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DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

REPORT OF THE WORKING GROUP OF THE WHOLE ON THE DRAFTING OF THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

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INTRODUCTION

1. The Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women was established by a decision of the Third Committee of the thirty-fourth session of the General Assembly at its 3rd meeting, on 24 September 1979, with the purpose of considering the final provisions of the draft Convention and reconsidering the articles which have not yet been completed with a view to the adoption of the draft Convention at its thirty-fourth session, in accordance with General Assembly resolution 33/177 of 20 December 1978.*

I. ORGANIZATION OF THE WORK OF THE WORKING GROUP

A. Duration of the work

2. The Working Group met at United Nations Headquarters from 26 September to 29 November 1979 and held 12 meetings.

B. Attendance

3. The meetings were attended by representatives of Member States to the Third Committee of the General Assembly at its thirty-fourth session. The representatives of non-governmental organizations in consultative status with the Economic and Social Council attended the meetings as observers.

C. Election of officers

4. At its 3rd meeting on 24 September 1979 the Third Committee elected Mrs. Nina Sibal (India) as Chairman of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women. At its 1st meeting on 26 September 1979, the Working Group elected Mrs. Missouri Sherman Peter (Bahamas) as Rapporteur.

D. Agenda

5. At its 1st meeting, on 26 September 1979, the Working Group decided to begin its work by the consideration of the final provisions of the draft Convention and, afterwards, to reconsider those sections of the draft Convention on which the Working Group, during the thirty-second session of the General Assembly, could not agree.

* The report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women on its work during the thirty-second session of the General Assembly is contained in document A/C.3/32/L.59. The report of the Working Group on its work during the thirty-third session of the General Assembly is contained in document A/34/60 and Corr.1 and 2.

E. Procedures of work

6. At its 1st meeting, the Working Group decided to follow the procedures used at the thirty-second and thirty-third sessions of the General Assembly, that is, the rule of silence, whereby only those delegations which opposed a particular phraseology should speak. It was agreed, however, that arguments in favour of an article or a provision could be presented also.

7. At the same meeting, the Working Group decided that wherever possible all amendments should be presented in written form at least one day before the meeting at which they would be considered.

8. The results of the Working Group's deliberations are presented below. Where the Working Group did not reach a consensus and alternative texts were proposed or objections or reservations expressed, these have been reflected in connexion with the relevant articles.

9. On 22 November, the Working Group decided to establish a style committee composed of Canada, Spain, the United Kingdom, USSR, Syrian Arab Republic and China, under the chairmanship of Canada. France joined the Committee.

II. CONSIDERATION OF THE FINAL PROVISIONS OF THE DRAFT CONVENTION

Article 17 (former 16)

The Working Group considered article 16 of the draft Convention at its second, third and fourth meetings on 4, 11 and 19 October 1979.

Paragraph 1

The following amendments to paragraph 1 were submitted (A/C.3/34/WG.1/CRP.2):

Morocco

Add the following clause at the end of the paragraph: "... than those provided for in the Convention".

Austria

Replace the words "if they are more favourable to women" by the words "if they provide for a more equal treatment of the sexes".

Congo: subamendment to Austrian amendment

Replace the words "the sexes" by the words "men and women".

Article as a whole

In the light of the above proposal a new version of the article, as a whole, was submitted by Sweden (A/C.3/34/WG.1/CRP.2). It reads as follows:

"This Convention shall not be construed as affecting any provisions that are more conducive to the achievement of equality between men and women which may be contained in the legislation of a State Party or in any other international convention, treaty or agreement adopted under the auspices of the United Nations."

At the third session, on 11 October 1979, the representative of Sweden, when introducing this new version, orally revised it in light of consultations with other delegations, by deleting at the end of the text the words "under the auspices of the United Nations" (A/C.3/34/WG.1/CRP.2/Add.1).

Denmark suggested a period after the word "agreement".

The following amendments were submitted to the Swedish revised text (A/C.3/34/WG.1/CRP.2/Add.1):

Syrian Arab Republic

Replace the words "international Convention" by the words "relevant regional or international instrument".

Brazil as subamended by the United Kingdom

After the words "treaty or agreement" at the end of the paragraph add the words "in force for that State".

Nigeria

After the words "legislation of a State Party" add the words "; similarly, it shall not affect" and delete the words "or in".

Zambia

Transpose the phrase "that are more conducive to the achievement of equality between men and women" to the end of the paragraph.

At the same meeting, the representative of Sweden, after consultations with a number of delegations, orally proposed a second version, for the article as a whole which reads as follows:

Paragraph 1

"Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained in the domestic legislation of a State Party."

Paragraph 2

"Similarly nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained in any other international Convention in force between two or more contracting States."

During the discussion of both Swedish versions oral suggestions were made. The representative of the United Kingdom orally proposed a compromise text which reads as follows (A/C.3/34/WG.1/CRP.2/Add.1):

"Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained

(a) In the legislation of a State Party

(b) Or in any other international Convention, treaty or agreement in force for that State."

At the fourth meeting, on 19 October 1979, the Working Group adopted the above compromise text proposed by the United Kingdom.

Additional article proposed by the United Kingdom

The United Kingdom proposed an additional article to be placed after article 16 of the draft Convention. The article reads as follows:

"This Convention shall not apply in relation to service in the naval, military or air forces of States Parties" (A/32/218/Add.1, para. 56).

The Working Group considered this proposal at its second and third meetings on 4 and 11 October 1979.

After an exchange of views on the proposed additional article the United Kingdom withdrew its proposal. When withdrawing its proposal, the United Kingdom noted that it had been assured that it would be possible to enter an appropriate reservation.

Article 18 (former 17)

The Working Group considered article 17 of the draft Convention at its second and fourth meetings on 4 and 19 October 1979 (A/C.3/34/WG.1/CRP.1).

Paragraph 1

The Working Group considered and adopted paragraph 1 of article 17 at its second meeting on 4 October 1979. The text reads as follows:

"The present Convention shall be open for signature by all States."

Paragraph 2 (additional paragraph)

The following revision was proposed by the USSR (A/C.3/34/WG.1/CRP.2):

Add at the end of the paragraph the words "who is designated to be the depository of the Convention."

At the fourth meeting on 19 October, the representative of the United Kingdom orally revised the proposal of the USSR to be a new paragraph to read as follows:

"The Secretary-General of the United Nations is designated as the depository of the Convention."

This revision was accepted by the USSR. The Byelorussian SSR and the USSR proposed that this new paragraph become new paragraph 2.

At the same meeting, the new paragraph 2 was adopted to read as follows:

"The Secretary-General of the United Nations is designated as the depository of the Convention."

At the fourth meeting, on 19 October 1979, the Working Group adopted former paragraph 2 as new paragraph 3. The text reads as follows:

"The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations."

Paragraph 4 (former paragraph 3)

The Working Group considered former paragraph 3 of article 17 of the draft Convention at its second and fourth sessions on 4 and 19 October 1979 (A/C.3/34/WG.1/CRP.1).

At the fourth meeting, on 19 October, the Working Group adopted former paragraph 3, as new paragraph 4. The text reads as follows:

"The present Convention shall be open to accession to any State. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations."

Article 19 (former 18)

The Working Group considered article 18 of the draft Convention at its 4th meeting, on 19 October 1979 (A/C.3/34/WG.1/CRP.1), and adopted both paragraphs of the article. The text reads as follows:

"1. A request for the revision of the present Convention may be made at any time by any State Party by means of notification in writing addressed to the Secretary-General of the United Nations."

"2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request."

Article 20 (former 19)

The Working Group considered former article 19 of the draft Convention at its 6th to 11th meetings on 1, 8, 14, 20 and 22 November 1979.

It had before it the original version of the article of the Commission on the Status of Women with amendments proposed thereto (A/C.3/34/WG.1/CRP.1), a new Swedish proposal (with amendments to it) (A/C.3/34/WG.1/CRP.2/Add.2) and amendments to both texts proposed by Ecuador (A/C.3/34/WG.1/CRP.2/Add.5) which were later replaced by a new comprehensive proposal.

Many delegations present supported the Swedish proposal. Other delegations, however, favoured the original text on the Ecuadorian proposal. As consensus could not be reached the Working Group agreed to use a chart containing all three

texts (A/C.3/34/WG.1/CRP.3 and Corr.1) and to proceed with the consideration of the various sections of the texts in the chart before them in whatever order the Group may wish to follow. It was agreed that those sections for which agreement could not be reached would be transmitted, in brackets, to the Third Committee.

Measures at the national level

The Working Group considered the section on "Measures at the national level" which appeared in all paragraphs 1 of the three texts at its 8th meeting (A/C.3/34/WG.1/CRP.3 and Corr.1).

Various delegations were in favour of the Swedish proposal, which was considered to be more comprehensive than the other two as it did not make a reference to "machinery".

Brazil orally proposed the insertion of the word "all" between the words "adopt" and "measures" and the deletion of the words "including the establishment of procedures".

Sweden accepted the Brazilian amendment and proposed the insertion of the word "necessary" before the word "measures".

At its eighth meeting, on 14 November, the Working Group adopted paragraph 1 of the Swedish proposal as revised. The text reads as follows:

"The States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention."

Section on reports on implementation of the Convention

The Working Group considered the section on "Reports on implementation of the Convention" at its 8th meeting. This section appears in paragraph 2 of the original version and amendments thereto, paragraph 4 of the Swedish proposal (and amendment thereto) and paragraph 2 of the Ecuadorian proposal (A/C.3/34/WG.1/CRP.3 and Corr.1).

The discussion focused on the Swedish proposal, in particular on subparagraph (b), and on the Australian amendment to it.

Concerning subparagraph (b) of paragraph 4 of the Swedish proposal, views were mixed regarding the issue of periodicity of reports. While some delegations were in favour of a four-year cycle, which would permit planning and implementation of national measures, others were of the view that it should be a two-year cycle in order to place more pressure on States parties to implement the Convention. A few delegations felt that there was no need for reference to periodicity, as is the case in paragraph 40 of the Covenant on Civil and Political Rights.

The USSR proposed the deletion of the words "every four years and", so that the subparagraph (b) would read: "(b) thereafter whenever the (organ) so requests".

Belgium proposed the insertion of the word "further" between the word "and" and the word "whenever".

The representative of New Zealand proposed the following wording: "(b) thereafter at least every four years and further whenever the /body/ so requests".

At its 8th meeting on 14 November 1979, the Working Group adopted the new version of subparagraph 4 (b) proposed by New Zealand.

At the same meeting on 14 November 1979, the Working Group adopted paragraph 4 of the Swedish proposal, as amended. The text reads as follows:

"States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the /Committee/, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect,

"(a) Within one year after the entry into force for the State concerned, and

"(b) Thereafter at least every four years and further whenever the /body/ so requests.

"Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the Convention."

Concerning the Australian amendment to the Swedish proposal, to insert a new penultimate sentence reading: "The /Committee/ may request further information from the States Parties", various delegations were of the view that it either dealt with a procedural matter falling within the jurisdiction of the organ to be established, or that it was wrongly placed. Other delegations fully supported the amendment, which in their view, was of a substantive nature and would permit the establishment of a fruitful dialogue as between the organ and the States Parties.

Australia later withdrew its amendment on the understanding that it was agreed that the phrase "whenever the Committee so requests" in subparagraph 4 (b) of the Swedish proposal would permit the Committee to request further information from the States Parties. It was so agreed.

Section on the body which considers progress in
implementing the Convention

The Working Group considered the section on the "body which considers progress in implementing the Convention" at its 9th, 10th and 11th meetings. The section appears in paragraph 3 of the original version - together with the Norwegian amendment - paragraph 2 of the Swedish proposal - together with the Libyan Arab Jamahiriya amendment to subparagraph 2 (a) - and paragraph 3 of the Ecuadorian proposal (A/C.3/34/WG.1/CRP.3 and Corr.1).

The Working Group first considered the amendment of the Libyan Arab Jamahiriya to subparagraph 2 (a) of the Swedish proposal.

There was considerable discussion as to what should be the proper number of experts in the body. Some delegations favoured a 23-member body as proposed by the Libyan Arab Jamahiriya even if this added to the costs, as this number would be more consonant with the expanded membership of the United Nations and would permit a more adequate representation of the smaller countries within the requirements of equitable geographic distribution. Other delegations were opposed to the expansion of the membership of the body. While some of them favoured an 18-member committee, the others, who opposed the expansion, were of the view that a greater number would conflict with the requirement of 20 States Parties for the Convention to come into force under article 20, which had already been adopted. Some members referred to the CERD Committee, which was an 18-member committee, and which had done an excellent job because inter alia it was a smaller group of experts.

Following a suggestion by France that membership could be enlarged at a later stage, Sweden proposed the insertion in paragraph 2 (a) of its own proposal, after the word "consisting" and the word "experts", of the following words: "at the time of the entry into force of the Convention of eighteen and after the ratification of accession of the fortieth State Party, of twenty-three".

The Libyan Arab Jamahiriya accepted the Swedish proposal.

The Swedish proposal was later amended, after informal consultations, to substitute for the number "fortieth" the number "thirty-fifth".

Norway reiterating its preference for the Swedish text, orally revised its amendment to paragraph 3 of the original version to read as follows:

"Insert after the words 'Commission on the Status of Women' the words 'or other body under the Economic and Social Council that the Parties to the Convention may nominate.'" Subsequent mention of the Commission on the Status of Women should be supplemented by "or other body under the Economic and Social Council established by the States Parties to the Convention".

The Working Group discussed subparagraph 2 (g) of the Swedish proposal relating to expenses of the body to be established (A/C.3/34/WG.1/CRP.3) at its 10th meeting.

Referring to the wish expressed by various delegations to be provided with the financial implications of all three proposals before them, the representative of the Centre for Social Development and Humanitarian Affairs explained that the Secretariat would be in a position to do so only when the proposals are formally before the Third Committee.

The Working Group expressed its disappointment at not having been provided with this information as it would have helped them greatly in the discussion of the matter. It requested that this information be made available to the Third Committee as soon as the report of the Working Group is transmitted to it.

An exchange of views took place as to how and by whom the costs regarding the body proposed by Sweden should be borne. Regarding expenses other than services there was agreement that States Parties should bear such costs. Bangladesh proposed to use the formula contained in articles 35 and 36 of the International Covenant on Civil and Political Rights relating to the expenses of the Human Rights Committee.

Regarding the costs of services, views were divided as to whether they could be borne by the United Nations under its regular budget.

No agreement was reached on either of these issues.

At its 10th meeting, on 20 November 1979, the Working Group decided to transmit to the Third Committee, in brackets, subparagraph 2 (g) of the Swedish proposal together with the texts of articles 35 and 36 of the International Covenant on also in brackets.

The texts transmitted to the Third Committee read as follows:

Paragraph 3

For the purpose of considering the progress made in the implementation of the present Convention by the States Parties, the Commission on the Status of Women shall establish an ad hoc Group consisting of 10 to 15 persons. The Group shall be elected by the Commission from among its own members who are States Parties to the Convention and from an additional list of persons nominated by States Parties to the Convention who are not members of the Commission. Consideration being given to the principle of equitable geographical distribution and representation of differing legal systems. Those elected to the Group shall serve in their personal capacity and shall be elected for a two-year term.

Norwegian amendment as revised

"Insert after the words 'Commission on the Status of Women' the words 'or other body under the Economic and Social Council that the Parties to the Convention may nominate.'" Subsequent mention of the Commission on the Status of Women should be supplemented by "or other body under the Economic and Social Council established by the States Parties to the Convention".

Paragraph 2

(a) For the purpose of considering the progress made in the implementation of the present Convention a Committee on the Elimination of Discrimination against Women shall be established (hereinafter referred to as the Committee) consisting, at the time of entering into force of the Convention, of eighteen and after its ratification or accession by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by this Convention, elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

(b) The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

(c) The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

(d) Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

(e) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(f) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

(g) States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Paragraph 3

For the purpose of considering the progress made in the implementation of the present Convention, an ad hoc Working Group of the Economic and Social Council of the United Nations shall be established consisting of 23 States being Parties to the Convention and members of the Council. In the composition of the ad hoc Working Group, account shall be taken of the principle of equitable geographical distribution and the representation of differing socio-economic and legal systems.

Section on the report of the body which considers progress
in the implementation of the Convention

The Working Group considered the section on the report of the body which considers progress in the implementation of the Convention at its 8th and 9th meetings. This section appears in paragraph 5 of the original version, paragraph 6 of the Swedish proposal together with the amendment to subparagraph (a) proposed by Australia and paragraph 5 of the Ecuadorian proposal (A/C.3/34/WG.1/CRP.3 and Corr.1).

Sweden orally proposed a revision of subparagraph (a), arrived at in consultation with various delegations, to replace all the words after "on its activities and" by the words "may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the /body/ together with comments, if any, from States Parties". The Australian amendment to subparagraph (a) of the Swedish proposal was later withdrawn.

At its 9th meeting, on 16 November 1979, the Working Group adopted the revised Swedish proposal to be included in all three texts to be transmitted to the Third Committee.

Regarding subparagraph (b) of the Swedish proposal, Belgium orally proposed, and Sweden accepted the addition of the words "for its information" at the end of the subparagraph.

At its 9th meeting, on 16 November 1979, the Working Group decided to transmit to the Third Committee the first sentence of subparagraph (a) of all three proposals in brackets, the second portion of subparagraph (a) which had been agreed upon for all three texts without brackets, and all subparagraphs (b) contained in all three texts - the Swedish text having been revised - in brackets. The text of the section read as follows:

| <u>Original version</u> | <u>Swedish proposal</u> | <u>Ecuadorian proposal</u> |
|--|---|---|
| (a) <u>/The ad hoc Group shall report to the Commission on the Status of Women./</u> | <u>/The Committee shall, through the Economic and Social Council, report annually to the General Assembly./</u> | <u>/The ad hoc Group shall report annually to the Economic and Social Council./</u> |

... on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the /body/ together with comments, if any, from States Parties.

Original version

(b) The Commission shall transmit the report of the Group, together with its own comments, to the Economic and Social Council.

Swedish proposal

The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women, for its information.

Ecuadorian proposal

The Secretary-General of the United Nations shall transmit the reports of the ad hoc Working Group to the Commission on the Status of Women.

Section on role of the specialized agencies

The Working Group considered the section on role of the specialized agencies at its 9th meeting. The section appears in identical terms in paragraph 6 of the original version, which was slightly corrected for the sake of conformity, and in paragraph 7 of both the Swedish and the Ecuadorian proposals (A/C.3/34/WG.1/CRP.3 and Corr.1).

The discussion centred on the second sentence of all three texts particularly (i) on the functions of the reports of the specialized agencies, which in the view of some delegations should be for the information of the body only, (ii) the scope of the reports which, it was felt, should not cover implementation of instruments adopted by the specialized agencies but the convention itself and (iii) the advisability of imposing an obligation upon the agencies to report to the body.

France, referring to the formulation of article 18 of the Covenant on Economic, Social and Cultural Rights, proposed to replace the last sentence by the following text:

"The body can ask the specialized agencies for reports on the implementation of the Convention increase under their auspices."

Sweden proposed a reformulation of the French proposal as follows:

"The body may invite the specialized agencies to submit reports on the implementation of the Convention falling within the scope of their activities."

At the 9th meeting on 16 November 1979, the Working Group adopted the above amendment proposed by Sweden.

At the same meeting, the Working Group adopted the section on the role of the specialized agencies, as amended. The text reads as follows:

"Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The body may invite the specialized agencies to submit reports on the implementation of the Convention falling within the scope of their activities."

Article 21 (former 20)

The Working Group considered article 20 of the draft Convention at its 44th meeting on 19 October 1979 (A/C.3/34/WG.1/CRP.1) and adopted both paragraphs of the article. The text reads as follows:

"1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

"2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession."

Former article 21 (deleted)

The Working Group considered article 21 of the draft Convention at its fourth meeting on 19 October 1979 (A/C.3/34/WG.1/CRP.1) and decided to delete it.

Article 22 (additional article on reservations)

The Working Group considered an additional article on reservations (A/C.3/34/WG.1/CRP.1) at its 4th, 5th, 7th and 8th meetings on 19 and 25 October and 8 and 14 November 1979.

Some delegations expressed the view that the inclusion of such an article in the text of the Convention was unnecessary as, in their opinion, its provisions were covered in the Vienna Convention on the Law of Treaties and under the Rules of International Law on Reservations. Other delegations expressed support for the first sentence of paragraph 1, the three first lines of paragraph 2, and for paragraph 3, as, in their view, only the other portions of the article were taken care of under the Vienna Convention.

During the discussion, the representative of the Office of Legal Affairs answered questions from delegations regarding the article.

The representative of Morocco orally proposed that the second sentence of paragraph 1 be deleted.

The representative of the United Kingdom orally proposed a compromise formula for the article as a whole, incorporating the Moroccan proposal on paragraph 1, proposing deletion in paragraph 2, of all the words after the words "not be permitted", and the retention of paragraph 3.

The representative of Romania orally proposed, in paragraph 3, the insertion after the words "Secretary-General" of the following words: "of the United Nations".

The representative of Ethiopia proposed the addition of the following sentence: "The Secretary-General should circulate to States Parties the withdrawal of reservations."

The Ethiopian proposal was revised by Morocco to read: "who would then inform all States Parties thereof", and these words to be added at the end of the first sentence.

At its 5th meeting, on 25 October 1979, the Working Group adopted paragraph 3 as amended. The text reads as follows:

"3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who would then inform all States Parties thereof. Such notification shall take effect on the date on which it is received."

The representative of Australia made reservations on paragraphs 1 and 2 and the representative of Brazil on paragraph 2 of the compromise formula proposed by the United Kingdom.

In the meeting of 8 November 1979 the representative of Australia, in attempting to clarify its position on the compromise formula, requested, in maintaining its reservation, that the following be reflected in the records:

"We reserved our position on the United Kingdom's compromise draft for a reservations article for this Convention.

"The Australian Government, after careful consideration of the United Kingdom's proposal, appeals to the working group to retain the existing draft text for the reservations article.

"The Australian position is based on the particularly complicated relationship between our Federal and State Governments, which would have a major role in the Convention's implementation. The advantage to Australia of the original draft text, identical to the reservations article in CERD, is that the CERD has already run the gamut of Australia's Federal/State procedures. A satisfactory reservations article will be crucial to Australia's ability to adhere at an early stage to this Convention and it is the strong desire of the Australian Government to do so.

"Although the Vienna Convention provides a useful guide to international law and practice, the Australian authorities are concerned in this case at the appropriateness of relying on the provisions of a Convention to which a number of parties who may be parties to the Women's Convention do not adhere.

"Should the Working Group find the 90-day provision in paragraph 1 of the existing draft unacceptable, the Australian Government suggests a six-monthly period of lodgement of objection to reservations entered by a State on becoming a party to this Convention."

The representative of Brazil withdrew his reservation.

At the 8th meeting on 14 November 1979, Australia, in a spirit of compromise, withdrew its reservations with the understanding that their earlier position be reflected in the records.

The Working Group then adopted paragraphs 1 and 2 of the compromise formula proposed by the United Kingdom and the article as a whole. The text reads as follows:

"1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to the present Convention the text of reservations made by States at the time of ratification or accession."

"2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted."

"3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who would then inform all States parties thereof. Such notification shall take effect on the date on which it is received."

Article 23 (additional article on settlement of disputes)

The Working Group considered an additional article on settlement of disputes proposed by the United States (A/C.3/34/WG.1/CRP.2/Add.2) at its 4th, 5th, 6th and 10th meetings on 19, 25 October, 1 and 20 November 1979. The text, which is identical to article 22 of the Convention on the Elimination of Racial Discrimination, reads as follows:

"Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

This proposed article was further revised by its sponsor to delete the words "or by procedures expressly provided for in this Convention" (A/C.3/34/WG.1/CRP.2/Add.3).

A number of representatives opposed the inclusion of this new article on the grounds that the Convention dealt with internal rather than international affairs. The representative of the USSR further expressed the view that this new article conflicted with the statutes of the International Court of Justice. Other representatives objected to the mention of the International Court. Other delegations were of the view that there was a need for such an article since disputes arising from the interpretation and application of the Convention were bound to come up in the future. Furthermore, since such an article was to be found in many human rights conventions its absence from the text could be construed as a trend by the international community to attribute less importance to matters relating to women.

The representative of France expressed concern that the United States proposal was not explicit enough on the question of negotiations prior to the appeal to the International Court of Justice and proposed a compromise text which was identical to article 15 of the draft of the International Convention against the Taking of Hostages (A/C.3/34/WG.1/CRP.2/Add.3). The text reads as follows:

"1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

"2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

"3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations."

The United States orally proposed to amend the French compromise text by adding at the end of paragraph 2 the following two sentences:

"In that case all States Parties to the dispute shall be obligated to submit the dispute to conciliation. If within six months the Parties are unable to agree on organization of conciliation, a conciliator shall be appointed by the Secretary-General of the United Nations."

An exchange of views took place during which preference was expressed for either the original text proposed by the United States, or the compromise text proposed by France.

The representatives of the Office of Legal Affairs and of the Centre for Social Development and Humanitarian Affairs provided clarifications regarding queries put to them by delegations. At its 10th meeting, on 20 November 1979, the Working Group adopted the French compromise text, which reads as follows:

"1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

"2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

"3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations."

The United States requested that the report should reflect the preference of his delegation for the inclusion of its proposed amendment to paragraph 2 of the article.

Article 24 (former 22)

The Working Group considered former article 22 of the draft Convention at its 4th meeting, on 19 October 1979 (A/C.3/34/WG.1/CRF.1).

The representative of Syria orally proposed the inclusion of the words "the Arabic" before the words "the Chinese".

The representative of Austria orally proposed the deletion of the last sentence "Duly ... States" of paragraph 1.

The suggestion made by the representative of the Office of Legal Affairs to replace the words "in the archives of the United Nations" by the words "with the Secretary-General of the United Nations" was accepted by the Working Group.

The representative of the United Kingdom orally proposed the inclusion of a second paragraph, to read as follows:

"The Secretary-General of the United Nations shall transmit to the Governments of the signatory and acceding States, duly certified copies of the present Convention."

This proposal was later withdrawn.

At its 4th meeting, on 19 October 1979, the Working Group adopted former article 22 (now new article 24) as orally amended. The text reads as follows:

"The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

"IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention."

III. CONSIDERATION OF TEXTS ON WHICH THE WORKING GROUP
COULD NOT REACH A DECISION AT THE THIRTY-SECOND
SESSION OF THE GENERAL ASSEMBLY

Title

The Working Group considered the title of the draft Convention together with the amendment of Rwanda, Romania and the Philippines (A/C.3/34/WG.1/CRP.1/Add.1) at its 10th meeting.

An exchange of views took place as to which formulation was the most comprehensive.

At its 10th meeting on 20 November 1979 the Working Group adopted the joint Rwanda, Romania and Philippine text. The text reads as follows:

"Draft Convention on the Elimination of all Forms of Discrimination against Women".

New preambular paragraph 8

The Working Group considered the question of the placement of new preambular paragraph 8, which was adopted by the Working Group, at the thirty-second session of the General Assembly (A/C.3/34/WG.1/CRP.1/Add.1), at its 10th meeting.

At its 10th meeting, on 20 November 1979, the Working Group agreed to the proposal by the co-sponsors of the new paragraph - Bangladesh, Indonesia, Pakistan, Singapore and Somalia - to have it precede former paragraph 8. Consequently, the Working Group decided that former preambular paragraph 8 should become preambular paragraph 9.

Former preambular paragraph 8 (now preambular paragraph 9)

The Working Group considered the new compromise text for former preambular paragraph 8 of the draft convention together with amendments thereto (A/C.3/34/WG.1/CRP.1/Add.1) at its 10th and 11th meetings.

The United Kingdom expressed its belief that the compromise text had not been adopted at the thirty-second session and that its delegation had made strong reservations to them. He requested the deletion of the compromise text.

The Byelorussian SSR explained that the United Kingdom had been among the delegations who had worked at a compromise text during that session precisely because it had serious reservations to the original text. The compromise text was adopted by the Working Group at the thirty-second session of the General Assembly.

It was decided to consider the compromise text, as the Working Group had adopted the rule not to reopen adopted texts.

The Working Group considered subparagraph (a) of the compromise text together with amendments thereto (A/C.3/34/WG.1/CRP.1/Add.1), as follows:

Syrian Arab Republic

Add the word "the" before the words "new international economic order";

Yugoslavia

Replace the word "a" by the word "the" before the words "new international economic order". Delete the words "just and equitable" before the words "international economic order". After these words add the words "based on equity and justice".

The Syrian Arab Republic accepted the amendment of Yugoslavia.

At its 10th meeting on 20 November 1979, the Working Group adopted the Yugoslav amendment.

The United States requested that the report should reflect the preference of his delegation for the formulation negotiated by the Working Group at the thirty-second session of the General Assembly.

At the same meeting, the Working Group adopted subparagraph 8 (a) of the compromise text as amended. The text reads as follows:

"8 (a) Convinced that the establishment of the new, international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,"

The Working Group considered subparagraph 8 (b) of the compromise text together with the amendments to it (A/C.3/34/WG.1/CRP.1/Add.1) as follows:

Philippines, Romania and Rwanda

Add the word "neo-colonialism" after the word "colonialism".

Syrian Arab Republic

After the words "foreign domination" add the words "foreign occupation".

At its 10th meeting, on 20 November 1979, the Working Group decided to incorporate the above amendments in the compromise text, in brackets, as there was no consensus for their adoption, and to transmit it to the Third Committee. The text reads as follows:

"8 (b) Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism /neo-colonialism/ foreign domination /and foreign occupation/ is essential to the full enjoyment of the rights of men and women,"

The Working Group considered subparagraph 8 (c) of the compromise text together with amendment thereto (A/C.3/34/WG.1/CRP.1/Add.1) as follows:

Morocco

After the words "the right to self-determination" add the words "as well as respect of national sovereignty and territorial integrity of States". /...

Philippines, Romania and Rwanda

After the words "general and complete disarmament" add the words "and in particular nuclear disarmament".

Syrian Arab Republic

Retain the words "about fundamental rights" contained in the previous compromise text.

The Syrian Arab Republic withdrew its amendment.

At the 11th meeting, on 22 November 1979, since no consensus could be reached regarding the above amendments, the Working Group decided to incorporate the amendments in brackets into the compromise text and transmit it to the Third Committee. The text reads as follows:

"8 (c) 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 /and in particular nuclear disarmament/ under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the right to self-determination /as well as respect of national sovereignty and territorial integrity/ contribute to the attainment of full equality between men and women,".

Former preambular paragraph 10 (now preambular paragraph 11)

The Working Group considered the amendments submitted by the Byelorussian SSR and Sweden to add a new sentence to the compromise text as adopted by the Working Group during the thirty-second session of the General Assembly (A/C.3/34/WG.1/CRP.1/Add.1) at its 11th meeting.

At the request of Mexico, the Working Group agreed to incorporate in the compromise text its own amendment, submitted during the thirty-second session of the General Assembly, which had been inadvertently omitted.

Sweden, in consultation with the Byelorussian SSR, proposed a text which merged the two amendments.

At its 11th meeting on 22 November 1979, the Working Group adopted the merger text proposed by Sweden. The text reads as follows:

"Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,"

Article 2 (introductory sentence and subparagraph (f))

The Working Group considered the introductory sentence of article 2 of the draft Convention, together with the alternative versions proposed by the Byelorussian SSR (A/C.3/34/WG.1/CRP.1/Add.1), at its 11th meeting.

The Byelorussian SSR revised its version to delete the words "denying or limiting their equality of rights with men", after the words "in all its forms".

At its 11th meeting, on 22 November 1979, the Working Group adopted the revised version of the Byelorussian SSR. The text reads as follows:

"The States Parties condemn discrimination against women in all its forms and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end,".

The Working Group considered subparagraph (f) of article 2 of the draft Convention together with the amendments thereto of Kenya, the United States and Mali and the Moroccan subamendment to the Malian amendment (A/C.3/34/WG.1/CRP.1/Add.1) at its 11th meeting.

Objections were raised regarding the Malian amendment, which in the view of some delegations, could limit the obligations of the States parties under the Convention. Although there was no objection against the United States text, a preference was expressed for the original text of the draft Convention.

At its 11th meeting, on 22 November 1979, the Working Group adopted the original text of subparagraph (f) of article 2. The text reads as follows:

"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".

Article 6 (now deleted)

The Working Group considered article 6 of the draft Convention together with the Argentinian amendment (A/C.3/34/WG.1/CRP.1/Add.1), at its 11th meeting.

During the discussion, different views were expressed on the advisability of an article in the Convention which would strictly deal with the repeal of penal codes or provisions which constitute discrimination against women. While some delegations felt that this important issue required a special article, the majority of the Working Group was of the view that it should be incorporated in article 2 of the draft, which dealt inter alia in subparagraph (f) with the obligation of States parties to repeal discriminatory legislation. After an exchange of views as to where former article 6 should be placed within article 2, most delegations favoured its incorporation following subparagraph (f) as an additional subparagraph (g).

Regarding the text of this additional subparagraph (g), while some delegations favoured the original text of the draft, other delegations were of the opinion that it would be preferable to refer to penal provisions rather than penal codes, as there were instances where codes as such did not exist. Also, some difficulties were indicated regarding the use of the word "repeal", so a few delegations favouring the word "reform" in its stead. A number of oral proposals were made regarding the exact wording of the text.

Ireland orally proposed the following version:

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

At its 11th meeting, on 22 November 1979, the Working Group adopted the version above, proposed by Ireland as an additional subparagraph 2 (g) and deleted article 6 of the draft.

Article 9, paragraph 1

The Working Group considered the two alternative versions for article 9, paragraph 1 of the draft Convention contained in the amendment of Kenya and the subamendment of the USSR (A/C.3/34/WG.1/CRP.1/Add.1) at its 11th meeting.

The USSR explaining its subamendment expressed the view that there was no need to include provisions dealing with rights of men in an instrument aimed at elimination of discrimination against women.

During the discussion views were divided regarding the two versions proposed. Some delegations were of the view that, since there existed in the world various instances of national legislation which granted women privileged rights for acquisition of nationality by marriage, it was necessary that the article should not deprive them of such rights which were still required. In that connexion, fear was expressed that the relevant provisions of the United Nations Convention on Nationality of Married Women - which inter alia granted such privileged rights to women - might be placed in jeopardy by the adoption of an article embodying the principle of full equality between the spouses. Other delegations stated that it was not consonant with the treatment, throughout the text of the draft, of recognizing the full equality of men and women. In their opinion, the need for privileged rights, if required, was taken care of under article 4 of the draft which opened the door to positive discrimination in favour of women, as an interim measure. The representative of the Legal Counsel, in response to a query, provided some preliminary clarifications.

Mexico orally proposed to amend the USSR version by including between the words "equal rights" and "to acquire" the words "with men". In a spirit of compromise, no objection was raised to this proposal.

At its 11th meeting, on 22 November 1979, the Working Group adopted the amendment of Mexico to the USSR version.

At the same meeting, the Working Group adopted the USSR version as amended. The text reads as follows:

"The States Parties shall grant women equal rights to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband".

Article 9, paragraph 4

The Working Group considered paragraph 4 of former article 9 of the draft Convention, together with amendments thereto by the Netherlands and Argentina (A/C.3/34/WG.1/CRP.1/Add.1) at its 11th meeting.

During the discussion, views were divided as between the original text and that text as modified by the Netherlands amendment.

Argentina explained that the purpose of its amendment was to provide for a text which would cover all legal systems, as the original text applied only to countries covered by jus sanguinis and did not apply to countries governed by jus soli.

The representative of the Legal Counsel, in response to a request, provided a clarification as regards the systems of jus soli and jus sanguinis and suggested the inclusion of the words "where necessary" in the original text, after the words "States Parties", in order to meet the Argentine concern.

After an exchange of views, a consensus was reached as to the need to reflect in the report of the Working Group a reference to the existence of jus soli. Agreement on the following text, proposed by Ireland, was reached:

"The Working Group noted that since article 9 (2) speaks of equal rights, it is clear that this article does not oblige countries which do not follow jus sanguinis and which therefore do not transmit nationality through the father, to do so through the mother".

Argentina withdrew its amendment.

At its 11th meeting, on 22 November 1979, the Working Group adopted the Netherlands amendment.

At the same meeting, the Working Group adopted paragraph 4 of former article 9, as amended. The text reads as follows:

"The States Parties agree to grant women equal rights with men with respect to the nationality of their children."

IV. ADOPTION OF THE REPORT

At its 12th meeting, the Working Group considered its draft report (A/C.3/34/WG.1/CRP.6 and Corr.1 and Add.1, 2 and 3).

The Chairman of the Style Committee informed the Working Group of the work done by the Committee regarding the text of the draft Convention as it stood as of the end of the 11th meeting and proposed a number of recommendations including a technical correction in the Swedish proposal regarding article 20 (former art. 19), aimed at inserting a new paragraph 2 (f) on the election of the additional members of the Committee.

The United States requested that the record reflect that with regard to paragraph 2 (b), the Working Group understood that no special meeting would be convened to elect the five additional members but such additional members would be elected at the next meeting convened pursuant to paragraph 2 (a) for the general election of members.

At its 12th meeting on 29 November 1979, the Working Group adopted most of the recommendations of the Style Committee including the technical correction to the Swedish proposal. The recommendations are as follows:

1. The Convention shall be divided into six parts, without titles. Part V shall contain all those articles which deal with the establishment of a body to consider the progress made in the implementation of the Convention. Current article 20.2 shall be placed after the article providing for the establishment of such a body.

2. Article 1, last line: add after the words "cultural" the words "civil" and end sentence after "or any other field", delete "of public life".

3. Article 11.3: add after the words "protective legislation" the words "relating to matters covered in this article".

4. Article 14.2, line three: add after the words "of men and women" the words "that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:"

5. Insert new part V and number accordingly.

6. Current articles 17, 20.1, 18, 19, 21, 22, 23, 24 shall be placed in that order in a new part VI.

7. On page 12 modify the Norwegian amendment to read in line six "to the Convention may" and on page 13 after "by" to read "or other body under the Economic and Social Council established by the States Parties to the Convention."

8. On page 14, in the Swedish proposal: insert a new paragraph 2 (f) to article 20 (former 19) to read as follows, and renumber the following subparagraphs accordingly:

[(f) The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2 (b), (c), and (d) of the present article following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee;]

At the same meeting, the Working Group accepted to mention in the report the statement by the Netherlands referring to article 14 on rural women, that this article included several provisions which were not included under the general provisions of the draft Convention, so that the text of the Convention in effect made a distinction between urban and rural women, giving the latter more rights than the former. The Working Group agreed to have reflected in its report that it had not been its intention to discriminate between different categories of women.

At the 12th meeting, on 29 November 1979, the Working Group adopted the text of the draft Convention, as amended by the Style Committee. The text is reproduced in annex I of the report. At the same meeting the Working Group adopted its report, as amended, and decided to transmit it to the Third Committee for its adoption.

ANNEX I

Draft Convention on the Elimination of All Forms of Discrimination
against Women

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of 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 distinction based on sex,

Noting that States Parties to the International Covenants on Human Rights have the obligation to secure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

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

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, of all forms of racism, racial discrimination, colonialism, neo-colonialism, foreign domination and foreign occupation is essential to the full enjoyment of the rights of men and women,

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 and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries, and the right to self-determination as well as respect for national sovereignty and territorial integrity will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

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,

Bearing in mind the great contribution of women to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

Part I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status,

on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

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

- (a) To embody the principle of the equality of men and women in their national Constitutions or other appropriate legislation if not yet incorporated therein, and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, 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 Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in this Convention, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards: these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

a. 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.

b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to 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 perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women on equal terms with men and, without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Part IIIArticle 10

State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) 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;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 above, States Parties shall ensure to women appropriate services in connexion with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and in all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as the benefit of all community and extension services, inter alia, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Part IV

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall in particular give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contract and all other private instruments of any kind with a legal effect which is 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 relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children. In all cases the interests of the children shall be paramount;

(e) The same rights 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 these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation. In all cases the interest of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect and all necessary 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.

Part V

3.

Original version

For the purpose of considering the progress made in the implementation of the present Convention by the States Parties, the Commission on the Status of Women shall establish an ad hoc Group consisting of ten to fifteen persons. The Group shall be elected by the Commission from among its own members who are States Parties to the Convention and from an additional list of persons nominated by States Parties to the Convention who are not members of the Commission, consideration being given to the principle of equitable geographical distribution and representation of differing legal systems. Those elected to the Group shall serve in their personal capacity and shall be elected for a two-year term.

Norwegian revised amendment

Insert after the words "Commission on the Status of Women" the words "or other body under the Economic and Social Council that the States Parties to the Convention may nominate". Subsequent mention of the Commission on the Status of Women should be supplemented

Swedish proposal

(a) For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after its ratification or accession by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

(b) The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among

Ecuadorian proposal

For the purpose of considering the progress made in the implementation of the present Convention, an Ad Hoc Working Group of the Economic and Social Council of the United Nations shall be established consisting of twenty-three States Parties to the Convention and members of the Council. In the composition of the ad hoc Working Group, account shall be taken of the principle of equitable geographical distribution and the representation of differing socio-economic and legal systems.

Original version

by "or other body under the Economic and Social Council established by the States Parties to the Convention".

Swedish proposal

its own nationals;

(c) The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

Ecuadorian proposal

(a) Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

(e) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at

Original version

Swedish proposal

the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;]

[(f) The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2 (b), (c), and (d) of the present article following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee;]

[(g) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee;]

Bangladesh alternative version:

(g) The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the

Original version

Swedish proposal

Ecuadorian proposal

Committee's responsibilities.

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

(h) States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article X

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the body, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention and on the progress made in this respect:

- (a) within one year after the entry into force for the State concerned; and
 - (b) thereafter at least every four years and further whenever the body so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

3.

(a) The Committee shall adopt its own rules of procedure;

(b) The Committee shall elect its officers for a term of two years;

Original version

The Ad Hoc Group shall normally meet for a period of not more than two weeks before the opening of the regular session of the Commission on the Status of Women in order to consider the reports submitted in accordance with paragraph ... above./

Swedish proposal

(c) The secretariat of the Committee shall be provided by the Secretary-General of the United Nations;./

The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with paragraph ... above./

The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee./

Ecuadorian proposal

The Ad Hoc Working Group shall normally meet annually for a period of not more than two weeks during the first regular session of the Economic and Social Council in order to consider reports submitted in accordance with paragraph ... above./

(a) The Ad Hoc Group shall report to the Commission on the Status of Women./

The Committee shall, through the Economic and Social Council of the United Nations report annually to the General Assembly of the United Nations./

The Ad Hoc Working Group shall report annually to the Economic and Social Council./

... on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the body together with comments, if any, from States Parties.

(b) The Commission shall transmit the report of the Ad Hoc Group, together with its own comments, to the Economic and Social Council of the United Nations./

The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information./

The Secretary-General of the United Nations shall transmit the reports of the Ad Hoc Working Group to the Commission on the Status of Women./

4. (continued)

Original version

The Economic and Social Council shall submit periodically to the General Assembly of the United Nations reports with recommendations of a general nature and a summary of the information received from States Parties and the specialized agencies on the measures taken and the progress made in achieving full observance of the rights recognized in the present Convention.

The Economic and Social

Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matter arising out of the report referred to in this part of the present Convention, which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Convention.

5. Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The body may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

Swedish proposal

The Economic and Social Council shall submit periodically to the General Assembly of the United Nations reports with recommendations of a general nature and a summary of the information received from States Parties and the specialized agencies on the measures taken and the progress made in achieving full observance of the rights recognized in the present Convention.

Ecuadorian proposal

The Economic and Social Council shall submit periodically to the General Assembly of the United Nations reports with recommendations of a general nature and a summary of the information received from States Parties and the specialized agencies on the measures taken and the progress made in achieving full observance of the rights recognized in the present Convention.

Part VI

Former Article 17*

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained

(a) in the legislation of a State Party or;

(b) in any other international convention, treaty or agreement in force for that State.

Former Article 20*

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Former Article 18*

1. The present Convention shall be open for signature by all States.

2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.

3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Former Article 19*

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

* This is the numbering which appears in A/C.3/34/WG.1/CRP.6.

Former Article 21*

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Former Article 22*

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Former Article 23*

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Former Article 24*

The present Convention, the Arabic, Chinese, English, French, Russian and

Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

ANNEX II

List of Documents

| | |
|--------------------------------|---|
| A/32/218 | United Nations Decade for Women: Equality, Development and Peace - Draft Convention on Elimination of Discrimination against Women: report of the Secretary-General |
| A/32/218/Add.1 and 2 | Addendum of report of the Secretary-General |
| A/C.3/32/L.59 | Report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women |
| A/34/60 | Report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women (thirty-second session of the General Assembly) |
| A/C.3/34/WG.1/CRP.1 | Working paper prepared by the Secretary-General |
| A/C.3/34/WG.1/CRP.1/Add.1 | Addendum to working paper prepared by the Secretary-General |
| A/C.3/34/WG.1/CRP.1/Add.2 | Addendum to working paper prepared by the Secretary-General |
| A/C.3/34/WG.1/CRP.2 | Amendments to articles 16, 17 and 19 and additional article on reservations |
| A/C.3/34/WG.1/CRP.2/Add.1 | Amendments and new versions for article 16 |
| A/C.3/34/WG.1/CRP.2/Add.2 | New article on settlement of disputes and amendments to article 19 |
| A/C.3/34/WG.1/CRP.2/Add.3 | New article on settlement of disputes, and compromise text |
| A/C.3/34/WG.1/CRP.2/Add.4 | Amendments to article 19 |
| A/C.3/34/WG.1/CRP.2/Add.5 | Amendments to article 19 |
| A/C.3/34/WG.1/CRP.3 and Corr.1 | Chart on texts of article 19 |
| A/C.3/34/WG.1/CRP.4 and Corr.1 | Amendments to article 19 (listing of texts) |

A/C.3/34/WG.1/CRP.5

Text of final provisions as of
16 November 1979

A/C.3/34/WG.1/CRP.6

Draft report of the Working Group: Text of
the Draft Convention as of the end of the
eleventh session of the Working Group

A/C.3/34/WG.1/CRP.6/Add.1

Draft report of the Working Group:
articles 17-24 (except for article 20)

A/C.3/34/WG.1/CRP.6/Add.2

Draft report of the Working Group:
Consideration of texts on which the Working
Group could not reach a decision at the
thirty-second session of the General Assembly

A/C.3/34/WG.1/CRP.6/Add.3

Draft report of the Working Group: article
20 (former article 19)
