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COMMISSION ON THE STATUS OF WOMEN
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Item 3 (a) of the provisional agenda

**INTERNATIONAL INSTRUMENTS RELATING TO THE
STATUS OF WOMEN**

**Draft Convention on the Elimination of All Forms of
Discrimination Against Women**

Note by the Secretariat

At the 659th meeting the Commission noted that it had completed consideration of the substantive articles of the draft convention except for article 4. There remained for its consideration, in addition to article 4, the final clauses (articles 17-24) and the Preamble.

The Commission agreed further that some of the articles already adopted might require review from the point of view of style, and concordance of the different language versions.

Text of articles adopted by the Commission at its twenty-sixth session from 13 September to 1 October 1976, reads as follows:

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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 on a basis of equality with men.

Article 4

(the discussion of this article was postponed)

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.

SOCIAL AND ECONOMIC RIGHTS

Article 10

Each States 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. In particular, each State shall ensure:

- (a) Equal conditions for career guidance, access to studies and achievement of a diploma shall be ensured in educational establishments of all categories in rural as well as in urban areas. This equality is to be ensured in pre-schooling, general, technical, professional, higher, including higher technical education, as well as in all types of vocational training;

- (b) Equal access to 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;
- (c) The speedy achievement of co-education which will also help to eliminate any stereotyped concept of masculine and feminine roles at all levels and in all forms of education;
- (d) Equal opportunities to benefit from scholarships and other study grants;
- (e) Equal opportunity for access to programmes of continuing education, including adult and functional literacy programmes, particularly aimed at reducing at the earliest possible time the knowledge gap existing between men and women;
- (f) Measures to reduce the school dropout rate among girls and the provision of programmes for young girls who have left school too early;
- (g) Access to specific educational information to help in ensuring the health and well-being of families, this to include information and advice on family planning.

Article 11

1. States Parties shall undertake to 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 to work as an inalienable right of all human beings;
- (b) The right without discrimination on grounds of civil status or any other grounds to receive vocational training and retraining, to free choice of profession and employment, to promotion and job security;
- (c) The right to equal remuneration with men for work of equal value and to the equality of treatment in respect of the evaluation of quality of work of equal value, as defined in the Conventions of the International Labour Organisation on this subject;
- (d) The right equally with men to social security, particularly in case of retirement, unemployment, sickness, invalidity and old age or other incapacity to work, as well as the right to paid leave;
- (e) The right to family benefits on equal terms for men and women;
- (f) To ensure equal employment opportunities for women and to prevent discrimination in employment on the basis of sex.

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) Prohibiting - subject to the imposition of penalties - dismissal on grounds of marriage, pregnancy or maternity leave;
- (b) To progressively introduce paid leave for pregnancy and maternity, without loss of the job held and without loss of social allowances and benefits, the periods of leave being treated as equivalent to periods of work actually performed. The cost of this protection should be borne by social security systems or other public funds or collective systems;
- (c) To encourage the provision of the necessary supportive social services, including possibilities of child-care services and to grant women free medical services during pregnancy, confinement and the post-natal period.

Article 12

States Parties shall take all measures to eliminate discrimination against women in rural areas in order to guarantee them equality as participants and as beneficiaries of agricultural and rural development and particularly the right to:

- (a) Participate fully in the formulation and implementation of development planning from the local to the national levels;
- (b) Receive adequate medical and health facilities, including family planning advice and services; as well as personal rights to social security on equal footing with men;
- (c) Obtain all types of training and education, formal and non-formal including functional literacy as well as the benefit of all community and extension services;
- (d) Participate equally in all community activities including co-operatives;
- (e) Obtain equal access to credit and loans; marketing facilities; appropriate technologies and equal treatment in land and agrarian reform as well as land resettlement schemes.

Article 13

1. The States Parties shall encourage measures to enable parents to combine fulfilment of family and 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.

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2. That appropriate measures be taken including legislation to ensure the health and safety of all workers, male and female, in their conditions of employment.
3. Protective legislation applying to women should be reviewed in the light of scientific and technological knowledge, and should be revised, repealed or extended to all workers as necessary.
4. States Parties shall adopt measures to extend special protection to women for types of work proved to be harmful for them from the standpoint of their social function of reproduction and such measures shall be reviewed and brought up to date periodically in cases where such limitations are discriminatory, with regard to free choice of employment of women and in the light of advances in scientific and technological knowledge.

CIVIL AND FAMILY RIGHTS

Article 14

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. 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.

Article 15

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;
 - (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 responsibilities with men during marriage and at its dissolution;

- (d) Women, whether married or not, have equal rights and responsibilities with men in matters relating to their children. In all cases the interests of children shall be paramount;
- (e) The equal rights of men and women to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise this right;
- (f) Recognition of equal rights and responsibilities to be guardians and trustees and also of an equal right to adopt children;
- (g) Recognition of the equal personal rights of husband and wife including the right to choose a family name, a profession and an occupation;
- (h) Recognition of equal rights of both spouses in respect of the ownership, acquisition, management, administration, enjoyment, disposition - whether free of charge or for a valuable consideration - or inheritance of property, whether it be property owned by one spouse or joint property.

2. The betrothal and the marriage of a child 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 single parents 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 legal and social protection.