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COMMISSION ON THE STATUS OF WOMEN
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INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION
AGAINST WOMEN

Working paper prepared by the Secretary-General

Corrigendum

Page 11

Add the following text after article 25:

Comments by the Belgian delegation on the amendments to the draft
Convention on the Elimination of All Forms of Discrimination
against Women

Preamble

The proposed new preamble combines the preamble of the original draft Convention and the alternative text. The ideas appear to us to be developed more logically in the new text.

Article 1

We prefer the alternative text.

Article 2

- Introductory paragraph: The words "denying or limiting as it does their equality of rights with men" (third and fourth lines) have been deleted.

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1...

- (a) It would seem more logical to subdivide subparagraph (a) into three subparagraphs (a), (b), and (c).

- In the new subparagraph (a), the following words have been added to the original draft: "and to guarantee by law the practical realization of this principle"; the word "and" is used instead of "or" to cover laws that do not conform to the Constitution. The new text also takes account of the fact that not all countries have a written constitution or supreme law.

- In the new subparagraph (b), the words "accompanied by penalties" have been added. This phrase should be understood in the broadest sense to include all types of remedy and all types of penalty, whether penal or civil.

- Subparagraph (d) is subparagraph (b) of the original draft.

- Subparagraph (e) is subparagraph (c) of the original draft.

- Subparagraph (f) is identical with subparagraph (d) of the original draft.

Article 3

Makes the text of the original draft more complete by adding the adjectives "political" and "legal".

Article 4

Deleted (see foot-note 25 on p. 35 of document E/CN.6/589).

Article 5

We have opted for the alternative text.

Article 7

In order to make the text more complete, it seems desirable to add the words "and attacks on the physical integrity of women".

Article 8

The order of the paragraphs in the new text seems more logical.

Article 9

Paragraph 1, first line: the word "women" has been replaced by "spouses" in order to ensure the equal rights of spouses.

Paragraph 2: We have opted for the alternative text.

Paragraph 3: This differs from the alternative text only in its wording.

Article 10

Subparagraph (a): The intention was to make the notion of categories of education more explicit.

Subparagraph (b): If "co-education" of students is to be encouraged, an effort must also be made to ensure that there are teachers of both sexes.

In addition, to avoid any misunderstanding, we have replaced the words "qualifications of the same standard" and "equipment of the same quality" in the original text by "the same qualifications" and "the same equipment" respectively.

Finally, the phrase "equal access to the teaching profession at all its levels and in all its forms for women and men with equal qualifications" has been added.

Subparagraph (c) has been added in the belief that there is a need for education based on the changing views with regard to marital, parental and social roles.

Subparagraph (d) is the same as paragraph (c) of the original draft.

Subparagraph (e): The words "with a view to reducing at the earliest possible time the knowledge gap existing between men and women" has been added to the text of paragraph (d) of the original draft.

Subparagraphs (f) and (g) have been added; cf. the World Plan of Action adopted in Mexico City, paragraphs 116 and 132.

Article 11 (alternative text)

The amendments proposed in the alternative text of this article are prompted by a desire for clarity and precision in classification:

- (1) The right to work without discrimination on grounds of marital status.
- (2) Protective measures limited to periods of pregnancy.
- (3) The enhancement not only of motherhood but of responsible parenthood and the assumption by society of the resulting costs.

Article 11 (alternative text)

1 (a): The words "to receive vocational training" have been deleted; this right is specified in article 10 (a) and the idea is further developed in paragraph 1 (c).

/...

The addition of the words "to job security" is justified by the high turnover among female workers. (Women are more readily dismissed because of their age or the fear of absenteeism resulting from pregnancy or family responsibilities.)

1 (b): The proposed amendment is designed to bring the wording into line with that of existing international texts and instruments (ILO texts, EEC directive).

- The words "according to the same criteria of work evaluation" have been added.

Justification:

It is a useful clarification designed to prevent varying interpretations of classification criteria depending on whether the criterion is physical strength or stamina, dexterity or skill, the latter qualities often being required for so-called "women's" work.

- The second part of 1 (b) becomes 1 (c) in the amended text.

Justification:

The purpose is to clarify what is meant by "equality of treatment" and to bring the provision into line with existing international instruments and texts (ILO declaration and resolution, EEC directive).

- Emphasis is placed on in-service training, for which provision is rarely made by employers since they feel that it is not profitable if a woman is likely to interrupt her career because of pregnancy.

- The same is true with regard to vocational training.

- The same is true with regard to working conditions. The requirement of special working conditions for women often gives rise to inequality. It is used by employers to justify discriminatory measures against female workers.

Special conditions should be required only on an individual basis and under the special circumstances of pregnancy and maternity.

- 1 (d) is a slightly amended version of 1 (c).

Justification:

The term "social benefits" seems more appropriate in order to cover the varying legislation of different countries and also allows for other types of benefits which are not mentioned.

- 1 (d) becomes 1 (e). The deletion of the word "receive" is intended to prevent any confusion with the mere collection of allowances. The purpose is to give women (single women and female heads of families) the same rights as men.

Article 11

2: Paragraph 2 of the alternative text and article 12 and its alternative text have been replaced by the provisions of article 11, paragraphs 2 (a), (b) and (c).

Justification:

One of our amendments deletes article 4 and the end of article 5. We deal here in a single paragraph with all the measures that must be taken in order to protect and enhance motherhood, with the whole of society bearing the resulting cost.

The purpose is to limit as much as possible those measures which discourage employers from hiring women.

Article 14

Becomes article 12.

Justification:

The proposed article is a follow-up to article 11 since it applies the latter's provisions to all categories of women, and logic dictates it should therefore come after article 11.

The end of the new article 12 extends the provisions in question to self-employed persons and is designed to ensure that no woman is excluded from the benefits of the proposed measures.

Article 13

An amended text is proposed.

Justification:

The amendment again takes up the idea that since it is in the interest of society as a whole to enhance the status of parenthood, it is the responsibility of States to set up the services and provide the assistance necessary to enable parents - not only mothers - to reconcile their family, professional and public obligations.

- The addition of the words "and adequate forms of assistance" enables States to grant special assistance or allowances to parents of young children rather than confine themselves to the provision of facilities and services. (See article 12 (h), which we have not used.)

- The proposed wording does not specify the type of nursing and child-care establishments and, in the interests of fairness, provides that fees shall be proportional to income.

Article 15

- Paragraph 2 is based on the Declaration on the Elimination of Discrimination against Women.

- Paragraph 3 is more comprehensive than the corresponding paragraph in the original text since there are other types of legal instruments.

- Paragraph 4: A small addition is proposed here. Some legal systems recognize not only the concept of "residence" but also that of "domicile". The two are not necessarily interchangeable.

Article 16

- 1: For reasons of consistency, the word "necessary" should be replaced by "appropriate".

- 1 (a): The new text makes it clearer that the right to marry also implies the right not to marry.

- 1 (d): The proposed text is less vague than the original one, particularly with respect to the rights of the unwed mother.

- 1 (e): Equality of rights also implies equality of obligations. In addition, the notion of "adoption" in the original text is inadequate. Some systems provide for not only adoption but also legitimation by adoption.

- 1 (f): The specific rights referred to are listed as examples. We also proposed specific reference to equal rights with regard to the choice of the conjugal residence.

- 1 (g): The original text of article 16, paragraph 1 (g), has been broadened, inter alia, in accordance with article 6, paragraph 1 (a), of the Declaration on the Elimination of Discrimination against Women.

- 2: Some changes have been made in the original text in order to make it clearer that both marriage and betrothal - which has legal implications in certain countries - are affected by the prohibition.

- 3: Discrimination may result not only from circumstances of birth but also from those of conception (e.g. in connexion with artificial insemination).

Article 17

The proposed new text, which seems clearer to us, is based on article 32 of the European Social Charter.

Article 21

We have opted for the alternative text.

Article 22

We have used the alternative text on pages 45 and 46 of document E/CN.6/589.
