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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

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women, which was established by the Third Committee at its 6th meeting, on 29 September 1978, during the thirty-third session of the General Assembly.

* A/34/50.

ANNEX

Report of the Working Group of the Whole on the Drafting
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* Previously issued under the symbols A/C.3/33/L.47 and Corr.1 and 2,
A/C.3/33/L.47/Add.1 and Add.1/Corr.1 and A/C.3/33/L.47/Add.2 and Add.2/Corr.1.

I. 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-third session of the General Assembly at its 6th meeting, on 29 September 1978, with the purpose of continuing the consideration of the draft Convention on the Elimination of Discrimination against Women. In so doing the Third Committee had in mind resolution 32/136 of 16 December 1977. In that resolution the General Assembly took note with satisfaction of the report of the Working Group of the Third Committee at the thirty-second session 1/ of the General Assembly on the drafting of the Convention on the Elimination of Discrimination against Women (A/C.3/32/L.59); recommended that a working group should be established at the beginning of the thirty-third session to continue consideration of the articles which were not completed during that session; expressed the hope that the draft Convention would be adopted during the thirty-third session of the General Assembly; and decided to include in the provisional agenda of its thirty-third session, as a matter of high priority, an item entitled "Draft Convention on the Elimination of Discrimination against Women".

II. ORGANIZATION OF THE WORK OF THE WORKING GROUP

A. Duration of the work

2. The Working Group met at United Nations Headquarters from 29 September to 6 December 1978, and held 21 meetings.

B. Attendance

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

1/ During the thirty-second session of the General Assembly, a Working Group of the Third Committee on the Drafting of the Convention on the Elimination of Discrimination against Women was established by the Third Committee, at its 23rd meeting, on 19 October 1977. It held 12 meetings from 21 October to 2 December 1977 and adopted 10 preambular paragraphs, 2 preambular paragraphs which require pending decisions by the Third Committee, 8 articles and 1 article which requires further decisions by the Third Committee. The Working Group also decided to delete four paragraphs of the draft Convention and to transmit to the Third Committee alternative texts and/or amendments submitted to it on the title of the Convention and on five paragraphs in which it could not reach a decision. For further details, see A/C.3/33/WG.1/CRP.1 and Add.1.

C. Election of officers

4. At its 1st meeting on 29 September 1978 the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women elected the following officers:

Chairman: Miss Marcella Martinez (Jamaica)

Rapporteur: Miss Jelisaveta Djuričkovic (Yugoslavia)

D. Agenda

5. At its 1st meeting, on 29 September 1978, the Working Group decided to begin its work by the consideration and redrafting, if necessary, of the sections of the draft Convention which were not considered by the Working Group at the thirty-second session of the General Assembly owing to lack of time, that is, section III. SOCIAL AND ECONOMIC RIGHTS (arts. 10 to 13); section IV. CIVIL AND FAMILY RIGHTS (arts. 14 and 15); section V. FINAL PROVISIONS (arts. 16 to 22 and an additional article on reservations).

E. Procedures of work

6. At its 1st meeting, the Working Group decided to follow the procedures used at the thirty-second session 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. The Working Group decided that amendments proposed by the United Nations specialized agencies would be considered only if they were submitted by Governments. The Working Group also decided not to vote on particular articles. On the proposal of the Chairman, it was also decided that the Working Group, after having completed its work, should, if time permitted, review once again the paragraphs that were left open or for which alternative texts were proposed, before transmitting the report to the Third Committee. It was further decided that the Rapporteur would act as Vice-Chairman if the need arose.

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.

III. CONSIDERATION OF THE DRAFT CONVENTION ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN

9. The Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women began consideration of section III of the draft Convention, SOCIAL AND ECONOMIC RIGHTS, at its 2nd meeting, on 5 October 1978.

10. Yugoslavia orally proposed to amend the title of section III as follows: to replace "SOCIAL AND ECONOMIC RIGHTS" by "ECONOMIC AND SOCIAL RIGHTS", to make this title consistent with the wording of other United Nations legal instruments.

11. At the same meeting, the Working Group adopted the Yugoslav amendment to the title of section III of the draft Convention.

Article 10

12. The Working Group considered the introductory part of article 10 at its 2nd meeting, on 5 October 1978. The following amendments were submitted (A/C.3/33/WG.1/CRP.1/Add.2, p. 2):

Argentina

The words "married or unmarried" should be replaced by "irrespective of their civil status,".

United Kingdom

The introductory sentence should be reworded as follows: "Each State Party shall take all appropriate measures to eliminate discrimination against women, whether married or unmarried, in the field of education and in particular shall ensure, on an equal basis with men".

United States of America

The introductory sentence should be reworded as follows: "Each State Party agrees to take all appropriate measures to ensure women ... and, in particular to ensure:".

13. During the discussion, the representative of the United States of America withdrew her amendment; the representative of Argentina stated that she would withdraw her amendment after its eventual incorporation in article 1, with a view to covering the whole Convention. This understanding was supported by Iran. The following oral subamendments were submitted to the United Kingdom amendment, which was taken as a basis for discussion:

Netherlands

Replace the words "on an equal basis with men" at the end of the amendment with the words "on a basis of equality of men and women".

/...

Iran

Delete the words "on an equal basis with men" at the end of the amendment.

India

After the words "shall ensure" in the amendment add the words "to them".

Union of Soviet Socialist Republics

After the words "eliminate discrimination against women" add the words "and to ensure to women".

14. The representative of the United Kingdom accepted the oral subamendment submitted by Netherlands to its amendment.
15. The Working Group decided to delete the words "whether married or unmarried" and the words "which education shall be directed towards the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms" from the introductory sentence to article 10.
16. At the 3rd meeting, the representative of the United Kingdom introduced a revised text of the introductory part of article 10, after consultation with the Union of Soviet Socialist Republics and other interested delegations. The text read as follows:
- "Each State Party shall take all appropriate measures to eliminate discrimination against women and to ensure to women equal rights with men in the field of education and, in particular, to provide on a basis of equality of men and women ...".
17. At its 5th meeting, on 13 October 1978, the representative of the United Kingdom orally revised this text by substituting the word "provide" by the word "ensure" before the words "on a basis of equality of men and women". The Working Group adopted this text at the same meeting. The representative of Morocco reserved the right of her delegation to amend, at a later date, this text, which she considered to be a repetitive and unclear draft of the introductory phrase of this very important article.
18. The representative of Japan orally proposed the deletion of the words "on the basis of equality of men and women" from the revised text by the United Kingdom, in order to avoid repetition of and inconsistency with the wording in the following subparagraphs. The representative of Jordan orally proposed to delete the words "in particular" in the same text. During the discussion which followed, several representatives objected to the oral subamendments proposed by Japan and Jordan. It was agreed that the Group should review the final wording of the introductory phrase after the adoption of the texts of subparagraphs.
19. Subparagraph (a) was considered by the Working Group at its 3rd meeting on 9 October 1978. An amendment had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 2):

Austria

Replace "career guidance" by "vocational guidance".

20. The representative of Kenya proposed the following oral subamendment to the Austrian amendment which was accepted by Austria:

Retain "career" and insert "and vocational" before the word "guidance".

21. The representative of the United Kingdom orally proposed, as a consequential amendment in view of the introductory phrase to article 10, to:

Replace the word "Equal" in the first sentence by the words "the same" and replace the words "is to be" by the words "shall be".

22. During the course of the discussion the representative of Japan withdrew her amendment.

23. The Working Group adopted subparagraph (a) of article 10 as amended. It reads as follows:

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

24. Subparagraph (b) of article 10 was discussed by the Working Group at its 3rd and 5th meetings on 9 and 13 October 1978. The following amendments had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 3):

Japan

Replace the words "Equal access to the same curricula, the same examinations" by the words "Equal access to curricula and examinations of the same or equivalent standard".

Kenya

Add the following at the end of the subparagraph "so as to eliminate any stereotyped concept of masculine and feminine roles at all levels and in all forms of education;" and delete subparagraph (c) since this amendment merges the ideas of (b) and (c).

25. The representative of the United Kingdom orally proposed the replacement of the word "equal" at the beginning of the subparagraph by the words "the same" as a consequential amendment, in view of the introductory phrase to article 10. The representatives of Morocco and New Zealand proposed the deletion of the words "whether the institutions are co-educational or not" at the end of the subparagraph.

26. During the discussion several representatives expressed the view that subparagraphs (b) and (c) should remain separate.

27. The Working Group accepted the amendments of the United Kingdom, Morocco and New Zealand and decided to consider subparagraph (c) before taking a decision on the Kenyan amendment. The text of subparagraph (b) as amended for further consideration of the Working Group reads as follows:

"(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and schooling premises and equipment of the same quality;"

28. At its 5th meeting the Working Group adopted this text of subparagraph (b) of article 10.

29. Subparagraph (c) of article 10 was considered by the Working Group at its 3rd and 5th meetings, on 9 and 13 October 1978. The following amendments had been submitted (A/C.3/33/WG.1/CRP.1/Add.2, p. 3):

Austria

Replace the words "co-education, which will also help" with the words "Co-education and other means which will help".

United Kingdom

Replace this paragraph with the following (c) "Education which will help to eliminate any stereotyped concept of masculine and feminine roles, at all levels and in all forms of education;"

Kenya

Delete the subparagraph.

30. The representative of Iran orally proposed a revised version of the subparagraph which read as follows:

"The elimination of any stereotyped concept of masculine and feminine roles, at all levels and in all forms of education, in particular by revising school books and curricula for that purpose and by encouraging co-education;"

Some representatives spoke in favour of this proposal; others preferred the original text which calls for the speedy achievement of co-education; and others expressed reservations with regard to co-education.

31. In the course of the discussion, the representative of Austria withdrew his amendment.

32. At the 5th meeting, the representative of Iran orally presented to the Working

Group a new formulation for the subparagraph reached through consultation with other interested delegations. The text read as follows:

"(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 co-education and other types of education which will achieve this aim and in particular by the revision of school books and programmes and the adaptation of teaching methods".

33. The representative of the Byelorussian Soviet Socialist Republic orally proposed a subamendment to this text by adding the words "help to" before the words "achieve this aim". The representative of Nigeria orally proposed a further subamendment to this text by substituting the words "school books and programmes" by the words "textbooks and school programmes". The representative of Iran accepted these subamendments.

34. The representative of Belgium who had proposed a new subparagraph (c) to article 10 (A/C.3/33/WG.1/CRP.1/Add.2, p. 3) withdrew her amendment in support of the new compromise text. The representative of Kenya, who had proposed the deletion of the original version of subparagraph (c), (A/C.3/33/WG.1/CRP.1/Add.2), stated that his delegation could support the new compromise text and would not, therefore, insist on his amendment.

35. The representative of Argentina stated that her delegation could accept the new compromise text on the understanding that the word "co-education" be translated into Spanish by "educación mixta" since the word "co-education" does not exist in the Spanish language.

36. At the same meeting, the Working Group adopted subparagraph (c) which reads as follows:

"(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 co-education and other types of education which will help to achieve this aim and in particular by the revision of textbooks and school programmes and adaptation of teaching methods".

37. The representatives of Pakistan and Oman stated that, in their opinion, further attention should be paid to the wording of this subparagraph.

38. Subparagraph (d) of article 10 was considered by the Working Group at its 4th meeting, on 10 October 1978.

39. At that meeting, the Working Group adopted the subparagraph, as orally amended by the representative of the United Kingdom to read as follows:

"The same opportunities to benefit from scholarships and other study grants,".

40. Subparagraph (e) of article 10 was considered by the Working Group at the same meeting. The representative of the United Kingdom orally proposed the replacement of the word "Equal" by the words "The same". Several representatives orally proposed the replacement of the words "the knowledge gap" by the words "any gap in education".

41. At the same meeting, the Working Group decided to adopt subparagraph (e) of article 10, as orally amended. The text reads as follows.

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

42. Subparagraph (f) of article 10 was considered by the Working Group at its 4th meeting, on 10 October 1978. Two amendments had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 4):

Argentina

Replace the word "girls" by the word "women".

United Kingdom

Replace the subparagraph by the following:

"Measures to eliminate any factors causing a higher school drop-out rate among girls and the provision of programmes for young girls who have left school too early".

43. Several delegations agreed that the United Kingdom amendment did not solve the problem encountered by the translation of the word "girls" into other languages because it did not cover all the females intended to benefit from this provision.

43. The representative of Canada orally proposed a subamendment to the United Kingdom amendment to the subparagraph to read as follows:

44. The representative of the Philippines proposed the deletion of the word "special" before the word "programmes". The representative of Canada agreed.

45. The representative of Iran orally proposed a revised text for the subparagraph which reads as follows (A/C.3/33/WG.1/CRP.4):

"(f) Reduction of the female school drop-out rate, and the provision of programmes for young girls and women who left school too early;"

46. The representative of Argentina formally requested the Secretariat to see to it that the word "girls" not be translated into Spanish by the word "muchachas", a pejorative term not suited for an instrument of international law. At the same meeting, the Working Group decided to adopt the French language version of this text on the understanding that the Spanish translation should not use the word "muchachas". The adopted text reads as follows:

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

47. A new subparagraph (g) was proposed by the representative of Cuba, at the same meeting, to read as follows (A/C.3/33/WG.1/CRP.5):

"(g) The same opportunities as men to participate actively in sports, physical education and the enjoyment of these activities;"

48. At the 5th meeting, on 13 October 1978, a number of representatives supported the substance of the subparagraph. Some delegations, however, wondered whether this provision belonged in an article on education since this right continues to be important beyond the schooling period. Some felt that this idea was essential in the article on education. Others felt that the Cuban text contained two different ideas - one, the active participation in sports and the other, the enjoyment of these activities - which would be more properly placed in article 11, since it dealt with the right to leisure.

49. The representative of Romania called the attention of the Secretariat to the fact that the word "enjoyment" was inappropriately translated in French by the word "profiter". The representative of Iran agreed and suggested replacing the word "profiter" with "bénéficier".

50. The representatives of the United States of America and Australia stated that if the introductory phrase to article 10 proposed by the United Kingdom were to be adopted the words "as men" in the Cuban text should be deleted.

51. The representative of Cuba stated that her delegation would hope that the first part of the provision might remain within the context of the article on education and would accept the deletion of the last part and its incorporation into article 11.

52. At the same meeting, on the proposal of the Chairman and in the light of the discussion, it was decided to delete the words "and the enjoyment of these activities" at the end of the subparagraph, with the understanding that the idea would be incorporated in article 11. The Working Group decided to adopt the subparagraph as revised. The revised text reads as follows:

"The same opportunities to participate actively in sports and physical education;"

53. Subparagraph (g) /new (h)/ was considered by the Working Group at the same meeting.

54. The representative of New Zealand withdrew her amendment (see A/C.3/33/WG.1/CRP.1/Add.2) on the understanding that the revised version of the introductory sentence proposed by the United Kingdom would be adopted.

55. The representative of the United Kingdom withdrew the first of its amendments to this subparagraph (see A/C.3/33/WG.1/CRP.1/Add.2) on the same understanding and explained to the Working Group that its second amendment, to replace the words "this to include" by the word "including" was intended to make the English text consistent with the French and Spanish versions.

56. At the same meeting, the Working Group adopted the subparagraph as amended by the United Kingdom, which reads as follows:

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

57. At the same meeting, the Working Group also adopted article 10 as a whole.

58. At its 15th meeting, on 14 November 1978, the Working Group decided to restructure section III of the draft Convention (ECONOMIC AND SOCIAL RIGHTS), to renumber the articles therein, so that the article on education would remain article 10. It would be followed by one dealing exclusively with employment as article 11, one on health as article 12, one dealing with other aspects of economic and social life as article 13 and the one dealing with rural women would become article 14. The Working Group also decided that these titles, which were used for working purposes, should be deleted in order to make this section more consistent with the rest of the Convention.

Article 11

59. The discussion of this article took place at the 5th, 6th, 7th, 8th, 9th, 10th and 11th meetings of the Working Group on 13, 19, 20, 25, 26, 30 October and 6 November, respectively. The following amendments were submitted to the introductory sentence of article 11 (A/C.3/33/WG.1/CRP.1/Add.2, p. 5):

Argentina

Replace "married or unmarried" by "irrespective of their civil status,".

United Kingdom

Reword the introductory sentence as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women, whether married or unmarried, in the field of economic and social life and in particular shall ensure, on an equal basis with men:".

60. The Argentine amendment was discussed at the 5th meeting of the Working Group. Some delegations felt that, although they had taken the position that mention of marital status should be placed at the beginning of the Convention rather than in article 10, the idea should be maintained in article 11 and they would therefore support the amendment. Others stated that they could not see the

difference between articles 10 and 11 in this regard and would therefore, for the sake of consistency, oppose the amendment. The representative of the United States of America stated that, as a general rule, whenever the words "married or unmarried" appeared they should be deleted, on the understanding that the principle will be contained in article 1, as decided when the Working Group adopted article 10.

61. In response to the Chairman's suggestion that the Argentine representative might withdraw her amendment on the understanding that the principle be included in the article, the representative from Argentina stated that she would maintain her amendment until it was accepted as a formal amendment to article 1. If this were not the case she would put it forward to the Third Committee.

62. The Working Group decided not to take any action on the Argentinian amendment.

63. Concerning the amendment of the United Kingdom to the introductory sentence of article 11, the representative of that country orally introduced a revised version of his amendment, explaining that it was an exact parallel to the introductory sentence of article 10, already adopted by the Working Group. The text read as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women and to ensure to women equal rights with men in the field of economic and social life, and in particular to ensure, on a basis of equality of men and women".

64. The representative of Morocco also made an oral revision to the United Kingdom amendment. Her text read as follows (A/C.3/33/WG.1/CRP.5/Add.3):

"Each State Party shall take all appropriate measures to eliminate discrimination against women in the field of economic and social life, and to ensure for women on a basis of equality the same rights as men, in particular:".

65. The representative of France supported this formulation and stated that it should also be used for the introduction to article 10.

66. Several representatives spoke in favour of the United Kingdom amendment. The representative of the United States of America stated that the negotiations carried out to reach agreement on the introductory sentence to article 10 were satisfactory. All other substantive articles, therefore, should be consistent with it. Some representatives stated that they would prefer to have the written text of both revisions in their respective language before adopting the introductory sentence to article 11. The representative of Sweden stated that his delegation was of the opinion that, in principle, all lengthy amendments should be presented in writing and translated before the Working Group took a position on them. In this case, however, the United Kingdom text was identical to the introductory sentence to article 10 already adopted by the Working Group, except that instead of the word "education" this text referred to "economic and social life". The representative of Ireland stated that the situation with article 11 was not the same as it was with article 10, in view of the nature of the subparagraphs of the article under consideration.

67. At its 6th meeting, the Working Group continued consideration of the introductory sentence to article 11. After a lengthy discussion, the representative of the Syrian Arab Republic orally revised the Moroccan revision of the United Kingdom amendment to read as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women in the field of economic and social life, in order to ensure on a basis of equality of men and women the same rights, in particular:".

68. At the same meeting, the Working Group adopted this text.

69. At the 10th meeting, the representative of the Netherlands introduced an amended version of the introductory sentence to article 11 in accordance with the revised structure of section III, proposed by Denmark and her own delegation (A/C.3/33/WG.1/CRP.5/Add.11). According to it, article 11 would deal exclusively with employment. The text of the introductory sentence to article 11 would remain as adopted, except that the word "employment" would replace the words "economic and social life". At the same meeting, the Working Group adopted this text, which reads as follows:

"1. Each State Party 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:".

70. The representative of the Union of Soviet Socialist Republics stated that he would have preferred the words "to ensure the rights of".

71. Subparagraph 1 (a) of article 11 was considered by the Working Group at its 6th meeting. An amendment was submitted by Kenya (A/C.3/33/WG.1/CRP.1/Add.2, p. 5) and orally revised when introduced to the Working Group to read as follows:

"(a) The right to work and enjoy benefits accruing therefrom, as an inalienable right of all human beings;".

Many representatives felt that Kenya's concern was covered by subparagraphs (b) and (c). Most of them stated that they preferred the original wording of the subparagraph. The representative of Kenya withdrew her amendment. Subparagraph 1 (a) of article 11 was adopted by the Working Group at the same meeting. The text reads as follows:

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

72. Subparagraph 1 (b) was considered by the Working Group at its 6th meeting, on 19 October 1978. The following amendments had been submitted to it (A/C.3/33/WG.1/CRP.1/Add.2, pp. 5 and 6):

Argentina

Delete "without discrimination on grounds of civil status or any other grounds".

Belgium

Amend to read as follows:

"The right, without discrimination on grounds of civil status or any other grounds, to free choice of profession and employment, to promotion and job security, to receive vocational training and retraining, which also include apprenticeship, advance vocational training and permanent training;"

73. The amendment submitted by Argentina (A/C.3/33/WG.1/CRP.1/Add.2, p. 5) was withdrawn on the same understanding as expressed in paragraph 61.

74. Several representatives supported the amendment of Belgium. The representative of Sweden accepted it on condition that the words "permanent training" be replaced by the words "recurrent training". The representative of Australia, supported by the representative of Spain, proposed the deletion of the words "without discrimination on grounds of civil status or any other grounds" from the Belgian amendment.

75. The representative of Ireland proposed the replacement of the words "which also include" by the word "including". This was accepted by the representative of Belgium. At the 6th meeting, the Working Group adopted the subparagraph as amended by Belgium and subamended by Australia and Ireland, and renumbered it as subparagraph 1 (c), since the Working Group decided to place subparagraph 1 (f) as subparagraph 1 (b). The text reads as follows:

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

76. Subparagraph 1 (c) was considered by the Working Group at its 6th and 7th meetings, on 19 and 20 October 1978, respectively. Amendments were submitted by the United Kingdom (A/C.3/33/WG.1/CRP.1/Add.2, p. 6) to delete the words "the evaluation of quality of"; since these words did not exist in the text adopted by the Commission on the Status of Women and were included here by mistake; and (A/C.3/33/WG.1/CRP.5/Add.2) to delete the words "with men" between the words "remuneration" and "for work", as a consequence of the adopted introductory phrase.

77. An amendment to former subparagraph 1 (b) had been submitted by Guyana (A/C.3/33/WG.1/CRP.5/Add.4) to replace the word "and" following the word "promotion"

by a comma, and add the following words to the end of this subparagraph: "and all benefits and other conditions of service;". This amendment was considered by the Working Group at its 6th meeting, while considering subparagraph 1 (b) of article 11. At that time many representatives supported it, they expressed the view, however, that it belonged in subparagraph (c) rather than in (b). The representative of Zambia stated that she would support the Guyana amendment if the word "other" before the words "conditions of service" was deleted. The representative of Guyana accepted the Zambian suggestion.

78. At the 6th meeting, the representative of the Netherlands stated that if the idea contained in the Guyana amendment was accepted, she would withdraw her amendment to include a new subparagraph 1 (g) (A/C.3/33/WG.1/CRP.1/Add.2, p. 7).

79. At the same meeting, the Working Group decided to defer further discussion of this amendment to the time when it would consider subparagraph 1 (c) of article 11.

80. At the 7th meeting of the Working Group, the representative of Guyana proposed that subparagraph 1 (c) be amended to read as follows:

"The right to equal remuneration and to all benefits and conditions of service as men for work of equal value and to equality of treatment in respect of the evaluation of quality of work of equal value as defined in the Convention of the International Labour Organisation on this subject;".

81. This oral revision incorporated the amendment that Guyana had submitted to subparagraph 1 (b) (A/C.3/33/WG.1/CRP.5/Add.4).

82. The representative of the United States of America (A/C.3/33/WG.1/CRP.3) proposed the deletion of the phrase "as defined in the Convention of the International Labour Organisation on this subject".

83. Several delegations opposed the deletion of the reference to the evaluation of quality of work as proposed by the United Kingdom since they considered the principle of the evaluation process an important element. The majority agreed with the deletion of the mention of the International Labour Organisation Convention. The representative of Ireland proposed the deletion of the words "of equal value". The representative of Japan orally proposed the deletion of "and all benefits and conditions of service".

84. The representative of Iran proposed the replacement of the second mention of the word "including" by the words "as well as". The representative of the Ivory Coast stated that it had been agreed that the French wording of the introductory passage would read: "Le droit à l'égalité de rémunération, y compris l'égalité des prestations et de traitement ...".

85. At the 7th meeting, the compromise text, as orally amended, was adopted, as subparagraph 1 (d) of article 11. The text reads as follows:

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

86. The Working Group agreed that the meaning of the word "remuneration" in this Convention would be the same as the one defined in article 1 of the Equal Remuneration Convention of the International Labour Organisation.

87. Subparagraph 1 (d) was considered by the Working Group at its 7th meeting, on 20 October 1978. An amendment was submitted by the United Kingdom, consequential to the adoption of its amendment to the introductory phrase to article 11 (A/C.3/33/WG.1/CRP.5/Add.2) to delete the words "equality with men" between the words "right" and "to social security". The representative of Sweden orally proposed the replacement of the words "paid leave" by the words "paid holidays". This was opposed by several representatives. The representative of the International Labour Organisation was asked to define both concepts. He stated that "paid leave" was a much broader term which included annual, educational, sick, compassionate and other kinds of leave. Several representatives stated that they preferred the original text proposed by the Commission on the Status of Women. On the suggestion of the Chairman, it was decided to leave the text as it stood, on the understanding that it could be reconsidered at the Third Committee.

88. At the same meeting, the Working Group decided to adopt subparagraph 1 (d) as amended by the United Kingdom as subparagraph 1 (e). The text reads as follows:

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

89. Subparagraph 1 (f) was considered by the Working Group at its 7th meeting on 20 October 1978. An amendment had been submitted by Belgium (A/C.3/33/WG.1/CRP.1/Add.2, p. 6) to add the following at the end of the subparagraph:

"and the elimination of discrimination in the criteria used for selection in matters of employment."

90. An amendment was submitted by the United Kingdom (A/C.3/33/WG.1/CRP.5/Add.2) consequential to the adoption of its amendment to the introductory phrase to article 11, to replace the word "equal" before "employment" by the words "the same" and delete the words "for women" between the words "opportunities" and "and prevention".

91. Several representatives spoke in favour of the Belgian amendment. Some felt, however, that it was more logical that it follow subparagraph 1 (a) of article 11. The representative of Australia proposed the rephrasing of the Belgian amendment as follows:

"The right to the same employment opportunities, including the right to freedom from discrimination in the criteria used for job selection."

92. The representative of Iran orally revised this text to read as follows:

"The right to the same employment opportunities including the application of the same criteria with respect to selection in matters of employment;"

93. At the same meeting, the Working Group adopted this subparagraph as orally reworded and decided to renumber it as subparagraph 1 (b). The text reads as follows:

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

94. A new subparagraph 1 (f) drawn from articles 13 (2) and (4) was introduced by Denmark on behalf also of the Netherlands at the 10th meeting of the Working Group (A/C.3/33/WG.1/CRP.5/Add.11).

95. After a discussion on the meaning of the "function of reproduction", in which some delegates preferred "social functions of reproduction", some "social and biological function of maternity" and some "social and biological function of reproduction", this subparagraph was adopted by the Working Group. The text reads as follows:

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

96. The introductory phrase of subparagraph 2 of article 11 was considered by the Working Group at its 8th meeting, on 25 October 1978. The representative of the United States of America proposed (A/C.3/33/WG.1/CRP.3) the insertion of the word "appropriate" before the word "measures". At the same meeting the Working Group adopted the clause as orally amended by the United States of America. The text reads as follows:

"In order to prevent discrimination against women on account of marriage or maternity and to ensure their effective right to work, the States Parties shall undertake all appropriate measures:"

97. Subparagraph 2 (a) was considered by the Working Group at the same meeting. The following amendments were submitted to it.

United States of America (A/C.3/33/WG.1/CRP.3)

2 (a) Divide this subparagraph into two paragraphs, as follows:

"(a) Prohibiting subject to the imposition of penalties discrimination against women in dismissals on the basis of marital status;

(aa) Prohibiting, subject to the imposition of penalties, dismissal on grounds of pregnancy or maternity leave;"

/...

Austria (A/C.3/33/WG.1/CRP.5/Add.5)

Add the words "or declaring void any such dismissals;" after the word "leave".

Japan (A/C.3/33/WG.1/CRP.5/Add.7)

Replace the words "Prohibiting, subject to the imposition of penalties," by the words "Eliminating, through imposition of sanctions where appropriate,".

98. During the discussion, the representative of Japan explained that the main point of her amendment was to insert the word "appropriate" after the word "sanctions". Several delegates felt that this would be repetitious in view of the inclusion of the same word in the introductory phrase of subparagraph 2. Others felt it would weaken the provision whereas the task of the Working Group should be to strengthen it. The representative of Japan withdrew her amendment, maintaining her reservation with regard to this paragraph.

99. Opinions were divided with regard to dividing subparagraph 2 (a) into two as proposed by the United States of America. The representative of the United Kingdom proposed a compromise text, which was accepted by the representative of the United States of America. At the same meeting, the Working Group adopted this text. It reads as follows:

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

100. Subparagraph 2 (b) of article 11 was considered by the Working Group at its 8th meeting. The following amendments had been submitted to it (A/C.3/33/WG.1/CRP.1/Add.2, p. 7):

Japan

Delete the word "paid" before the word "leave" and the phrase "the periods of leave ... performed".

United Kingdom

Delete the words "the periods of leave being treated as equivalent to periods of work actually performed".

United States of America (A/C.3/33/WG.1/CRP.3)

Delete "the cost of this protection should be borne by social security systems or other public funds or collective systems".

Romania (orally)

Delete the word "progressively".

101. After a lengthy discussion on the concepts of "paid leave", "without loss of the job held", "social allowances and benefits", and "social security systems", the Working Group adopted a compromise text to subparagraph 2 (b). It reads as follows:

/...

"(b) To introduce paid leave or leave with comparable social benefits for maternity without loss of the job held, seniority or social allowances".

102. Subparagraph 2 (c) of article 11 was considered by the Working Group at its 8th and 9th meetings. The following amendments had been submitted to the subparagraph (A/C.3/33/WG.1/CRP.1/Add.2, p. 8):

Japan

Replace the words "and to grant women ... post-natal period" by "to implement health measures for women during pregnancy and post-natal period, and to adopt relief measures, including financial assistance for confinement expenses:".

New Zealand

Replace the words "possibilities of" with the word "appropriate".

Netherlands

Replace the words "and to grant women free medical services" by the words "and to ensure women access to medical services".

United States of America (A/C.3/33/WG.1/CRP.3)

Insert the word "needy" before the word "women".

Sweden (A/C.3/33/WG.1/CRP.5/Add.1/Rev.1)

Replace subparagraph 2 (c) by the following two new subparagraphs (c) and (d):

"(c) To encourage the provision of the necessary supporting services to enable parents to combine family obligations with work responsibilities and participation in public life and, for that purpose, to promote in particular the establishment of child-care facilities sponsored by the public or the private sector;

(d) To grant women free medical services in connexion with pregnancy, confinement and the post-natal period".

India (A/C.3/33/WG.1/CRP.5/Add.6)

Replace the words "medical services" by the words "easily available health care services".

103. A new subparagraph 2 (d) had been proposed by the Union of Soviet Socialist Republics (A/C.3/33/WG.1/CRP.1/Add.2, p. 8). It reads as follows:

"To establish and develop a wide network of children's institutions, to pay maternity benefits, to grant allowances and benefits for large families and to provide other kinds of family allowances and assistance".

This amendment was considered by the Working Group together with those submitted to subparagraph 2 (c).

104. In explaining her amendment, the representative of the Netherlands stated that even though in the Netherlands, as well as in many other countries, there were free medical services to some extent, they are not, however, available to everyone. Her delegation's amendment was intended to ensure that if a Government were not in a position to provide all women with free medical services, those who could not afford them would be taken care of. In view of this explanation, the representative of the United States of America withdrew his amendment.

105. Several representatives expressed the view that the reference to child care facilities contained in article 13 should be merged with the new formulation of subparagraph 2 (c) of article 11 as proposed by Sweden.

106. At its 9th meeting, on 26 October 1978, the Working Group decided to take the Swedish amendment as a basis for discussion. Some representatives felt that it was not necessary to give such emphasis to child care facilities. Other steps, such as short work-days and flexible working hours, could also be taken to allow women to continue working.

107. The representative of the Union of Soviet Socialist Republics orally proposed to add the word "social" between the word "support" and "services" in the Swedish amendment. This was accepted by the representative of Sweden.

108. After a very lengthy discussion the Swedish amendment as subamended was adopted by the Working Group on the understanding that this subparagraph leaves Governments free to work out the combination most appropriate to them between the public and private sectors for the provision of such services. The text reads as follows:

"(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;"

109. Subparagraphs 2 (d) as proposed by Denmark and the Netherlands (A/C.3/33/WG.1/CRP.5/Add.11) was considered by the Working Group at its 10th and 11th meetings, on 30 October and 6 November 1978 respectively. The representative of Denmark explained that this subparagraph had been drawn from the original article 13 (4) of the draft Convention.

110. At the 10th meeting, the representative of Belgium orally proposed the insertion of the words "without loss of income" after the words "To extend". The representative of Denmark stated that this would not be acceptable to her delegation.

Still other representatives felt there was a need to strengthen the clause on the lines suggested by Belgium and to protect pregnant women from abuse by their employers. Several representatives referred to the increased use of chemicals and radiation by industry. Reference was made to the need to make grass-roots women aware of the protection that this provision confers upon them.

111. Subparagraph 2 (d) of article 11 as proposed by Denmark and the Netherlands was adopted by the Working Group at its 12th meeting. The text reads as follows:

"(d) To extend special protection to women during pregnancy for types of work proved to be harmful to them".

112. Subparagraph 3 of article 11 was considered by the Working Group at its 10th meeting on 30 October 1978. The representative of Ecuador orally proposed the insertion of the words "the advances in" between the words "in the light of" and the word "scientific" and the deletion of the words "and should be revised, repealed or extended, as necessary". After discussing this proposal, the Working Group adopted subparagraph 3 as proposed by Denmark and the Netherlands. The text reads as follows:

"3. Protective legislation should be reviewed periodically in the light of scientific and technological knowledge and should be revised, repealed or extended as necessary."

The representatives of Ecuador and Pakistan expressed their reservations with regard to this text.

Article 12

113. A new article on health was proposed by Denmark and the Netherlands (A/C.3/33/WG.1/CRP.5/Add.11) and discussed by the Working Group at its 11th meeting, on 6 November 1978.

114. Subparagraph 1 of this article was discussed at length by the Working Group. Some delegations expressed preference for the words "and to ensure" instead of "in order to ensure". Several objected to the reference to "services" in connexion with family planning, since there are no family planning services in some countries, and this might result in the refusal to ratify the Convention by some Governments. Several others, however, stated that the Convention should reflect the state of affairs desired and should contain guidelines for the future.

115. Several amendments concerning medical services, including family planning information, counselling, and/or advice and services were orally proposed. At its 12th meeting, on 8 November 1978 the Working Group adopted subparagraph 1 of this article as orally amended by Finland, India and Iran, the text reads as follows:

"1. Each State Party 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."

116. Subparagraph 2 was considered by the Working Group at its 11th meeting. The representative of the Netherlands explained that this subparagraph had been drawn from former article 11 (2) (c) of the draft Convention. A new subparagraph 2 (d) of article 11 had been proposed by Sweden (A/C.3/33/WG.1/CRP.5/Add.1/Rev.1) and considered by the Working Group at its 9th meeting, on 26 October 1978. At the 11th meeting, the representative of Finland orally amended the subparagraph and the Working Group adopted it as orally amended by merging it in a formulation which took into account the amendment proposed by Bangladesh regarding nutrition during pregnancy and lactation. The text reads as follows:

"2. Notwithstanding the provisions of paragraph 1 above, the State Party 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."

117. At its 15th meeting, on 14 November 1978, the Working Group decided to number this article as article 12 of the draft Convention.

Article 13

118. A new article was proposed by Denmark and the Netherlands (A/C.3/33/WG.1/CRP.5/Add.11, art. 12) based on sections of the original article 11 which did not deal specifically with employment.

119. The introductory phrase of the new article had been adopted as the introductory phrase to former article 11 (1). At its 10th meeting the representative of the United Kingdom orally proposed the revision of this text by substituting the words "the field" before the words "of economic and social life" by the words "other areas".

120. At the same meeting, the Working Group adopted the introductory phrase to this article as revised by the United Kingdom. The text reads as follows:

"Each State Party 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:"

121. Subparagraph (a) of this article was considered by the Working Group at its 11th meeting, on 6 November 1978. The representative of Denmark explained that this subparagraph was drawn from the original article 11 (1) (f) already adopted by the Working Group. This subparagraph was formerly 11 (1) (e) (A/C.3/33/WG.1/CRP.1/Add.2, p. 6). It had been considered by the Working Group at its 7th meeting, on 20 October 1978. An amendment had been submitted by the United Kingdom (A/C.3/33/WG.1/CRP.5/Add.2) consequential to the adoption of its amendment to the introductory phrase of article 11, to delete the words "on equal terms for men and women".

122. At the same meeting, the Working Group adopted the subparagraph, as amended by the United Kingdom, as subparagraph (f). The text reads as follows:

"(f) The right to family benefits".

/...

123. Subparagraph (b) of this article was originally a new subparagraph (g) proposed by Guyana at the 7th meeting of the Working Group, on 20 October 1978 (A/C.3/33/WG.1/CRP.5/Add.4). It reads as follows:

"Equal access to bank loans, mortgages and any other forms of financial credit;"

124. The representative of Guyana orally revised this amendment and the text was adopted by the Working Group as subparagraph 1 (f) of article 11, at the same meeting. At its 10th meeting, the Working Group decided to adopt it as subparagraph (b) of this article. The text reads as follows:

"(b) The right to bank loans, mortgages and other forms of financial credit"

125. Subparagraph (c) of this article was originally a new subparagraph 1 (h) of article 11. It was considered by the Working Group at its 7th meeting, on 20 October 1978. It had been submitted by Guyana (A/C.3/33/WG.1/CRP.5/Add.4) and it read as follows:

"The right to participate in, and enjoy, leisure and cultural activities".

126. The representative of Cuba stated that her delegation supported this amendment but would propose to word it as follows:

"The right to participate in recreational activities, sports and all aspects of cultural life"

This text was adopted at the same meeting by the Working Group. At its 10th meeting, on 30 October 1978, the Working Group decided to adopt this text as subparagraph (c) to this article. At its 15th meeting, on 14 November 1978, the Working Group decided to adopt this article as article 13 of the draft Convention.

Article 14 (former 12)

127. Former article 12 was considered by the Working Group at its 12th, 13th, 14th and 15th meetings, on 8, 9, 10 and 14 November 1978, respectively. The following amendments were submitted to the introductory sentence of this article:

Bangladesh (A/C.3/33/WG.1/CRP.1/Add.2, p. 8)

Add after "The States Parties" the words "shall take into account the significant roles women play in the economic survival of their families in the rural areas by working in the non-monetized sectors of the economy and"

United Kingdom (A/C.3/33/WG.1/CRP.5/Add.9)

"Each State Party shall take all appropriate measures to eliminate discrimination against women in rural areas in order to guarantee them

equality as participants in and beneficiaries of agricultural and rural development and in particular, on a basis of equality of men and women, the right:"

Denmark (A/C.3/33/WG.1/CRP.8)

"Each State Party shall take into account the significant roles rural women 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 eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, participation in and benefits from rural development and in particular the right:"

128. At the 12th meeting, some representatives expressed the view that the idea contained in the amendment of Bangladesh should be included in the preamble of the Convention. Others expressed the view that it could be included in both places. The majority supported the idea of having a separate paragraph dealing with the specific problems of rural women.

129. At the same meeting, the representative of Denmark introduced her amendment. She explained that she had incorporated in it the United Kingdom and Bangladesh amendments to the introductory phrase of this article.

130. At the 13th meeting, the Working Group adopted the Danish text (A/C.3/33/WG.1/CRP.8), which reads as follows:

"Each State Party shall take into account the significant roles rural women 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 eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, participation in and benefits from rural development and, in particular, the right:"

131. In further discussion of former article 12 as a whole, several representatives felt that certain subparagraphs were repetitions of previous provisions in the Convention. Others, however, stressed their importance within the context of rural women.

132. The representative of Cuba proposed that an introductory phrase be drafted guaranteeing rural women the rights recognized in all the provisions of the Convention, and specifying in the subparagraphs those the Working Group wanted to emphasize.

133. At the 14th meeting, the representative of New Zealand, on behalf of Bangladesh, Ghana, Guyana, India, Kenya, Sweden, the United Kingdom and her own delegation, introduced a revised structure for former article 12 (Rural women) (A/C.3/33/WG.1/CRP.10), which took into account all the existing amendments to that

article. The Bangladesh amendment became paragraph 1 according to the revised structure, and the former introductory phrase, paragraph 2. The Working Group decided to use this text as a basis for further discussion.

134. At its 15th meeting, the Working Group adopted paragraph 1 of article 12. The final adopted text reads as follows:

"1. Each State Party shall take into account the particular problems faced by rural women and the significant roles 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."

135. Paragraph 2 of this article was adopted by the Working Group at its 14th meeting. The text reads as follows:

"2. Each State Party 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, participation in and benefits from rural development and, in particular, the right:"

136. Subparagraph 2 (a) was considered by the Working Group at its 14th meeting. An amendment had been submitted to this subparagraph by the United Kingdom (A/C.3/33/WG.1/CRP.5/Add.9) consequential to the adoption of paragraph 2. It read as follows:

"(a) To participate fully in the formation and implementation of development planning at all levels;"

137. The Working Group discussed the meaning of the words "from the local to the national levels" appearing in the version of the subparagraph adopted by the Commission on the Status of Women. Some representatives felt that specific mention should be made in this subparagraph of the local, regional and national levels. Others felt that the phrase "all levels" was comprehensive.

138. At its 14th meeting, the Working Group adopted subparagraph 2 (a) and decided to place it first of the subparagraphs. The text reads as follows:

"(a) To participate fully in the formulation and implementation of development planning at all levels;"

139. The representative of Algeria reserved the right of her delegation to raise the question of the specific mention of the three levels with the Third Committee.

140. Subparagraph 2 (b) was considered by the Working Group at its 13th and 14th meetings. The following amendments had been submitted to it:

New Zealand (A/C.3/33/WG.1/CRP.1/Add.2, p. 9)

After the word "services" insert the words "of an equal standard to those available to men"

India (A/C.3/33/WG.1/CRP.5/Add.6)

Replace "Receive adequate medical and health facilities, including family planning advice and services," by "Having access to adequate health care facilities, including information, counselling and services in family planning"

United Kingdom (A/C.3/33/WG.1/CRP.5/Add.9)

"(b) To receive adequate medical and health facilities, including family planning advice and services;"

The last was a consequential amendment to paragraph 2, as adopted.

141. At the 13th meeting, the representative of New Zealand withdrew her amendment to this subparagraph.

142. The Working Group extensively discussed the concepts of "family planning advice and services" and "personal rights to social security". Some representatives had objections concerning the first and/or were not clear as to the meaning of the second.

143. The representative of Canada stated that the term "personal rights to social security" referred to a problem universal to women since they are treated as dependants. The representative of New Zealand explained that the expression had come from the Commission on the Status of Women and it attempted to confer this right on the woman herself, rather than on the family.

144. Several representatives felt very strongly that this article should provide that women working in the non-monetized section of the economy should have access to social security in their own right and not as dependants, since the vast majority of countries which provide social security do so to workers in the monetized sectors of the economy.

145. The representative of Canada orally proposed that the phrase "as well as social security in their own right" should be used instead of "as well as personal rights to social security". This formulation was supported by some delegations and opposed by others.

146. The representative of the Syrian Arab Republic orally proposed the deletion of the words "including information, counselling and services in family planning, as well as personal rights to social security".

147. The representative of India proposed the replacement of the words "receive facilities" by the words "have access to facilities". The representative of Spain proposed that the words "direct access to social security" should be used to avoid repetition of the word "rights". Accepting the suggestion of several delegations that this idea should constitute a separate paragraph, the representative of Iran proposed the addition of a new subparagraph (c) stating "to benefit directly from rights to social security".

148. At the 13th meeting, some representatives requested clarification on the meaning of "access to adequate health care facilities". The Director of the Branch for the Advancement of Women stated that this provision had originated within the Commission on the Status of Women. She further stated that research carried out by the Secretary-General showed that a great part of the health expenditures intended for the most needy, especially for rural women, did not reach them and remained at the middle levels.

149. At its 14th meeting, the Working Group decided to adopt the first part of the subparagraph. At its 15th meeting, it decided to number it as subparagraph (b). It reads as follows:

"To have access to adequate health care facilities, including information, counselling and services in family planning."

150. A new subparagraph 2 (b) had been proposed by Bangladesh (A/C.3/33/WG.1/CRP.1/Add.2, p. 9) which would have read as follows:

"To receive adequate nutrition during pregnancy and lactation".

151. The Working Group considered this amendment at its 13th and 15th meetings. At the 13th meeting, all representatives who spoke supported the content of this amendment. Some stated that the subparagraph should not be included in this article since this right should not be limited to rural women. Others stated that it was inaccurate to consider pregnancy and lactation as sickness. Some suggested to include it on article 12 dealing with health.

152. At its 15th meeting, the Working Group adopted this amendment and on the suggestions of the United Kingdom decided to add it at the end of paragraph 1 of the adopted article 12 dealing with health. (See article 12, para. 2, A/C.3/33/L.47, para. 117.)

153. Subparagraph 2 (c) was considered by the Working Group at its 13th and 14th meetings. The following amendments had been submitted to it:

Kenya (A/C.3/33/WG.1/CRP.1/Add.2, p. 9)

After "extension services" add "to improve, inter alia, the technical efficiency in their work performance"

United Kingdom (A/C.3/33/WG.1/CRP.5/Add.9)

"To obtain all types of training and education, formal and non-formal including functional literacy, as well as the benefit of all community and extension services;"

154. The Working Group adopted subparagraph (c) at its 14th meeting and at its 15th meeting, decided to renumber it as subparagraph 2 (d). The text reads as follows:

"To obtain all types of training and education, formal and non-formal, including functional literacy, as well as the benefit of all community and extension services, inter alia, to increase their technical proficiency;"

155. A new subparagraph 2 (c) had been proposed at the 15th meeting of the Working Group by New Zealand (A/C.3/33/WG.1/CRP.10/Add.2) to read as follows:

"To benefit directly from social security programmes;"

156. The content of this amendment had been previously discussed by the Working Group at its 13th and 14th meetings in connexion with subparagraph 2 (b). The Working Group adopted this subparagraph at its 15th meeting and decided that it should become subparagraph 2 (c) of this article.

157. Subparagraph 2 (d) was considered by the Working Group at its 14th and 15th meetings. The following amendments had been submitted to it:

Bangladesh (A/C.3/33/WG.1/CRP.1/Add.2, p. 10)

Delete the words "including co-operatives"

United Kingdom

"To participate in all community activities including co-operatives;"

158. After a discussion of co-operatives, the Working Group adopted the Bangladesh amendment (A/C.3/33/WG.1/CRP.10). It was adopted at the 15th meeting as subparagraph (f) and reads as follows:

"(f) To participate in all community activities."

159. A new subparagraph 2 (d), which had been proposed by the delegation of Bangladesh (A/C.3/33/WG.1/CRP.1/Add.2, p. 9), reads as follows:

"Organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment and self-employment";

160. During the discussion of this amendment some representatives stated that the expression "self-help groups" was unclear. The representative of Jordan stated that she understood "self-help groups" to mean a system that is adopted to help rural women and men help themselves. It may consist of training courses and the members of the training group teach others. The representative of Pakistan stated that self-help groups may constitute a transition period towards a co-operative. The Chairman stated that it could be an arrangement of a co-operative kind which is not established as a formal co-operative.

161. The representative of the Union of Soviet Socialist Republics felt that there was no need to specify co-operatives and self-help groups, as well as employment and self-employment. He would prefer a more general formulation such as "different economic opportunities". Others expressed their preference for the proposed Bangladesh wording. The representative of the Byelorussian SSR proposed the addition of the words "for example" before the words "through employment and self-employment", since it was not advisable to limit ways to those suggested in the subparagraph. This was supported by Poland and Jordan.

162. At its 15th meeting, the Working Group decided to adopt the subparagraph as orally amended and to renumber it as subparagraph 2 (e). The text read as follows:

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

163. Subparagraph 2 (e) was considered by the Working Group at its 15th meeting. An amendment had been submitted by the United Kingdom (A/C.3/33/WG.1/CRP.5/Add.9) consequential to the adoption of paragraph 2 of this article. It read as follows:

"(e) To obtain access to credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes".

164. Some representatives questioned whether the words "appropriate technology" or "appropriate technologies" (as in the original text) should be used. The Working Group engaged in a lengthy discussion of this concept.

165. Upon request, the ILO representative explained that the words "appropriate technology" are within the context of technology acquired for development plans in many less developed countries, taking into account human resources, currency available, impact on the labour market, labour-intensive versus capital-intensive technology, and the social consequences that the specific technology brings into a society.

166. Many representatives urged retention of the reference to appropriate technologies since it meant technology appropriate to the level of development. The Chairman suggested replacing "technologies" by "technology". It was so agreed.

167. The representative of Colombia orally proposed the replacement of the words "to obtain access" at the beginning of the subparagraph by the words "To have access".

168. At its 15th meeting, the Working Group adopted this subparagraph as orally amended and decided to renumber it as subparagraph 2 (g) of this article. The text reads as follows:

"(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;"

169. Subparagraph 2 (d) was proposed by the group of delegations who drafted the revised structure for this article (A/C.3/33/WG.1/CRP.10) and discussed by the Working Group at its 15th meeting.

170. A few representatives stated that they could not see why the content of this subparagraph should apply only to women. The representative of Ghana explained that she had asked the same question during the drafting of this amendment and that it had been explained to her by other co-sponsors that discrimination in these sectors existed in some countries. The representative of Sweden gave some illustrations of this.

171. At the same meeting, the Working Group adopted this subparagraph and decided to number it subparagraph (h). The text reads as follows:

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

172. The representative of the Netherlands stated that she would like to see a similar provision included for all women in the article dealing with other aspects of economic and social life. The Chairman proposed to proceed on the understanding that, if it was intended to guarantee the rights enumerated in the article on rural women to urban women as well, provisions to this effect should be included among the general provisions of the Convention.

173. The representative of Japan stated that there was no provision in the Convention covering the social security of urban women who were not employed.

174. At its 15th meeting, the Working Group adopted this article as a whole and, as stated, decided to renumber it article 14.

Article 15 (former 14)

175. The Working Group considered this article at its 16th and 17th meetings, on 22 and 23 November 1978.

176. Paragraph 1 was adopted by the Working Group at its 16th meeting as proposed by the Commission on the Status of Women, since there were no amendments submitted to it. The text reads as follows:

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

177. Paragraph 2 of this article was considered by the Working Group at its 16th meeting. The representative of Egypt expressed the reservations of his delegation with regard to this paragraph because of the legal system in his country, but would not oppose the consensus on it. The representative of the United Kingdom orally amended the paragraph to read as follows:

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

178. At the same meeting, the Working Group adopted paragraph 2 of this article as orally amended.

179. Paragraph 3 was considered by the Working Group at its 16th and 17th meetings. An amendment had been submitted to it by Ecuador (A/C.3/33/WG.1/CRP.10/Add.1), to delete the phrase "and all other legal instruments of any kind". Introducing his amendment, the representative of Ecuador stated that his delegation accepted the fact that national legislation dealing with private law which discriminates against women should be eliminated, but if this provision were to be adopted, various legal provisions in countries adhering to the Convention would be deemed null and void. This would create a disquieting legal vacuum. Other representatives stated that their delegations had no problem with the text as adopted by the Commission on the Status of Women.

180. At the request of the United Kingdom, the Director of the Branch for the Advancement of Women gave a history of this provision. This article had formerly been article 15 of the draft Convention. The Commission on the Status of Women gave its final considerations to it at the 650th meeting of its twenty-sixth session, on 27 September 1976. The original version of this paragraph read as follows:

"The States Parties agree that all contracts directed at restricting the legal capacity of women shall be deemed null and void."

181. The representative of Belgium at the Commission on the Status of Women had then proposed the addition of the words "and all other legal instruments of any kind". The Commission on the Status of Women had adopted this amendment by 22 votes to none, with 1 abstention.

182. The representative of Ecuador stated that it was clear to him that since the intention of the Commission on the Status of Women was to cover private instruments by this provision, it should not apply to instruments of international law. Accordingly, he wished to maintain his amendment. The representative of Sweden stated that paragraph 4 of this article necessarily refers to public law, so it cannot be said that this article was intended to be limited to private law. Some representatives stated that the text lacked clarity and that they would support the amendment of Ecuador. Others insisted that it remain as it was. Some stated that paragraph 3 repeated the concepts contained in paragraph 2. Others indicated that this was not so; paragraph 2 referred to the equal rights of women to those of men to conclude contracts while paragraph 3, on the other hand, referred to the fact that once women enjoy this right it could not be used to waive their rights or surrender part of their legal capacity. The representative of the Netherlands gave as an example that if a woman voluntarily agreed that she would not sign any checks or enter into any contract without her husband's consent, paragraph 3 would make such agreement between husband and wife null and void.

183. In the discussion that followed some representatives stated that the paragraph as a whole was unnecessary. Others felt that the spirit of the whole article would be jeopardized without it, while some others insisted on retaining the paragraph as adopted by the Commission on the Status of Women. The Romanian delegation emphasized the fact that the question of identical legal capacity between men and women should not be limited to what is described in the French text as "civil matters". It should also cover what could be described as "commercial matters". Therefore, the formulation, "all other legal instruments of any kind" was necessary because it prevented the restrictive interpretation which could be derived from the language of paragraph 2, which did not mention the "commercial matters". The representative of Romania requested that the French version of paragraph 2 be brought in line with the English text.

184. The representative of Belgium proposed that the words "of any kind" be substituted for the words "of this kind". The representative of Ecuador still preferred the deletion of the whole phrase. The representative of New Zealand proposed the replacement of the word "contracts" by the words "legal instruments".

185. The representative of the United States of America supported by Japan, orally proposed the addition of the words "on the basis of sex" after the word "women" in the subparagraph. Several representatives objected to this addition. The representative of Japan stated that her delegation preferred that these words be included. The representative of the United States of America stated that his delegation was willing to withdraw its amendment on the understanding that this provision was basically intended to deal with the possibility that men might use their superior power to convince or, more subtly, to influence women to give up that capacity which is guaranteed in paragraph 2 of this article. This article was not intended to affect any generally applicable, non-discriminatory basis for restricting capacity, such as insanity.

186. The representative of Belgium orally proposed the replacement of the amendment of Ecuador by the following phrase: "and all other private instruments of any kind with legal effect directed at restricting ...".

187. The representative of Ecuador proposed the following formulation: "The States Parties agree that all contracts and all private instruments directed ...".

188. The representative of the Netherlands stated that her delegation preferred the wording "all other instruments of private law" since it was not clear that "private instruments" referred to legal instruments.

189. The representative of Ecuador accepted the Belgian formulation although he felt it was repetitive. The Belgian amendment was then adopted by the Working Group at its 17th meeting. The paragraph as a whole reads as follows:

"3. States Parties agree that all contracts and all other private instruments of any kind with legal effect directed at restricting the legal capacity of women shall be deemed null and void."

190. Paragraph 4 of this article was adopted by the Working Group at its 16th meeting, as proposed by the Commission on the Status of Women, since no amendments were submitted to it. The text reads as follows:

"4. The States Parties shall accord to men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence and domicile."

Article 16 (former 15)

191. The Working Group considered this article at its 16th, 17th, 18th and 19th meetings, on 22, 23, 29 and 30 November 1978, respectively.

192. The introductory part was considered by the Working Group at its 16th meeting. An amendment had been submitted to it by the United Kingdom (A/C.3/33/WG.1/CRP.1/Add.2, p. 13) which read as follows:

"Each State Party shall take all appropriate measures to eliminate discrimination against women whether married or unmarried in all matters relating to marriage and family relations and in particular shall ensure, on an equal basis with men:"

193. Introducing his amendment, the representative of the United Kingdom orally amended it by deleting the words "whether married or unmarried" on the understanding that this concept would appear in article 1 to apply to the whole Convention, including this article.

194. The representative of the Union of Soviet Socialist Republics proposed the formulation "shall ensure, on the basis of full equality:" to replace the end of the United Kingdom amendment.

195. The representative of Cuba expressed reservations with regard to the United Kingdom subamendment, because unmarried women would cease to be protected and would be deprived of their rights. She felt that the words "whether married or unmarried" had to be retained because of the special nature of this article.

196. The representative of Tunisia expressed her preference for the original wording adopted by the Commission on the Status of Women. Several representatives supported the United Kingdom amendment for the sake of uniformity in drafting.

197. The representative of Japan stated that when article 1 defined the words "discrimination against women" it referred to "... any other field of public life". Since this article dealt with civil and family rights, he did not feel that "discrimination against women" was the right phrase to use here. The representative of the United Kingdom reminded the Working Group that it had been adopted without reservations in articles 8, 10, 11, 12, 13 and 14, and appealed to the delegate of Japan to accept it one more time. The representative of Japan reserved the right of his delegation to come back to this question in the Third Committee.

198. The representative from the Union of Soviet Socialist Republics stated that he would not press for his subamendment. At its 16th meeting, the Working Group decided to adopt the United Kingdom formulation as orally subamended. The text reads as follows:

"1. Each State Party 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:"

199. Subparagraph (a) was considered by the Working Group at its 16th meeting. The representative of the United Kingdom orally proposed the deletion of the words "as men" in accordance with the adopted introductory phrase. The representative of Iran stated that the United Kingdom amendment could not be translated properly into French. The representative of Ghana then proposed the following formulation: "the same rights to enter into marriage".

200. At its 16th meeting, the Working Group adopted the subparagraph as orally amended. The text reads as follows:

"(a) The same right to enter into marriage;"

201. Subparagraph (b) was considered by the Working Group at its 16th meeting. The representative of the United Kingdom orally proposed the deletion of the words "as men" after the words "the same rights". The Working Group accepted his amendment and adopted the subparagraph at the same meeting. The text reads as follows:

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

202. Subparagraph (c) was considered by the Working Group at its 16th meeting. The following amendments had been submitted to it:

Austria (A/C.3/33/WG.1/CRP.5/Add.10)

After the word "dissolution" add the following text:

"this would also include the creation of conditions for a de jure and de facto equality of the ground for divorce or dissolution between men and women"

United Kingdom (oral amendment)

Replace the word "equal" by the words "the same" and delete the words "with men" after the word "responsibilities"

Morocco

Reword the subparagraph as follows:

"They ensure to women the respect for their rights during marriage and at its dissolution;"

203. Several representatives objected to this wording stating that "respect" for women's rights was vague and did not have the same meaning as "equal rights and responsibilities". The representative of Iran explained that in her understanding this formulation referred to the provision of rights as they existed. Several representatives expressed their preference for the version adopted by the Commission on the Status of Women.

204. The representative of Egypt stated that his delegation had no objection to the Moroccan amendment and expressed reservations with regard to this subparagraph.

205. The representative of Austria withdrew his amendment.

206. The representative of Japan expressed preference for the retention of the word "equal" instead of the words "the same" in subparagraphs (a), (b) and (c) and reserved the right to come back to this in the Third Committee. The Chairman explained that there was no difference in English between these two words and that they were changed for stylistic reasons since the words "on a basis of equality of men and women" appeared in the introductory phrase of the articles adopted.

207. The Working Group decided to adopt this subparagraph as orally amended by the United Kingdom. The text reads as follows:

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

208. At the 17th meeting, the representative of Morocco expressed reservations with regard to the adopted introductory phrase of article 15 as well as with regard to paragraph (c) since it was discussed in her absence and since her amendment to this subparagraph had not been accepted by the Working Group.

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209. Subparagraph (d) was considered by the Working Group at its 16th and 17th meetings. The following amendments had been submitted to it:

Argentina (A/C.3/33/WG.1/CRP.1/Add.2, p. 14)

Replace the words "whether married or not" by the words "irrespective of their civil status"

Sweden (A/C.3/33/WG.1/CRP.9)

Replace the part of the sentence beginning with "in all cases" by the words "notwithstanding this provision the interests of the children shall in all cases be paramount;"

United Kingdom (oral amendment)

Replace the word "Equal" by the words "The same"; and replace the words "with men for women" by the words "as parents, irrespective of their marital status"

210. At the 17th meeting, the representative of Sweden, taking into account suggestions made during the discussion, orally subamended his amendment in accordance with the wording used in the Declaration on the Elimination of Discrimination against Women to read: "in all cases the interest of the children shall be paramount".

211. The representative of the United Kingdom, introducing his amendment, explained that it was important here to stress the lack of relevance of marital status in the enjoyment of these rights.

212. At its 17th meeting, the Working Group adopted the oral amendments of the United Kingdom and the subparagraph as a whole. The text reads as follows:

"(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;"

213. At its 16th meeting, the representative of Egypt expressed reservations with regard to this subparagraph.

214. Subparagraph (e) was considered by the Working Group at its 18th meeting, on 29 November 1978. The representative of the United Kingdom orally proposed the replacement of the word "Equal" by the words "The same" and delete the words "of men and women", as a consequential amendment to the adoption of the introductory phrase. At the same meeting, the Working Group adopted this subparagraph as orally amended. The text reads as follows:

"(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 this right;"

215. At the 16th meeting, the representative of Egypt expressed reservations with regard to this subparagraph.

216. Subparagraph (f) was considered by the Working Group at its 18th meeting.

217. The representative of Bahrain (A/C.3/33/WG.1/CRP.1/Add.2, p. 14) proposed a new subparagraph (f) which reads as follows:

"Recognition of equal rights and duties of both men and women in respect of wardship of children in such a way that does not run counter to the interests of the children and conform with the rules and regulations of society derived from the provision of the applicable religious and positive laws prevailing in the society."

218. The representative of Sweden (A/C.3/33/WG.1/CRP.9) had proposed to amend subparagraph (f) as follows:

After the word "children" add "notwithstanding this provision the interests of the children shall in all cases be paramount;"

219. At the 17th meeting, the representative of Sweden orally subamended his amendment to read as follows: add the words "in all cases, the interest of the children shall be paramount;" at the end of the subparagraph.

220. The representative of Morocco (A/C.3/33/WG.1/CRP.10/Add.5) had proposed to delete this subparagraph.

221. In accordance with rule 90 of the rules of procedure the Moroccan amendment was considered first. Introducing his amendment, the representative of Bahrain stated that its intention was to allow a wide range of understanding, since it was important that articles on civil and family rights be consistent with national laws.

222. Many representatives stated that they preferred the original formulation of subparagraph (f) although they would not insist on the wording. Many stressed that they wanted the idea of equal rights and responsibilities to remain.

223. After a long discussion on whether the ideas of the subparagraph should be retained or deleted, the Working Group decided to retain them and to try to find a generally acceptable formulation.

224. The representative of France orally proposed that subparagraph (f) be worded as follows:

"The same rights and responsibilities with regard to guardianship, trusteeship and adoption when those systems exist in national legislation; and in all cases the interest of the children shall be paramount;"

225. The representative of Bahrain proposed the following new formulation:

"Recognition of the same rights and duties in respect of guardianship, trusteeship and adoption of children wherever these concepts apply in national legislation."

The representative of the Netherlands expressed reservations on the formulation "equal rights and duties" in the first part of the Bahrain amendment preferring "equal rights and responsibilities" since it could occur that women could have a duty for which the husband was still the responsible person.

226. The representative of Algeria stated that although the purpose of this Convention was to bring about positive changes in the status of women the reality of all countries should be taken into account. The representatives of Algeria, Bangladesh, Pakistan and Morocco supported the Bahrain amendment.

227. The representative of Nigeria, following a suggestion made by Ireland, orally proposed to amend subparagraph (f) as follows:

"The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar social forms when these concepts exist in national legislation. In all cases the interest of the children shall be paramount."

228. Many representatives gave their full support to this text. The representative of Bahrain proposed that the words "when these concepts exist in national legislation" be replaced by the words "when these concepts are applicable in national legislation".

229. Some representatives expressed their preference for the words "where they exist". Others explained that in order for norms to be applicable, they must exist.

230. The representative of Portugal expressed her delegation's difficulties with the phrase "national legislation" because the conformity of a Convention with national legislation comes at a later stage of ratification. If a similar procedure had been applied, it would not have been possible to adopt the International Convention on the Suppression and Punishment of the Crime of Apartheid.

231. The representative of Morocco withdrew her amendment to subparagraph (f) contained in document A/C.3/33/WG.1/CRP.10/Add.5. Several representatives proposed that both texts be transmitted to the Third Committee because their approval of the Nigerian text was based on the understanding that it would be adopted by consensus. The representative of Bahrain agreed to the Nigerian text.

232. At its 18th meeting, the Working Group adopted the Nigerian oral amendment to subparagraph (f) of article 16.

233. Subparagraph (q) was considered by the Working Group at its 19th meeting, on 30 November 1978. The representative of the Byelorussian Soviet Socialist Republic

orally proposed that the words "Recognition of the equal" at the beginning of the subparagraph be replaced by the words "The same" to make this text consistent with the adopted introductory phrase. At the same meeting, the Working Group adopted the subparagraph as orally amended. The text reads as follows:

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

234. Subparagraph (h) was considered by the Working Group at its 19th and 20th meetings. The following amendments had been submitted to it:

Morocco (A/C.3/33/WG.1/CRP.10/Add.5)

Replace subparagraph (h) by the following subparagraphs:

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

"(i) The same shall apply in the case of inheritance of property, whether it be property owned by one spouse or property 'acquired' in common, unless the internal law relating to personal status and inheritance provides otherwise."

Ecuador (A/C.3/33/WG.1/CRP.10/Add.1)

Delete the final phrase, reading "whether it be property owned by one spouse or joint property".

Japan (A/32/218, para. 132)

Delete the final phrase "whether it be property owned by one spouse or joint property".

235. Introducing her amendment, the representative of Morocco stated that it was important that the Working Group adopt a Convention which would have universal scope and could be ratified by all Governments. The general principle should leave room for the peculiarities of each country. In Islam there was no separation of property between men and women and men have no rights on women's property.

236. The representatives of Bangladesh, Bahrain and Mauritania supported the Moroccan amendment.

237. The Working Group decided to proceed on the basis of the Moroccan text on the understanding that the ideas contained in subparagraph (h) would be divided into two separate subparagraphs.

238. The representative of Cuba orally proposed the following wording for the first part of subparagraph (h):

"Recognition of the same rights to each of the spouses in respect of management, enjoyment and disposition of property which belongs to them".

239. Several representatives objected to this formulation. At the 20th meeting, the representative of Cuba withdrew this amendment.

240. The representative of the United States of America proposed that if the Moroccan amendment were to be accepted, the words "Recognition of equal rights of both spouses" at the beginning of subparagraph (h) should be replaced by the words "The same right" in order to make it consistent with the adopted introductory phrase.

241. Several representatives expressed their preference for the retention of the words "of both spouses". At its 20th meeting the Working Group agreed to the United States formulation, retaining the words "of both spouses".

242. At its 20th meeting, the Working Group adopted the first part of the Moroccan amendment as orally amended as a new subparagraph (h). The text reads as follows:

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

243. Introducing his amendment which related to the second part of the Moroccan amendment, the representative of Ecuador explained that in developing countries women had not reached a stage in which they have realized the same volume of commercial transactions as men. Many cases have occurred in which harm is caused to women and the family. To avoid this, the legislation of his country has been changed and there was now separation of property between husband and wife in order to protect the family and the economic welfare of the country.

244. In the light of the decision taken by the Working Group to divide the original subparagraph (h) into two parts, the amendments of Ecuador and Japan were discussed together with the following oral amendments to the second part:

Bangladesh

Add the words "or personal law" after the word "the internal law"

Nigeria

Delete the words "personal status and"

245. At its 20th meeting, the Working Group decided to delete the words "whether it be property owned by one spouse or property acquired in common".

246. The representative of Spain expressed preference for the retention of these words because they made it clear that the rights of management, administration, enjoyment and disposition, would be preserved with regard to the property of each spouse and that the common right of both spouses to dispose of acquired property was equally preserved. It was the understanding of the Spanish delegation that this interpretation was implicit in the content of the two subparagraphs.

247. Different views were expressed with regard to the inclusion in the Convention of the words "unless the internal law relating to personal status and inheritance provides otherwise", contained in the Moroccan amendment.

248. During the discussion some representatives spoke in favour of deleting it, while others were strongly opposed to its deletion since that would make this provision unacceptable for them in view of their internal law.

249. The representative of the United Kingdom explained that the adoption of these words was unacceptable for his delegation since in countries where equality is the rule this provision could mean that the rules of equality could be repealed. He therefore proposed that the paragraph should read: "The same rights in respect of inheritance of property".

250. The representative of Morocco explained that her amendment took into account the preoccupations of delegations such as the United Kingdom and the Netherlands in its first part wherein it spoke about inheritance of property, thus enabling them if necessary to change their laws; the second part covered the countries that have had compulsory provisions on this subject.

251. The representative of Sweden orally proposed as a compromise formula, although the United Kingdom proposal was more acceptable to him, the following formulation: "To eliminate discrimination in relation to inheritance of property".

252. Since consensus on this formula could not be reached because of lack of time, the representative of Sweden withdrew his amendment and the Working Group decided to transmit alternative texts to the Third Committee. They read as follows:

Morocco

"The same shall apply in cases of inheritance of property, unless the internal law relating to personal status and inheritance provides otherwise."

Bangladesh (oral subamendment to Moroccan amendment)

Add the words "or personal law" after the words "internal law"

Nigeria (oral subamendment to Moroccan amendment)

Delete the words "personal status and" after the words "the internal law relating to"

United Kingdom

Replace the Moroccan text of subparagraph (i) by the following:

"The same rights in respect of inheritance of property"

253. At its 21st meeting, the Working Group discussed the amendment proposed by the United States of America and Morocco, subsequently joined by the United Kingdom, to article 15 (1) (i) (A/C.3/33/WG.1/CRP.10/Add.7) which reads as follows:

Article 16

Delete subparagraph (i) referring to inheritance.

At the same meeting the representatives of Morocco and the United Kingdom withdrew their alternative texts (para. 252) for this subparagraph. The Working Group then adopted this amendment, and consequently adopted article 16 as a whole.

254. Paragraph 2 of article 16 (former 15) was discussed by the Working Group at its 20th meeting. The representative of the United Kingdom orally proposed to replace the words "shall be prohibited" by the words "shall have no legal effect". Consequently the representative of the Netherlands proposed to replace the word "effective" by the word "necessary" and the representative of the United States of America proposed to add the word "all" before the word "necessary". At the same meeting the Working Group decided to adopt paragraph 2 as orally amended. It reads as follows:

"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."

255. Paragraph 3 was discussed by the Working Group at its 20th meeting. The following amendment had been submitted to it:

Madagascar (A/C.3/33/WG.1/CRP.1/Add.2, p. 15)

Replace "single parents" by the words "single mothers"

256. During the discussion the representative of the Union of Soviet Socialist Republics proposed to delete this paragraph because its content did not fit into the context of the present Convention and because of the work undertaken by the Commission on Human Rights on the Drafting of the Convention on the Rights of the Child (A/C.3/33/L.20 and E/CN.4/L.1366/Rev.1). The majority agreed with the deletion of the paragraph.

257. The representative of Spain expressed the view that if the Convention was to appropriately reflect existing reality, it should have taken into account, in this specific paragraph, discrimination against so-called illegitimate children and unmarried mothers, or possibly single fathers, but was ready to participate in the consensus on the deletion of the paragraph.

258. The representative of Belgium preferred the retention of the original version which refers to "single parents" since women could be discriminated against through their children.

259. At the same meeting, the representative of Mauritania expressed reservations with regard to certain aspects of articles 15 and 16 as adopted.

260. At the same meeting, the Working Group decided to delete this paragraph.

Article 1

261. At the proposal of the Chairman and on the basis of views expressed during the deliberations of the Working Group at the thirty-third session of the General Assembly, the following amendment was submitted to article 1

(A/C.3/33/WG.1/CRP.10/Add.6):

Insert after "enjoyment or exercise by women" the words "irrespective of their marital status;"

262. At the 20th meeting, this amendment was adopted by the Working Group.

IV. ADOPTION OF THE REPORT

263. At its 21st meeting, the Working Group adopted its report and decided to transmit it to the Third Committee for its adoption.

APPENDIX I

Texts adopted and decisions taken by the Working Group during
its 21 meetings (29 September-2 December 1978) at the thirty-
third session of the General Assembly

A. Texts adopted

I. GENERAL PROVISIONS

Article 1

For the purpose 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 of or the 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 or any other field of public life.

...

III. ECONOMIC AND SOCIAL RIGHTS

...

Article 10

Each State Party shall take all appropriate measures to eliminate discrimination against women and to ensure to women 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, access to studies and achievement of a diploma in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-schooling, 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 co-education 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 opportunity for access to programmes of continuing education, including adult and functional literacy programmes, particularly aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of the 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 ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. Each State Party 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 used for selection in matters of employment;

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

(d) The right to equal remuneration, including benefits and 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 the case of retirement, unemployment, sickness, invalidism 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 the working environment, including safeguarding the function of reproduction.

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

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

(b) To introduce paid leave or leave with comparable social benefits for maternity without loss of the job held, 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 extend special protection to women during pregnancy for types of work proved to be harmful to them.

3. Protective legislation should be reviewed periodically in the light of scientific and technological knowledge and should be revised, repealed or extended as necessary.

Article 12

1. Each State Party 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, each State Party 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

Each State Party 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. Each State Party shall take into account the particular problems faced by rural women and the significant roles 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. Each State Party 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, participation in and benefits from rural development and, in particular, the right:

(a) To participate fully in the formulation 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 functional literacy, as well as the benefit of all community and extension services, inter alia, 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.

IV. CIVIL AND FAMILY RIGHTS

Article 15

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

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

3. States Parties agree that all contract and all other private instruments of any kind with legal effect directed at restricting the legal capacity of women shall be deemed null and void.

4. The States Parties shall accord to men and women the same rights with regard to the law on the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. Each State Party 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 to free choice of 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 this right;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar social forms when these concepts exist in national legislation. In all cases the interest of the children shall be paramount;
- (g) The same personal rights of 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.

B. Decisions taken by the Working Group (for transmission to the Third Committee at the thirty-third session of the General Assembly)

Alternative texts to new subparagraph (i) of article 16, paragraph 1, by Morocco and the United Kingdom:

Morocco

"The same shall apply in cases of inheritance of property, unless the internal law relating to personal status and inheritance provides otherwise."

Bangladesh (oral subamendment to Moroccan amendment)

Add the words "or personal law" after the words "internal law"

Nigeria (oral subamendment to Moroccan amendment)

Delete the words "personal status and" after the words "the internal law relating to"

United Kingdom

Replace the Moroccan text of subparagraph (i) by the following:

"The same rights in respect of inheritance of property"

APPENDIX II

List of documents

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|---------------------------|---|
| 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/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.3/33/WG.1/CRP.1 | Working paper prepared by the Secretary-General |
| A/C.3/33/WG.1/CRP.1/Add.1 | Addendum to working paper prepared by the Secretary-General |
| A/C.3/33/WG.1/CRP.1/Add.2 | Addendum to working paper prepared by the Secretary-General |
| A/C.3/33/WG.1/CRP.2 | Iran amendment to article 10 |
| A/C.3/33/WG.1/CRP.3 | United States of America amendment to article 11 |
| A/C.3/33/WG.1/CRP.4 | Iran amendment to article 10 (f) |
| A/C.3/33/WG.1/CRP.5 | Amendment of Cuba to article 10 |
| A/C.3/33/WG.1/CRP.5/Rev.1 | Sweden amendment to articles 11 and 13 |
| A/C.3/33/WG.1/CRP.5/Add.2 | United Kingdom amendment to article 11 |
| A/C.3/33/WG.1/CRP.5/Add.3 | Morocco amendment to article 11, paragraph 1 |
| A/C.3/33/WG.1/CRP.5/Add.4 | Guyana amendment to article 11, paragraph 1 |
| A/C.3/33/WG.1/CRP.5/Add.5 | Austria amendment to article 11 (2) (a) |
| A/C.3/33/WG.1/CRP.5/Add.6 | India amendment to articles 11 (2) (c) and 12 (b) |
| A/C.3/33/WG.1/CRP.5/Add.7 | Japan amendment to article 11 (2) (a) |
| A/C.3/33/WG.1/CRP.5/Add.8 | Cuba amendment to article 11 (2) |

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| A/C.3/33/WG.1/CRP.5/Add.9 | United Kingdom amendment to article 12 |
| A/C.3/33/WG.1/CRP.5/Add.10 | Austria amendment to article 15 (1) (c) |
| A/C.3/33/WG.1/CRP.5/Add.11 | Denmark and Netherlands (Revised structure to chap. III: Economic and Social Rights) |
| A/C.3/33/WG.1/CRP.6 | Text adopted |
| A/C.3/33/WG.1/CRP.7 | Text of articles 11, 12 and 13 as adopted |
| A/C.3/33/WG.1/CRP.8 | Denmark amendment to article 12, introductory part |
| A/C.3/33/WG.1/CRP.9 | Sweden amendment to article 15 (1) (d) and 1 (f) |
| A/C.3/33/WG.1/CRP.10 | Bangladesh, Ghana, Guyana, India, Kenya, New Zealand, Sweden and United Kingdom - revised structure for article 12: Rural women |
| A/C.3/33/WG.1/CRP.10/Add.1 | Ecuador amendment to articles 14 (3), 15 (h), 19 (2) (c) and paragraphs 3, 4 and 5 |
| A/C.3/33/WG.1/CRP.10/Add.2 | Amendment of New Zealand to article 12 |
| A/C.3/33/WG.1/CRP.10/Add.3 | Text adopted - III. ECONOMIC AND SOCIAL RIGHTS |
| A/C.3/33/WG.1/CRP.10/Add.4 | Amendment of France to article 16 |
| A/C.3/33/WG.1/CRP.10/Add.5 | Amendment of Morocco to article 15 |
| A/C.3/33/WG.1/CRP.10/Add.6 | Amendment of Chair in consultation with delegations to General Provisions, article 1 |
