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DRAFT CONVENTION ON THE POLITICAL RIGHTS OF WOMEN

Memorandum by the Secretary-General

1. On 11 December 1946, at its first session, the General Assembly unanimously adopted resolution 56 (I) in which it recalled the principle of equal rights of men and women set forth in the Preamble and Article 1 of the Charter, noted that certain Member States had not yet granted to women political rights equal to those granted to men, and therefore recommended that such Member States should adopt measures necessary to fulfil the purposes and aims of the Charter in that respect by granting to women the same political rights as to men. The Commission on the Status of Women has given its attention at each of its sessions to the question of the political rights of women, on which it has adopted resolutions and made recommendations to the Economic and Social Council.^{1/} At its sixth and seventh sessions, the Council in turn adopted the Commission's recommendations with regard to the political rights of women (resolutions 120A(VI) and 154A(VII)).

2. At its third session,^{2/} the Commission on the Status of Women adopted a resolution in which it noted the Inter-American Convention on the Granting of Political Rights to Women, signed at Bogota, and requested the Secretary-General to examine the possibility of proposing a similar convention to assist countries

1/ E/38/Rev.1, Official Records of the Economic and Social Council, Second Session, annex 4, p. 235.

E/281/Rev.1, paragraph 26, Official Records of the Economic and Social Council, Fourth Session, Supplement No. 2, p. 6.

E/615, paragraph 14, Official Records of the Economic and Social Council, Sixth Session, Supplement No. 5, p. 4.

2/ E/1316, paragraph 18 (1), Official Records of the Economic and Social Council, Ninth Session, Supplement No. 5, p. 5.

which have not granted women equal political rights. In another resolution adopted at the same session,^{3/} the Commission requested the Secretary-General to prepare a report to show whether there was discrimination based on sex, in law or in practice, with respect to the right to vote and the right to be elected to public office. The Secretary-General submitted reports on these questions to the Commission ^{4/}.

3. At its fourth session, ^{5/} the Commission noted that five years after the signing of the United Nations Charter, twenty countries still denied women equal political rights, and that the information the Commission had collected in four years of work showed clearly the discrimination practised against women in the political field. In view of those considerations, the Commission directed the Secretary-General to prepare for submission to the Commission at its next session a draft convention on the granting to women of equal political rights with men.

4. The Economic and Social Council studied this recommendation during its eleventh session and adopted resolution 304B(XI) drawing the Commission's attention to the opinions expressed by the members of the Council during the debate on the question of the political rights of women. The debate in the Social Committee of the Council, ^{6/} to which this resolution refers, showed that, while the great majority of the members favoured the principle of equal rights for women, propaganda, educational measures and the preparation of annual reports were considered more practical ways of achieving that aim than a convention.

5. At its fifth session, the Commission on the Status of Women had before it a memorandum by the Secretary-General ^{7/} containing a draft convention on the

^{3/} E/1316, paragraph 18 (1), Official Records of the Economic and Social Council, Ninth Session, Supplement No. 5, p. 6.

^{4/} E/CN.6/131 and Corr.1 and Add.1, E/CN.6/143.

^{5/} E/1712, paragraph 25, Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 6, p. 3.

^{6/} E/AC.7/SR.132.

^{7/} E/CN.6/160.

political rights of women. The text of this draft will be found in Annex I to the present memorandum.

6. In the course of the debate, the majority of the members of the Commission expressed the feeling that "notwithstanding the views expressed during the eleventh session of the Economic and Social Council (E/AC.7/SR.132), the Commission should maintain its previous decision on the need for a convention. To achieve satisfactory results, it was necessary that all means be taken to promote equality of political rights and that a convention be adopted without prejudice to the campaign of information and education, which should be continued".^{8/} Some members of the Commission felt that the text of the convention should follow that of the Bogotá Convention of 1948.^{9/} Others stated that "the wording of the Bogotá Convention, which covers only the right of women to vote and to be elected to national office, does not take into account other aspects of political rights; they were of the opinion that it was the duty of the Commission on the Status of Women to show the way by adopting a more comprehensive text which would give women a wider right to participate in the government of their countries".^{10/}

7. The Commission adopted by 12 votes to none, with 3 abstentions, a resolution^{11/} recommending that the Economic and Social Council should approve a draft convention on the political rights of women. The text of this draft will be found in Annex I

^{8/} E/1997/Rev.1, paragraph 22, Official Records of the Economic and Social Council, Thirteenth Session, Supplement No. 10, p.4.

^{9/} The text of article 1 (the only substantive article in the Bogotá Convention) reads as follows: "The High Contracting Parties agree that the right to vote and to be elected to national office shall not be denied or abridged by reason of sex".

^{10/} E/1997/Rev.1, paragraph 30, Official Records of the Economic and Social Council, Thirteenth Session, Supplement No. 10, p.4.

^{11/} Ibid.

of the present memorandum. In the resolution, the Commission noted the debates of the Economic and Social Council in regard to a convention on the political rights of women, but considered that sufficient information had been gathered by the Commission clearly to reveal discrimination against women in the political field; the Commission recommended that the Economic and Social Council should state in the preamble of the resolution containing the text of the convention that, notwithstanding General Assembly resolution 56 (I), political rights had not yet been granted to women in a number of countries and that the time was appropriate for an international convention under the auspices of the United Nations, designed to eliminate discrimination against women in the political field, which would be open for signature and ratification by Member States and such other States as would be invited by the General Assembly.

8. When the question of the convention on the political rights of women was discussed by the Economic and Social Council at its thirteenth session, the majority of the members favoured the principle of a convention, but felt that the text adopted by the Commission should be communicated to the governments of the Member States, in order to enable them, in particular those that were not represented in the Commission or the Council, to make known their position on the question^{12/}. The Council adopted resolution 385B(XIII) in which it expressed its desire to expedite by every appropriate means, in accordance with General Assembly resolution 56(I), the extension to women in all countries of equal political rights with men; the Council requested the Secretary-General to circulate to the governments of Member States the text of the draft convention on political rights adopted by the Commission on the Status of Women for comments and suggestions as to the best manner of giving effect to the principles underlying it, with the request that they be submitted to the Commission for consideration at its sixth session.

9. A report containing the comments and suggestions of twenty Member States on the text of the draft convention on political rights was drawn up and submitted by the Secretary-General to the Commission on the Status of Women at its sixth session.^{13/}

^{12/} E/SR.522, Official Records of the Economic and Social Council, Thirteenth Session, 522nd meeting.

^{13/} E/CN.6/184 and E/CN.6/184/Add.1 and 2 (Since the sixth session of the Commission, the comments of two additional Member States have been received by the Secretary-General, E/CN.6/184/Add.3 and E/CN.6/184/Add.4).

The Commission then proceeded to draw up the final text of the convention in the light of the comments and suggestions of governments^{14/}. Alternative texts were submitted by the representatives of Brazil ^{15/}, Chile, ^{16/}; the United States, ^{17/} and the Union of Soviet Socialist Republics.^{18/} The text proposed by Brazil followed that of the Bogota Convention, but several members recalled that the Commission had decided at its fifth session not to follow that text. The majority of the Commission felt that it was particularly important that the text of the draft convention should ensure to women the right not only to elective offices but also to appointive positions in the public services of their countries. All the proposals, including the joint verbal proposal of the representatives of Iran and Lebanon to retain the text of the draft convention as adopted by the Commission at its fifth session, were discussed by the Commission, which expressed its preference for the principle proposed by Lebanon and Iran.

10. The Commission adopted, by 13 votes to none, with 3 abstentions, a resolution^{19/} containing the text of the draft convention, which will be found in Annex I. In the resolution the Commission noted the comments that had been received from Member States and their suggestions concerning the best manner of giving effect to the principles underlying the draft convention; it recommended that the Economic and Social Council should adopt a resolution containing the text of the draft convention and declaring that the time was appropriate for an international convention under the auspices of the United Nations designed to eliminate discrimination against women in the field of political rights, in accordance with General Assembly resolution 56 (I).

^{14/} E/CN.6/SR.102 - 107

^{15/} E/CN.6/L.58

^{16/} E/CN.6/L.59.

^{17/} E/CN.6/L.61.

^{18/} E/CN.6/L.60

^{19/} E/2208, paragraph 30, Official Records of the Economic and Social Council, Fourteenth Session, Supplement No. 6, p.4.

11. During the discussion on the draft convention at the fourteenth session of the Economic and Social Council,^{20/} several members stated that equal political rights for men and women were essential to a democratic regime and that the most direct and speediest means must be found to realize such equality. A proposal to delete the three articles of the draft convention from the draft resolution transmitted to the Council by the Commission was rejected by 7 votes to 1, with 9 abstentions. Its sponsor had indicated that the principles contained in the convention would shortly be incorporated in the draft covenant on human rights, if that had not already been done, and a special convention on the political rights of women would thus be superfluous.

12. The majority of the Council, however, was of the opinion that a convention should be adopted without delay and that the draft prepared by the Commission should not be discussed in substance or amended by the Council. The Council expressed its general approval of the draft convention transmitted by the Commission and on 26 May 1952 it adopted by 11 votes to none, with 6 abstentions, resolution 445B(XIV) containing the text of the draft convention transmitted by the Commission, which will be found in Annex I. In its resolution, the Council incorporated the considerations voiced by the Commission on the Status of Women and recommended to the General Assembly that a convention on the political rights of women embodying the preamble and substantive clauses it was adopting should be opened for signature and ratification by Member States and such other States as would be invited by the General Assembly; the Council requested the Secretary-General to draft the necessary formal clauses of that convention.

13. In accordance with the Economic and Social Council's request, the Secretary-General has drafted the necessary formal clauses of the convention on the political rights of women. The text of these clauses, followed by comments, will be found in annex II.

ANNEX 1

Text adopted by the
Commission on the Status
of Women at its sixth session
and approved by the
Economic and Social Council

The Contracting Parties.

Desiring to implement the principle of equality of rights for men and women, contained in the Charter of the United Nations,

Recognizing that every person has the right to take part in the government of his country and has the right to equal access to public service in his country, and desiring to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the United Nations Charter and of the Universal Declaration of Human Rights,

Having resolved to conclude a convention for this purpose,

Hereby agree as hereinafter provided:

Article 1. Women shall be entitled to vote in all elections on equal terms with men.

Text adopted by the
Commission on the Status of
Women at its fifth session

The Contracting Parties,

Desiring to implement the principle of equality of rights for men and women, contained in the Charter of the United Nations,

Recognizing that every person has the right to take part in the government of his country and has the right to equal access to public service in his country, and desiring to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Universal Declaration of Human Rights,

Having resolved to conclude a convention for this purpose,

Hereby agree as hereinafter provided:

Article 1. Women shall be entitled to vote in all elections on the same conditions as men.

Text proposed
in the Memorandum
of the Secretary-General
presented to the Commission on
the Status of Women at its fifth session

The Contracting Parties,

Desiring to implement the principle of equality of rights for men and women, contained in the Charter of the United Nations,

Recognizing that every person has the right to take part in the government of his country and has the right to equal access to public service in his country, and desiring to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Universal Declaration of Human Rights,

Having resolved to conclude a Convention for this purpose,

Hereby agree as hereinafter provided:

Article 1. Women shall be entitled to vote in all elections on the same conditions as men.

Text adopted by the
Commission on the Status
of Women at its sixth session
and approved by the
Economic and Social Council

The Contracting Parties,

Article 2. Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men.

Article 3. Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men.

Text adopted by the
Commission on the Status of
Women at its fifth session

The Contracting Parties,

Article 2. Women shall be eligible for election to all publicly elected bodies, established by national law, on the same conditions as men.

Article 3. Women shall be entitled to hold public office and to exercise all public functions established by national law, on the same conditions as men.

Text proposed
in the Memorandum
of the Secretary-General
presented to the Commission on
the Status of Women at its fifth session

The Contracting Parties,

Article 2. Women shall be qualified to be elected or appointed to public office on the same conditions as men.

Article 3. Women shall be qualified to exercise all public functions of every nature on the same conditions as men.

ANNEX II

DRAFT CONVENTION ON POLITICAL RIGHTS OF WOMEN

FORMAL CLAUSES

ARTICLE 4

SIGNATURE AND RATIFICATION

1. This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the General Assembly.
2. This Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Comment

The provision of this clause embody the recommendation contained in paragraph 1 of the Economic and Social Council resolution 445 B of 26 May 1952 that an international convention on the political rights of women "be opened for signature and ratification by Member States and such other States as will be invited by the General Assembly".

ARTICLE 5

ACCESSION

1. This Convention shall be open for accession to all States referred to in paragraph 1 of article 4.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Comment

The Secretary-General has inserted this clause providing for accession as an alternative means of becoming bound by the Convention for all States which may sign and ratify it. Previous conventions concluded by the General Assembly, such as the Convention for the Suppression of the Traffic in Persons and the Exploitation and Prostitution of Others, contain similar provisions (See Handbook of Final Clauses, ST/LEG/1, page 11, hereinafter referred to as the "Handbook").

It will be noted that this clause provides for accession as from the time the Convention is open for signature, rather than at a specified date after the opening for signature. Such provision allows for a speedier process whereby States may become bound and also does not create a distinction between States

/which may sign

which may sign and ratify or accede, and those which may only accede (For examples of the present clause, see Handbook, page 11, and for examples of the other type, see Handbook, page 21).

ARTICLE 6

ENTRY INTO FORCE

1. This Convention shall come into force on the ninetieth day following the date of deposit of the _____ instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the _____ instrument of ratification or accession the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Comment

Most conventions recently drawn up under the auspices of the United Nations and of the specialized agencies contain a similar entry into force clause (For examples, see Handbook, pages 68-71).

The stipulations regarding the number of States necessary to bring the Convention into force can be varied to suit the particular purposes of the Convention (In examples quoted in the Handbook, the number of States varies from two to thirty).

RESERVATIONS

At the request of the General Assembly (resolution 478 (V)), the International Court of Justice rendered, on 28 May 1951, an advisory opinion 21/ regarding reservations to the Convention on the Prevention and Punishment of the Crime of Genocide. Pursuant to the same resolution, the International Law Commission studied the question of reservations to multilateral conventions in its report 22/ to the sixth session of the General Assembly. By resolution 598 (VI) of 12 January 1952 concerning reservations to multilateral conventions, the General Assembly recommended "that organs of the United Nations, specialized agencies and States should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them". In view of this resolution, the Secretary-General has thought fit to set out here three alternative reservations clauses.

21/ A/1874 and I.C.J. Reports 1951, page 15.

22/ Official Records of the General Assembly, Sixth Session, Supplement No. 9.

ARTICLE 7-A

1. At the time of signature, ratification or accession, any State may make reservations to any articles of this Convention other than to articles _____.
2. Any State making a reservation in accordance with paragraph 1 of this article may at any time thereafter withdraw the reservation by communication to this effect addressed to the Secretary-General.

Comment

The principle of this clause has been applied most recently in the Convention on the Status of Refugees (Geneva, 1951).

ARTICLE 7-B

Any State may make its signature, ratification or accession to this Convention conditional upon any of the reservations exhaustively enumerated as follows:

Comment

This clause is of the type used in the Revised General Act for the Specific Settlement of International Disputes (Lake Success, 1949).

ARTICLE 7-C

In the event that any State submits a reservation to any of the articles of this Convention at the time of signature, ratification or accession, the Secretary-General shall communicate the text of the reservation to all States which are or may become parties to this Convention. Any State which objects to the reservation may, within a period of _____ days from the date of the said communication (or upon the date of its becoming a party to the Convention), notify the Secretary-General that it does not accept it. In such case, the Convention shall not enter into force as between such State and the State making the reservation.

Comment

This clause follows the example of article 19 of the Convention on the Declaration of Death of Missing Persons (Lake Success, 1950).

COLONIAL CLAUSE

In view of the nature of Colonial application clauses in multilateral conventions, the Secretary-General has thought it expedient to set out two alternative forms for the purposes of the present Convention.

/ARTICLE 8-A

ARTICLE 8-A

The provisions of this Convention shall extend to or be applicable equally to a metropolitan State party to the Convention and to all the territories, be they non-Self-Governing, Trust or Colonial Territories which are being administered or governed by such metropolitan State.

Comment

This clause essentially reproduces the article which the General Assembly, by its resolution 422 (V) of 4 December 1950 requested the Commission on Human Rights to insert in the International Covenant on Human Rights.

ARTICLE 8-B

The word "State" as used in this Convention shall be understood to include the territories for which it bears international responsibility, unless the State concerned, on ratifying or acceding to the Convention, has stipulated that the Convention shall not apply to certain of its territories. Any State making such a stipulation may, at any time thereafter, by notification to the Secretary-General, extend the application of the Convention to any or all of such territories.

Comment

The text of this clause is taken with minor modifications, from paragraph 3 of article 13 of the Convention on the Declaration of Death of Missing Persons (See Handbook, page 147). This clause is an example of a colonial clause providing for the optional exclusion from the application of the Convention of territories for the conduct of whose foreign relations the States parties are internationally responsible (Examples of colonial clauses providing for the optional application of the Convention to such territories, are to be found on pages 139-145 of the Handbook).

ARTICLE 9

DENUNCIATION AND ABROGATION

1. Any State may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. This Convention shall cease to be in force as from the date when the denunciation which reduces the number of parties to less than _____ becomes effective.

/ Comment

Comment

Paragraph 1 of this clause follows the usual text of such clauses to be found in conventions which have been adopted under the auspices of the United Nations (See Handbook, pages 126-129). It does not, however, provide that there shall be an initial expiration of time after the entry into force of the Convention during which States parties may not denounce the Convention (article 25 of the Convention for the Suppression of the Traffic in Persons contains such a provision). This may or may not be suitable for the purposes of the present Convention.

Paragraph 2 of this clause reproduces the text of article 20 of the Draft Convention on the International Transmission of News and the Right of Correction (General Assembly resolution 277 (III)). It is not commonly found amongst conventions adopted under the auspices of the United Nations and may or may not be necessary for the purposes of the present Convention.

ARTICLE 10

SETTLEMENT OF DISPUTES

Any dispute which may arise between any two or more contracting States concerning the interpretation or application of this convention which is not settled by negotiation, shall at the request of any one of the parties to the dispute be referred to the International Court of Justice for decision, unless they agree to another mode of settlement.

Comment

It has become common practice to insert in conventions drawn up under the auspices of the United Nations, a clause providing for reference to the International Court of Justice with respect to matters of interpretation or application of the convention, concerning which a dispute arises between one or more of the contracting parties. The present clause follows the usual form of such clauses (See Handbook, pages 159-166).

ARTICLE 11

NOTIFICATIONS

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in paragraph 1 of article 4 of this Convention of the following:

(a) Signatures and instruments of ratifications received in accordance with article 4;

/(b) Instruments

- (b) Instruments of accession received in accordance with article 5;
- (c) The date upon which this Convention enters into force in accordance with article 6;
- (d) Communications and notifications received in accordance with article 7 [this will be necessary if either clause 7-A, B, or E is used]
- (e) Notifications received in accordance with article 8 [this will be necessary only if clause 8-B is used];
- (f) Notifications of denunciation received in accordance with paragraph 1 of article 9;
- (g) Abrogation in accordance with paragraph 2 of article 9.

ARTICLE 12

DEPOSIT

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit a certified copy to all Members of the United Nations and to the non-member States contemplated in paragraph 1 of article 4.

Note: It may also be thought desirable to insert a federal State clause in this Convention. In this connexion, the Secretary-General draws attention to three reports which he has submitted regarding such clauses: E/1721, dated 12 June 1950; A/CONF.2/21, dated July 1951, and E/CN.4/651, dated 17 March 1952.
