



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/32/218/Add.1  
12 October 1977

ORIGINAL: ENGLISH

Thirty-second session  
Agenda item 85

UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE

Draft Convention on the Elimination of  
Discrimination against Women

Report of the Secretary-General

Addendum

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## I. INTRODUCTION

1. The present document supplements the report of the Secretary-General on the draft Convention on the Elimination of Discrimination against Women (A/32/218). It is based on replies received from 10 Governments <sup>1/</sup> in response to Economic and Social Council resolution 2058 (LXII) of 12 May 1977.
2. This addendum consists of an analysis of the eight substantive replies received with respect to the different parts and articles of the draft Convention, general observations on the draft Convention as well as comments, amendments and new versions proposed with respect to the preamble, general provisions, articles on political rights, social and economic rights, civil and family rights and final provisions.
3. The reply sent by the Government of India is devoted to the relationship between the position of women in India and the respective provisions of the draft Convention completed by the Commission on the Status of Women at its twenty-sixth resumed session.
4. The Government of Mauritius stated that "it would be hazardous to express a view without a thorough study of all the specific laws in which women's rights and obligations are affected one way or the other when compared with the rights and obligations of men and considered that it would not be appropriate to offer final comments now".

## II. GENERAL OBSERVATIONS ON THE DRAFT CONVENTION, THE TITLE AND THE PREAMBLE

### A. General observations

5. The Byelorussian Soviet Socialist Republic, Canada and the Ukrainian Soviet Socialist Republic expressed their support for the draft Convention. Thus, the Byelorussian Soviet Socialist Republic noted that the draft Convention represented a generally acceptable basis for the adoption of a Convention by the General Assembly. The Ukrainian Soviet Socialist Republic emphasized that the draft as a whole corresponded to the purposes and provisions of documents previously adopted by the United Nations in connexion with the International Women's Year and the United Nations Decade for Women.
6. However, Canada and Sweden indicated that they would have preferred a Convention which addressed itself to discrimination against either sex, rather than the proposed convention which concerns only discrimination against women.

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<sup>1/</sup> Argentina, Byelorussian Soviet Socialist Republic, Canada, Greece, India, Mauritius, Norway, Sweden, Ukrainian Soviet Socialist Republic and United Kingdom of Great Britain and Northern Ireland; (the full texts of the replies are available for consultation in the Secretariat).

7. Sweden also considered necessary that the text of the Convention should conform with the World Plan of Action, adopted by the World Conference of the International Women's Year at Mexico City and with the ILO Declaration and Plan of Action on Equality of Opportunities and Treatment for Women Workers. Moreover, Sweden would prefer to replace the concept of "motherhood" with that of "parenthood" as it considered that responsibility for the up-bringing of children should be divided equally between the parents.

B. Title

8. There were no comments with respect to the title of the draft Convention.

C. Preamble

Paragraph 3

9. The Byelorussian Soviet Socialist Republic suggested that the wording of this paragraph of the preamble should be made somewhat more specific and offered a new version, which would read as follows:

"Noting that, in accordance with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, States have the obligation to secure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,".

Paragraph 5

10. Both the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic proposed that, for the sake of greater exactitude, the words "in a number of parts of the world" should be added at the end of the fifth paragraph.

Paragraph 8

11. The Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic shared the opinion that the eighth preambular paragraph should emphasize the importance of the relaxation of international tension and of the struggle against neo-colonialism, zionism and foreign domination, and the need to reaffirm the principles of justice, equality and mutual benefit in relations between countries.

12. With that purpose, the Ukrainian Soviet Socialist Republic proposed an amendment to paragraph 8 of the preamble, i.e. the words "elimination of the gap between developing and developed countries" should be replaced by the words "the assertion of principles of justice, equality and mutual benefit in relations between countries".

13. The Byelorussian Soviet Socialist Republic proposed the rewording of this paragraph as follows:

"Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament under strict and effective international control, the elimination of colonialism, neo-colonialism, zionism, foreign domination and racism in all their forms, including apartheid, the affirmation of the principles of justice, equality and mutual benefit in relations between countries, and the right to self-determination are vital in promoting the fundamental rights of women in the achievement of which they should play their full part,".

14. The United Kingdom of Great Britain and Northern Ireland felt that paragraph 8 should be deleted, since, in its view, it was not related to the purpose of the Convention.

Paragraph 9

15. The Ukrainian Soviet Socialist Republic proposed an amendment to this paragraph, i.e. after require add the creation of conditions for.

Paragraph 10

16. Sweden proposed substituting, in paragraph 10 the word "parenthood" for the word "maternity" and inserting a new paragraph with the following wording (quoted from the ILO Declaration on Equality of Opportunities and Treatment of Women Workers): "Aware that the position of women cannot be changed without changing also the role of men in society and in the family".

III. GENERAL PROVISIONS

17. Canada would wish to see the inclusion of an introductory article to the draft Convention, clearly proscribing discrimination on the basis of marital status.

Article 1

18. There were no comments on this article.

Article 2

19. The Byelorussian Soviet Socialist Republic proposed a rewording of the introductory part of article 2 as follows:

"The States Parties condemn discrimination against women in all its forms denying or limiting as it does their equality of rights with men ...".

Article 2, paragraph (a)

20. Norway observed that this provision required States Parties to the Convention to incorporate into their Constitutions the principle of equality between the sexes. Norway stated that its Constitution did not include such provision today, nor was it considered desirable to undertake a constitutional amendment on this point.

Article 3

21. There were no comments on this article.

Article 4

22. Sweden proposed the deletion of paragraph 2.

Article 5

23. Sweden proposed that in paragraph 2, the word "motherhood" should be replaced by "parenthood" or "maternity".

Article 6

24. Argentina suggested that this article should be reworded in such a way that its purpose would be to eliminate discriminatory measures against women not only from penal codes, but also from all legislation the application of which precluded the attainment of the aim of ensuring to women conditions of equality with men.

25. The United Kingdom also suggested a rewording of this article as follows: "Each State Party agrees to review all provisions of national penal codes which constitute discrimination against women".

Article 7

26. Considering that this article referred to the practice of slavery, Argentina observed that it would be desirable to use a more peremptory form of words, such as:

"States Parties undertake to adopt all appropriate measures ...".

Argentina stated that in this connexion the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in resolution 317 (IV), should be borne in mind.

#### IV. POLITICAL RIGHTS

##### Article 8, paragraph (b)

27. The Byelorussian Soviet Socialist Republic observed that many resolutions adopted by the General Assembly and by the World Conference of the International Women's Year emphasized that it was also important for women to participate in activities at the international level. In the view of the Byelorussian Soviet Socialist Republic, it would therefore be logical to insert in article 8, paragraph (b), the word "international" before the word "national".

##### Article 9

28. Sweden stated that it could not commit itself on this point, as legislation on the subject was under review.

##### Article 9, paragraph 2

29. The Byelorussian Soviet Socialist Republic and Canada proposed the deletion of this paragraph. The Byelorussian Soviet Socialist Republic observed that article 9, paragraph 1, contained a general provision concerning the acquisition, change or retention of nationality by spouses, and that questions concerning the nationality of married women were settled in accordance with the Convention on the Nationality of Married Women. The Byelorussian Soviet Socialist Republic felt that, since the draft Convention under consideration was devoted to the protection of the rights of women, a provision on privileged procedures for men should not be included.

30. Canada found this provision contradictory to the Citizenship Act of Canada, which allowed no such special privileges (i.e. procedures through which the spouse of a national may acquire citizenship) to the non-Canadian spouses of citizens.

##### Article 9, paragraph 3

31. Argentina proposed the deletion of this paragraph, believing that its purpose was covered by article 16.

##### Article 9, paragraph 4

32. Norway objected to this paragraph. Norway observed that this paragraph required that women have the same right as men to transfer their nationality to their children and stated that this requirement was not fulfilled in the Norwegian Nationality Act. Under this Act, the basic principle was that children born in wedlock received the father's nationality. Consequently, this paragraph would make it difficult for Norway to ratify the Convention.

#### V. SOCIAL AND ECONOMIC RIGHTS

33. Canada noted that, in some cases, detailed clauses outlining economic and social rights were repetitions of earlier general clauses.

34. Sweden observed that with regard to appropriate means for the elimination of discrimination it was essential to stress that, apart from legislation, due consideration should be given to other possibilities of ensuring equal rights between the sexes on the labour market, such as collective agreements.

#### Article 10

35. Argentina suggested that the term "married or unmarried" should be replaced by "irrespective of their civil status".

#### Article 10, paragraph (c)

36. The United Kingdom proposed the deletion of this paragraph, since the basic point was covered in subparagraph 10 (b). The United Kingdom found that it was debatable where rigid application of the principle of co-education would have the desired effect.

#### Article 10, paragraph (f)

37. Argentina suggested that the term "girls" should be replaced by "women".

38. The United Kingdom proposed an amendment to this paragraph so that the text would be suitable for application in States where the drop out-rate was already equal as between boys and girls. The amended version would read:

"Measures to eliminate any factors causing a higher school drop-out rate among girls and the provision of programmes for young girls who have left school too early".

#### Article 10, paragraph (g)

39. Greece expressed reservation in regard to the family planning referred to in this paragraph, considering that, although the approach of this matter was correct, it may give rise to negative reactions.

#### Article 11

40. Argentina proposed that the word "married or unmarried" should be replaced by "irrespective of their civil status".

#### Article 11, paragraph 1 (b)

41. Argentina proposed that the phrase "without discrimination on grounds of civil status or any other grounds" should be deleted, since that was the purpose of the Convention and was expressed by the general context of the draft.

Article 11, paragraph 1 (c)

42. The United Kingdom proposed the deletion of the words "the evaluation of quality of".

Article 11, paragraph 2 (b)

43. The United Kingdom proposed the deletion of the words "the periods of leave being treated as equivalent to periods of work actually performed". The United Kingdom questioned whether it would be reasonable or equitable to require periods of leave to be treated as exactly equivalent to periods of work for all purposes.

Article 12

44. Argentina suggested that the introduction of this article should be replaced by a more comprehensive text, so that it would not be confined to rural areas, but would cover the most disadvantaged population groups, both in rural areas and among the lowest income urban groups.

Article 12, paragraph (b)

45. Greece expressed reservation with respect to this paragraph, since the question of family planning may give rise to negative reactions.

Article 13

46. Canada felt that article 13, paragraphs 1 and 4, relating to maternity and employment might more appropriately be placed in article 11.

47. Sweden observed that, bearing in mind the necessity of ensuring health and safety for all workers, it, however, opposed paragraphs on specific measures with regard to female employees only. It believed that protective measures at the place of work should be directed at the entire labour force.

Article 13, paragraph 1

48. Sweden proposed the removal of paragraph 1, which, in its view, did not seem to be properly connected with the rest of the article. The paragraph should be added to article 11 or made into a separate article.

Article 13, paragraph 2

49. The Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic objected to this paragraph. Noting their support for the necessity to take the appropriate measures "to ensure the health and safety of all workers, male and female, in their conditions of employment", they nevertheless suggested that this paragraph should be deleted in order to ensure that the text of the



Convention was relevant to its subject and served its main purpose, namely, the protection of women's rights.

Article 13, paragraph 3

50. The Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic proposed the deletion of this paragraph, since "protective legislation applying to women", i.e. special measures for the protection of women, could not be extended "to all workers", particularly considering that the adoption of such measures concerning women was provided for in paragraph 4 of the same article.

Article 13, paragraph 4

51. Norway observed that, if this paragraph involved the obligation to enact special rules for fertile women, this could be opposed in the Parliament. But if it were possible to interpret the article in such a way as to permit the requirements to be fulfilled by general protection rules, applying to men and women alike, there should be nothing to prevent ratification of the convention. Norway's assumption was that the elaboration of detailed provisions in this field would be left to the ILO which was working on amendments to the conventions and recommendations dealing with special protection for working women.

52. Sweden proposed the deletion of this paragraph or, as an alternative, the addition of a statement that measures should be undertaken to ensure action in this field with regard to the entire labour force.

VI. CIVIL AND FAMILY RIGHTS

Article 14

53. There were no comments on this article.

Article 15, paragraph 1 (d)

54. Argentina suggested that the words "whether married or not" should be replaced by the words "irrespective of their civil status".

Article 15, paragraph 3

55. The Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic objected to this paragraph, finding that it was inconsistent with the purposes of the Convention designed to eliminate discrimination against women.

VII. FINAL PROVISIONS

56. The United Kingdom proposed the insertion of a new article which would read as follows:

/...

"This Convention shall not apply in relation to service in the naval, military or air forces of States Parties".

Article 16

57. Canada considered that article 16 should be removed entirely from the Convention because it could permit some States to adopt protective legislation on the grounds that it was "more favourable to women", which was, according to Canada, not only a contradiction to the prohibition in the Convention against such legislation, but also to Canada's basic position on this matter.

Article 17

58. There were no comments on this article.

Article 18

59. There were no comments on this article.

Article 19

60. The Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic shared the opinion that there was no need to establish an ad hoc group for the purpose of considering the progress made in the implementation of the Convention by States Parties, since the Commission on the Status of Women was quite able to perform that role.

Article 19, paragraph 3

61. Norway supported the establishment of a body responsible for handling the various parties' reports, but was concerned at the possibility that the proposed formulation may result in the future of the Commission on the Status of Women being rendered immutable, when seen in the light of the extensive debate which was in progress regarding the reorganization of the social and economic sectors of the United Nations. Norway proposed an amendment to this paragraph, namely, after the Commission on the Status of Women add, "or other body under the Economic and Social Council that the Parties to the convention may nominate, shall establish ...". Subsequent mention of the Commission on the Status of Women, in view of Norway, may be supplemented by "or other relevant body under the Economic and Social Council appointed by the Parties to the convention".