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COMMISSION ON THE STATUS OF WOMEN
Eighteenth session

DRAFT DECLARATION ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

Memorandum by the Secretary-General

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INTRODUCTION

1. The present document contains the comments and proposals of Governments, specialized agencies and non-governmental organizations relating to the draft declaration on the elimination of discrimination against women received since 27 October 1964.

2. It includes comments and proposals by five Governments (France, Norway, Turkey, Ukrainian SSR, and Yugoslavia); one specialized agency (UNESCO); and four non-governmental organizations (World Federation of United Nations Associations, International Council of Women, International Council of Social Democratic Women, and Open Door International).

PART I

OBSERVATIONS RECEIVED FROM GOVERNMENTS

FRANCE

/Original: French/
15 December 1964

In supporting resolution 1921 (XVIII), which was adopted unanimously by the General Assembly, France indicated that it was not opposed to the idea of entrusting the Commission on the Status of Women with the preparation of a draft declaration on the elimination of discrimination against women. The French representatives would have preferred it, however, if the text of the resolution had expressly allowed the Commission, which is specially qualified in this sphere, greater latitude in deciding on the advisability of preparing such a draft.

We should not underestimate the drawbacks of a proliferation of United Nations declarations. In the field of human rights, such declarations must perforce stem from the Universal Declaration, and there is thus a danger of their detracting to some extent from the force of that Declaration. Furthermore, we would in particular query the possibility of producing a text that would take sufficiently into account the great diversity of social conditions in this highly delicate sphere, and of arriving at a draft which would meet with nearly unanimous approval on the part of Member States; yet this is an essential requirement if the declaration is to be universal in scope, as it ought to be.

In order to overcome the difficulties that are bound to arise in this respect, the declaration should, we think, be restricted to the statement of a number of general principles, respect of which would lead to the elimination of discrimination against women in the various sectors of national life. These principles should be largely based on those laid down in the various international conventions already adopted under the aegis of the United Nations or the specialized agencies. They should not, however, be a mere transposition of the provisions embodied in those agreements, nor should they go into details which could give rise to numerous disputes.

Lastly, the declaration should contain no injunctions to States of an admonitory nature, and the general tone should be such as to make it clear that the document expresses an ideal which is to be attained without delay, but at a reasonable rate of progress.

NORWAY

/Original: English/
23 December 1964

The following principles might be incorporated in the draft declaration on the elimination of discrimination against women:

1. Women and men should have equal access to general and vocational education and training. (Reference should be made to the principles outlined in UNESCO document 11 C/Resolutions (1960).)
2. Women and men should have equal opportunity to carry out their profession and equal access to the various kinds of employment and occupation. There should be no discrimination as regards promotion. (Reference should be made to the principles outlined in ILO Convention III concerning Discrimination in Respect of Employment and Occupation (1958).)
3. Women and men should have equal pay for work of equal value. (This principle might be incorporated in the declaration and given the same wording as the corresponding provision of the ILO Convention No. 100 (1951) Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.)
4. The principles of equal rights of women mentioned under 1, 2 and 3 should comprise every woman without regard to civil or family status.
5. The principles stated under 1, 2, 3 and 4 should be adhered to in the governmental and local administration, public services and undertakings, and the authorities should, by means of propaganda and information and in co-operation with unions and organizations, endeavour to ensure that the principles are adhered to, to the extent possible, also in the private sector.
6. The following measures are important or necessary to make it possible for women to avail themselves effectively of the equal access to education and the equal opportunity to carry out a profession:
 - (a) Establishment of a sufficient number of kindergarten and similar institutions;
 - (b) Opportunities for vocational guidance, vocational training or retraining and a labour exchange system and related kinds of assistance with respect to women wishing to return to paid work;

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(c) Co-ordination of working hours, school hours and opening hours for shops, house planning with a view to simplify and rationalize the domestic work, organization of a system of housewife assistance;

(d) Co-ordination of research, planning and programming relating to female worker's opportunities, requirements and problems.

7. The declaration should be formulated so as to give it maximum practical importance in the member States. It might be contemplated to incorporate in the declaration a recommendation to the member States to establish special national institutions with the task to promote the aims of the declaration, if such organizations do not exist.

TURKEY

/Original: Turkish/
2 November 1964

The United Nations declaration on the elimination of discrimination against women should include the following principles:

1. Men and women are equal before the law without discrimination based on language, race, colour, political opinion, philosophical views, religion or sect.
2. No distinction may be made between men and women in respect of the right to life, improvement of their material or spiritual state, personal inviolability, privacy in their personal life, inviolability of domicile, freedom of correspondence, freedom of travel or residence, freedom of conscience, freedom of religious belief or opinion, the right freely to learn or teach science or art, to expound or disseminate knowledge or carry on research of any kind concerning them, to form associations, to prosecute or defend an action as plaintiff or defendant before the judicial authorities, to own or inherit property, to work, to contract, to establish a private enterprise, to rest, to bargain collectively, to strike, to enjoy or use political rights, or to enter public service.
3. Restrictions preventing women from working in any field of employment other than those for which they are unsuited by reason of their physiological and biological nature shall be abolished.
4. Women shall during and after their working lives be accorded a status higher than that of men and better suited to the nature mentioned in paragraph 3 in respect of leave, rest (in special cases such as maternity), disability, retirement and other similar rights, and as a corollary thereto it shall be acknowledged in principle that, in view of women's social and, in particular, their family position, matters concerning their places of work, transportation and appointment shall be decided with due regard to their husbands or parents.
5. In our opinion, it is essential to ensure that no distinction is made between men and women in connexion with the enjoyment of any of the rights and freedoms granted to citizens by various laws.

The Turkish Government shares the opinion which has emerged in the United Nations General Assembly and the Third Committee with regard to this matter, and considers it necessary and desirable that the text of the draft declaration should

embody the principles expressed in the relevant agreements and decisions of both the United Nations and the specialized agencies, especially the principles set forth in International Labour Organisation Conventions Nos. 100 and 111.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/
20 October 1964

The Declaration on the elimination of discrimination against women should be a document the exact wording of which would proclaim women's equality of rights with men in all fields of public, social-political, economic and cultural life and would affirm the equality of rights of women in the family, society and the State. At the same time, in view of the special position of women as mothers, the Declaration should provide for the granting to women of a series of privileges in such fields as applications for work and payment for work, social insurance, medical and other services, etc.

The Declaration should include the following fundamental principles:

1. Equal electoral rights for women as to suffrage and eligibility;
2. The equal right of women to occupy all elective and non-elective posts in the public service;
3. Equal citizenship rights with men;
4. The granting of equal procedural rights with men in both criminal and civil legal proceedings;
5. Equality of treatment for men and women under criminal law, with special regard to the protection of the health, honour and dignity of women;
6. The granting to women of equal civil rights with men, in particular an equal right to own, use and dispose of property, to conclude transactions, to choose residence and occupation, and to inherit;
7. Equal rights for women and men in marriage and family relationships: a just and democratic law on marriage, the forbidding of marriages of those under the age of puberty, equality of rights with regard to divorce, equal parental rights, and an equal right to property acquired during the period of the marriage;
8. Equal access to all professions and to all posts in State, private, public and co-operative enterprises and institutions;
9. A ban on the dismissal of women workers as a result of marriage or motherhood, and removal of the ban, where it exists, on the occupation of posts by married women;
10. Equality of pay, with men, for equal work; equal pay for married and for unmarried women;

11. A ban on the use of female labour for work which is physically unsuitable for women. A ban on night work for women, and on overtime for pregnant women and nursing mothers;

12. State maternity protection. Equality in the matter of social insurance and social security. The granting to women workers of such privileges as adequate paid leave for pregnancy and childbirth, free medical assistance in childbirth, and pension privileges;

13. Equal right to access to all educational establishments, including higher educational establishments, to improvement of qualifications and to professional training;

14. The development and availability of such services as children's day nurseries, kindergartens, children's summer camps, sanatoria, etc.

The provisions of the Declaration should apply to all Trust and Non-Self-Governing Territories pending their accession to independence.

YUGOSLAVIA

/Original: English/
28 October 1964

The Draft declaration on the elimination of discrimination in relation to women should proceed and, to a great extent, rely upon the Universal Declaration of Human Rights and other pertinent documents of the United Nations and its specialized agencies, and stress the role of the United Nations in the realization of the declared rights.

The Declaration should clearly emphasize that the equality of women is not only their concern but it is a social necessity, since participation of women on an equal footing with men in the economic and social life constitutes to an increasing extent a precondition to a more rapid all-round progress of the entire community.

Emphasis should be laid in the Declaration on the right of women to equality in all fields of political, economic, cultural and social life, in marriage and in the family, as well as the civil law, and to emphasize the need to elaborate instruments and to set up institutions which would enable effective implementation of the declared principles.

Economic equality of women constitutes an important element and a prerequisite for the all-round emancipation of women. In this respect it should be pointed out that equal opportunities and right to work must be extended to women, and in the course of their employment special protection, with regard to motherhood, should be ensured to them, and that all professions and occupations should be open to women.

Since the lack of general and professional education of women greatly hinders their employment and advancement in employment, and thereby equality in remuneration, as well as social and political equality, the importance of equal opportunities for education of male and female children and young persons, including adults, as well as full democratization of education should be clearly defined in the document. In this, attention should be paid to the fact that all citizens - men and women - should be systematically educated in the spirit of democracy, humanity and respect for other persons and their rights; otherwise elimination of discrimination against women cannot be achieved.

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The obligation of the community to improve institutions and services for the protection and education of children, to extend services to households, and also to undertake other measures which would help the family, primarily the employed women in caring for children, and to relieve them of some housework should be stressed. If these questions concerning the position of women and in particular of employed women, especially working mothers, were resolved, greater opportunities would be provided women to acquire professional knowledge, recognition at work and an equal position in social and political life.

The part of the Declaration referring to political equality of women should emphasize that all political rights (voting and standing for election, discharging responsible functions in public and political life, participating in decisions relating to all important questions of the social and economic life of the country, etc.) must be granted, under the same conditions to all citizens, irrespective of sex, political and general education, as this constitutes a prerequisite to the full exercise of these rights, and is of special significance for women.

As the settlement of many problems associated with the emancipation of women calls not only for specific orientation and general cultural education, but also material resources and trained personnel - this being a problem of primary importance for the developing countries - the necessity of concerted efforts for overcoming the difficulties in this field should also be emphasized.

PART II

OBSERVATIONS RECEIVED FROM SPECIALIZED AGENCIES

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

/Original: French/
30 November 1964

At its eleventh session in 1960, the UNESCO General Conference adopted a Convention and a Recommendation against discrimination in education. As at 6 November 1964, twenty-six countries had ratified the Convention. This international instrument deals with discrimination "based on race, colour, sex, language, religion..." and its implementation may be regarded as the best guarantee of the elimination of all discrimination against women in education.

However, it might be considered useful to prepare a declaration comprising all the principles and provisions dealing with the elimination of discrimination against women in all fields, including political rights, the right to work and social welfare as well as the right to education.

If so, such a declaration should embody the following principles which appear in the Convention adopted by the UNESCO General Conference as well as some additional provisions.

I. Points taken from the Convention against discrimination in education:

- (a) Reference to the principles of the Universal Declaration of Human Rights:
Recalling that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that every person has the right to education,

Considering that discrimination in education is a violation of rights enunciated in that Declaration,

(preamble)

(b) Definition of discrimination:

1. For the purposes of this /declaration/, the term "discrimination" includes any distinction, exclusion, limitation or preference... which has the purpose or effect of nullifying or impairing equality of treatment in education, and in particular

- a. Of depriving /women/ of access to education of any type or at any level;
- b. Of limiting /women/ to education of an inferior standard;

(article 1 (1))

...

- (d) Establishment of the principle of compulsory education for all States [should] formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;

(article 4 a)

and as regards the right to education of adult women who have not had any schooling:

To encourage and intensify by appropriate methods the education of [women] who have not received any primary education or who have not completed the entire primary education course and enable them to continue their education on the basis of individual capacity;

(article 4 c)

as well as the right to training for the teaching profession (both for schools and universities and for adult education)

To provide training [of women] for the teaching profession without discrimination;

(article 4 d)

- (e) Equality in respect of requirements for admission to educational institutions (age, examinations to be passed, etc.):
To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;

(article 3 b)

- (f) Equal assistance granted by the public authorities: scholarships:
Not to allow any differences of treatment by the public authorities between nationals [men or women], except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;

(article 3 c)

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grants to educational institutions:

Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;
(article 3 d)

(g) Where there are separate educational systems for pupils of the two sexes, teaching staff of the same calibre and school premises and equipment of the same quality:

When permitted in a State, the following situations shall not be deemed to constitute discrimination: the establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality;
(article 2 a)

II. Additional points

(a) Discrimination in education

The declaration should also include the following points, which have a direct bearing on giving women the same freedom as men to choose their courses of study:

The abolition of all social and economic inequalities to which women are subject will inevitably have a direct influence on the reasons why women seek education and on the use they make of the knowledge acquired and the degrees obtained. Conversely, the elimination of discrimination in education will have immediate effects on the social and economic difficulties encountered by women because of their sex.

It would be advisable to specify that a co-educational system should be the general rule, because it automatically eliminates most de facto discrimination. That would not prevent allowing exceptions and approving the existence of separate educational establishments so long as they offer an absolute guarantee that curricula, qualifications of the teaching staff and the quality of equipment and premises are the same.

Curricula should be the same for all pupils, whether the system is co-educational or separate, but that does not preclude offering a number of choices equally to pupils of both sexes.

There should be no difference in the length of the period of study for men and women (regardless of whether education is compulsory or not); the same examinations should be given and the same school-leaving certificates awarded upon completion of the courses of study.

No restriction of the number of pupils admitted to educational establishments at the various levels should be applied exclusively to girls or women; if a quota for women is fixed beforehand, it should not be under 50 per cent. Since school-leaving certificates and university degrees are awarded to men and women on the same basis, they should provide access on the same terms to the same jobs and professions, with the same career prospects.

(b) Scope of application of the principles enunciated

It should be stated, in accordance with the provisions of the Universal Declaration of Human Rights, that women may claim entitlement under the principles enunciated in the declaration on the elimination of discrimination against women

"without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a [woman] belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

Of course, these provisions should apply to all fields dealt with in the declaration, and not only to education.

Since the proposed declaration will not impose any obligations on Governments, it might well include a reference to the Convention against discrimination in education adopted in 1960 and to the fact that the ratification and implementation of that international instrument would constitute a first, valuable guarantee of the elimination of discrimination against women, at least in the matter of education.

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PART III

OBSERVATIONS RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

CATEGORY - A

WORLD FEDERATION OF UNITED NATIONS ASSOCIATIONS

[Original: English]
23 October 1964

In the discussions which took place on resolution 1941 (XVIII) in the General Assembly and in the Third Committee, it was suggested that the Draft Declaration might include the principles already enunciated in existing conventions prepared under the auspices of the United Nations, the ILO and UNESCO. We have carefully studied the relevant conventions and have no hesitation in supporting the suggestion above referred to. In fact, we are inclined to the view that there is little to add by way of principles properly so called to those which have already been spelt out in existing conventions. The real need is, not for further principles, but for translating into actual practice those which have already been formulated on paper.

A good example by which to test this view is the principle of "equal eligibility" which runs through a number of conventions; indeed, with reference to participation in the principal and subsidiary organs of the United Nations, it is enshrined in Article 8 of the Charter itself.

The principle as such is admirable, but it does not go far enough; it involves no positive obligation for government, at any level, in any country, to promote the active participation of women in politics, in the public services, in private enterprise, or in any other field. To give the principle of "equal eligibility" real value, it would be necessary for governments to undertake that they will pursue policies directed to the end that women shall, not only be eligible for all kinds of appointments, but that they shall in fact be appointed.

The difficulty of formulating, by declaration or convention, such an undertaking of governments is, of course, formidable. But it is not insuperable and (to give one instance) an undertaking by governments now to allow women to be

excluded from certain appointments on the grounds of what is known as the "marriage risk" would go some way towards making the principle of equal eligibility work in practice.

One can think of many similar instances, even though that which is required does not easily lend itself to formulation as a principle. Just as women are "eligible" for appointments but are not appointed, they are also eligible for promotion but are not in fact promoted; it follows that the proposed Declaration ought to put some emphasis on the point that, in considering women for appointments or promotion, no employer, and least of all no public service, should discriminate on the grounds of sex. Again, it should be made clear that no appointment - for instance none of the higher judicial appointments - should be deemed to be too high for women.

Another aspect of this complex of questions concerns the opportunity of women, de facto, to accept the appointments or employment for which they are legally eligible. Mothers with young families are "eligible", in vain, if public authority is under no obligation to provide crèches, nursery schools and similar facilities; the proposed Declaration should, it is submitted, pay due attention to this. Similarly, attention should be paid to ways and means of ensuring that professional women can provide for their old age by and large on the same terms as men; in many countries, pension insurance policies are only available to women at substantially increased premium rates.

The nationality of married women is now the subject matter of a convention adopted by the United Nations General Assembly on 29 January 1957. The intent and provisions of that document are equally admirable, but one brief comment on Article 3 (1) appears to be justified. By that Article, the grant of the husband's nationality to an alien wife - "may be subject to such limitations as may be imposed in the interests of national security or public policy". It is highly desirable that conventions and laws enacted pursuant to conventions should avoid wide escape clauses with vague phrases, such as "public policy". A definition of "public policy" is impossible in many cases; but it should be capable of a reasonably precise formulation with reference to the nationality of married women.

Scemewhat akin to the problem of nationality is that of the domicile of married women. In some legal systems, and notably the Anglo-American, the "personal law" of the subject depends on his or her domicile in the sense of a permanent home, established with an intent to live and die there. The basic rule of the Anglo-American system is that a married woman automatically follows the domicile of her husband, and is incapable of having a domicile of her own. Although in recent years the harshness of this rule has been mitigated in several respects, the married woman's right to a domicile of her own should be recognized (and in the proposed Declaration enunciated) as a general principle of law.

The equal right of women to education is now recognized in the 1960 convention, sponsored by UNESCO, and by the relevant recommendation of its General Conference; but the de facto position in higher education leaves much to be desired in many countries. The number of women admitted to universities and other institutions of higher education tends, even in some highly tolerant countries, to be less than proportionate to the number of male and female applicants. This is a serious matter, for the continuation of this practice would tend to keep below the just and proportionate level, the number of women qualified for higher appointments and practice in the liberal professions. It would be desirable if, in the proposed Declaration, attention were drawn to the undesirability of any kind of discrimination against women in the allocation of university places, and also on the discriminatory effect of such administrative practices as the withdrawal (in some countries at any rate) of educational grants out of public funds upon the marriage of a woman student in receipt of such a grant.

The right of the married woman to a share of the property acquired by the husband during the marriage is recognized in many, but by no means all, countries. The wife's entitlement to such a share might be usefully recognized, as a general principle, in the proposed Declaration.

The same applies to the treatment of a married woman in relation to her husband's estate. In many countries, including some of the most highly civilized, the widow is under-privileged in relation to the children of the marriage, and in many countries, the husband is entitled to disinherit his spouse altogether. The entitlement of the widow to be provided for out of the estate of her husband should, it is submitted, be recognized as a general principle of law.

Still in the field of family law, consideration should be given to the question whether the gap between "marriageable age" and the age below which parental or other consent is required, ought not to be narrowed. Consideration should also be given to the question whether the proposed Declaration ought not to say something about family planning. For obvious reasons, a woman's status in the founding of a family is higher than a man's, and many countries have now reached that stage of maturity where it would be justifiable to allow married women to demand, as a matter of right, proper instruction in family planning.

The suggestions made in the preceding paragraphs merely serve to draw attention to some of the many fields in which discrimination against women still exists, at any rate in practice. Conditions do, of course, vary from country to country, and it is extremely difficult to think in terms of a set of principles equally applicable to all countries. If this proposition is true, it would seem to follow that the protection of women from discrimination and the promotion of their equal rights should be made in each country, the concern of a special department or agency of government.

CATEGORY - B

INTERNATIONAL COUNCIL OF WOMEN

/Original: English/
22 December 1964

The Conventions adopted by the Assembly of the United Nations as a result of the work of the Commission on the Status of Women have been welcomed by the International Council of Women (Political Rights of Women, 20 December 1952: Nationality of Married Women, 29 January 1957: Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 7 November 1962).

National Councils of Women continue to urge their Governments to adhere to these Conventions, in accordance with Council policy with regard to all international instruments adopted by the United Nations, UNESCO and the International Labour Organisation.

The International Council of Women would, therefore, welcome a Declaration on the "Elimination of Discrimination Against Women" which would include the principles enunciated in these Conventions, as well as in the related Conventions adopted by the International Labour Organisation and UNESCO. Such a compilation would underline the principle shared by all these instruments. It would indicate for Governments and for non-governmental organizations the scope of action required for the removal of any discriminatory measures or practices which limit the legal capacity, the freedom or activity of women.

A "Declaration" may be less formal in form as it is less binding in effect than an international convention. A Declaration on the elimination of discrimination against women might, thus, in addition to reiterating the provisions of existing United Nations Conventions, contain certain other principles touching the position of women in the family which have not yet been made the subject of international convention. Among these, the International Council of Women would suggest including the following principles. These derive, in the view of the International Council of Women, from the Universal Declaration and Draft Convention on Human Rights. They are:

- The husband and wife should enjoy equal rights and duties during marriage and upon dissolution of marriage.

- The wife should be given the same rights as the husband with regard to the acquisition, administration and alienation of her personal property; and identical rights and duties with regard to the administration and alienation of the common property of the marriage.

- The mother and father should exercise their parental rights and duties with regard to minor children on a basis of full equality.

- In countries where national legislation provides for divorce, the husband and wife should enjoy full equality in court proceedings.

- Decisions regarding the custody of children after divorce or dissolution of marriage should be based solely upon the interest of the child.

- There should be equality of inheritance rights as between men and women, which should not be affected by marriage or matrimonial regime.

In this connexion, the International Council of Women would again refer to its Statement presented to the Seventeenth Session of the Commission on the Status of Women - (Document E/CN.6/NGO 139, 18 March 1963).

International Conventions call for legislative action: they are designed to inspire the provisions of national law. But National Councils of Women, which are concerned with preparing women for active participation in community development in many different societies, are increasingly concerned with the gap which in many societies clearly exists between law and custom.

The International Council of Women would hope that the Status of Women Commission's discussion of "elimination of discrimination against women" would take into account not merely legislative, but also the social action necessary to bring customs based upon cultural tradition into harmony with the liberating principle of non-discrimination.

It would be of the utmost importance, however, that this discussion should take adequate account of the positive and creative nature of the ideas, traditions and customs which have knit human beings into effective social units over the long centuries. It would, indeed, be wasteful of human labour and spirit if these were to be thrown aside without examination in the rush of technological innovation, movement of populations and the growth of new urban centres.

REGISTER

INTERNATIONAL COUNCIL OF SOCIAL DEMOCRATIC WOMEN

/Original: English/
23 October 1964

The International Council of Social Democratic Women welcomes the decision to prepare a special declaration on the Elimination of Discrimination against Women. Such a Declaration can have a considerable effect on governments and public opinion, as indeed also on international agencies. It will put into relief the actual position in an important sphere of discrimination and highlight the issues in relation to the struggle for the implementation of human rights.

The Declaration will be particularly useful to the non-governmental international women's organizations, and reinforce their efforts for specific demands in this field.

The Declaration should state clearly that discrimination against women is only one type of discrimination - on grounds of sex - and that its eradication is part of the general struggle against discrimination as defined by the United Nations.

The same principle applies to cases of discrimination against men where they occur. (Some of our organizations have stressed this need for consistency and demanded, for instance, equality in pension rights based on earnings of the marriage partner, for widows as well as widowers.) However, in the overwhelming number of cases throughout the world, discrimination on grounds of sex means practically discrimination against women. This justifies a declaration confined to the situation of women. This situation is characterized by the existence of considerable discrimination in many fields, in fact if not in law.

To serve its purpose, the Declaration should be short, concise, poignant and simple in its formulations. The cumbersome and formalistic style used in Resolutions, Conventions and Recommendations - or large parts of them - should be avoided.

The Declaration should set out the general principles related to discrimination against women, but not go into detailed problems and applications.

The principles enunciated in the three Conventions of the United Nations, the two Conventions and Recommendations of the ILO, and the Convention and Recommendation of UNESCO should be incorporated in the Declaration, suitably rearranged, summarized and reformulated. The basic views expressed in these documents are shared by our affiliated organizations.

The main sections of the Declaration will presumably deal with discrimination in four fields: political, legal, economic and social, and educational (but not necessarily in this order).

The key role of education should be especially stressed: education at all levels, for children and adults, and including vocational training and retraining.

Education is a vital condition of women's progress towards equality in all fields.

Political rights for women are today lacking in relatively few countries only. Making use of them, generally and also in order to fight discrimination wherever it persists, depends on education.

Equality in economic life - working conditions, access to jobs, promotion - cannot be achieved without women obtaining equal educational and training opportunities in every sphere and at all levels.

More is needed than abolishing barriers and opening up opportunities. Positive measures - such as advice, guidance, encouragement - are equally important for girls and women. The role of curricula, text books, teachers and parents is essential for a start.

The educational effort that is required must be carried out on a broad front. It must be directed towards influencing the attitude of girls and boys, women and men, in their relations to each other and to the institutions in society.

Every possible channel must be used to influence public opinion. Prejudice must be exposed and an understanding created in all sections of the population of the need to eradicate discrimination. Positively, the idea must be promoted that woman should be valued and respected as an individual in her own right. Her interests should be taken into account irrespective of whether she is married or unmarried, has children or is childless, is employed or occupied with the upbringing of her children, or both.

To abolish economic and social discrimination means that a woman must not be at a disadvantage as regards her economic and social security merely because as a mother she devotes part of her life to the care of her family. Nor must she be left to carry the whole weight of the double burden - or threefold burden if she also participates as a citizen in public activities - arising from her being a homemaker and wage-earner at the same time.

Discrimination in the legal sphere persists particularly in marriage and family law. In many countries, the law on these questions needs still to be brought into line with Article 16 of the Declaration of Human Rights which proclaims that men and women are entitled to equal rights during marriage and at its dissolution. Equal rights of men and women with regard to the right of parent or guardian need to be emphasized, too.

Equality under the inheritance laws is also important and far from being realized in many countries.

Concluding remark:

Short of drafting a declaration, it is rather difficult to make suggestions as to how it should be shaped. Nearly all the principles to be incorporated are to be found in existing texts. But a draft has been prepared, comments could more usefully be made. It is to be hoped that NGO's will have an opportunity to send in their comments on the draft before it is discussed by the Commission on the Status of Women at its 1965 Session.

REGISTER

OPEN DOOR INTERNATIONAL

/Original: French/
20 October 1964

- (1) It is important to recall that the principle of non-discrimination on the ground of sex is one of the fundamental principles of the United Nations and its specialized agencies;
- (2) It is essential to recall that this principle is one of the basic notions of the civilization of our time and that it must be proclaimed, respected and applied fully and in all fields by all international organizations and by all Member States, whose duty it is to guarantee that it shall be respected and effectively and completely applied by all institutions and all authorities within the territory on which they exercise their sovereignty, and also by private persons and groups;
- (3) It is essential to emphasize that any distinction based on a woman's sex or marital status constitutes discrimination and that the discriminatory character of any measure results from its effects on the condition of women in general or of the particular group of women to which it is applied and that it is independent of the sometimes well-meaning or paternalistic intentions of those who take the measure: exceptional measures with regard to women, even when presented as privileges, are discriminatory measures;
- (4) In so far as the ILO Discrimination (Employment and Occupation) Convention, 1958, is concerned, we cannot accept article 5.1, 5.2 to the extent that it permanently applies to women as women; we consider that the measures of so-called protection included in international instruments with respect to women workers in fact constitute, by their effects, discriminatory measures;
- (5) In so far as the Convention against Discrimination in Education (UNESCO, 1960) is concerned, we point out that article 2 (a) does not guarantee girls the same education as boys;

(6) We consider that the United Nations and its specialized agencies must set an example in the elimination of discrimination against women and that, in all fields and at all levels, these organizations must in their own services guarantee to men and women equality of opportunity, equality of rights and equality of treatment with respect to access to employment, conditions of employment and working conditions, promotion, all social benefits connected with work, etc. ...
