

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
LIMITED

E/CN.6/AC.1/L.2
7 January 1974
ENGLISH
ORIGINAL: RUSSIAN

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

Item 3 of the agenda

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

Working paper submitted by the Union of Soviet Socialist Republics

74-00376

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WORKING PAPER

for use in the Working Group of 15 countries and at the twenty-fifth session of the United Nations Commission on the Status of Women in connexion with the discussion of the text of a 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:

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

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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:

GENERAL PROVISIONS

Article 1

Discrimination against women, that is, the direct or indirect denial or the limitation of the equality of rights of women with men or the granting of direct or indirect advantages and preferences to men, thereby nullifying, or violating the principle of, equality of opportunities in all aspects of social and family life, is unjust and is incompatible with human dignity.

Article 2

The establishment of special conditions for women and of additional rights and advantages constituting special measures aimed at establishing de facto equality, shall not be considered discriminatory.

The establishment of special measures for the protection of working women which are dictated by their physical nature and measures to protect the interests of mothers and children shall not be interpreted as violating the principle of equality of rights of men and women.

Article 3

The States Parties undertake to prevent, prohibit and eradicate in their territory all practices which are discriminatory towards women, taking all necessary steps to establish the appropriate legal protection of the equality of women with men, in particular:

(1) Embodiment of the principle of equality of the sexes in the constitution and the enactment of laws granting women equal rights with men in society and the family;

(2) Repeal of laws imposing limitations on the rights of women as compared with the rights of men and aimed at discriminating against women:

(3) The enactment of laws prohibiting discrimination against women and providing for punishment in the event of violation of that principle;

(4) The establishment in legislation of guarantees safeguarding the possibility of the effective realization of equality of rights of women with men.

Article 4

In order to achieve de facto equality of rights of women with men, the States Parties undertake to give effect to the equality of rights of men and women provided for in legislation by creating the necessary actual conditions and guarantees.

Article 5

In order to enable women to combine successfully the fulfilment of their maternal obligations and participation in all spheres of national life, the States Parties shall enact appropriate laws and establish the necessary institutions for State protection of mothers and children. National legislation must contain provisions for the special protection of women workers.

Article 6

The States Parties shall adopt all necessary measures with a view to preparing public opinion for the complete eradication of prejudices, customs and all other practices based on the concept of the inferiority of women and for recognition of motherhood as a social function.

POLITICAL RIGHTS

Article 7

The States Parties shall ensure women an opportunity to participate, on equal terms with men and without discrimination of any kind, in the political and social life of the country, and in particular:

- (1) To elect and be elected to any central or local representative State organ or public organization;
- (2) To participate in the administration of the country and in the management of State affairs at any level;
- (3) To hold any post in the State apparatus in organs of local self-government;
- (4) To perform any other public function.

Article 8

The States Parties grant women the same rights as men to acquire, change or retain their nationality and lay down, in particular, that marriage does not automatically change the nationality of the wife, does not render her stateless and does not force upon her the nationality of her husband.

At the same time, 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 simplified procedures.

SOCIAL AND ECONOMIC RIGHTS

Article 9

The States Parties shall adopt all necessary measures to ensure to women, married or unmarried, the same rights, conditions and opportunities as men in education at all levels, and in particular:

- (1) Equal conditions of access to, and study in, educational institutions of all types and at all levels, including universities and vocational, technical and professional schools, and equal means and opportunities for vocational guidance;
- (2) The establishment for persons of both sexes of the same 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;

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- (3). Equal opportunities to benefit from scholarships and other study grants;
- (4) The earliest practicable elimination of illiteracy among women where it exists and the acquisition of at least a primary education by women.

Article 10

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 labour and other social and economic activity, and in particular:

- (1) The right to work, which includes the right of every person to an opportunity to earn his livelihood by work which he freely chooses or to which he freely consents and the right to be employed in his field of specialization in accordance with his level of qualification;
- (2) The right to take employment and to continue their activity in the labour force and in professions whether or not they marry and whether or not the husband's consent is obtained;
- (3) The right to equal remuneration with men for equal work;
- (4) The right, without discrimination on grounds of sex, to receive equal vocational training and advanced training in the event of changes in the conditions of production or technical advances and, where necessary, free retraining and restoration of levels of qualification after an enforced interruption resulting from the fulfilment by women of their maternal obligations;
- (5) 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, a lower pensionable age and a shorter period of employment for the award of a pension being established in the case of women;
- (6) The retention by 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, of all rights, privileges and benefits established for those employed for a full working day.

Article 11

Having regard to the special physical characteristics of women and recognizing that motherhood is a social function and is entitled to protection by the State and by society as a whole, the States Parties undertake to adopt all necessary measures to ensure special protection for women workers, and in particular:

- (1) To restrict the use of women workers in heavy labour and under working conditions that are physically harmful to women and to restrict the use of women for night work;

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(2) To provide easier 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.

(3) To grant not less than 14 weeks' maternity leave with pay equivalent to their earnings and without loss of the job held:

(4) 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;

(5) To grant women with children under one year of age additional paid work breaks to nurse them;

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

(7) To grant women free medical care during pregnancy, confinement and the postnatal period and up to the end of the child's first year.

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 special institutions, particularly:

- Institutions for the care of working mothers (crèches, kindergartens, extended-day groups for school children, extrascholastic institutions and the like), either free or subject to a moderate charge for the care of the children;

- Special assistance to mothers with large families and unwed mothers.

Article 13

The provisions of this section shall apply to all women, without exception, who are gainfully employed 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.

CIVIL AND FAMILY RIGHTS

Article 14

The States Parties shall accord to women equal civil capacity and competence with men and undertake to remove any restrictions on the capacity and competence of women, in particular upon entry into marriage.

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All contracts directed at restricting the capacity and competence of women shall be deemed to be null and void.

Women shall be recognized to have, and shall be guaranteed, equal personal and property rights with men.

Article 15

The States Parties shall accord to women equal rights with men in civil matters and in legal procedure, including the rights of plaintiff and defendant and equal rights of defence in administrative or criminal cases.

Article 16

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:

- (1) Prohibition of child marriage and the betrothal of girls below the legally prescribed age;
- (2) Guarantee to women of an equal right with men to choose their spouse freely and to enter into marriage only with their freely given consent;
- (3) Provision in law for the equal personal rights of men and women, including the right to choose a family name, profession, occupation and place of residence;
- (4) 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;
- (5) Guarantee of equal rights in the dissolution of marriage;
- (6) Establishment of equal rights and duties of fathers and mothers in respect of minor children, including rights of choosing the place of residence, deciding on the children's upbringing and education and on their material security, and defence of their rights and interests both during their parents' marriage and in the event of dissolution of the marriage;
- (7) Recognition of equal rights to be guardians and trustees, and also of an equal right to adopt children;
- (8) Provision for the right to receive family allowances on equal terms with men.

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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 undertake to create no distinctions of legal status as between children born in and out of wedlock and shall provide that all children shall enjoy an equal measure of social protection.

Article 17

The States Parties shall adopt all necessary measures, including legislative measures, to ensure the complete elimination of all forms of traffic in women and prostitution.

FINAL PROVISIONS

Article 18

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 19

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 20

(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 21

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 22

Every four years following this Convention's entry into force, the Economic and Social Council of the United Nations shall consider the question of the status of the implementation of the Convention in order to satisfy itself that the purposes stated in the preamble and articles of the Convention are being carried out.

Article 23

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.
