

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
LIMITED

E/CN.6/L.726  
17 December 1976

Original: ENGLISH/FRENCH/  
RUSSIAN/SPANISH

COMMISSION ON THE STATUS OF WOMEN  
Resumed twenty-sixth session  
Geneva 6-17 December 1976  
Agenda item 3(a)

INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN  
DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN

Report of the Style Committee

1. The Style Committee, composed of the Chairman of the Commission and the representatives of France, Mexico, USSR and USA held three meetings. It was able to review only the Preamble and articles 1 to 13 of the draft Convention.
2. The text of these articles, as revised by the Style Committee, reads as follows:

PREAMBLE

The States Parties to this Convention,

Considering 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,

Considering that the Universal Declaration of Human Rights affirms the principle of non-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 any distinction based on sex,

Considering that the International Covenants on Human Rights impose on States the obligation to ensure to men and women the equal right to enjoyment of all economic, social, cultural, civil and political rights,

Taking into account the Conventions concluded under the auspices of the United Nations and its specialized agencies and the resolutions, declarations and recommendations adopted by those organizations in favour of equal rights of women and men,

Concerned to find, that despite those various instruments, extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equal rights and respects for human dignity, hampers the participation of women, on equal terms with men, in the political, social, economic and cultural life of their country and is an obstacle to the growth of the well-being of society and of the family, and makes more difficult the full development of the potentialities of women in the service of their country and humanity,

Concerned particularly that scientific and technological progress has, in general, improved the potential for employment and the development of new skills but without benefiting women to the same extent as men,

Affirming that the strengthening of international peace and security, friendly co-operation among States irrespective of their social and economic systems, general and complete disarmament under strict and effective international control, the elimination of colonialism and racism in all their forms including apartheid, the elimination of the gap between developing and developed 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,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Conscious of the great contribution made by women to the progress of society, which has not yet been fully recognized, of the social significance of maternity and of the role of parents in the family and in the rearing of children,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the necessary measures to eliminate de facto and de jure discrimination.

Have agreed upon the following:

Article 4

1. Adoption by States of temporary special measures aimed at accelerating de facto equality shall not be considered discriminatory but shall in no way entail, as a consequence, the maintenance of unequal or separate standards and should be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States of special measures, including those measures contained in this Convention, aimed at protecting maternity, shall not be considered discriminatory.

## 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 and cultural fields 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 therein, 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 the equality of rights of men and women;
- (d) Each State Party undertakes not to engage in any 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 undertakes to take all necessary 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 undertakes 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, particularly in the political, social, economic, and cultural areas, all appropriate measures, including legislation, 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

1. Adoption by States of temporary special measures aimed at accelerating de facto equality shall not be considered discriminatory but shall in no way entail, as a consequence, the maintenance of unequal or separate standards and should be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States of special measures, including those measures contained in this Convention, aimed at protecting maternity, shall not be considered discriminatory.

### Article 5

1. States Parties shall take all appropriate measures, notably educational, 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 undertakes to repeal all provisions of national penal legislation 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, 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 implementation thereof and to hold public office and to exercise all 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 the same rights to acquire change or retain their nationality and shall, in particular, make provision to ensure that neither marriage of a person to, nor dissolution of marriage from, an alien nor change of nationality by an alien during marriage will automatically change such person's nationality, render him or her stateless or force upon him or her the nationality of the spouse.
2. States Parties may permit the alien husband or wife of one of their nationals, at his or her request, to 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 or public policy, or by virtue of certain penal or administrative measures 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 a national of one of the States Parties may, at his/her request, acquire his/her spouse's nationality as a matter of right.
4. States Parties undertake to grant women the same rights as men to transmit their own nationality to their children.

#### SOCIAL AND ECONOMIC RIGHTS

#### Article 10

Each State Party agrees to take all appropriate measures to ensure women, married or unmarried, equal rights with men in the field of education. Education shall be directed to the full development of the human personality and the sense of dignity, and shall strengthen respect for human rights and fundamental freedoms. In particular, each State shall ensure:

- (a) Equal conditions for career guidance, access to studies and earning of degrees or diplomas shall be ensured in educational institutions of all categories in rural as well as in urban areas. This equality is to be ensured in pre-school, general, technical, professional, and 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 as soon as possible the existing knowledge gap 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 early;
- (g) Access to specific educational information which will help to ensure the health and well-being of families, including 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 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 equality of treatment with respect to 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, on equal terms with men to social security, particularly with respect to retirement, unemployment, sickness, disability 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) Equal employment opportunities for women and the prevention of 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 - and making punishable - dismissal on grounds of marriage, pregnancy or maternity leave;
- (b) 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) Encourage the provision of the necessary support services, including child-care services and granting women free medical services during pregnancy, confinement and the post-natal period.

#### Article 12

States Parties shall take all appropriate 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 basis with men;
- (c) Have access to 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) Have equal access to receive credit and loans; marketing facilities; and appropriate technologies and receive 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.

2. States Parties shall adopt appropriate measures to be taken including legislation to ensure the health and safety of all workers, male and female, in their working conditions.
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 which have been proved to be harmful for them from the standpoint of their social function of reproduction. 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.