



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr
LIMITED

E/CN.6/AC.1/L.6
9 January 1974

ORIGINAL: ENGLISH

WORKING GROUP ON A NEW DRAFT
INSTRUMENT OR INSTRUMENTS OF
INTERNATIONAL LAW TO ELIMINATE
DISCRIMINATION AGAINST WOMEN
Item 4 of the Agenda

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN

Articles Considered by the Working Group at its
fourth meeting on 8 January 1974

Working Paper by the Secretariat

General Provisions

Article 2

1. 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, 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

1. 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 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.

[Suggested alternative text by Egypt for paragraph 2: "The establishment of special measures for the protection of working women with family responsibilities to protect the interests of mothers and children shall not be interpreted as violating the principle of equality of rights of men and women."]

Note:

This article will be considered further in the light of the proposals relating to economic rights.

Article 5

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

Note:

This article will be considered further in the light of the proposals relating to economic rights.

Article 6

1. The States Parties shall adopt all necessary measures with a view to educating

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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.

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.

Suggested alternative texts of paragraph 1: Canada: Insert after the words: "inferiority of women" the words: "or on stereotyped roles for women".

USA: Replace "motherhood" by "childbearing"

Suggested alternative text of paragraph 2: USA: "Actions that constitute incitement to discrimination against women shall be prohibited by law".

Suggested alternative text for the whole article: U.K.: "All appropriate measures shall be taken 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" (Article 3 of the Declaration on the Elimination of Discrimination against Women).

Article 7

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

Article 8

1. 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 in accordance with international conventions and agreements in this regard.

Suggested alternative texts: Hungary: Delete "in accordance with international conventions and agreements in this regard".

U.K.: Replace the phrase "in accordance with international conventions and agreements in this regard" by the phrase: "in accordance with any international obligations the State Party has assumed".
