that the situation in some countries may demand the detailed enumeration provided in the original text. It notes that the original text may also be used for future international instruments, elaborated under the auspices of specialized agencies and, in particular the ILO.

35/ Bulgaria, Canada, Sweden, WHO, ILO, the Associated Country Women of the World, the International Federation of University Women, the International Association for Social Progress and Friends World Committee for Consultation, while accepting the original text of article 11 propose some amendments to it (see annex I).

36/ Austria, Benin, Barbados, Chad, Denmark, Germany (Federal Republic of), Indonesia, Ireland, Italy, Netherlands, Pakistan, Singapore, Sweden, All-African Women's Conference, International Council of Social Democratic Women and World Union of Women's Catholic Organization.

37/ See annex I.

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121. The Netherlands notes that articles 12, 13 and 14 contain elements which should be retained in addition to the text referred to.

122. Reservations with respect to article 11 are expressed by Argentina and Singapore. Objection to the original text is expressed by the United Kingdom which states that the text imposes obligations in the field of social policy which are too rigid and sweeping and that the text in its present form would be unacceptable.

123. Commenting on separate paragraphs of the original text, Iraq notes that subparagraph (b) weakens the family structure as established in Iraq and Iran states that it is not compatible with their law. Subparagraph (e) of the original text is commented on by Canada, France, the United Kingdom and the International Association for Social Progress. Canada and the International Association for Social Progress feel that the provision contained in subparagraph (e) establishes special pension conditions for women and therefore is protectionist and discriminatory. France is of the view that since usually women's professional life is already shorter than men's it is therefore damaging to make it even shorter, particularly at an age when children have become adults. The United Kingdom also considers this subparagraph inappropriate, because - in its view - it seeks to reconcile a lower pensionable age and a shorter qualifying period for women with a call for equality. As far as subparagraph (g) of the original text is concerned, Italy and the International Association for Social Progress believe that men, no less than women as well as students, invalids, and others may be interested in part-time jobs, and are therefore entitled to the rights and privileges of part-time workers.

124. France objects to subparagraph 11 (g), considering that it provides for unjustified special conditions for women. For Austria, subparagraph 11 (g) must be rejected altogether, since it is in contradiction with the principle of full equality of treatment between part-time and full-time workers, and would entail unjustified privileges for persons employed for an incomplete working day or an incomplete working week.

125. Italy expresses the opinion that the rights and privileges of part-time women workers should be specified and based on factors which justify them.

126. The ILO notes that though most part-time workers are women, a not insignificant minority are not. The problem is therefore not one of discrimination against women or the equity of men and women working on a part-time basis, but of the conditions of employment of part-time workers in general.

127. Concerning the alternative text of article 11, Poland and the Women's International Democratic Federation state that it does not develop the ideas expressed in the original text in a sufficiently firm and clear manner. Denmark feels that as far as paragraph 1 (b) of the alternative text is concerned, it is necessary to insert a reference to the ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, since otherwise this provision could lead to an interpretation different from that of the ILO Convention.

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128. Referring to paragraph 2 (b) of the alternative text, Denmark expresses the opinion that the right to return to former employment after maternity leave should be qualified. Realizing that this suggestion would be in direct conflict with the general intentions behind the draft convention, Denmark observes that such a right as it is formulated could be a stumbling block to the employment of younger women. UNESCO remarks that if paragraph 2 (e) of the alternative text is to be retained, it may have to be reformulated in order to make its purpose clearer and more precise.

Article 12

129. The opinions concerning the original and alternative texts of article 12 are divided. Bulgaria, Finland and the Women's International Democratic Federation expressed preference for the original text.

Barbados, Denmark, Ecuador, the Federal Republic of Germany, France, Sweden, UNESCO, the International Federation of University Women and World Young Women's Christian Association prefer the alternative one.

130. On the other hand, Hungary is of the view that both texts should be merged and proposes a new version of this article. The deletion of article 12 was proposed by Benin and the All-African Women's Conference. Benin believes that the provisions of the article have been already included in the alternative text of article 11.

131. A number of modifications are submitted either to the original 38/ or to the alternative 39/ texts. Certain differences between the alternative and the original texts were the basis for numerous comments and in many cases, determined preferences for one of the texts. These differences concerned the restrictions on the employment of women in heavy labour and under working conditions that are physically harmful to them (mentioned in subparagraph (a) of the original text and which is absent in the alternative one) and the reference to mothers only with respect to social assistance in the original text (subparagraphs (f) and (h)) while both parents are mentioned in the alternative one (subparagraphs (c), (e) and (g)).

132. Protection of women for physical reasons in certain types of work is approved by Austria, Bulgaria, Hungary, Singapore and the Women's International Democratic Federation while Finland, the Federal Republic of Germany, Sweden, the International Federation of University Women express an opposite opinion. In their view labour protection should aim at protecting the individual regardless of sex and male and female workers should as much as possible be treated equally, with the exception

38/ Bulgaria, ILO, WHO, the International Federation of University Women, the International Association for Social Progress and the Friends World Committee for Consultation (see annex I).

39/ Austria, Canada, Panama, Singapore (see annex I).

of special protection for women during pregnancy, childbirth and after confinement. The ILO notes in that respect that it is becoming widely recognized that prohibitions concerning the employment of women should be limited to work dangerous in relation to their reproductive and maternity functions.

133. With respect to the mention of both parents or only mothers, Denmark, the Federal Republic of Germany, Sweden, UNESCO, the International Association for Social Progress, the International Federation of University Women and the Associated Country Women of the World express the view that the full responsibility of both parents with respect to child-care should be underlined and that both parents should have the opportunity of being granted leave. Finland remarks, however, that though the reference to both parents might be recommendable from the point of view of general family policy, it is somewhat questionable whether the Convention on the Elimination of Discrimination against Women is the right place for such provisions.

134. Concerning other aspects of the original and alternative texts, the World Young Women's Christian Association remarks that the alternative text relates more directly to discrimination than the original one, though redrafting should eliminate repetition and unneeded and irrelevant details. An opposite opinion is expressed by the Women's International Democratic Federation which states that the alternative version of this article, in addition to being weak in relation to the original, neglects the right of unwed mothers ((h) in the original), though the need to recognize their rights has been repeatedly stressed. Afghanistan expressed reservations with respect to subparagraph (h) of the original text.

Article 13

135. Acceptance of the original text was reported by Afghanistan, Finland, Hungary, Italy and the Women's International Democratic Federation. Explaining its position, Italy notes that the original text appears preferable since the harmonization of the family and professional tasks of women may be greatly facilitated by an extensive network of social services and, in particular, by crèches conceived as a public service. Modifications to the original text of article 13 are submitted by the ILO. 40/

136. However, in many replies preference for the alternative text is expressed. 41/ Explaining their preference Denmark, the Federal Republic of Germany, Sweden and the International Association for Social Progress note that it refers to both parents, which is very important since parental obligations must be met equally

40/ See annex I.

41/ Austria, Denmark, Germany (Federal Republic of), Sierre Leone, Sweden, UNESCO, All-African Women's Conference, International Association for Social Progress, International Federation of University Women, Friends World Committee for Consultation, Associated Country Women of the World and World Young Women's Christian Association.

by both spouses and consequently measures to assist the family should not refer merely to women but to both parents. The World Young Women's Christian Association finds the alternative text more direct than the original one and less cluttered with details, though they feel that neither version has to do specifically with discrimination. The International Association for Social Progress remarks that since conditions vary depending on the country the provisions of the original text, because they are too precise and concrete, may be difficult to implement. In that respect, Sierra Leone notes that in many developing countries the Government needs the co-operation of private organizations in order to provide needed social services. This is the reason why Sweden considers it important that the article should leave it up to Governments to decide whether to accept the sole responsibility for child-care facilities or to co-operate with the private sector in this effort.

137. Denmark feels that the provision that special consideration should be given to women to enable them to combine fulfilment of family and maternal obligations with activity in the labour force could impair their chances of obtaining employment. In that connexion, the Women's International Democratic Federation observes that the responsibility for the establishment of child-care facilities which the alternative text relegates to business and industry and other institutions and organizations in the private sector should be that of the State, since the adoption of such a provision would entail veiled resistance on the part of the private sector, which would hesitate to employ women with family responsibilities.

138. Amendments to the alternative text are given by Sweden, the International Association for Social Progress, the All-African Women's Conference and the Friends World Committee for Consultation. Deletion of article 13 was proposed by Benin and Singapore. Benin finds that the provisions of article 13 repeat those contained in the alternative text of article 11. A new version of article 13 is offered by WHO. Mauritania also offers a new version combining both texts. 42/

Article 14

139. Acceptance of article 14 was reported by Afghanistan, the Federal Republic of Germany, Mauritania, the Netherlands and the All-African Women's Conference.

140. Argentina, Ecuador, Benin 43/, France, Italy, the Netherlands, FAO as well as the International Association for Social Progress, the International Federation of University Women and the World Union of Women's Catholic Organizations while accepting in principle the article, propose to delete the words "who are gainfully employed" appearing in brackets in the text. Explaining its position, FAO remarks that their deletion would avoid an interpretation whereby women farmers may be considered excluded from the scope of the article unless they are wage-earners. The International Association for Social Progress remarks in that respect that

42/ See annex I.

43/ Benin submits another amendment too (see annex I).

certain rights enumerated in articles 11-13 should also apply to women who are not gainfully employed, in particular with respect to professional training and access to employment.

141. The Federal Republic of Germany however, feels it necessary to keep the words in brackets, since the provisions in article 14 cover only gainfully employed women.

142. Commenting on article 14, Benin insists that it should be retained, since it determines precisely the category of women to whom article 11 refers.

143. FAO finds the words "organizations in agriculture" unsatisfactory as they may not apply to family farms and may thus lead to an exclusion of farming women other than wage-earners, while this provision should also apply to women working in family enterprises.

144. Austria draws the attention to the obviously erroneous mention of article 14 in the text of the article which should be deleted.

145. UNESCO submits an amendment to article 14. 44/

146. Canada, Singapore and the World Young Women's Christian Association propose the deletion of article 14. Italy proposes its deletion in case the first version of article 11 is accepted, but feels that if the article is maintained, the words in brackets "who are gainfully employed" should be kept.

147. Austria proposes a new version of article 14 in case preference is given to the alternative text of article 13. The World Union of Women's Catholic Organizations proposes a new version of article 14 in case the alternative text of article 11 is adopted and article 13 of the draft convention is deleted. A new version of article 14 is also submitted by El Salvador. 44/

Additional article

148. The acceptance of the article is reported by Benin, Finland, Hungary, Italy, Mauritania, Sierra Leone and the All-African Women's Conference. Referring to the additional article, Finland notes that, though as a programme for development it is acceptable, this article which is in conformity with article 10, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights, sets forth a goal for the States Parties - the reaching of which depends upon their economic resources. Hungary observes that the provisions of the additional article complement the relevant provisions of article 12 (namely, subparagraph (g) of the original text and subparagraph (f) of the alternative text, respectively).

44/ See annex I.

149. The FAO feels that the additional article appears to duplicate in part article 12 (g), and in addition finds that it would be desirable to specify, in line with article 10 (a), that this article applies to rural as well as urban areas, since health care and welfare facilities are generally scarce in rural areas. FAO proposes also other amendments to the additional article. 44/

150. Reservation with respect to the additional article is expressed by the Federal Republic of Germany which finds its provisions not compatible with the insurance principle which is incorporated in a number of national legislations, including that of the Federal Republic of Germany.

151. The deletion of the additional article is proposed by Austria, Canada, Singapore, Sweden and several non-governmental organizations. 45/ Austria and Sweden in particular, remark that the additional article is superfluous as its contents is already covered by article 12. The International Association for Social Progress finds that it is out of place in the present draft Convention. Ecuador and WHO offer new versions of the additional article. 46/

45/ The International Association for Social Progress, Friends World Committee for Consultation, and World Young Women's Christian Association.

46/ See annex I.

V. CIVIL AND FAMILY RIGHTS

Article 15

152. Acceptance of article 15 was reported by Canada, Benin, Finland, Indonesia, Mauritania, Pakistan, Singapore and the All-African Women's Conference.

153. Commenting on article 15, Denmark, Norway and Sweden express the opinion that the wording is imprecise and could give rise to differing interpretations. Norway notes that non-discrimination should be more clearly expressed in this article. Denmark remarks that the rights referred to in this article could perhaps best be set out in one paragraph providing that women and men shall be accorded the same civil and legal status and, in particular, that women shall be accorded the same rights as men with regard to entering into contracts, enforcement of property rights, and in all stages of procedure before judiciary authorities. Concerning new subjects to be incorporated in the article, FAO believes that greater consideration should be given to traditions and customs. In that respect, the International Federation of University Women remarks that the adoption of the measures provided in articles 15 and 16 will put an end to those customary laws and rites which have failed to accord recognition and dignity to the status of women as adult individuals.

154. Sweden, the Netherlands and the Friends World Committee for Consultation submit amendments to article 15. 46/

155. Reservation concerning the article was expressed by Afghanistan. The United Kingdom proposes to delete paragraph 3 of this article feeling that its wording is obscure and could be given an unacceptable wide interpretation. Iran objects to paragraph 4 considering it incompatible with the Iranian law. A new version of the article is given by Norway.

Article 16

156. Concerning the article, as a whole, acceptance is reported by Hungary, Mauritania, Pakistan, 47/ the All-African Women's Conference and the International Association for Social Progress. Amendments are submitted by Benin, Canada, the Federal Republic of Germany, Indonesia, the Netherlands, Norway, Singapore, the United Kingdom, the International Federation of University Women and the Friends World Committee for Consultation. 48/ Reservations are expressed by Afghanistan and deletion is proposed by the World Young Women Christian Association.

47/ Pakistan states agreement subject to the provisions of the Constitution of Pakistan which may be revised in accordance with the injunctions of Islam.

48/ See annex I.

157. Commenting on paragraph 1 (a), Japan notes that clarification is required as to whether this article implies that the same minimum age for marriage and the same prohibition period for remarriage should be provided for both sexes or whether it makes it possible to differentiate between the sexes in these respects.

158. Commenting on paragraphs 1 (c) and 1 (d), the Federal Republic of Germany wishes to make it clear that a well developed system for the protection of motherhood is desirable and cannot be considered as violating equality for women. As far as paragraph 1 (d) is concerned, the opinions expressed are divided. Thus, Bulgaria feels that the words, "at all events the interests of children are paramount" should be maintained. Italy notes that the exception provided for in paragraph 1 (d) - "except in case of her being a single parent" - does not seem clear, and that the scope of the parental rights and duties of the woman when she is the only known or surviving parent should be more precisely defined. Guatemala states that paragraph 1 (d) contradicts paragraph 3 of the same article and creates discrimination against children born out of wedlock.

159. As regards paragraph 1 (c) reservations are expressed by Chad, Singapore and the International Council of Social Democratic Women and a new version is offered by the Friends World Committee for Consultation. 48/ As regards paragraph 1 (d) reservations are made by the Associated Country Women of the World and the International Council of Social Democratic Women.

160. Commenting on paragraph 1 (f), Norway states that it has no objection to women and men being placed on an equal footing in this field. However, the Norwegian Government is in doubt whether it is advisable in the Convention to go so far into details as to refer to the family name. France has reservations about paragraph 1 (g) and Indonesia about that part of the paragraph beginning with "while the existence" and ending with "property rights of women".

161. Concerning paragraph 3, objection is expressed by Japan, Indonesia, Singapore and the International Federation of University Women. The Friends World Committee for Consultation proposes the deletion in paragraph 3 of the latter part of this clause dealing with the rights of the child which the Committee considers irrelevant in the Convention on the Elimination of Discrimination against Women. This opinion is shared by the International Federation of University Women.

162. The Netherlands while fully endorsing the principle stated therein, believes that the protection of the rights of children is outside the scope of this Convention and therefore suggests amendments which would limit the article to the elimination of discrimination between two categories of women, that is married and unmarried women. 48/

163. Japan, proposing the deletion of paragraph 3, considers the protection of unmarried mothers not directly relevant. On the other side, Indonesia, while suggesting the deletion of paragraph 3, states that its contents are already covered in paragraph 1 (d). France expresses reservations concerning paragraph 3.

164. With respect to new provisions to be included in article 16, Bulgaria proposes the inclusion of the following: (a) prosecution in cases of forcibly contracted marriages, or giving and accepting bribes and ransom, etc; (b) the right of women to choose their place of residence, and thus eliminate the duty to follow their husbands; (c) special protection of unwed mothers and their right to establish the paternal filiation of their children. The International Federation of University Women would like to see a provision on the right of both men and women to decide jointly on the size of their family.

VI. FINAL PROVISIONS

General observations

165. The Byelorussian SSR, the German Democratic Republic, the Federal Republic of Germany and the USSR share the opinion that the text of the Convention should conform more closely to established practices for the drafting of international treaties and that it would be advisable to take into consideration more adequately the provisions contained in the relevant international instruments especially the two International Covenants on Human Rights. The Byelorussian SSR, the German Democratic Republic and USSR also draw attention to the fact that there are some deviations in the structure as well as in the formulation of final clauses as compared with established practices for the drafting of international treaties. Thus, they note that articles 17 and 21, which are final provisions in the draft, concern the substance and therefore should be included in other parts of the Convention. They further remark that reference should also be made to the fact that the Convention is subject to ratification and that the United Nations Secretary-General should act as depositary. They underline that acceptance of such a proposal would be in agreement with the obligations imposed on the Secretary-General under articles 19, 20, 22 and 23 of the draft.

166. As far as reservations are concerned, Sweden expresses the opinion that it may be advisable to open the possibility for States to make a limited number of reservations to some of the provisions of the Convention. Such reservations, in the view of Sweden, should be valid for a fairly short period, during which changes in legislation and/or educative measures could clear the road for an acceptance of the Convention without reservations. Sweden believes, that a relevant model may be found in the recent European Convention on the Status of Children Born out of Wedlock. The United Kingdom feels that it is essential that reservations which are not incompatible with the object and purpose of the Convention should be permitted in accordance with accepted international practice and in that respect they refer to article 19 of the Vienna Convention on the Law of Treaties. 49/

49/ Article 19 of the Vienna Convention on the Law of Treaties reads as follows:

"A state may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation, unless:

- (a) The reservation is prohibited by the treaty;
- (b) The treaty provides that only specified reservations, which do not include the reservation in question, may be made; or
- (c) In cases not falling under subparagraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty."

/...

Article 17

167. Comments concerning article 17 and an additional paragraph to it are given separately.

168. Acceptance of article 17 is reported by Benin, Canada, Finland, Hungary, Indonesia, Mauritania, Pakistan, Singapore, the All-African Women's Conference and the International Association for Social Progress. Amendments to it are submitted by the Netherlands. 50/

169. The United Kingdom objects to article 17, which it finds unclear because the phrase "diminishing the significance of the existing domestic legislation" does not appear to have any precise legal meaning and which adds little substance to the Convention. In that connexion the United Kingdom offers a new version of article 17. A new version of this article is also submitted by El Salvador, with the purpose of avoiding conflict between the provisions of the Convention and national legislation of States Parties.

Additional paragraph

170. (The inclusion of this additional paragraph as paragraph 2 of that article was proposed by Ethiopia and Hungary.) Indonesia, Mauritania, Portugal, the United Kingdom, the International Association for Social Progress and the World Young Women's Christian Association report their acceptance of the additional paragraph. Commenting on the additional paragraph, Portugal remarks that it may help solve possible conflicts arising from differences in international regulations, and that it should be retained in the interest of the clarity of the law.

171. The United Kingdom notes that this paragraph underlines the importance of ensuring that the provisions of the Convention do not contradict those of existing conventions, thus avoiding possible confusion over the international obligations of States Parties to the Convention.

172. Amendments to the additional paragraph are submitted by the International Federation of University Women. 51/

173. Finland, Netherlands and several non-governmental organizations 52/ express their objection to the additional paragraph. Finland observes, that it does not serve the purpose of the draft Convention, which is not only to codify but also to improve existing legal provisions when need be. New versions of the additional paragraph are submitted by Benin, Indonesia and the All-African Women's Conference. 51/

50/ See annex I.

51/ See annex I.

52/ International Council of Social Democratic Women, Friends World Committee for Consultation and Associated Country Women of the World.

Article 18

174. Acceptance of the article is reported by Benin, Canada, Indonesia, Pakistan, Singapore, the All-African Women's Conference and the Friends World Committee for Consultation.

175. The United Kingdom states that this article does not cover adequately the necessary procedures for signature and ratification of the Convention and therefore suggests that the precedent of articles 17 and 18 of the International Convention on the Elimination of All Forms of Racial Discrimination should be followed in this instance. UNESCO remarks that one may assume that ratification will be required following signature and that if this assumption is right, then the fact that ratification is foreseen must be somehow indicated in this article.

Article 19

176. Acceptance of the article was reported by Benin, Canada, Indonesia, Pakistan, Singapore, the All-African Women's Conference, and the Friends World Committee for Consultation. No other comments were made.

Article 20

177. The article, as a whole, is acceptable to those who approve article 19, except Singapore, Finland and the United Kingdom feel that the possibility to be given by the provision in this article to the States Parties to withdraw from the Convention if they decide that extraordinary events compel them to do so, considerably weakens the significance of the draft.

178. The United Kingdom remarks that it is almost impossible to conceive of "extraordinary events related to the subject matter of the Convention" which might compel a State Party to denounce the Convention. The provisions for denunciation - in view of the United Kingdom - should follow the precedent of article 21 of the International Convention on the Elimination of All Forms of Racial Discrimination.

179. Ecuador feels that the last phrase of article 20 contradicts the principle of national sovereignty and should be deleted.

180. The Netherlands, Singapore and World Young Women's Christian Association submit a number of modifications to article 20. 51/

Article 21

181. In principle, the need for a periodic review of the progress made by the Parties in implementing the provisions of the Convention is fully endorsed. The most

controversial question is the creation of the Committee on the implementation of the Convention, mentioned in both alternative texts.

182. The idea of the creation of such a Committee is supported by the Federal Republic of Germany, the United Kingdom and the World Young Women's Christian Association. The Federal Republic of Germany notes that the appointment of the Committee as provided by the first alternative article can serve a useful purpose. It also feels that a high degree of conformity with article 28 of the International Covenant on Civil and Political Rights which established a Human Rights Committee would be advisable. Moreover, it is the view of the Federal Republic of Germany that close co-operation between the Commission on the Status of Women and the Committee should be ensured. The United Kingdom is doubtful as to whether the Commission on the Status of Women could effectively consider detailed reports of States Parties, feeling that it has already a full agenda and in all probability would not be able to give adequate and regular consideration to reports. Moreover, it would seem preferable to the United Kingdom that the implementation of the Convention be supervised by independent experts rather than Government Representatives currently serving the Commission on the Status of Women.

183. However, many Governments object to the creation of the Committee for various reasons. Thus, the Byelorussian SSR, the German Democratic Republic, Indonesia, Japan, Portugal and USSR share the opinion that control over the implementation of the Convention could be successfully fulfilled by the Commission on the Status of Women. Thus Portugal notes that granting that power to the Commission on the Status of Women is the simplest, most logical and effective process. Indonesia feels that the creation of this new Committee is unnecessary and too costly, while the Commission on the Status of Women could handle extra activities of the Committee without too much difficulty. The International Federation of University Women believes that the creation of a special Committee might reduce the importance of the Commission on the Status of Women, unless it is a sub-committee of the latter. Ecuador feels that the creation of such a committee would be an interference in the work of the Commission on the Status of Women.

184. Hungary, expressing the opinion that the Commission on the Status of Women is the competent body to oversee the implementation of the Convention, remarks that one of the existing functional commissions of the Economic and Social Council would be able to provide for a reliable control of the implementation of the Convention and therefore they consider unnecessary the setting up of a new committee.

185. Finland notes that the establishment of a Special Committee on the implementation of the Convention on the Elimination of Discrimination Against Women might unnecessarily burden the machinery of the United Nations.

186. The Netherlands, observing that the establishment of a new body in addition to the Commission on the Status of Women would not seem desirable, expresses the opinion that consideration could perhaps be given to devising a procedure similar to that laid down in article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid. In that case, the Commission on the Status

of Women would appoint a limited group of independent experts (from among its membership in so far as they are nationals of the States Parties to the Convention) to evaluate the reports.

187. Italy affirms that the implementation procedures should be similar to those of the International Covenants which provide for a system of reports by the States Parties to be transmitted to the Secretary-General of the United Nations and considered by the Economic and Social Council. References to the system of implementation provided for in the International Convention on the Elimination of All Forms of Racial Discrimination are also made.

188. Commenting on the original and the two alternative texts of article 21, most Governments as well as non-governmental organizations express preference for the original text. 53/

189. The first alternative text is preferred by Benin, the United Kingdom, the International Council of Social Democratic Women and the World Young Women's Christian Association, while FAO and the Associated Country Women of the World express preference for the second alternative text.

190. Mauritania gives preference to both alternative texts.

191. Giving preference to the first alternative text, the World Young Women's Christian Association feels that it provides for enforcement by a body of high-level experts independent of Governments and takes account more fully existing procedures and obligations, thus reducing the burden placed on States Parties.

192. Commenting on the first alternative text, the United Kingdom notes that it does not - nor does the second alternative article - specify the number of members on the Committee, although it may be inferred from paragraph 5 (a) of the first alternative article that a total of 12 is intended. The United Kingdom and the International Federation of University Women submit amendments to the first alternative text. 54/

193. Explaining its preference for the second alternative text, FAO notes that the participation of the United Nations specialized agencies provided for in paragraph 3 of the original version is reduced to a minimum.

194. The Associated Country Women of the World, which also prefers the second alternative text, sees its advantage in the fact that it recommends biennial reports from the Committee through the Secretary-General to the General Assembly. They believe that four years intervals between reports will be too long. With regard to the second alternative text, the United Kingdom, however, suggests that States

53/ Byelorussian SSR, Canada, German Democratic Republic, Hungary, Indonesia, Japan, Norway, Pakistan, Poland, Portugal, USSR and World Union of Catholic Women's Organization.

54/ See annex I.

Parties should be required to submit reports every four years after the initial report but that the Convention should specify that these reports must contain a detailed and comprehensive review of the situation with respect to each article of the Convention. The Federal Republic of Germany and Norway are also of the view that the obligation to provide regular reports and reviews should not be undertaken more often than every four years.

195. The United Kingdom considers that States that have ratified the Convention should each bear an equal burden of the expenses resulting from the establishing of the Committee and that this should be clearly stated in its text.

196. Referring to foot-note 15 which is partly reproduced in paragraph 1 (a) of the second alternative article, the Federal Republic of Germany states that it should be taken into consideration for reasons of economy of work - not least in the Committee's interest.

197. ILO remarks that whichever text of article 21 is adopted, they would insist, in the interest of co-ordination, on the need for provisions in line with subparagraphs (a) and (b) of paragraph 1 and with paragraph 2 of the second alternative text of article 21.

198. UNESCO remarks that according to both the alternative texts of article 21, the specialized agencies "shall be entitled to submit reports" while in the Covenant's the provision for submission is formulated differently. 55/

199. New versions of article 21 are given by El Salvador and the Friends World Committee for Consultation. 56/

200. Amendments to the original text are submitted by Indonesia.

Article 22

201. The article is acceptable to Benin, Indonesia, Mauritania, Pakistan, Singapore, the All-African Women's Conference and the Friends World Committee for Consultation.

55/ In that respect, article 18 of the International Covenant on Economic, Social and Cultural Rights states:

"Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs."

56/ See annex I.

202. Canada notes that the number of ratifications and/or accessions has been left blank and recommends that the number of accessions needed for the Convention to enter into force be set at 35. In that respect, the United Kingdom suggests that the number of ratifications necessary to bring the Convention into force should be at least 27, following the precedent of the International Convention on the Elimination of All Forms of Racial Discrimination and preferably 35, following the precedent of the International Covenants on Human Rights.

203. The Byelorussian SSR remarks that there is no mention that the Convention is subject to ratification and that such a provision should be included in that article. It also considers necessary to include the provision that the Secretary-General of the United Nations is the depositary of the Convention. In that case, reference to responsibilities of the Secretary-General mentioned in articles 19, 20 and 23 of the draft would be logical.

Article 23

204. Acceptance of article 23 is reported by Benin, Canada, Indonesia, Mauritania, Pakistan, Singapore, the United Kingdom, the All-African Women's Conference and the Friends World Committee for Consultation. UNESCO feels that if the specialized agencies will have interest in the implementation of the envisaged Convention, it will be necessary for them to be informed on the matters indicated in subparagraphs (a), (b) and (c) of this article.

205. UNESCO notes that article 23 (c) refers to "denunciation" while article 20 relates to possible "withdrawal" by States, and that therefore, some harmonization is necessary.

Article 24

206. The article is acceptable to Benin, Canada, Indonesia, Pakistan, Singapore, the United Kingdom, the All-African Women's Conference and the Friends World Committee for Consultation.

Annex I

AMENDMENTS AND NEW VERSIONS PROPOSED

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PREAMBLE

A. Amendments to the original text

WBO

In the seventh paragraph, the text should be changed to read:

"Considering that discrimination against women is ... incompatible with the human dignity of both men and women, ...".

In the eighth paragraph, the text should be modified to read:

"Concerned at the continued existence in many parts of the world of de jure or de facto discrimination against women, or both."

All-African Women's Conference

(a) After the first paragraph, insert a new one:

"Recalling the relevant resolutions of women's organizations throughout the world".

(b) At the end of the preamble, change the five last paragraphs to the following ones:

"Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

"Taking into account the resolutions, declarations, conventions and recommendations of the United Nations, the specialized agencies and women's organizations designed to eliminate all forms of discrimination and to promote equal rights for men and women,

"Desiring to co-operate in giving effect to the principles set forth in the Declaration on the Elimination of Discrimination against Women,

"Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

"Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women, and to put that principle into practice,

"Solemnly proclaim this Declaration".

/...

B. Amendments to the alternative text

Benin

In the first preambular paragraph, "people of the United Nations" should be replaced by "Charter of the United Nations".

In the second preambular paragraph, "asserts" should be replaced by "affirms".

The fourth preambular paragraph should read: "Bearing in mind that, despite the progress made ...", the intervening words in the first three lines being deleted.

The fifth preambular paragraph should be deleted.

[The amendment to the sixth preambular paragraph does not apply to the English text.]

The rest of the text would remain unchanged, except that at the end of the preamble the words "Solemnly proclaim this Declaration" should be replaced by "Have agreed upon the following".

In addition, the last preambular paragraph of the original text ("Desiring to co-operate in giving effect ...") should be added to this alternative text.

Bearing in mind that the fifth preambular paragraph of the alternative text would be deleted, the sequence of paragraphs in the preamble would be as follows:

The third paragraph becomes the second;

The fourth paragraph becomes the third;

The second paragraph becomes the fourth;

The sixth paragraph becomes the fifth;

The seventh paragraph becomes the sixth;

The eighth paragraph becomes the seventh.

Next would come the last preambular paragraph of the original text, and the preamble would end with the words: "Have agreed upon the following".

Canada

Recommends the inclusion in line 1 of the phrase "Charter and the" before the word "people", as it is a general statement indicating the need for much more progress throughout the world in improving the status of women.

/...

German Democratic Republic

The purpose of the fourth preambular paragraphs of the alternative draft could be made more specific by supplementing it, as proposed in the eighth preambular paragraphs of the original draft, by the words "in many parts of the world".

Indonesia

To delete paragraphs 1 and 9;

Paragraphs 1 and 13 of the preamble of the original text should take the place of the above-mentioned deleted paragraphs;

In paragraph 6, to include the words "and religious" between "cultural" and "life".

Netherlands

The final sentence should read: "Have agreed upon the following".

Sweden

Fifth paragraph: Insert "men and" in the first line between "against" and "women", and delete "with men" in the third line after the words "on equal terms". The amended paragraph would read:

"Considering that discrimination on grounds of sex is incompatible with human dignity and with the welfare of the family and of society, prevents the participation of men and women on equal terms in the political, social, and economic and cultural life of their countries and is an obstacle to the full development of men and women in the service of their countries and of humanity".

Sixth paragraph: "Bearing in mind" could be deleted.

UNESCO

To replace the third paragraph with the following:

"Considering the conventions, recommendations, declarations and resolutions adopted by or under the auspices of the United Nations and the specialized agencies concerning the elimination of discrimination against women and the promotion of equality of rights of men and women;"

Since it is a Convention that is envisaged, the final paragraph of the alternative text which reads as follows: "Solemnly proclaim this Declaration:" appears out of place. It could be conveniently replaced by "Have agreed upon the following" or other words to that effect. In this case, it is suggested also that the term "rearing" which appears in the last line of the sixth paragraph of the alternative text be replaced by the word "education" and in the text of paragraph 5 "restricts their access to information" be inserted after "cultural life of their countries".

Friends World Committee for Consultation

It was suggested that "men and women" in the first, third and final clauses should read "women and men".

International Federation of University Women

The word "Declaration" at the very end of the preamble is objected to as inadequate. Proposed amendment: replace the whole line by "Having agreed on the following".

According to one association, the sixth paragraph of the alternative text should read: "Bearing in mind the great contribution made by women to social, political economic and cultural life" (end), for the part women play in family life and child-rearing falls into the categories of social and cultural life and need not be emphasized here. Besides, the elimination of discrimination against women should be based on their being born equal and not on the role they play in the family.

C. New versions of the preamble

Argentina

To keep three first paragraphs of the original text and to take the second paragraph and all the following paragraphs from the alternative text.

Germany (Federal Republic of)

The preamble should start out with the fundamental human rights. The obligations of States derived from them should be spelled out thereafter. Moreover, the considerations referring to the situation of women could be placed ahead of those referring to the interests of state and society. This would result in the following sequence of considerations:

1. First paragraph of the main text
2. Second paragraph of the alternative text

/...

3. Seventh paragraph of the main text
4. Second paragraph of the main text
5. Sixth paragraph of the alternative text which, however, should be rephrased as follows:

"Bearing in mind the part women play in the family and particularly in the rearing of children and the great contribution made by women to social, political, economic and cultural life".

6. This would be the proper place for the third paragraph of the main text. However, this consideration might also be eliminated because it refers too exclusively to conditions prevailing in the developed nations. Otherwise, economic development and international communication should at least be mentioned in addition.

7. Sixth paragraph of the main text

8. Eighth and following paragraphs of the main text. The eleventh paragraph of the main text could also be replaced by the eighth paragraph of the alternative text.

Mauritania

"The States parties to this 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,

Recalling the relevant resolutions of women's organizations throughout the world,

Bearing in mind that the scientific and technical revolution has broadened the possibilities for the use of female labour and the improvement of their skills,

Bearing in mind the great contribution made by women to the creation of the material and spiritual values of society, the social significance of motherhood and the role of women in the family and, in particular, in the rearing of children,

Convinced that the full development of every country and the welfare of the world require the creation of the essential conditions for the maximum participation of women in all fields of government and public life,

Considering that the Universal Declaration of Human Rights affirms the principle of non-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 any distinction as to sex,

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

Considering that discrimination against women is contrary to the principle of equality of rights and is incompatible with the human dignity of women, 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 the potentialities of women in the service of their countries and of humanity,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations, the specialized agencies and women's organizations designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Desiring to co-operate in giving effect to the principles set forth in the Declaration on the Elimination of Discrimination against Women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women, and to put that principle into practice,

Solemnly proclaim this Declaration:".

ARTICLE 1

A. Amendments to the original text

Hungary

It would be proper to adopt in the first alternative the following passage of the second alternative: "by women, on an equal footing with men".

/...

Japan

Add "and/or impairing" after "nullifying". The last half of the sentence should, therefore, read as follows:

"which has the effect of or the purpose of nullifying and/or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any field of public life".

B. Amendments to the alternative text

Benin

The words "The term 'discrimination' for the purposes of this Convention" should be replaced by "In this Convention, the term 'discrimination'".

Canada

The words "on the basis of sex" should be included after the word "preference" in the second line. It may also be necessary to qualify the word "distinction" to exclude obvious biological distinctions (i.e. pregnancy).

Chad

The words "The term 'discrimination' for the purposes of this Convention" should be replaced by "In this Convention, the term 'discrimination'".

Netherlands

The alternative text is preferable provided the words "made on the basis of sex" are added after "preference". The term "discrimination" could be replaced by "discrimination against women".

Portugal

One suggestion for this article is to include at the end a reference to the field of the family together with "the political, economic, social and cultural or any other field", also omitting the expression "of public life".

Friends World Committee for Consultation

The amended text reads as follows:

"The term 'discrimination' for the purposes of this Convention shall mean any distinction, exclusion, restriction or preference which has the

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purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women and men, on an equal basis, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

International Federation of University Women

Three specific proposals should be mentioned:

Add "education" after "cultural";

Add "on the basis of sex" after "restriction or preference", for any preference which is not on the basis of sex is irrelevant. For example, the preference of a strong man over a weaker woman for a job where physical strength is important is unobjectionable;

Delete "of public life", as civil rights are included.

C. New versions of the article

El Salvador

The term "discrimination against women" for the purposes of this Convention shall mean any distinction which has the purpose of nullifying the recognition of or restricting the enjoyment or exercise by women, on an equal footing with men, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Germany (Federal Republic of)

In this Convention, the term "discrimination against women" shall mean any distinction, exclusion, restriction or preference based on sex which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any field of public life.

Sweden

The term "discrimination" for the purposes of this Convention shall mean any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women and men, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

The establishment of special temporary conditions for women or men aimed at establishing de facto equality between the sexes shall not be considered discriminatory.

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United Kingdom

For the purpose of this Convention, the term "discrimination against women" shall mean any distinction, exclusion, restriction or preference made on the basis of sex which has the effect of or the purpose of nullifying the recognition, enjoyment or exercise by women, on a basis of equality with men, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

ARTICLE 2

A. Amendments to the original text

Austria

The terms "customs" and "practices" in article 2 (d) are however extremely vague. It should be noted in particular that existing social customs and practices can be influenced only to a small extent by public interference.

UNESCO

The words "directly or indirectly" should be added before "discriminatory to women" in subparagraph (d); "The Public authorities" are in some countries defined as those run by the State. It would perhaps be wise to add in subparagraph (b) "public and private institutions". In some countries it is the private sector which is the main area of discrimination against women.

B. Amendments to the alternative text

Japan

Replace "a policy of eliminating discrimination" in the middle of the sentence by "a policy of promoting the elimination of discrimination". Article 2 should now read as follows: "States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of promoting the elimination of discrimination against women in all its forms, denying or limiting as it does their equality of rights with men."

United Kingdom

The United Kingdom Government would greatly prefer the adoption of the alternative text with the deletion, however, of the words "in all its forms" (certain differences in the treatment of the sexes are desirable and this needs to be recognized in the Convention). This article should express a general principle as a framework for subsequent articles.

UNESCO

The idea contained in the phrase "denying of limiting as it does their equality of rights with men" which appears at the end of the alternative text is inherent in the definitions of the terms "discrimination against women" and "discrimination" as indicated in the texts proposed for article 1. For this reason and in order to simplify the alternative text of Article 2, the phrase referred to above could be abandoned.

C. New versions of the article

El Salvador

States Parties reject discrimination of any kind against women and undertake to pursue by all appropriate means and without delay a policy of eliminating from their legislation discrimination of any kind which affects the enjoyment or exercise of the rights and fundamental freedoms of women in any of the fields referred to in the preceding article.

Friends World Committee for Consultation

In the opening paragraph and in clause (a) the word "appropriate" has been deleted, and the text slightly reworded:

States Parties condemn discrimination against women and undertake to pursue by all means and without delay a policy of eliminating discrimination against women in all its forms, which deny or limit their equality of rights with men, and to this end;

(a) Each State Party shall prohibit and bring to an end, by all means, including legislation, discrimination against women and undertake to establish adequate legal protection for equal rights for both women and men, and to give effect to the rights recognized in this Convention where existing legislative or other measures are not sufficient for the purpose and in particular: each State Party shall embody the principle of equality of rights in its Constitution, if not yet incorporated, or shall guarantee by law, the practical realization of this principle;

(b), (c), (d). No amendments.

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ARTICLE 3

Amendments proposed

Benin

[The amendment does not apply to the English text.]

Netherlands

The word "political" could be added in the list in article 3.

Portugal

We would suggest the addition of "the family and political fields" to the other fields mentioned. Also the ideas of development and advancement of women would perhaps be better expressed by that of promotion of women.

UNESCO

The word "information" should be added after "cultural" in line 1.

World Union of Catholic Women's Organizations

To add "educational" after "cultural".

ARTICLE 4

A. Amendments to paragraph 1

Denmark

This is an essential provision, to leave out any doubt as to its interpretation it is suggested that the words "and for men" be added after the word "women".

Netherlands

The temporary nature of the conditions referred to should be emphasized by adding a passage analogous to that in article 2, paragraph 2, last sentence of the Convention on the elimination of all forms of racial discrimination. (These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objective for which they were taken have been achieved).

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Norway

This paragraph contains a specification with and is considered to be more appropriately placed in direct connexion with article 1, preferably as a new article 2, with a consequent re-enumeration of the subsequent articles.

Sweden

This paragraph should be incorporated into article 1.

B. Amendments to paragraph 2

Germany (Federal Republic of)

Article 4, paragraphs 2, should refer not only to measures but also to statutes for the protection of women. In addition, the word "protection" should be supplemented by the words "and advancement". The aim is not merely special protective measures (workers' protection laws, welfare of mothers), but positive advancement in order to implement the de jure equality through improvements in de facto conditions.

Norway

The phrase "Measures undertaken for the protection of women of certain branches of work due to their physical nature" should be deleted.

Portugal

We would not agree with the sentence "for the promotion of the welfare of mothers". We would rather express it as follows: "due to their physical nature, mainly in what concerns their maternal role".

International Council of Social Democratic Women

To delete "and for the promotion of the welfare of mothers".

C. New versions proposed for paragraphs 1 and 2 and for article 4 as a whole

Paragraph 1

All-African Women's Conference

"The establishment of special working conditions, bearing in mind the physical nature of women, shall not be considered discriminatory, and the promotion of the welfare of mothers shall not be interpreted as violating the principle of equality of rights of men and women."

Paragraph 2

Mauritania

"The establishment of working conditions which take into account the physical nature of women and are aimed at promoting the welfare of mothers shall not be considered discriminatory. Such conditions shall not be interpreted as violating the principle of equality of rights of men and women."

Netherlands

The following wording is preferred because of the risk that protective measures could have a restricting effect for women: "Measures undertaken for the protection of maternity and the welfare of mothers shall not be interpreted as violating the principle of equality of rights of men and women."

WHO

Paragraph 2 should be changed to read: "Measures undertaken for the protection of women related to reproduction, and child-bearing shall not be interpreted as violating the principles of equality of rights of men and women."

Article 4 as a whole

El Salvador

"States Parties" shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women."

United Kingdom

It might be preferable, however, to redraft paragraph 1 as follows:

"The adoption of special temporary measures aimed at establishing de facto equality between men and women shall not be considered discriminatory where circumstances justify their introduction."

In paragraph 2, the United Kingdom Government would prefer the retention of the words in square brackets.

The United Kingdom Government also suggest the addition of a new paragraph 3 as follows:

"Measures in the social security field reflecting the differing social needs of men and women shall not be considered discriminatory."

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ARTICLE 5

A. Amendments to the original text

Bulgaria

It would be better to accept paragraph 2 of article 5, too, which provides for legislation prohibition of the advocacy of any superiority of one sex over the other; or to add the phrase "including legislative ones" after the words "all appropriate measures" in the first line of paragraph 1, article 5.

Canada

The word "maternity" should be substituted for the word "motherhood".

UNESCO

Point 2 should be deleted, and "inform" should be added after "measure to".

WHO

The phrase: "the protection of" should be deleted. Thus, the last phrase would read: "... and for the recognition that motherhood is of common interest to the entire society which should bear responsibilities for it".

B. Amendments to the alternative text

Sweden

The alternative text of article 5 is preferable, but the end of the sentence could be amended as follows:

"which are based on the idea of the inferiority or superiority of either sex or on stereotyped roles for men and women".

World Young Women's Christian Association

It is suggested that the word "religious" be inserted after the word "customary".

C. New version of the article:

All-African Women's Conference

States parties shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudices and the abolition of customary and all other practices which are based on the idea of the inferiority of women, or on stereotyped roles for women.

ARTICLE 6

A. Amendments proposed

Singapore

This article could be drafted more generally, i.e. the last two words of the article "against women" could be replaced by the words "on grounds of sex".

United Kingdom

There should be provision for appropriate but limited exceptions to the general principles of equality of treatment in the various fields covered by the Convention; the United Kingdom Government would prefer to substitute the word "review" for the word "repeal" in this draft article.

International Federation of University Women

The word "national" should be deleted, since many countries have regional or provincial codes.

The words "and other codes" should be added after the word "penal", since other codes, such as civil codes, have discriminatory clauses against women.

B. New version of the article

International Association for Social Progress

"Each State Party agrees to repeal all provisions of national penal laws which constitute discrimination against women."

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ARTICLE 7

A. Amendment proposed

All-African Women's Conference

Replace the word "appropriate" by "formal".

B. New version of the article

Norway

"States parties agree to take all appropriate measures, including legislation, to combat prostitution and the illicit traffic in women" (which in the main corresponds to paragraph 146 of the World Plan of Action which was adopted by the World Conference of International Women's Year at Mexico in 1975).

ARTICLE 8

A. Amendments proposed

Benin

In the first line, the word "appropriate" should be replaced by "necessary". "Appropriate" allows too much freedom of action, which may give rise to abuses.

Subparagraph (a). Insert the words "all public referenda and" before the words "all elections" and delete subparagraph (c). The words "to all publicly elected bodies" are not really necessary.

UNESCO

In the opening part of this article, the phrase "on equal terms with men" seems to make unnecessary the four words which immediately precede the word "opportunities". It is suggested that the text of the introductory paragraph be reworded to include after "in the political and public life of the country" the words "at all levels and according to the individual capacity of each".

Friends World Committee for Consultation

It was suggested that the opening paragraph read as follows:

"States Parties shall undertake all appropriate measures to ensure to both women and men, without any discrimination, equal opportunities to

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participate in the political and public life of the country, and in particular:"

No amendments to (a), (b), (c) and (d).

International Federation of University Women

To replace in subparagraph (b) "at the national and local levels" by "at every level", which would also include the regional or provincial level.

B. New version of the article

El Salvador

"States Parties shall undertake all appropriate measures to ensure to women on equal terms with men equal opportunities to participate in the political and public life of the country and, in particular:

- (a) To vote in all elections and be eligible for election to any elective public office;
- (b) To vote in all public referenda;
- (c) To join organizations or associations of a political character."

ARTICLE 9

A. Amendment to the original text

Canada

The Canadian Government recommends that the word "women", in line 3, be replaced by "person" and the word "husband", in line 4, be replaced by "spouse", in order to grant the same rights to men.

B. Amendments to the alternative text

Netherlands

A clause designed to avoid problems of double nationality should be incorporated.

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Friends World Committee for Consultation

The alternative text of article 9, paragraph 2, was preferred, and curtailed in clause (a) as follows:

"Each State Party agrees that:

(a) The alien husband or wife of one of its nationals may, at his or her request, acquire the nationality of his or her spouse through specially privileged naturalization procedures."

ARTICLE 10

Amendments proposed

Benin

The article should read as follows:

"Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the field of education, which education shall be directed to the full development of the human personality and the strengthening of the sense of dignity and of respect for human rights and fundamental freedoms and, in particular ...".

No comment on subparagraph (a) b ...

Delete subparagraph (b), because the words "equal conditions of access to, and study in" presuppose and include the same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, school premises and equipment of the same quality, and so on.

Canada

The Canadian Government recommends the rewording of subparagraph (e) to read "Provision of educational information to help in ensuring the health and well-being of families, and of educational information in the field of birth planning".

Finland

As a whole, the text of this article is a combination of article 9 of the Declaration and article 13 of the Covenant except that the words "at all levels" which appear in the Declaration have been deleted. These words could be included also in the present article.

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France

The reference to pre-school institutions in article 10 (a) should precede, instead of follow, the reference to universities, etc. It would therefore be desirable either to have a first subparagraph dealing with "the right of children of both sexes to pre-school education" or to amend subparagraph (a) to read as follows:

"Equal conditions of access to, and study in educational institutions at all levels and of all types, in rural as well as in urban areas, including universities and vocational, technical and professional schools".

Subparagraph (e) should also be made more explicit.

Germany (Federal Republic of)

In paragraph 1 the words "and opportunities" should be added after the words "equal rights".

United Kingdom

The wording at the end of the opening sentence is grammatically incorrect. It therefore suggests that the words "and, in particular" should be replaced by "In particular, each State Party shall ensure", a full stop then being placed after "fundamental freedoms".

UNESCO

It is suggested that the following text be added in the first part of this article:

"Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the fields of information and education, which shall be directed ...".

Having regard to the terms of article 1 (1) (a) of the Convention against Discrimination in Education, adopted in 1960 by the General Conference of UNESCO at its eleventh session, and with the view to reinforcing the proposed text of paragraph (a) of article 10 of the draft Convention, the words "and at all levels" could be added immediately after the words "institutions of all types" appearing on the second line of this draft paragraph (a).

The following is also suggested in subparagraph (e):

"Access to education and information to help in ensuring among others the health and well-being of families, this to include education and

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information on family planning, childcare education of pre-school-age children and community development."

This should apply to men as well as to women. The well-being of families and education and information on family planning should not be exclusively the responsibility of women.

WHO

The text should be altered to read: "measures to ensure women, regardless of parental or marital status, equal ..."

Friends World Committee for Consultation

The opening paragraph has been slightly reworded and reads as follows:

"Each State Party agrees to take all appropriate measures to ensure women and men, married or unmarried, equal rights in the field of education, which education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms and, in particular:"

International Federation of University Women

In subparagraph (e) the word "educational" should be deleted.

It should be ensured that family planning services respect the moral and personal attitudes of each married couple.

International Planned Parenthood Federation

"(e) Access to educational information to help in ensuring the health and well-being of families, this to include family planning information, advice and services". (Underlining denotes IPPF proposed additions.)

ARTICLE 11

A. Amendments to the original text

Bulgaria

To add to subparagraph (e) the words "at the establishment of a lower age of retirement and a shorter length of service required for women" after the words "old age" in the second line. To have subparagraph (j) included in the Convention as well as the rest of the paragraphs in parentheses up to article 12 which guarantee the equality of rights of married women.

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Canada

In subparagraph (d) "free retraining" should be replaced by "the opportunity for retraining". In addition, in subparagraph (e) "option for a lower pensionable age and a shorter period of employment for the award of a pension being established in the case of women" should be eliminated.

Sweden

In subparagraph (g), it should be made clear how the expression "on the same basis" should be interpreted.

ILO

Subparagraph (c). The final text should include the correct citation of the ILO Convention: the Equal Remuneration Convention 1951 (No. 100), of the International Labour Organisation.

Subparagraph (d). In the last phrase of this clause, the word "enforced" is used. This is perhaps unfortunate and we would suggest the deletion of the word, since it is not really an accurate statement of the position.

Subparagraph (f). The meaning of this clause is not clear. Is the intention that both husband and wife should receive family allowance for the same child? Or that the allowance should be paid to the mother rather than to the father? The point should be clarified and the drafting changed accordingly.

WHO

The introductory paragraph of article 11 should read: "... to ensure women, regardless of parental or marital status, the same ..."

Associated Country Women of the World

To insert the words "opportunity for retraining" in subparagraph (d).

Friends World Committee for Consultation

The opening paragraph has been reworded as follows:

"The States Parties shall adopt all necessary measures to ensure to women and men, married or unmarried, equal rights and opportunities in the field of employment and other social and economic activity and, in particular:"

No amendments to (a) and (b).

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The words "with men" seemed unnecessary in subparagraph (c).

The right to equal remuneration for work of equal value as defined by the relevant Convention of the International Labour Organisation on the subject:

Suggested text for subparagraph (d):

"The right of women and men, without discrimination on grounds of sex, to receive equal initial or basic vocational training for preparation for employment, and advanced training or retraining on an equal footing for promotion or changes in the conditions of production or technical advances and, where necessary, restoration of levels of qualification after an enforced interruption resulting from the fulfilment by women of their maternal obligations;"

In subparagraph (e), the latter part of this clause has been deleted:

"An equal right to paid annual leave, paid maternity/paternity leave, and to material security in case of unemployment, sickness, disability, old age or other incapacity to work; an equal right to old-age pension coverage;"

Subparagraph (f) was slightly reworded to read: "The right of either spouse to receive family allowance on equal terms;"

Subparagraph (g) to be deleted.

International Association for Social Progress

Subparagraph (b) should refer not simply to "preparation for employment", but to "preparation for employment or for an occupation".

International Federation of University Women

(a) Add "equal opportunity for professional and vocational advancement".

(b) Objection to "or of spouse's consent" as unwise; any recommendation which implies conflict is undesirable.

(d) General preference for "opportunity for retraining".

Not clear; should be redrafted; any reference to non-discrimination is superfluous.

The phrase "after an enforced interruption" should be deleted and replaced by the phrase "after an inevitable interruption as a result of pregnancy, childbirth and/or childrearing". The words "maternal obligations" convey an implication that women are somewhat more obligated than men to take care of children.

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Deleting the last part of the paragraph from "option" to the end would avoid both discrimination and preferential treatment. The general trend may well be a lower pensionable age for all workers.

B. Amendments to the alternative text

Denmark

The wording of paragraph 2 (b) concerning the right to return to former employment after maternity leave should be weakened. Such a right could be a stumbling block to employment of (younger) women.

El Salvador

The words "In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work" should be deleted from the beginning of paragraph 2 of the alternative text.

Indonesia

In order to enhance the significance of the alternative text, subparagraphs (c), (d) and (f) of article 12 of the alternative text should be added to article 11 of the alternative text as subparagraphs (d), (e) and (f).

Ireland

The paragraph 11.1 (a) should be amended to read: "the right without discrimination on grounds of sex and marital status".

Mauritania

The word "encourage" should be replaced by "require".

Netherlands

Paragraph 1 (a) should contain the words "on the basis of sex and marital status". In addition, the equality principle should be stressed in paragraph 1 (c) by adding the words "on equal terms with men", provided that in the opening paragraph of the article the word "progressively" is added.

Panama

Subparagraph (c). After the word "sickness" the words "for widows" should be added.

Sweden

In paragraph 2 (b) "maternity leave" should be changed to "paid leave for parents".

ILO

Paragraph 2 (b). A cross-reference should be made to the ILO maternity protections standards, especially those contained in the Maternity Protection Convention (Revised), No. 103. Moreover, in relation to non-discrimination, it is important to emphasize the principle that the cost of maternity leave and benefit should not be borne by the individual employer but out of social security or other public funds or collective group arrangements.

WHO

The sentence "the right to receive family allowance on equal terms with men" should be altered to read "the right of men and women to receive family allowance on equal terms".

All-African Women's Conference

Paragraph 1 (c). The words "retirement privileges and" should be inserted before the word "security".

Paragraph 2 (b). The word "encourage" should be replaced by "require".

ARTICLE 12

A. Amendments to the original text

Bulgaria

To keep subparagraph (a) which restricts the application of women's labour under conditions harmful to women, as subparagraph (b), and instead of subparagraph (a), to include the following text: "bearing in mind the physical nature of women and the fact that mothers perform a social function and are entitled to the protection of the State and society as a whole, States members shall ...".

ILO

Subparagraphs (b) to (h). Most of these provisions are already contained in the ILO Maternity Protection Convention referred to above and the accompanying Recommendation. Reference may likewise be made to the point raised above about

individual employer responsibility for the cost of maternity leave and benefit. In subparagraph (g), it might be preferable to say "to ensure that women enjoy medical care ...": the same purpose is served by this formulation, while it takes better account of the diversity of methods of financing social security schemes.

WHO

We suggest the following text to replace subparagraph (a): "To restrict the employment of women under conditions that are or could be harmful to the woman and the foetus".

International Association for Social Progress

We do not believe that subparagraph (a) of the original text should be included in the Convention, since the subject-matter is at present very controversial.

With reference to subparagraph (c), we prefer the alternative text to the original version. Similarly, we prefer subparagraph (e) in the alternative text to subparagraph (f) in the original version.

The French text of subparagraph (d) should be revised, since the purpose is to prohibit the dismissal of women not simply "on the pretext" that they are nursing a child, but because they are pregnant or are nursing a child.

Friends World Committee for Consultation

The word "progressively" should be deleted in the opening paragraph of article 12.

To delete subparagraph (a).

No amendments to subparagraph (b).

To replace subparagraph (c) by subparagraph (b) in the alternative text of article 12.

(b) To require that absence from work necessitated by complications of pregnancy and childbirth be treated for the purposes of employment, the same as any other temporary disability is treated under the law and in employer practices.

No amendments to subparagraphs (d) and (e).

To remove subparagraph (f) and to include in the alternative text of article 13;

No amendments to subparagraph (g).

To delete subparagraph (h).

/...

International Federation of University Women

Subparagraph (f). Add the words "or fathers" after the word "mothers". Replace everywhere the word "mothers" by the word "parents" and the words "unwed mother" by the words "single parent".

B. Amendments to the alternative text

Austria

The alternative text should retain the provision appearing between brackets in subparagraph (a) of the original version which requires appropriate protection of women for physical reasons as well as the provision of subparagraph (b) thereof which deals more explicitly with the protection of pregnant and nursing mothers.

Canada

The word "protection" should be replaced by the word "security" in line 2. In subparagraph (d), the phrase "and to guarantee the return at the same position or one at a similar level" should be added. Subparagraph (f) should be replaced by "to encourage the availability of medical care to women during pregnancy, confinement and the post-natal period".

Panama

Subparagraph (c). After the word "child" add the words "small or sick";

Subparagraph (e). To be deleted.

Singapore

Subparagraphs (a) and (e) of the original text should be incorporated into the alternative one.

C. New version of the article

Hungary

To combine the two alternative versions, maintaining at the same time the provisions contained in subparagraph (a) of the original text and in subparagraphs (c), (e) and (g) of the alternative one.

ARTICLE 13

A. Amendment to the original text

ILO

After the word "women", in the first line, the words "as well as men" should be added; the words "maternal obligations" should be replaced by the words "parental obligations" and the words "working mothers" should be replaced by the words "working parents".

B. Amendments to the alternative text

Sweden

It is suggested that the end of the article, beginning with the words "as a co-operative effort" be deleted until the end of the sentence, or otherwise amended to leave the choice to Governments whether they wish to accept the responsibility for childcare facilities alone, or co-operate with the private sector.

All-African Women's Conference

Replace the word "encourage" by "adopt", the word "parents" by "women" and the word "parental" by "and maternal".

Friends World Committee for Consultation

Subparagraph (f) of article 12 seems to relate better to article 13. It has been slightly reworded as follows: "To make provision for granting mothers and fathers paid leave to care for sick children".

International Association for Social Progress

We suggest that the last part of the alternative text should be deleted, inasmuch as the establishment of the facilities called for would require a co-operative effort of government, business and industry and other institutions in the private sector.

C. New versions of the article

Mauritania

"The States Parties shall adopt all necessary measures to enable women to combine the fulfilment of family and maternal obligations with activity

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in the labour force, in professions and in public life and shall for that purpose promote the establishment of child care facilities as needed as a co-operative effort of government, business and industry and other institutions and organizations in the private sector."

WHO

"The States Parties shall adopt all necessary measures to support women combining family and maternal responsibilities with activities, either self-employed or in the labour force (including unpaid domestic or agricultural work). For that purpose they shall promote the establishment of institutions for the care of children (crèches, kindergartens, extended day groups for school children, extrascholastic institutions, and the like) to which all members of the community have access without undue financial burden."

ARTICLE 14

A. Amendments proposed

Benin

The words "who are gainfully employed" in the second line should be deleted.

/The second amendment does not apply to the English text./

UNESCO

The enumeration which immediately follows the phrase "who are gainfully employed" should be deleted.

B. New versions of the article

Austria

If preference is given to the alternative text of article 13, the sentence should read as follows: "The provisions of articles 11 and 12 shall apply to all women and those of article 13 to all parents without exception."

El Salvador

"Articles 11, 13 and 13 shall apply to women who are employed in State institutions and private enterprises, and also to women who perform work for others at home or who are gainfully-employed in domestic work."

/...

World Union of Catholic Women's Organizations

If, as a result of the adoption of the alternative text of article 11, article 14 is deleted, it should be replaced by the following: "The provisions of article 11 (alternative version) shall apply to all women", omitting the words "who are gainfully employed".

ADDITIONAL ARTICLE

A. Amendment proposed

FAO

It would be preferable to transfer the words "in rural as well as urban areas" from subparagraph (a) of article 10 to the introductory phrase of that article, so as to ensure that it applies to the entire article. The insertion might be also done at the end of the second line, i.e. after the word "education".

B. New versions proposed

Ecuador

To replace the additional article with that part of article 13 which concerns the protection of children of working mothers.

WIO

We suggest the following wording: "In view of the special vulnerability of mothers and infants and in order to safeguard the health and promote the welfare of mothers, States Parties shall undertake to provide /progressively/ free and easily available health care to mothers and future mothers. Such health care should comprise family planning and care during the ante- and post-natal periods and during confinement."

ARTICLE 15

A. Amendments proposed

Netherlands

The following wording is suggested for paragraph 3:

"The States Parties agree that all contracts restricting the exercise of the legal capacity of women on the basis of sex and marital status shall be deemed null and void."

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Sweden

It is suggested that paragraph 2 be redrafted as follows:

"The States Parties shall accord to women equal civil and legal capacity with men and 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."

Friends World Committee for Consultation

Paragraphs 1, 2 and 4 have been slightly reworded as follows:

"The States Parties shall accord equality to women and men before the law."

"The States Parties shall accord to women and men, equal civil and legal capacity in all stages of procedure in courts and tribunals."

B. New version of the article

Norway

"1. The States parties shall accord equality between men and women under the law.

"2. The States parties shall accord equal civil and legal capacity between men and women at all stages of procedure before courts and tribunals."

ARTICLE 16

Amendments proposed

Benin

In paragraph 1 (d), delete the proviso "except in case of her being a single parent". We believe that unmarried mothers can enjoy such equal rights in matters relating to their children.

In paragraph 1 (f), we suggest that the words "profession and occupation" should be deleted, since they do not come under the heading of personal rights (civil and family rights).

/The first amendment to paragraph 1 (g) does not apply to the English text.]

Benin also proposes that paragraph 1 (g) should end at the words "of their property"; the text in square brackets seems unnecessary because, in our view, if women are accorded the same rights as men, no régime of conjugal property can detract from them.

Canada

Paragraph 1 (d) should be replaced by "These rights and duties are also those of single parents in matters relating to their children" for clarification. In paragraph 1 (f), "provision in law for" should be deleted as under common law personal rights do not necessarily have to be incorporated in a statute in order to be recognized.

In paragraph 2, "young girls" should be replaced by "children" as the Canadian Government believes that all children should be so protected.

In paragraph 3, the Canadian Government recommends that "mothers" be replaced by "parents" as we believe that both unwed fathers and mothers require protection.

Germany (Federal Republic of)

In paragraph 1 (d) the absolute predominance of the interest of the children should be limited and this provision reworded as follows:

"Equal rights and duties with men in matters relating to the education and legal representation of their children, except in case of her being a single parent. After divorce or separation, or in the event of other severe dangers to the children's welfare the interests of the children shall be paramount."

In paragraph 3 the last phrase "that all children shall enjoy equal rights and equal social protection" should be replaced by the phrase: "that all children shall enjoy equal opportunities".

Indonesia

We propose that the words in paragraph 1 (c) "and at its dissolution" be deleted.

We suggest that in paragraph 1 (d) the words "except in case of her being a single parent" and "In all cases" be deleted and the paragraph should be reworded as follows:

"Equal rights and duties with men in matters relating to their children; the interests of the children shall be paramount."

Netherlands

Paragraph 1 (e). Following the example of article 23, paragraph 2 of the International Covenant on Civil and Political Rights, the following passage should be added: "without prejudice to requirements as regards marriageable age".

Paragraph 1 (f). To avoid misunderstanding, the passage "including the right to choose a family name" ought to be reformulated, preferably as follows: "including the right to use their own family name". At the same time it is felt that it might be better to include this provision in article 15.

Paragraph 1 (g). It would be better to omit the section in brackets.

Paragraph 3. The protection of the rights of children would seem to be outside the scope of this Convention, though the principle stated here is fully endorsed. This being the case, it would be better to omit the phrase "and to give effect ... their birth". The paragraph that would then remain reading "To eliminate discrimination against unwed mothers, the States shall provide that all children shall enjoy equal rights and equal social protection" relates more to discrimination between two categories of women, viz. married women and unmarried women than to discrimination against women as such.

Norway

Non-discrimination should be more clearly expressed, and it is therefore proposed that the introductory text of paragraph 1 should read as follows:

"1. The States parties shall adopt all necessary measures to ensure full equality of men and women in all matters etc."

A similar wording should be introduced in paragraphs 1 (a), (b), (c) and (d).

Singapore

In paragraph 1 (d) the following should be deleted "except in case of her being a single parent. In all cases the interests of the children shall be paramount".

United Kingdom

The reference to duties in paragraph 1 (c) seems very vague and may in addition reflect an undesirable policy.

In paragraph 1 (d), it is not clear what the exception in the case of a single parent is meant to signify.

The United Kingdom Government, therefore, suggest the deletion of the

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reference to duties in these two subparagraphs. In paragraph 1 (f), it is doubtful that the word "family" is intended to qualify "profession and occupation" in addition to "name", and the United Kingdom Government suggest placing indefinite articles before the words "profession" and "occupation".

Friends World Committee for Consultation

Suggested text for subparagraph (c):

"Equal rights and responsibilities with men during marriage and at its dissolution".

Suggested text for subparagraph (d):

"Equal rights and responsibilities with men in matters relating to their children, whether or not the parents are married".

(The latter part of subparagraph (d) dealing with the interests of the child seemed irrelevant in a Convention for the elimination of discrimination against women, and therefore it was suggested that it be reworded as follows:)

"To eliminate discrimination against unwed mothers".

International Federation of University Women

In paragraph 1 (d) the words "except in case of her being a single parent" should be deleted.

ARTICLE 17

A. Amendment proposed

Netherlands

Part of paragraph 1 could be reworded as follows: "... the significance of the existing domestic legislation or of international agreements in case they provide ...". The additional paragraph could, in this case, be omitted.

B. New versions of the article

El Salvador

"The provisions of this Convention shall not apply where the domestic legislation of States Parties provides for more extensive rights for women."

/...

United Kingdom

"Nothing in this Convention may be regarded as affecting existing legislation which provides for more extensive measures to eliminate discrimination against women than are provided for in the present Convention".

C. Amendments proposed to the additional paragraph

International Federation of University Women

After "the United Nations" add "or any other body".

Replace "having as their object" by "referring to", on the grounds that e.g. the ILO Convention No. 111 has a wider field of application than the status of women.

D. New versions of the additional paragraph

Benin

/Benin's new version of the additional paragraph does not change the English text apart from deleting the square brackets./

Indonesia

"Nothing in the Convention should affect existing conventions adopted under the auspices of the United Nations or its specialized agencies and having as their object the regulation of various aspects of the status of women".

All-African Women's Conference

"None of the provisions of this Convention may be regarded as diminishing the significance of the existing domestic legislation of countries if that legislation provides for more extensive rights for women".

ARTICLE 20

Amendments proposed

Netherlands

It would be better to omit the words "in exercising its national sovereignty". Notice of a year, as in the case of the International Convention on the Elimination of All Forms of Racial Discrimination, is to be preferred.

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Singapore

Notice of withdrawal need be given only to the Secretary-General of the United Nations and not to all parties of the Convention.

World Young Women's Christian Association

It is suggested that the period of notice of withdrawal might be extended.

ARTICLE 21

A. Amendments to the original text

Indonesia

We would like to suggest that addition be made to paragraph 1 of article 21 of a second clause contained in foot-note 15 (E/CN.6/574, p. 17).

In addition we would like to propose further the following amendments to article 21, incorporating some phrases contained in the alternative version:

(a) The words "practical measures" in paragraph 1 would be replaced by the words "judicial or other measures";

(b) Paragraph 3 would be replaced by paragraph 1 (b) of the alternative text (E/CN.6/574, p. 19). It should be rewritten as follows:

"Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of this Convention as fall within the scope of their activities. They shall be entitled to submit reports on the implementation of relevant instruments adopted by them or under their auspices".

B. Amendments to the first alternative text

United Kingdom

Paragraph 6 of the first alternative article should be amended to read as follows:

"Expenses of the members of the Committee while they are in performance of Committee duties shall be the responsibility of States Parties and shall be equally apportioned between them".

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International Federation of University Women

If the alternative text is accepted, the words "experts of high moral standing", in paragraph 1, should be replaced by the words "experts of high competence". There is no way to judge a person's moral qualifications.

C. New versions of the article

El Salvador

"1. States Parties undertake to report as soon as possible to the Secretary-General of the United Nations on the legislative, judicial, administrative or other measures of any kind which they are adopting to give effect to the provisions of this Convention.

2. The reports shall be transmitted to the Commission on the Status of Women immediately they are received so that the Commission may, every four years following this Convention's entry into force, prepare a general report setting forth the relevant measures adopted by States Parties and submit it to the Economic and Social Council of the United Nations for consideration, discussion and any necessary action.

3. Specialized agencies shall be entitled to be represented at the consideration and discussion of the general reports."

Friends World Committee for Consultation

Paragraphs 1 and 2. No amendments.

Paragraph 3. It was suggested that this paragraph should have an additional phrase taken from the second alternative text of article 21, paragraph 1 (b), as follows:

"Specialized agencies shall be entitled to be represented at the consideration of the said reports and to submit reports on the implementation of relevant instruments adopted by them or under their auspices, including particulars of decisions and recommendations on such implementation adopted by their competent organs".

Paragraph 1, foot-note 16, the phrase "national, or those of another State, preferably members" was preferred.

After clause 1, it was thought important that there should be some definition of the function of the Committee, and the following was suggested:

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"The function of the Committee shall be to encourage the implementation of this Convention by States Parties and to consider any other subject involving the discrimination of women in society.

The Committee shall be entitled to receive reports on implementation of this Convention from States Parties, intergovernmental specialized agencies and non-governmental organizations".

Paragraph 2, foot-note 17. The addition of "or those of another State" was preferred.

Paragraphs 3, 4 and 5. No amendments.

Paragraph 6. To be deleted.

Paragraph 3. The second alternative version of article 21 becomes paragraph 6.

Annex II

DRAFT CONVENTIONS SUBMITTED BY BENIN, INDONESIA AND THE
ALL-AFRICAN WOMEN'S CONFERENCE

A. Draft Convention submitted by Benin

PREAMBLE

The States Parties to this Convention,

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

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Bearing in mind that, despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that the Universal Declaration of Human Rights affirms the principle of non-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 any distinction as to sex,

Bearing in mind the great contribution made by women to social, political, economic and cultural life and the part they play in the family and particularly in the rearing of children,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Desiring to co-operate in giving effect to the principles set forth in the Declaration on the Elimination of Discrimination against Women,

Have agreed upon the following:

GENERAL PROVISIONS

Article 1

In this Convention, the term "discrimination" shall mean any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women, on an equal footing with men, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2

States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women in all its forms, denying or limiting as it does their equality of rights with men, and to this end:

(a) Each State Party shall embody the principle of equality of rights in its Constitution, if not yet incorporated, or shall guarantee by law the practical realization of this principle;

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

Article 3

States Parties shall undertake, in the social, economic, cultural and other fields, all appropriate measures to ensure the adequate 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.

Article 4

States Parties shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women, or on stereotyped roles for women, and for the recognition that the protection of motherhood is a common interest of the entire society which should bear responsibilities for it.

Article 5

Each State Party agrees to take all appropriate measures, including legislation, to combat all forms of traffic in women and exploitation of prostitution of women.

POLITICAL RIGHTS

Article 6

States Parties shall undertake all necessary measures to ensure to women on equal terms with men, without any discrimination, equal opportunities to participate in the political and public life of the country, and in particular:

- (a) To vote in all public referenda and all elections and 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 at the national and local levels;
- (c) To participate in non-governmental organizations and associations.

Article 7

1. States Parties shall grant women the same rights as men to acquire, change or retain their nationality and shall require, in particular, that neither marriage of a woman to, nor dissolution of her marriage from, an alien nor the change of nationality by her alien husband during marriage shall automatically change her nationality, render her stateless or force upon her the nationality of her husband.

2. Each State Party agrees that:

(a) The alien husband or wife of one of its nationals may, at his or her request, acquire the nationality of his or her spouse through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy;

(b) The present Convention shall not be construed as affecting any legislation or judicial practice by which the alien husband or wife of one of its nationals may, at his/her request, acquire his/her spouse's nationality as a matter of right.

3. States Parties agree to grant women equal rights with men to transmit their nationality to their children.

SOCIAL AND ECONOMIC RIGHTS

Article 8

Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the field of education, which

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education shall be directed to the full development of the human personality and the strengthening of the sense of dignity and of respect for human rights and fundamental freedoms and, in particular:

- (a) Equal conditions of access to, and study in educational institutions of all types, in rural as well as in urban areas, including universities, vocational, technical and professional schools, and pre-school institutions;
- (b) Equal opportunities to benefit from scholarships and other study grants;
- (c) Access to educational information to help in ensuring the health and well-being of families, this to include information on family planning.

Article 9

1. States Parties shall adopt all appropriate measures to ensure to women, married or unmarried, equal rights with men in the field of economic and social life and, in particular:

- (a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment and to professional and vocational advancement;
- (b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;
- (c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;
- (d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, States Parties shall undertake measures:

- (a) To prevent the dismissal in the event of marriage or maternity;
- (b) To encourage the provision of paid maternity leave with the guarantee of returning to former employment;
- (c) To encourage the provision of the necessary supportive social services.

Article 10

The provisions of article 9 shall apply to all women without exception, in State, co-operative, public and private institutions, industrial and non-industrial

enterprises and other organizations, in agriculture and on plantations, and also to women who perform for any organizations or individuals remunerated work at home or who are gainfully employed in domestic work.

Additional article

In order to safeguard the health and promote the welfare of mothers, States Parties shall undertake progressively to provide for women in connexion with their pregnancies, free medical care which shall include examination and treatment in the ante- and post-natal periods and during confinement.

CIVIL AND FAMILY RIGHTS

Article 11

1. The States Parties shall accord to women equality with men before the law.
2. The States Parties shall accord to women equal civil and legal capacity with men in all stages of procedure in courts and tribunals.
3. The States Parties agree that all contracts directed at restricting the legal capacity of women shall be deemed null and void.
4. The States Parties shall accord men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence.

Article 12

1. The States Parties shall adopt all necessary measures to ensure the full equality of women with men in all matters relating to marriage and family relations, including:
 - (a) The same right as men to enter into the marriage state;
 - (b) The same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;
 - (c) Equal rights and duties with men during marriage and at its dissolution;
 - (d) Equal rights and duties with men in matters relating to their children. In all cases the interests of the children shall be paramount;
 - (e) Recognition of equal rights to be guardians and trustees, and also of an equal right to adopt children;

(f) Provision in law for the equal personal rights of men and women, including the right to choose a family name;

(g) Recognition of equal rights of men and women in respect of the ownership, use and disposition of their property.

2. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective 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.

3. To eliminate discrimination against unwed mothers and to give effect to the principle proclaimed in the Declaration of the Rights of the Child that all children shall be protected irrespective of the circumstances of their birth, the States Parties shall provide that all children shall enjoy equal rights and equal social protection.

FINAL PROVISIONS

Article 13

1. None of the provisions of this Convention may be regarded as diminishing the significance of the existing domestic legislation of countries if that legislation provides for more extensive rights for women.

2. Nothing in this Convention should affect existing conventions adopted under the auspices of the United Nations or its specialized agencies and having as their object the regulation of various aspects of the status of women.

Article 14

This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it at any time.

Article 15

1. A request for the revision of this 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 16

Each Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of this Convention, compel it to do so. It shall give notice of such withdrawal three months in advance to all Parties to the Convention and to the Secretary-General of the United Nations. Such notice shall include a statement of the extraordinary events it regards as having compelled it to take such action.

Article 17

1. State Parties undertake to submit every four years to the Secretary-General reports on legislative, administrative and practical measures which they have adopted in implementing the provisions of the present Convention.
2. Every four years following this Convention's entry into force, the Commission on the Status of Women shall consider the question of the status of the implementation of the Convention by the States Parties, and submit a report to the Economic and Social Council.
3. Specialized agencies shall be entitled to be represented at the consideration of the said reports.

Article 18

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

Article 19

The Secretary-General of the United Nations shall inform States of the following:

- (a) Signatures, ratifications and accessions under article ...;
- (b) The date of entry into force of the present Convention under article ...;
- (c) Denunciations in accordance with article

/...

Article 20

This 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 this Convention shall be transmitted to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

B. Draft Convention submitted by Indonesia

DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN

I. PREAMBLE

The States Parties to the Convention,

1. 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,
2. Considering that the Universal Declaration of Human Rights asserts the principle of non-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 any distinction as to sex,
3. Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,
4. Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,
5. Considering that discrimination against women is incompatible with human dignity and with the welfare of the family and of society, prevents their participation on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,
6. Bearing in mind the great contribution made by women to social, political, economic, cultural and religious life, and the part they play in the family and particularly in the rearing of children,
7. Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,
8. Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Have agreed upon the following:

/...

II. GENERAL PROVISIONS

Article 1

The term "discrimination" for the purposes of this Convention shall mean any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women, on an equal footing with men, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2

State Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women in all its forms, denying or limiting as it does their equality of rights with men.

Article 3

States Parties shall undertake, in the social, economic, cultural and other fields, all appropriate measures to ensure the adequate 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.

Article 4

States Parties shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudices and the abolition of customary and all other practices which are based on the idea of the inferiority of women, or on stereotyped roles for women.

Article 5

Each State Party agrees to repeal all provisions of national penal codes which constitute discrimination against women.

Article 6

Each State Party agrees to take all appropriate measures, including legislation, to combat all forms of traffic in women and exploitation of prostitution of women.

III. POLITICAL RIGHTS

Article 7

States Parties shall undertake all appropriate measures to ensure to women on equal terms with men, without any discrimination, equal opportunities to participate in the political and public life of the country, and in particular:

- (a) To vote in all elections and be eligible for election to all elected bodies;
- (b) To participate in the formulation of government policy and the administration thereof and to hold public office at the national and local levels;
- (c) To vote in all public referenda;
- (d) To participate in non-governmental organizations and associations.

Article 8

1. States Parties shall grant women the same rights as men to acquire, change or retain their nationality and shall require, in particular, that neither marriage of a woman to, nor dissolution of her marriage from an alien, nor the change of nationality by her alien husband during marriage, shall automatically change her nationality, render her stateless or force upon her the nationality of her husband.

2. Each State Party agrees that:

(a) The alien husband or wife of one of its nationals may, at his or her request, acquire the nationality of his or her spouse through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

(b) The present Convention shall not be construed as affecting any legislation or judicial practice by which the alien husband or wife of one of its nationals may, at his/her request, acquire his/her spouse's nationality as a matter of right.

3. States Parties agree to grant women equal rights with men to transmit their nationality to their children.

IV. SOCIAL AND ECONOMIC RIGHTS

Article 9

Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the field of education which education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms and, in particular:

- (a) Equal conditions of access to, and study in educational institutions of all types, in rural as well as in urban areas, including universities, vocational, technical and professional schools, and pre-school institutions;
- (b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;
- (c) Equal opportunities to benefit from scholarships and other study grants;
- (d) Equal opportunity for access to programmes of continuing education, including adult literacy programmes;
- (e) Access to educational information to help in ensuring the health and well-being of families, this to include information on family planning.

Article 10

1. States Parties shall adopt all appropriate measures to ensure to women, married or unmarried, equal rights with men in the field of economic and social life and, in particular:

- (a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to professional and vocational advancement;
- (b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;
- (c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;
- (d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, States Parties shall undertake measures:

- (a) To prevent the dismissal in the event of marriage or maternity;
- (b) To encourage the provision of paid maternity leave with the guarantee of returning to former employment;
- (c) To encourage the provision of the necessary supportive social service;
- (d) To encourage the granting of paid leave for parents of either sex for purposes of child care;
- (e) To prohibit the dismissal of women who are taking maternity leave and the dismissal of women because they are pregnant or nursing a child;
- (f) To encourage the granting of free medical care to women during pregnancy, confinement and the post-natal period.

V. CIVIL AND FAMILY RIGHTS

Article 11

1. The States Parties shall accord to women equality with men before the law.
2. The States Parties shall accord to women equal civil and legal capacity with men in all stages of procedures in courts and tribunals.
3. The States Parties agree that all contracts directed at restricting the legal capacity of women shall be deemed null and void.
4. The States Parties shall accord men and women the same rights with regard to the law on the movement of persons and freedom to choose their residence.

Article 12

1. The States Parties shall adopt all appropriate measures to ensure the full equality of women with men in all matters relating to marriage and family relations, including:
 - (a) The same right as men to enter into the marriage state;
 - (b) The same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;

/...

- (c) Equal rights and duties with men during marriage;
 - (d) Equal rights and duties with men in matters relating to their children; the interests of the children shall be paramount;
 - (e) Recognition of equal rights to be guardians and trustees, and also of an equal right to adopt children;
 - (f) Provision in law for the equal personal rights of men and women, including the right to choose a family name, profession and occupation;
 - (g) Recognition of equal rights of men and women in respect of the ownership, use and disposition of their property while the existence in law of a compulsory régime of conjugal property - community or division - must not entail a reduction or restriction of the property rights of women.
2. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective 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.

VI. FINAL PROVISIONS

Article 13

1. None of the provisions of this Convention may be regarded as diminishing the significance of the existing domestic legislation of countries, if that legislation provides for more extensive rights of women.
2. Nothing in this Convention should affect existing conventions adopted under the auspices of the United Nations or its specialized agencies and having as their object the regulation of various aspects of the status of women.

Article 14

This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it at any time.

Article 15

1. A request for the revision of this 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 16

Each Party to this Convention shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of this Convention, compel it to do so. It shall give notice of such withdrawal three months in advance to all Parties to the Convention and to the Secretary-General of the United Nations. Such notice shall include a statement of the extraordinary events it regards as having compelled it to take such action.

Article 17

1. States Parties undertake to submit every four years to the Secretary-General reports on legislative, judicial, administrative or other measures which they have adopted in implementing the provisions of the present Convention. In cases where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Convention, it will not be necessary to reproduce that information but a reference to the information so furnished will suffice.

2. Every four years following this Convention's entry into force, the Commission on the Status of Women shall consider the question of the status of the implementation of the Convention by the States Parties, and submit the report to the Economic and Social Council.

3. Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provision of this convention as fall within the scope of their activities. They shall be entitled to submit reports on the implementation of relevant instruments adopted by them or under their auspices.

Article 18

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 ... instrument of ratification or accession.

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

Article 19

The Secretary-General of the United Nations shall inform State of the following:

/...

- (a) Signatures, ratifications, accessions under article ...;
- (b) The date of entry into force of the present Convention under article ...;
- (c) Denunciations in accordance with article

Article 20

This Convention, the Russian, Chinese, English, French and Spanish texts of which are equally authentic, shall be deposited in the archives of the United Nations. Duly certified copies of this Convention shall be transmitted to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

C. Draft convention submitted by the
All-African Women's Conference

DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN

PREAMBLE

The States Parties to this 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,

Recalling the relevant resolutions of women's organizations throughout the world,

Bearing in mind that the scientific and technical revolution has broadened the possibilities for the use of female labour and the improvement of their skills,

Bearing in mind the great contribution made by women to the creation of the material and spiritual values of society, the social significance of motherhood and the role of women in the family and, in particular, in the rearing of children,

Convinced that the full development of every country and the welfare of the world require the creation of the essential conditions for the maximum participation of women in all fields of government and public life,

Considering that the Universal Declaration of Human Rights affirms the principle of non-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 any distinction as to sex,

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

Considering that discrimination against women is contrary to the principle of equality of rights and is incompatible with the human dignity of women, 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 the potentialities of women in the service of their countries and of humanity,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

/...

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations, the specialized agencies and women's organizations designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Desiring to co-operate in giving effect to the principles set forth in the Declaration on the Elimination of Discrimination against Women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women, and to put that principle into practice,

Solemnly proclaim this Declaration:

GENERAL PROVISIONS

Article 1

The term "discrimination" for the purposes of this Convention shall mean any distinction, exclusion, restriction or preference which has the purpose of nullifying or impairing the recognition, enjoyment or exercise by women, on an equal footing with men, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2

States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women in all its forms, denying or limiting as it does their equality of rights with men, and to this end:

(a) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation, discrimination against women and undertake to establish adequate protection for equal rights of men and women, and to give effect to the rights recognized in this Convention where existing legislative or other measures are not sufficient for the purpose, and in particular each State Party shall embody the principle of equality of rights in its Constitution, if not yet incorporated, or shall guarantee by law the practical realization of this principle;

(b) Each State Party undertakes to engage in no act or practice of discrimination against women and to ensure that public authorities and public institutions, national and local, shall act in conformity with this obligation;

/...

(c) Each State Party undertakes not to sponsor, defend or support discrimination against women by any person or organizations;

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

Article 3

States Parties shall undertake, in the social, economic, cultural and other fields, all appropriate measures to ensure the adequate 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.

Article 4

1. The establishment of special working conditions, bearing in mind the physical nature of women, shall not be considered discriminatory, and the promotion of the welfare of mothers shall not be interpreted as violating the principle of equality of rights of men and women.

2. Measures undertaken for the protection of women at certain branches of work due to their physical nature and for the promotion of the welfare of mothers shall not be interpreted as violating the principle of equality of rights of men and women.

Article 5

States Parties shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudices and the abolition of customary and all other practices which are based on the idea of the inferiority of women, or on stereotyped roles for women.

Article 6

Each State Party agrees to repeal all provisions of national penal codes which constitute discrimination against women.

Article 7

Each State Party agrees to take formal measures, including legislation, to combat all forms of traffic in women and exploitation of prostitution of women.

POLITICAL RIGHTS

Article 8

States Parties shall undertake all appropriate measures to ensure to women on equal terms with men, without any discrimination, equal opportunities to participate in the political life of the country, and in particular:

- (a) To vote in all elections and 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 at the national and local levels;
- (c) To vote in all public referenda;
- (d) To participate in non-governmental organizations and associations.

Article 9

1. States Parties shall grant women the same rights as men to acquire, change or retain their nationality and shall require, in particular, that neither marriage of a woman to, nor dissolution of her marriage from, an alien nor the change of nationality by her alien husband during marriage shall automatically change her nationality, render her stateless or force upon her the nationality of her husband.

2. Each State Party agrees that:

(a) The alien husband or wife of one of its nationals may, at his or her request, acquire the nationality of his or her spouse through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy;

(b) The present Convention shall not be construed as affecting any legislation or judicial practice by which the alien husband or wife of one of its nationals may, at his/her request, acquire his/her spouse's nationality as a matter of right.

3. States Parties agree to grant women equal rights with men to transmit their nationality to their children.

SOCIAL AND ECONOMIC RIGHTS

Article 10

Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the field of education, which education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms and, in particular:

/...

(a) Equal conditions of access to, and study in educational institutions of all types, in rural as well as in urban areas, including universities, vocational, technical and professional schools, and pre-school institutions;

(b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;

(c) Equal opportunities to benefit from scholarships and other study grants;

(d) Equal opportunity for access to programmes of continuing education, including adult literacy programmes;

(e) Access to educational information to help in ensuring the health and well-being of families, this to include information on family planning.

Article 11

1. States Parties shall adopt all appropriate measures to ensure to women, married or unmarried, equal rights with men in the field of economic and social life and, in particular:

(a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment and to professional and vocational advancement;

(b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;

(c) The right to leave with pay, retirement privileges and provision for retirement privileges and security in respect of unemployment, sickness, old age or other incapacity to work;

(d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work States Parties shall undertake measures:

(a) To prevent the dismissal in the event of marriage or maternity;

(b) To require the provision of paid maternity leave with the guarantee of returning to former employment;

(c) To encourage the provision of the necessary supportive social services.

Article 12

The States Parties shall adopt all necessary measures to enable women to combine the fulfilment of family and maternal obligations with activity in the labour force, in professions and in public life and shall for that purpose promote the establishment of child care facilities as needed as a co-operative effort of government, business and industry and other institutions and organizations in the private sector.

Article 13

The provisions of articles 11, 12 and 13 shall apply to all women without exception who are gainfully employed in State, public and private institutions, industrial and non-industrial enterprises and other organizations in agriculture and on plantations, and also to women who perform for any organizations or individuals remunerated work at home or who are gainfully employed in domestic work.

Additional article

In order to safeguard the health and promote the welfare of mothers, States Parties shall undertake progressively to provide for women in connexion with their pregnancies, free medical care which shall include examination and treatment in the ante- and post-natal periods and during confinement.

CIVIL AND FAMILY RIGHTS

Article 14

1. The States Parties shall accord to women equality with men before the law.
2. The States Parties shall accord to women equal civil and legal capacity with men in all stages of procedure in courts and tribunals.
3. The States Parties agree that all contracts directed at restricting the legal capacity of women shall be deemed null and void.
4. The States Parties shall accord men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence.

Article 15

1. The States Parties shall adopt all necessary measures to ensure the full equality of women with men in all matters relating to marriage and family relations, including:

/...

- (a) The same right as men to enter into the marriage state;
- (b) The same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;
- (c) Equal rights and duties with men during marriage and at its dissolution;
- (d) Equal rights and duties with men in matters relating to their children except in case of her being a single parent. In all cases the interests of the children shall be paramount;
- (e) Recognition of equal rights to be guardians and trustees, and also of an equal right to adopt children;
- (f) Provision in law for the equal personal rights of men and women, including the right to choose a family name, profession and occupation;
- (g) Recognition of equal rights of men and women in respect of the ownership, use and disposition of their property, while the existence in law of a compulsory régime of conjugal property - community or division - must not entail a reduction or restriction of the property rights of women.

2. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in the official registry compulsory.

3. To eliminate discrimination against unwed mothers and to give effect to the principle proclaimed in the Declaration of the Rights of the Child that all children shall be protected irrespective of the circumstances of their birth, the States Parties shall provide that all children shall enjoy equal rights and equal social protection.

FINAL PROVISIONS

Article 16

None of the provisions of this Convention may be regarded as diminishing the significance of the existing domestic legislation of countries if that legislation provides for more extensive rights for women.

Additional paragraph of article 16

None of the provisions of this Convention may be regarded as diminishing the significance of the existing domestic legislation of countries if that legislation provides for more extensive rights for women.

/...

Article 17

This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it at any time.

Article 18

1. A request for the revision of this 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 19

Each Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of this Convention, compel it to do so. It shall give notice of such withdrawal three months in advance to all Parties to the Convention and to the Secretariat of the United Nations. Such notice shall include a statement of the extraordinary events it regards as having compelled it to take such action.

Article 20

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 ... instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the ... instrument of ratification or accession, the present 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 Secretary-General of the United Nations shall inform States of the following:

- (a) Signatures, ratifications and accessions under article ...;
- (b) The date of entry into force of the present Convention under article ...;
- (c) Denunciations in accordance with article

/...

Article 22

This 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 this Convention shall be transmitted to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

1. States Parties undertake to submit every four years to the Secretary-General reports on legislative, administrative and practical measures which they have adopted in implementing the provisions of the present Convention.
2. Every four years following this Convention's entry into force, the Commission on the Status of Women shall consider the question of the status of the implementation of the Convention by the States Parties, and submit a report to the Economic and Social Council.
3. Specialized agencies shall be entitled to be represented at the consideration of the said reports.

Article 23

1. There shall be established a Committee on the Convention on the Elimination of Discrimination against Women (hereafter referred to as the Committee) consisting of 12 experts of high moral standing elected by States Parties from among their nationals, preferably members of the Commission on the Status of Women, 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 of the principal legal systems.
2. 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.
3. 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.
4. 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.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of six 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 members shall be chosen by lot by the Chairman of the Committee.

(b) 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.

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

Additional article

1. 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 and which give effect to the provisions of this Convention: within one year after the entry into force of the Convention for the State concerned, and thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

(a) Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to this Convention, it will not be necessary to reproduce that information but a precise reference to the information so furnished will suffice;

(b) Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of this Convention as fall within the scope of their activities. They shall be entitled to submit reports on the implementation of relevant instruments adopted by them or under their auspices, including particulars of decisions and recommendations on such implementation adopted by their competent organs.

2. Specialized agencies shall be able to receive copies of such parts of the reports by Governments on this Convention as fall within the scope of their activities.

3. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and 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 reported to the General Assembly together with comments, if any, from States Parties.

Annex III

DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN a/

PREAMBLE

The States Parties to this 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,

Convinced that the full development of every country and the welfare of the world require the creation of the essential conditions for the maximum participation of women in all fields of government and public life,

Bearing in mind that the scientific and technical revolution has broadened the possibilities for the use of female labour and the improvement of their skills,

Bearing in mind the great contribution made by women to the creation of the material and spiritual values of society, the social significance of motherhood and the role of women in the family and, in particular, in the rearing of children,

Considering that the Universal Declaration of Human Rights affirms 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,

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

Considering that discrimination against women is contrary to the principle of equality of rights and is incompatible with the human dignity of women, 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 the potentialities of women in the service of their countries and of humanity,

Concerned at the continued existence in many parts of the world of discrimination against women,

a/ Some representatives preferred the same title as that of the Declaration on the Elimination of Discrimination against Women.

Considering the Conventions concluded under the auspices of the United Nations and its specialized agencies, and

Considering the resolutions, declarations and recommendations adopted by them with a view to promoting equality of rights of men and women,

Determined to take all necessary measures to eliminate as rapidly as possible all discrimination against women,

Desiring to co-operate in giving effect to the principles set forth in the Declaration on the Elimination of Discrimination against Women,

Have agreed upon the following:

Alternative text of the preamble

Considering that the people of the United Nations reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Considering that the Universal Declaration of Human Rights asserts the principle of non-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 any distinction as to sex,

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Concerned that, despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that discrimination against women is incompatible with human dignity and with the welfare of the family and of society, prevents their participation on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,

Bearing in mind the great contribution made by women to social, political, economic and cultural life and the part they play in the family and particularly in the rearing of children,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Solemnly proclaim this Declaration: /

GENERAL PROVISIONS

Article 1

In this 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 nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any field of public life.

Alternative text of article 1

/The term "discrimination" for the purposes of this Convention shall mean any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women, on an equal footing with men, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. /

Article 2

States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women in all its forms, denying or limiting as it does their equality of rights with men, and to this end:

(a) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation, discrimination against women and undertake to establish adequate legal protection for equal rights of men and women, and to give effect to the rights recognized in this Convention where existing legislative or other measures are not sufficient for the purpose and in particular: each State Party shall embody the principle of equality of rights in its Constitution, if not yet incorporated, or shall guarantee by law, the practical realization of this principle;

(b) Each State Party undertake: to engage in no act or practice of discrimination against women and to ensure that public authorities and public institutions, national and local, shall act in conformity with this obligation;

(c) Each State Party undertakes not to sponsor, defend or support discrimination against women by any person or organizations;

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

Alternative text of article 2

/States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women in all its forms, denying or limiting as it does their equality of rights with men./

Article 3

States Parties shall undertake, in the social, economic, cultural and other fields, all appropriate measures to ensure the adequate 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.

Article 4 b/

1. The establishment of special temporary conditions for women aimed at establishing de facto equality shall not be considered discriminatory.

2. Measures undertaken for the protection of women at certain branches of work due to their physical nature and for the /promotion of the welfare of mothers/ c/ shall not be interpreted as violating the principle of equality of rights of men and women.

Article 5

1. States Parties shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women, or on stereotyped roles for women, and for the recognition that the protection of motherhood is a common interest of the entire society which should bear responsibilities for it.

b/ Several members of the Working Group proposed the deletion of this article.

c/ One representative expressed reservations concerning this phrase.

/...

2. Any advocacy of the superiority of one sex over the other and of discrimination on the basis of sex shall be prohibited by law. d/

Alternative text of article 5

States Parties shall take all appropriate measures to educate public opinion and to direct national aspirations towards the eradication of prejudices and the abolition of customary and all other practices which are based on the idea of the inferiority of women, or on stereotyped roles for women.

Article 6

Each State Party agrees to repeal all provisions of national penal codes which constitute discrimination against women.

Article 7

Each State Party agrees to take all appropriate measures, including legislation, to combat all forms of traffic in women and exploitation of prostitution of women.

POLITICAL RIGHTS

Article 8

States Parties shall undertake all appropriate measures to ensure to women on equal terms with men, without any discrimination, equal opportunities to participate in the political and public life of the country, and in particular:

- (a) To vote in all elections and 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 at the national and local levels;
- (c) To vote in all public referenda;
- (d) To participate in non-governmental organizations and associations.

d/ Some representatives proposed the deletion or the reformulation of this paragraph on the grounds that it restricted freedom of speech.

Article 9

1. States Parties shall grant women the same rights as men to acquire, change or retain their nationality and shall require, in particular, that neither marriage of a woman to, nor dissolution of her marriage from, an alien nor the change of nationality by her alien husband during marriage shall automatically change her nationality, render her stateless or force upon her the nationality of her husband.
2. Each State Party agrees that a woman of foreign nationality who is married to a national of its country may, at her request, acquire her husband's nationality through specially privileged naturalization procedures; the grant of such nationality may be subject to limitations as may be imposed in the interests of national security or public policy.

Alternative text of article 9, paragraph 2

2. Each State Party agrees that:

(a) The alien husband or wife of one of its nationals may, at his or her request, acquire the nationality of his or her spouse through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

(b) The present Convention shall not be construed as affecting any legislation or judicial practice by which the alien husband or wife of one of its nationals may, at his/her request, require his/her spouse's nationality as a matter of right.

3. States Parties agree to grant women equal rights with men to transmit their nationality to their children. e/

SOCIAL AND ECONOMIC RIGHTS

Article 10

Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the field of education, which education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms and, in particular:

(a) Equal conditions of access to, and study in educational institutions of all types, in rural as well as in urban areas, including universities, vocational, technical and professional schools, and pre-school institutions;

e/ Several representatives expressed reservations on this paragraph.

(b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;

(c) Equal opportunities to benefit from scholarships and other study grants;

(d) Equal opportunity for access to programmes of continuing education, including adult literacy programmes;

(e) Access to educational information to help in ensuring the health and well-being of families, this to include information on family planning.

Article 11

The States Parties shall adopt all necessary measures to ensure to women, married or unmarried, the same rights and opportunities as men in the field of employment and other social and economic activity and, in particular:

(a) The right to work, which includes the right of all persons to an opportunity to earn their livelihood by work which they freely choose or to which they freely consent and the right to be employed in their field of specialization in accordance with their level of qualifications;

(b) The right to take employment and to continue their activity in the labour force and in professions irrespective of marital status or of spouse's consent;

(c) The right to equal remuneration with men for work of equal value as defined by the relevant Convention of the International Labour Organisation on the subject;

(d) The right, without discrimination on grounds of sex, to receive equal initial or basic vocational training for preparation for employment, and advanced training on an equal footing with men for promotion and in the event of changes in the conditions of production or technical advances and, where necessary, /free retraining/ f/ and restoration of levels of qualification after an enforced interruption resulting from the fulfilment by women of their maternal obligations;

(e) An equal right to paid annual leave and to material security in case of unemployment, sickness, disability, old age or other incapacity to work; an equal right to old-age pension coverage, option for a lower pensionable age and a shorter period of employment for the award of a pension being established in the case of women;

(f) The right to receive family allowance on equal terms with men;

f/ /opportunity for retraining/.

(g) The entitlement of women who are employed for an incomplete working day or an incomplete working week, and who receive payment in proportion to the time worked or on the basis of output, to rights, privileges and benefits on the same basis as those granted to full-time workers.

Alternative text g/

1. States Parties shall adopt all appropriate measures to ensure to women, married or unmarried, equal rights with men in the field of economic and social life and, in particular:

(a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment and to professional and vocational advancement;

(b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;

(c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;

(d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work States Parties shall undertake measures:

(a) To prevent the dismissal in the event of marriage or maternity;

(b) To encourage the provision of paid maternity leave with the guarantee of returning to former employment;

(c) To encourage the provision of the necessary supportive social services.7

Article 12 h/

States Parties undertake to progressively adopt all necessary measures to ensure protection for women workers and, in particular

1(a) To restrict the employment of women workers in heavy labour and under working conditions that are physically harmful to women;7 i/

g/ This text was proposed in substitution of articles 11, 12, 13 and 14.

h/ One representative proposed the deletion of this article. See also foot-note 30 above.

i/ Some representatives were not in favour of this clause.

/...

(b) To provide appropriate working conditions for pregnant women and nursing mothers, including, where necessary, their transfer to lighter work with retention of the earnings received in their previous employment;

(c) To grant adequate maternity leave with pay equivalent to their earnings and without loss of the job held;

(d) To prohibit the dismissal of women who are taking maternity leave and the dismissal of women because they are pregnant or are nursing a child;

(e) To grant nursing mothers additional paid work breaks to nurse their infants;

(f) To make provision for granting mothers paid leave to care for sick children;

(g) To grant women free medical care during pregnancy, confinement and the post-natal period;

(h) Special assistance to mothers with large families and unwed mothers.

Alternative text of article 12

/States Parties undertake progressively to adopt all necessary measures to ensure protection for women workers and, in particular:

(a) To prohibit discrimination against working women because of pregnancy, childbirth or maternity;

(b) To require that absence from work necessitated by complications of pregnancy and childbirth be treated for purposes of employment the same as any other temporary disability is treated under the law and in employer practices;

(c) To encourage the granting of paid leave for parents of either sex for purposes of child care;

(d) To prohibit the dismissal of women who are taking maternity leave and the dismissal of women because they are pregnant or nursing a child;

(e) To make provision for granting parents paid leave to care for sick children;

(f) To encourage the granting of free medical care to women during pregnancy, confinement and the post-natal period;

(g) Special assistance to needy parents.7

/...

Article 13 j/

The States Parties shall adopt all necessary measures to enable women to combine the fulfilment of family and maternal obligations with activity in the labour force, in professions and in public life and shall for that purpose promote the establishment of special institutions, particularly institutions for the care of children of working mothers (crèches, kindergartens, extended day groups for school children, extra-scholastic institutions and the like), either free or subject to a moderate charge for the care of the children.

Alternative text of article 13

/The States Parties shall encourage measures to enable parents to combine fulfilment of family parental obligations with activity in the labour force, in professions and in public life and shall for that purpose promote the establishment of child care facilities as needed as a co-operative effort of government, business and industry and other institutions and organizations in the private sector./

Article 14 j/

The provisions of articles 11, 12, 13 and 14 shall apply to all women without exception, /who are gainfully employed~~/ k/~~ in State co-operative, public and private institutions, industrial and non-industrial enterprises and other organizations in agriculture and on plantations, and also to women who perform for any organizations or individuals remunerated work at home or who are gainfully employed in domestic work.

Additional article

In order to safeguard the health and promote the welfare of mothers, States Parties shall undertake progressively to provide for women in connexion with their pregnancies, free medical care which shall include examination and treatment in the ante- and post-natal periods and during confinement.

j/ See foot-note g above.

k/ One representative proposed the deletion of these words on the grounds that the provisions of the relevant articles should apply to all women without this qualification.

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 equal civil and legal capacity with men in all stages of procedure in courts and tribunals.
3. The States Parties agree that all contracts directed at restricting the legal capacity of women shall be deemed null and void.
4. The States Parties shall accord men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence.

Article 16

1. The States Parties shall adopt all necessary measures to ensure the full equality of women with men in all matters relating to marriage and family relations, including:
 - (a) The same right as men to enter into the marriage state;
 - (b) The same right as men to free choice of a spouse and to enter into marriage only with their free and full consent;
 - (c) Equal rights and duties with men during marriage and at its dissolution; 1/
 - (d) Equal rights and duties with men in matters relating to their children except in case of her being a single parent. In all cases the interests of the children shall be paramount; 1/
 - (e) Recognition of equal rights to be guardians and trustees, and also of an equal right to adopt children;
 - (f) Provision in law for the equal personal rights of men and women, including the right to choose a family name, profession and occupation;
 - (g) Recognition of equal rights of men and women in respect of the ownership, use and disposition of their property while the existence in law of a compulsory régime of conjugal property - community or division - must not entail a reduction or restriction of the property rights of women/.

1/ One representative expressed reservations concerning this clause.

2. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective 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.

3. To eliminate discrimination against unwed mothers and to give effect to the principle proclaimed in the Declaration of the Rights of the Child that all children shall be protected irrespective of the circumstances of their birth, the States Parties shall provide that all children shall enjoy equal rights and equal social protection.

FINAL PROVISIONS

Article 17 m/

None of the provisions of this Convention may be regarded as diminishing the significance of the existing domestic legislation of countries if that legislation provides for more extensive rights for women.

Additional paragraph of article 17 n/

Nothing in this Convention should affect existing conventions adopted under the auspices of the United Nations or its specialized agencies and having as their object the regulation of various aspects of the status of women.

Article 18

This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it at any time.

Article 19

1. A request for the revision of this 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.

m/ Some representatives expressed reservations concerning articles 17 to 22.

n/ See Official Records of the Economic and Social Council, Fifty-sixth Session, Supplement No. 4 (E/5451), para. 90.

Article 20

Each Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of this Convention, compel it to do so. It shall give notice of such withdrawal three months in advance to all Parties to the Convention and to the Secretary-General of the United Nations. Such notice shall include a statement of the extraordinary events it regards as having compelled it to take such action.

Article 21 o/

1. State Parties undertake to submit every four years to the Secretary-General reports on legislative, administrative and practical measures which they have adopted in implementing the provisions of the present Convention. p/
2. Every four years following this Convention's entry into force, the Commission on the Status of Women shall consider the question of the status of the implementation of the Convention by the States Parties, and submit the report to the Economic and Social Council.
3. Specialized agencies shall be entitled to be represented at the consideration of the said reports.

Article 22

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

o/ See also alternative text appearing in square brackets after article 24 below.

p/ One representative proposed the inclusion as a second clause of this paragraph of the following provision: "In cases where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Convention, it will not be necessary to reproduce that information, but a reference to the information so furnished will suffice."

/...

Article 23

The Secretary-General of the United Nations shall inform States of the following:

- (a) Signatures, ratifications and accessions under article ...
- (b) The date of entry into force of the present Convention under article ...
- (c) Denunciations in accordance with article ...

Article 24

This Convention, the Russian, Chinese, English, French and Spanish texts of which are equally authentic, shall be deposited in the archives of the United Nations. Duly certified copies of this Convention shall be transmitted to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Convention.

Alternative text of article 21

/First alternative article/

1. There shall be established a Committee on the Convention on the Elimination of Discrimination against Women (hereafter referred to as the Committee) consisting of experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, g/ preferably members of the Commission on the Status of Women, 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 of the principal legal systems.

2. 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. r/

g/ One representative proposed that the words "nationals, preferably members" should be replaced by "nationals, or those of another State, preferably members".

r/ One representative proposed that either the phrase "from among its own nationals" be deleted, or that the phrase "or those of another State" be added at the end of the original sentence.

/...

3. 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.

4. 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 and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of six 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 members shall be chosen by lot by the Chairman of the Committee.

(b) 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. s/

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

/Second alternative article/

/I. 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 and which give effect to the provisions of this Convention: within one year after the entry into force of the Convention of the State concerned, and thereafter every two years t/ and whenever the Committee so requests. The Committee may request further information from the States Parties.

s/ One representative proposed that when an expert ceases to function as a member of the Committee, it should not be the State Party but the Committee that should appoint another expert, who would serve until the expiration of the term of the office which has been vacated.

t/ One representative proposed that the States Parties should report every four years after the initial report which would be within a year, thus reducing the financial implications.

/...

(a) Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to this Convention, it will not be necessary to reproduce that information but a precise reference to the information so furnished will suffice.

(b) Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provision of this Convention as fall within the scope of their activities. They shall be entitled to submit reports on the implementation of relevant instruments adopted by them or under their auspices, including particulars of decisions and recommendations on such implementation adopted by their competent organs.

2. Specialized agencies shall be able to receive copies of such parts of the reports by Governments on this Convention as fall within the scope of their activities.

3. The Committee shall report annually, u/ through the Secretary-General, to the General Assembly of the United Nations on its activities and 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 reported to the General Assembly together with comments, if any, from States Parties. /

u/ One representative suggested the substitution of the phrase "as necessary" for the word "annually".