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DRAFT DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN\*

Note by the Secretary-General

1. The General Assembly, in resolution 1921 (XVIII) of 5 December 1963, requested the Economic and Social Council to invite the Commission on the Status of Women to prepare a draft declaration on the elimination of discrimination against women, with a view to its consideration by the General Assembly, if possible at its twentieth session. It also invited Governments of Member States, the specialized agencies and appropriate non-governmental organizations to send to the Secretary-General their comments and proposals relating to the principles that might be incorporated in the draft declaration, with a view to their being brought to the attention of the Commission on the Status of Women. The Economic and Social Council, at its resumed thirty-sixth session, transmitted this resolution to the Commission on the Status of Women.
2. Accordingly, the Commission on the Status of Women had before it at its eighteenth session, held in 1965, the comments and proposals received from thirty Governments, four specialized agencies and fifteen non-governmental organizations (E/CN.6/426 and Add.1 and 2). The Commission established a twelve-member drafting committee to consider all the proposals and suggestions that had been submitted and to prepare a single text for the consideration of the Commission. The Drafting Committee had before it the text of a draft declaration submitted by the representative of Poland (E/CN.6/L.396), a text proposed by Ghana in the form of a working paper, and two working papers by the Chairman of the Drafting Committee based on the Polish proposal. In the course of seven meetings the Committee prepared a text which was submitted to the Commission for its

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\* Item 54 of the provisional agenda.

consideration. After a brief discussion on this text, the Commission decided to adjourn further debate on the draft declaration until its next session; to request the Secretary-General to circulate the draft declaration, together with the relevant working papers submitted to the Drafting Committee and the records of the debates in the Commission to the members of the Commission for their comments, and to request the Secretary-General to circulate such comments to all the members of the Commission before its nineteenth session.<sup>1/</sup>

3. At its nineteenth session, held in 1966, the Commission had before it the comments received from nine members of the Commission (E/CN.6/447 and Add.1), including the text of a draft declaration submitted by Ghana. A suggested new draft prepared by the United Kingdom was also circulated to the Commission (E/CN.6/L.437). The Commission decided to consider the text prepared by the Drafting Committee established at its eighteenth session<sup>2/</sup> as the basic text for discussion, and to consider the other proposals as amendments to that text. It also established a Style Committee, composed of the representatives of France (Chairman), Ghana, Hungary, Mexico and the Philippines, to assist in the final wording of the draft declaration in the various languages.

4. The Commission devoted fifteen plenary meetings to the consideration of the text of the draft declaration, which was adopted unanimously on 8 March 1966.<sup>3/</sup> It submitted this text to the Economic and Social Council at its forty-first session, together with a draft resolution under which the Council would transmit the draft declaration to the General Assembly.<sup>4/</sup>

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1/ Further information may be found in the report of the Commission on the Status of Women on its eighteenth session (Official Records of the Economic and Social Council, Thirty-ninth Session, Supplement No. 7 (E/4025), chapter III).

2/ Official Records of the Economic and Social Council, Thirty-ninth Session, Supplement No. 7 (E/4025), para. 77.

3/ Ibid., Forty-first Session, Supplement No. 7 (E/4175), para. 155. Further information may be found in the report of the Commission on the Status of Women on its nineteenth session (ibid., chapter II).

4/ Ibid., chapter XVI, draft resolution I.

5. The Economic and Social Council at its forty-first session, in July-August 1966, decided not to embark on a detailed discussion of the draft declaration. Certain amendments were submitted,<sup>5/</sup> however, and a general exchange of views took place. In resolution 1131 (XLI) of 26 July 1966, the Council transmitted the draft declaration adopted by the Commission on the Status of Women at its nineteenth session to the General Assembly, together with the amendments submitted at the forty-first session and the summary records of the discussions on the subject at that session, as well as the report of the Commission on the Status of Women on its nineteenth session and the summary records pertaining thereto.
6. Consequently, the above-mentioned documents were before the General Assembly at its twenty-first session. The General Assembly was not able to give adequate consideration to the draft declaration. A number of further amendments<sup>6/</sup> were submitted, however, and a brief general debate on the text of the draft declaration was held.
7. The General Assembly, in resolution 2199 (XXI), adopted at its 1495th meeting on 16 December 1966, requested the Economic and Social Council to invite the Commission on the Status of Women to review the text of the draft Declaration on the Elimination of Discrimination against Women at its twentieth session in 1967, bearing in mind the amendments which had been submitted, and taking into account the observations of Governments and also the discussions at the nineteenth session of the Commission on the Status of Women, at the forty-first session of the Economic and Social Council and at the twenty-first session of the General Assembly. The General Assembly decided that the draft Declaration should be given high priority at its twenty-second session.
8. The Economic and Social Council formally transmitted resolution 2199 (XXI) to the Commission on the Status of Women at its 1459th plenary meeting, held on 21 December 1966. At its twentieth session, held in February and March 1967, the

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<sup>5/</sup> E/AC.7/L.490; E/AC.7/SR.540 and 543.

<sup>6/</sup> A/6349, annex II; A/C.3/L.1341/Rev.1, A/C.3/L.1383/Rev.1, A/C.3/L.1384-1386, A/C.3/L.1400 and Corr.1, A/C.3/L.1401, A/C.3/L.1403 and A/C.3/L.1406. The amendments submitted at the forty-first session of the Council and the twenty-first session of the General Assembly were presented to the Commission in tabular form (E/CN.6/484, annex I).

Commission on the Status of Women established a Drafting Committee to review the draft Declaration and the various amendments,<sup>7/</sup> and to submit a revised text to the Commission for its consideration. The Commission, in plenary meeting, based its review of the draft Declaration on the text which had been unanimously adopted at the nineteenth session in 1966 and on the report of the Drafting Committee established at the twentieth session. The Commission reviewed these two texts, article by article, and on 2 March 1967 unanimously adopted the revised draft Declaration. It submitted the revised text to the Economic and Social Council at its forty-second session, together with a draft resolution under which the Council would transmit the draft Declaration to the General Assembly.<sup>8/</sup>

9. At the forty-second session of the Economic and Social Council, held in May and June 1967, the Social Committee decided not to entertain any debate on the specific provisions of the draft Declaration, or on any amendments that might be submitted to it, but to forward them to the General Assembly for consideration.<sup>9/</sup> Amendments were subsequently presented by India (E/AC.7/L.512) but not discussed in the Council. In resolution 1206 (XLII) of 29 May 1967, the Council submitted the draft Declaration adopted by the Commission on the Status of Women at its twentieth session to the General Assembly for consideration.

10. The full text of the draft Declaration which is before the General Assembly for consideration at the twenty-second session has been reproduced in annex I of the present note. The amendments submitted by India at the forty-second session of the Council may be found in annex II.

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<sup>7/</sup> Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 56, document A/6555.

<sup>8/</sup> Further information may be found in the report of the Commission on the Status of Women on its twentieth session (Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 7 (E/4316), chapter II).

<sup>9/</sup> E/4365, paras. 4 and 5.

## ANNEX I

### DRAFT DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

#### Preamble

The General Assembly,

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

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

Taking into account the resolutions, declarations, conventions and recommendations of the United Nations and the specialized agencies designed to eliminate all forms of discrimination and to promote equal rights for men and women,

Concerned that, despite the Charter, the Universal Declaration of Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, there continues to exist considerable discrimination against women,

Considering that discrimination against women is incompatible with human dignity, and with the welfare of the family and of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries, and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity,

Convinced that the full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women as well as men in all fields,

Considering that it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women,

Solemnly proclaims this Declaration:

Article 1

Discrimination based on sex, denying or limiting as it does equal rights between men and women, is fundamentally unjust and constitutes an offence against human dignity.

Article 2

All appropriate measures shall be taken to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women, in particular:

- (a) The principle of equality of rights shall be embodied in the constitution or equivalent law of each country;
- (b) The international instruments of the United Nations and the specialized agencies relating to the elimination of discrimination against women shall be ratified and fully implemented as soon as practicable.

Article 3

All appropriate measures shall be taken to educate public opinion and direct national aspirations towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women.

Article 4

All appropriate measures shall be taken to ensure to women on equal terms with men without any discrimination:

- (a) The right to vote in all elections and be eligible for election to all publicly elected bodies;
  - (b) The right to vote in all public referenda;
  - (c) The right to hold public office and to exercise all public functions.
- Such rights shall be guaranteed by legislation.

#### Article 5

Women shall have the same rights as men to acquire, change or retain their nationality. Marriage to an alien shall not automatically affect the nationality of the wife either by rendering her stateless or by forcing on her the nationality of her husband.

#### Article 6

1. All appropriate measures, particularly legislative measures, shall be taken to ensure to women, married or unmarried, equal rights with men in the field of civil law, and in particular:

- (a) The right to acquire, administer, enjoy, dispose of and inherit property, including property acquired during the marriage;
- (b) The right to equality in legal capacity and the exercise thereof;
- (c) The right to freedom of movement.

2. All appropriate measures shall be taken to ensure the principle of equality of status of the husband and wife, and in particular:

- (a) Women shall have the right to free choice of a husband and to enter into marriage only with their free and full consent;
- (b) Women shall have equal rights with men during marriage and at its dissolution;
- (c) Parents shall have equal rights and duties in matters relating to their children. In all cases the interest of the children shall be paramount.

3. Child marriage and the betrothal of young girls before puberty shall be prohibited, and effective 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.

#### Article 7

All provisions of penal codes which constitute discrimination against women shall be replaced.

#### Article 8

All appropriate measures, including legislation, shall be taken to combat all forms of traffic in women and exploitation of prostitution of women.

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#### Article 9

All appropriate measures shall be taken to ensure to girls and women, married or unmarried, equal rights with men in education at all levels, and in particular:

(a) Equal conditions of access to, and study in, educational institutions of all types, including universities, vocational, technical and professional schools;

(b) The same choice of curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality, whether the institutions are co-educational or not;

(c) Equal opportunities to benefit from scholarships and other study grants;

(d) Equal opportunities for access to programmes of continuing education, including adult literacy programmes;

(e) Access to educational information to help in ensuring the health and well-being of families.

#### Article 10

1. All appropriate measures shall be taken to ensure to women, married or unmarried, equal rights with men in the field of economic and social life, and in particular:

(a) The right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;

(b) The right to equal remuneration with men and to equality of treatment in respect of work of equal value;

(c) The right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work;

(d) The right to receive family allowances on equal terms with men.

2. In order to prevent discrimination against women on account of maternity and to ensure their effective right to work, measures shall be taken to provide paid maternity leave, with the guarantee of returning to former employment, and to provide the necessary social services, including child-care facilities.



Article 11

The principle of equality of rights of men and women demands implementation in all States in accordance with the principles of the United Nations Charter and of the Universal Declaration of Human Rights.

Governments, non-governmental organizations and individuals are urged, therefore, to do all in their power to promote the implementation of the principles contained in this Declaration.

ANNEX II

India: amendments to the draft Declaration on the Elimination  
of Discrimination against Women

(Annex to draft resolution I (XX) of the Commission  
on the Status of Women)

(i) Article 6, para. 1

The words "as far as possible" be inserted after the words "to ensure".

(ii) Article 6, para. 2

The words "as far as possible" be added after the words "shall be taken to ensure".

(iii) Article 6, para. 2 (a)

The words "to free choice of a husband and" be omitted.

(iv) Article 6, para. 2 (c)

The words "as far as possible" be added after the words "parents shall".

(v) Article 6, para. 3

The words "and betrothal of young girls before puberty" be omitted and the words "as far as possible" added before "to make the registration... compulsory".

(vi) Article 10, (1) and (1) (a)

Paragraph 1 and sub-paragraph 1 (a) be redrafted as follows:

"1. All appropriate measures shall be taken to ensure to women, married or unmarried, equal rights with men in the field of economic and social life, and in particular

"(a) the right, without discrimination on grounds of marital status or any other grounds, to receive vocational training; to work; to free choice of profession and employment subject to considerations of suitability to a particular type of employment and to professional and vocational advancement."

(vii) Article 10 (2)

The words "and to provide the necessary social services, including child-care facilities" be omitted.