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COMMISSION ON THE STATUS OF WOMEN
WORKING GROUP ON A NEW INSTRUMENT
OR INSTRUMENTS OF INTERNATIONAL
LAW TO ELIMINATE DISCRIMINATION
AGAINST WOMEN

DRAFT REPORT OF THE WORKING GROUP TO THE
COMMISSION ON THE STATUS OF WOMEN

INTRODUCTION

1. The Working Group on a New Draft Instrument or Instruments of International Law to Eliminate Discrimination against Women was established by the Commission on the Status of Women in resolution 5 (XXIV). Under this resolution the Commission decided to establish a Working Group composed of 13 to 15 of its members appointed with due regard to the principle of equitable geographical distribution to meet five days before the beginning of the twenty-fifth session of the Commission and "begin work on the preparation of a new draft instrument or instruments of international law to eliminate discrimination against women, in the light of Governments' views or proposals concerning the nature and content of such an instrument and the Secretary-General's report (E/CN.6/552)".
2. The Commission further agreed at its 507th meeting that the Working Group should be appointed by the Economic and Social Council in 1973, taking into account the membership of the Commission at its twenty-fifth session in 1974. 1/
3. At its 1856th and 1877th meetings the Council subsequently elected the following members of the Group: Canada, Chile, Colombia, Dominican Republic, Egypt, Finland, Hungary, Indonesia, Liberia, Nigeria, Philippines, USSR, United Kingdom of Great Britain and Northern Ireland, United States of America and Zaire.
4. In its resolution 5 (XXIV) the Commission on the Status of Women also invited the Secretary-General to call upon the States Members of the United Nations to transmit their views or proposals concerning the nature and content of a new instrument or instruments of international law to eliminate discrimination against women and to prepare a Working Paper taking into account the replies of Governments for consideration by the Working Group.
5. In accordance with this request the Secretary-General prepared a working paper (E/CN.6/573) based on the replies received from 28 Governments.

I. ORGANIZATION OF THE WORK OF THE WORKING GROUP

Duration of the work

6. The Working Group met at the United Nations Headquarters from 7 to January 1974, and held meetings.

Attendance

7. The meetings were attended by representatives of 13 members of the Working Group, by observers from four States, by representatives of two specialized agencies and of one non-governmental organization. A full list of those attending is given in annex I.

1/ Economic and Social Council, Official Records, Fifty-second Session, Supplement No. 6, para. 101.

Election of officers

8. At the first meeting, on 7 January 1974, the Working Group unanimously elected the following officers: Chairman: Dr. Licelot Marte de Barrios (Dominican Republic), Vice-Chairman: Mrs. Hanna Bokor (Hungary), Rapporteur: Mrs. Aziza Hussein (Egypt).

Agenda

9. The Working Group also unanimously adopted at its first meeting the provisional agenda (E/CN.6/AC.1/L.1) drawn up by the Secretary-General which reads as follows:

1. Election of officers
2. Adoption of the agenda
3. Consideration of proposals concerning a new instrument or instruments of international law to eliminate discrimination against women
4. Preparation of a new instrument or instruments

CONSIDERATION OF PROPOSALS CONCERNING A NEW INSTRUMENT OR
INSTRUMENTS OF INTERNATIONAL LAW TO ELIMINATE DISCRIMINATION
AGAINST WOMEN

10. The Working Group considered item 3 of its agenda at its first and second meetings and examined the working paper prepared by the Secretary-General 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.

11. The representative of the Secretary-General in presenting the report drew attention to its part VII, i.e. "Questions on which the Working Group and the Commission may wish to make recommendations", and in particular to the decision to be taken by the Working Group whether to recommend the preparation of (a) one comprehensive convention covering the whole field of discrimination against women; (b) one or more conventions dealing with specific rights or groups of rights; or (c) both a single convention and specific conventions.

12. The representative of the Secretary-General noted that a larger number of Governments which submitted comments appeared to favour the first course of action, namely: one comprehensive convention covering the whole field of discrimination against women.

13. She also drew attention to the text of the draft Convention on the Elimination of Discrimination against Women proposed by the Philippines (containing a definition of discrimination against women, general provisions and substantive articles), which was reproduced in annex I of document E/CN.6/573.

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14. The representative of the Philippines submitting the draft Convention on the Elimination of Discrimination against Women noted that their draft Convention was based on the Declaration on the Elimination of Discrimination against Women with few changes.
15. The representative of the USSR also submitted a draft Convention on the Elimination of All Forms of Discrimination against Women (E/CN.6/AC.1/L.2).
16. In presenting the draft Convention, the representative of the USSR stated also that it was based on the Declaration on the Elimination of Discrimination against Women of 1967 but at the same time took into account certain changes which had taken place since the adoption of the Declaration. She noted that the proposed draft Convention was broader in scope than the Declaration but, at the same time included only fundamental aspects of women's rights and avoided detailed and specific provisions which were already embodied in the International Labour Organisation and UNESCO Conventions.
17. Most of the representatives in their statements expressed their concern with respect to the discrimination against women which still persists in law and in fact and underlined the necessity of effective measures on the part of the United Nations to eliminate it. Therefore the need for new instruments in this field was considered both useful and necessary. Reference was made to the Declaration on the Elimination of Discrimination against Women, which covered practically all fields of discrimination on the ground of sex. It was remarked however that the Declaration had no binding character and the need for a comprehensive convention based on the Declaration was emphasized.
18. The representative of the International Labour Office stated that it would be very desirable that a new instrument of international law to eliminate discrimination against women would contain only general and the most important provisions with respect to the elimination of discrimination on the ground of sex and promotion of equality between men and women in order not to overlap with the provisions of the conventions in this field adopted by specialized agencies and in particular by the International Labour Organisation.
19. At its second meeting the Working Group decided by consensus to recommend to the Commission on the Status of Women the preparation of a draft single comprehensive convention on the elimination of discrimination against women 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.

PREPARATION OF A NEW INSTRUMENT OR INSTRUMENTS

20. The Working Group considered item 4 of its agenda at its third to ninth meetings.
21. The representative of the United Kingdom submitted amendments to the draft Convention on the Elimination of Discrimination against Women which had been submitted by the Philippines (E/CN.6/AC.1/L.3).

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22. The representatives of the Philippines and the USSR submitted a common draft of the general provisions, including the definition of the term "discrimination against women" and of the substantive articles of the draft Convention and proposed that the title should read: draft Convention on the Elimination of All Forms of Discrimination against Women (E/CN.6/AC.1/L.4; L.4/Corr.1; L.4/Add.1; Add.2; Add.3; Add.4, Rev.1).

23. Amendments to the joint draft Convention were submitted by the representatives of Egypt, Finland, United Kingdom and United States, as well as by the representative of the International Labour Organisation (E/CN.6/AC.1/L.7; L.8; L.9/Corr.1; L.10; L.11).

24. At its 9th meeting the Working Group also considered the preamble and the final clauses of the draft Convention on the Elimination of All Forms of Discrimination against Women submitted by the USSR as orally revised by the sponsor (E/CN.6/AC.1/L.2), together with proposals with respect to the system of implementation of the draft Convention submitted by Egypt, Nigeria and Zaire (E/CN.6/AC.1/L.5).

25. The changes introduced in the articles of the common Philippines-USSR draft Convention on the Elimination of All Forms of Discrimination against Women, together with the amendments suggested, were summarized by the Secretariat in documents E/CN.6/AC.1/L.6; L.6/Add.1).

26. The Working Group decided not to vote on particular articles but, where consensus was not reached, to submit alternative texts to the Commission without indicating the sponsors of particular texts.

27. The results of the Working Group's deliberations are presented below.

Where the Working Group did not reach a consensus and alternative texts were proposed or recommendations made or reservations expressed, these have been reflected in connexion with the relevant articles.

PREAMBLE

28. 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,

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:

29. The alternate text proposed was the preamble of the Declaration on the Elimination of Discrimination against Women, which reads:

CONSIDERING that the peoples of the United Nations have, in the Charter, reaffirmed 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 PROCLAIMS 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:

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, including punishment in the event of violation of the law/ 2/ 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.

Alternative text:

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.

2/ Finland considered this phrase redundant, since the phrase "including legislation" earlier in the paragraph covers punishment in the event of violation of the law.

Article 4

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/ 3/ shall not be interpreted as violating the principle of equality of rights of men and women.

Several members of the Working Group proposed the deletion of article 4.

Article 5

1. The States Parties shall adopt all necessary measures with a view to educating public opinion for the complete eradication of prejudices, customs and all other practices based on the concept of the inferiority of women or on stereotyped roles of women, and for the recognition that the protection of motherhood is a common interest of the entire society which should bear responsibility for it.
- /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. / 4/

Alternative text 1:

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.

Alternative text 2:

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 6

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

3/ Nigeria expressed reservations concerning this phrase.

4/ Colombia, Finland and the United States of America proposed the deletion or the reformulation of this paragraph on the grounds that it restricted freedom of speech.

/...

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.

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.

Suggested alternative text:

1(a) Each State Party agrees that 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) Each State Party agrees that 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.^{5/}

3. States Parties agree to grant women equal rights with men to transmit their nationality to their children.^{5/}

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

The State 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;

^{5/} Several members of the Working Group expressed reservations on this paragraph.

(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 ILO Convention 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/ 6/ 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;

/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: 7/

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.

6/ Alternative text: "opportunity for retraining".

7/ This text was proposed in substitution of article 11, as well as articles 12, 13 and 14.

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

Article 12 8/

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; 9/

(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:

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

8/ The United Kingdom proposed the deletion of this article.

9/ Egypt, Finland and the United States of America were not in favour of this clause.

- (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 are 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.

Article 13 10/

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:

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.

^{10/} See also paragraph concerning article 11, which includes provisions relevant to this article.

Article 14 11/

The provisions of articles 11, 12, 13 and 14 shall apply to all women, without exception, who are gainfully employed/ 12/ 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 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;

11/ See paragraph above for the position of the United Kingdom with respect to this article.

12/ Colombia proposed the deletion of these words, on the grounds that the provisions of the relevant articles should apply to all women without this qualification.

(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; 13/

(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; 13/

(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.

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 14/

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.

13/ The United Kingdom expressed reservations concerning these clauses.

14/ The United Kingdom and the United States of America expressed reservations concerning articles 17, 18, 19, 20, 21 and 22.

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.

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 15/

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 the report to the Economic and Social Council.
3. Specialized agencies shall be entitled to be represented at the consideration of the said reports.

15/ The USSR proposed the inclusion into this article (as the second clause of paragraph 1) 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."

Alternative

Additional articles relating to implementation procedures

Article 1

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 individuals of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, 16/ 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 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. 17/

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

16/ The United States proposed that the words "or of another State" be inserted between the words "nationals" and "preferably".

17/ The United States 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.

Article 2

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: (a) within one year after the entry into force of the Convention of the State concerned; and (b) thereafter every two years 18/ 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 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.

3. 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.

4. The Committee shall report annually, 18/ 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.

Additional Articles

The following additional articles to "final clauses" were proposed. 19/

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.

18/ The United Kingdom 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.

19/ USSR.

/...

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 23

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

- (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.

/...

Annex I

ATTENDANCE

MEMBERS

CANADA: Mrs. Rita Cadieux
CHILE: Mrs. Lucia Suarez de Ernst
COLOMBIA: Mrs. Lilia Sanchez
DOMINICAN REPUBLIC: Mrs. Licelot Marte de Barrios
EGYPT: Mrs. Aziza Hussein
FINLAND: Mr. Voitto Saario
HUNGARY: Mrs. Hanna Bokor
NIGERIA: Mrs. Ruda Fitenwa Mohammed
PHILIPPINES: Mrs. Leticia Shahani
UNION OF SOVIET SOCIALIST REPUBLICS: Mrs. Tatiana Nicholaeva
UNITED KINGDOM: Dr. Janet Cockroft
UNITED STATES OF AMERICA: Mrs. Patricia Hutar
ZAIRE (Republic of): Mrs. Sckela Kaninda

STATES MEMBERS OF THE UNITED NATIONS:

OBSERVERS:

Represented by

China, Cuba, Guinea, Yugoslavia

Specialized agencies

International Labour Organisation, UNESCO

Non-governmental organizations

Category I: International Confederation of Free Trade Unions.
