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INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Text of Articles adopted by the Commission at its twenty-sixth session

GENERAL PROVISIONS

Article 1

"For the purpose of 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 impairing or 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

States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end:

(a) Each State Party undertakes to embody the principle of the equality of men and women in its national Constitution if not yet incorporated, and to ensure through law or other appropriate means the practical realization of this principle;

(b) Each State Party undertakes to adopt legislative and/or all other appropriate measures accompanied by sanctions prohibiting all discrimination against women and guaranteeing the realization of the principle of equality of rights;

(c) Each State Party undertakes to establish legal protection for equal rights of men and women;

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

(e) Each State Party shall endeavour to take all preventive measures to eliminate discrimination against women by any person or organization;

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

(g) Each State Party endeavours to promote organizations and movements whose purpose is to advance the status of women and eliminate discrimination against them.

### Article 3

"States Parties shall undertake in all fields, in particular, political, social, economic, cultural, all appropriate measures, including legislative, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms".

### Article 4

[To be discussed]

### Article 5

1. States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority, or the superiority of either of the sexes or on stereotyped roles for men and women.

2. Suitable family education should include a proper understanding of motherhood as a social function and the recognition of the common responsibility of both men and women in the upbringing and development of their children.

### 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 and perform all the public functions at the national and local levels;
- (c) To vote in all public referenda;
- (d) To participate in non-governmental organizations and associations concerned with the public and political life of the country".

Article 9

- "1. States Parties shall grant spouses equal rights to acquire change or retain their nationality and shall require, in particular, that neither marriage of a person to, nor dissolution of marriage from, an alien nor the change of nationality by an alien person during marriage shall automatically change one's nationality, render one stateless or force upon one the nationality of the spouse.
2. 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 granting of such nationality is subject to such limitations as may be imposed in the interests of national security, public policy or certain penal or administrative provisions taken against the applicant.
3. 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.
4. States Parties agree to grant women equal rights with men to transmit their nationality to their children".

Articles 10, 11 and 12

[The text of these Articles, as adopted, is contained in document E/CN.6/L.683.]

CIVIL AND FAMILY RIGHTS

Article 13

1. The States Parties shall accord to women equality with men before the law.
2. The States Parties shall accord to women a civil and legal capacity identical to that of men, and the exercise of that capacity. They 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.
3. The States Parties agree that all contracts and all other legal instruments of any kind directed at restricting the legal capacity of women shall be deemed null and void.
4. The States Parties shall accord to men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence and domicile.