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COMMISSION ON THE STATUS OF WOMEN

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Item 4 of the Agenda

DRAFT DECLARATION ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN

Poland: Proposed Draft Declaration

Preamble

Considering that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Considering that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including any distinction as to sex,

Recalling that the United Nations, seeking, among other basic objectives, to achieve international co-operation for the promotion of the principle of equality of rights of men and women, created the Commission on the Status of Women for the purpose of furthering recognition of women's rights,

Taking into account the resolutions, declarations, conventions and recommendations adopted by the United Nations and the specialized agencies with a view to promoting equal rights for men and women,

Noting that despite encouraging developments, brought about inter alia by international action, the legal status of women does not correspond to the increasing role played by them in the economic and social life of their countries,

Noting further that in some countries women are still denied the exercise of political rights, that in a number of countries conditions have not yet been created for the implementation of the principle of equality of men and women, embodied in the constitutions of those countries, that remnants of colonialism and feudalism are still an obstacle towards full emancipation of women and that in the non-self-governing territories colonial exploitation of women is particularly strong and women continue to be denied or greatly restricted in the exercise of economic, social and other fundamental human rights,
Believing that the denial of equal rights to women endangers the welfare of women as individuals, the welfare of the family as an institution and the welfare of the community at large and is an obstacle towards the attainment of universal social progress,
Conscious of the increasingly important role played by women in modern society and of the fact that the participation of women - on equal terms with men - in the political, social, economic and cultural life of their countries is necessary for the national development,
Convinced that the elimination of discrimination against women is indispensable for the full development of the potentialities of women in the service to their countries and to humanity, for closing the gap now existing between men and women and between women living in countries with different levels of political, economic and social development and for peace and understanding between nations,
Desiring to promote universal recognition, in law and in fact, of the principle of equality of sexes,
Solemnly proclaims this Declaration.

1.

Discrimination based on sex, which includes any distinction, expulsion, limitation or preference designed to destroy or modify equality of opportunity and treatment as between men and women, is fundamentally unjust and constitutes an offence to human dignity. It shall be condemned as a denial of the principles of the Charter of the United Nations, and as a violation of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

2.

No State, institution, group or individual shall make any distinction as to sex in matters of human rights and fundamental freedoms in the treatment of persons.

3.

All States shall take effective measures to rescind laws and regulations which are discriminatory against women, and to establish legal protection of the equality of women.

All States shall also take all appropriate measures in the field of training, education and information with a view to advocating the equality of women and men in all fields, to eradicating prejudice, abolishing any customs and practices as well as all propaganda based on the idea of inferiority of women.

4.

All States shall take particular efforts to equalize the status of men and women in the enjoyment and exercise of political rights and shall ensure to women the right to vote and be eligible for all elections and the right of access to public service on equal terms with men.

5.

No discrimination against women shall be admitted in the field of personal rights. States shall ensure to women the right to equality before the law and to equal protection by the law, the same right to freedom and security of person as is enjoyed by men, especially by suppressing all forms of traffic in women, compulsion to and exploitation of prostitution and making them punishable under law, and shall grant to women full legal capacity and the right to free choice of domicile and residence on equal terms with men.

6.

There shall be no distinction based on sex as regards nationality in legislation or in practice.

Women shall have the same rights as men to acquire or change their nationality.

Marriage shall have no automatic effects on the nationality of the wife, nor shall the change of nationality by the husband during marriage have such effects.

The contracting of marriage by a woman shall by no means result in her becoming a stateless person.

7.

All States shall take effective measures to prevent discrimination against women in the fields of economic, social and cultural rights. To achieve effective equality between men and women in these fields States shall:

- 1/ ensure to women equal rights with men to work, to free choice of employment, to equal assistance and treatment by the employment service, to equal pay for work of equal value and to professional and vocational advancement and promotion.
- 2/ grant to women equal rights with men in the field of education and in particular ensure to them equal access to schools of all types and all levels, including vocational and technical education, equal standards of education and equal possibilities to benefit from scholarships and other study grants.
- 3/ ensure to women equal rights with men to rest, material security in case of old age, illness, unemployment or loss of capacity to work.

In view of the dual role performed by women with family responsibilities and in order to enable women the achievement of full economic equality and the full enjoyment of the right to work, child care and other social facilities should be gradually provided.

Women shall enjoy special care and protection during pregnancy and after confinement and shall not be employed at work likely to harm their health and that of their future progeny.

No discrimination against women shall be admitted on account of special assistance granted to motherhood, including paid maternity leave, and the right to return to former employment, as well as on account of special protection extended to women under protective legislation.

8.

All States shall take appropriate measures to eliminate discrimination against women in family matters and to implement the principle of legal equality of husband and wife.

In particular women shall have the same rights as men to free choice of a spouse, to enter marriage with their free and full consent and equal rights during marriage and at its dissolution.

Child marriages and the betrothal of young girls before the age of puberty shall be prohibited. States shall take legislative action to specify a minimum age for marriage.

No distinction shall be made between father and mother with regard to parental rights and duties and guardianship of children.

9.

Women shall have equal rights with men to acquire, administer, enjoy, dispose of and inherit property.

All limitations of the property rights of women under statutory matrimonial regimes and all discrimination against women in the field of inheritance rights shall be eliminated.

10. /article proposed for inclusion by
Byelorussia in doc. E/CN.6/426/

Bearing in mind the provisions of this Declaration and of the declarations, conventions and recommendations already adopted by international organizations, all States should work out, develop and implement a general State policy for the attainment of real equality between men and women in all fields of the political, economic, social and cultural life of their countries.

11. /article proposed for inclusion by
Byelorussia in doc. E/CN.6/426/

All States Members of the United Nations are called upon to take the necessary measures for the realization of the principles set forth in this Declaration.

12.

Women's civic, social and political organizations and movements are called upon to launch a wide-spread educational campaign with a view to disseminating the principles contained in this Declaration, to educating the general public as well as women themselves into accepting the idea of the equality of sexes, encouraging women to avail themselves to the full of the rights granted to them in law and to oppose all forms of discrimination against women as well as all practices which lead to or perpetuate such discrimination. Women's organizations are also called upon to avail themselves in their activities for the promotion of the rights of women of the assistance and guidance of the United Nations and the specialized agencies and UNICEF.