INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

(Version: paper prepared by the Secretary-General)

Addendum

SUDAN

This addendum to the working paper prepared by the Secretary-General (E/CN.6/191/Add.1) contains a draft Convention on the Elimination of All Forms of Discrimination against Women, and comments, received from the government of Sudan in response to the request contained in resolution 1 (XXVII) of the Commission on the Status of Women.
DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to this Convention,

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

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of 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 distinction based on sex,

Noting that under the International Covenants on Human Rights States have the obligation to secure the equal right of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the Conventions concluded under the auspices of the United Nations and its specialised agencies and the resolutions, declarations and recommendations adopted by them, promoting equality of rights of men and women,

Concerned, however, that despite those various instruments there continues to exist (considerable) discrimination against women in various parts of the world,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries and hampers the growth of the prosperity of society and the family,

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

Bearing in mind the great contribution of women to the creation of the material and spiritual values of society, the social significance of motherhood and the role of women as of men in the family and in the rearing of children,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in facto or de jure.
Have agreed upon the following:

Article 1

The term "discrimination" for the purposes of this Convention shall mean any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by women on an equal footing (with men) of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2

States Parties condemn discrimination against women and undertake to pursue by all appropriate means and without delay a policy of eliminating discrimination against women in all its forms, and to this end:

(a) Each State Party undertakes to embody the principle of the equality of men and women in its national Constitution, if not yet incorporated, and to guarantee by law its practical realization in this principle;

(b) Each State Party undertakes to adopt legislative measures accompanied by penalties prohibiting all discrimination against women and guaranteeing the realization of the principle of equality of rights;

(c) Each State Party undertakes to establish legal protection for equal rights of men and women;

(d) Each State Party undertakes to engage in no act or practice of discrimination against women and to ensure that public authorities and public institutions shall act in conformity with this obligation;

(e) Each State Party undertakes to adopt all preventive measures to prevent discrimination against women by any person or organization;

(f) Each State Party shall take all appropriate measures, including legislation, to nullify or abolish existing laws, regulations, customs and practices which are discriminatory to women;

(g) Each State Party undertakes to promote organizations and movements whose purpose is to advance the status of women and eliminate all discrimination against them.

Article 3

States Parties shall undertake, in the political, social, economic, legal, cultural and other fields, all appropriate measures to ensure the adequate development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of
Article 4
Delete.

Article 7
States Parties shall take all appropriate measures to educate public opinion and to promote in all countries the desire to eradicate prejudice and abolish customary and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women.

Article 6
Each State Party agrees to repeal all provisions of national penal codes which constitute discrimination against women.

Article 7
Each State Party agrees to take all appropriate measures, including legislation, to combat all forms of traffic in women, exploitation of prostitution of women and attacks on the physical integrity of women.

POLITICAL RIGHTS

Article 8
States Parties shall take all appropriate measures to ensure to women on equal terms with men, without any discrimination, equal opportunities to participate in the political and public life of the country, and in particular:

(a) To vote in all elections and be eligible for election to all publicly elected bodies;

(b) To vote in all public referenda;

(c) To participate in the formulation of government policy and the administration thereof;

(d) To hold all public offices and perform all public functions at all levels, international, regional, national and local;

(e) To participate freely in non-governmental organizations and associations.

Article 9
States Parties shall grant spouses equal rights to acquire, change or retain
their nationality. They shall require, in particular, that neither marriage of a
woman to, nor dissolution of her marriage from, an alien nor the change of
nationality by her alien husband during marriage shall automatically change her
nationality, render her stateless or force upon her the nationality of her husband.

2. Each State Party agrees that:

(a) The alien husband or wife of one of its nationals may, at his or her
request, acquire the nationality of his or her spouse through specially privileged
naturalisation procedures; the grant of such nationality may be subject to such
limitations as may be imposed in the interests of national security or public
policy.

(b) The present Convention shall not be construed as affecting any
legislation or judicial practice by which the alien husband or wife of one of its
nationals may, at his/her request, acquire his/her spouse's nationality as a
matter of right.

3. States Parties undertake to grant women as well as men the right to transmit
their own nationality to their children.

SOCIAL AND ECONOMIC RIGHTS

Article 10

Each State Party agrees to take all appropriate measures to ensure women,
married or unmarried, equal rights with men in the field of education, which
education shall be directed to the full development of the human personality and
the sense of its dignity, and shall strengthen the respect for human rights and
fundamental freedoms and, in particular:

(a) Equal conditions of career guidance, access to studies and earning of
degrees, whatever the form, level, category and place of education, in rural as
well as in urban areas, including universities, vocational, technical and
professional schools, and pre-school institutions;

(b) The same choice of curricula, the same examinations, teaching staff with
the same qualifications, and school premises of the same quality and with the same
equipment, whether the institutions are co-educational or not; equal access to the
teaching profession at all its levels and in all its forms for women and men with
equal qualifications;

(c) The speedy achievement of co-education based on the identical nature of
family and socio-economic roles, at all levels and in all forms of education;

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

(e) Equal opportunity for access to programmes of continuing education,
including adult literacy programmes, with a view to reducing at the earliest
possible time the knowledge gap existing between men and women;
(f) Measures to reduce the school dropout rate among girls;

(g) Access to educational information to help in ensuring the health and well-being of families, to psycho-sexual education and to information on family planning.

**Article 11**

1. States Parties shall take all appropriate measures to ensure to women, married or unmarried, equal rights with men in economic and social life and, in particular:

   (a) The right, without discrimination on grounds of marital status or any other grounds, to work, to free choice of profession and employment, to promotion and to job security;

   (b) The right to equal remuneration with men for the same work or work of equal value according to the same criteria of work evaluation;

   (c) The right to equal treatment with men as regards access to employment, in-service training, vocational training and working conditions;

   (d) The right to paid leave and to social benefits, particularly in case of retirement, unemployment, sickness, old age or other incapacity to work;

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

2. (former article 12)

   The enhancement of the status of motherhood being in the interest of society as a whole, States Parties shall take steps aimed at:

   (a) Prohibiting, subject to the imposition of penalties - dismissal or other reasonable measures - the discrimination on grounds of marriage, pregnancy or maternity;

   (b) Granting paid leave for pregnancy and maternity, without loss of the job held and without loss of social allowances and benefits, the periods of leave being treated as equivalent to periods of work actually performed;

   (c) Ensuring that pregnant women enjoy working conditions appropriate to their condition.

1/ This refers to the right to collect allowances - not to be confused with the collection itself, which is a matter for the person who actually has charge of the child.
Article 12 (former article 14)

The provisions of the preceding articles shall apply to all women without exception in State, co-operative, public and private institutions, industrial and non-industrial enterprises and in agriculture and on plantations: they shall also apply to women who perform for any organisations or individuals remunerated work at home, to those who are gainfully employed in domestic work and to those who are self-employed. The provisions of the preceding articles shall also apply to women who do not exercise an occupation in so far as they are affected by these provisions.

Article 13

The enhancement of the status of parenthood being in the interest of society as a whole, States Parties shall, in order to enable parents to reconcile their family, parental, professional and public obligations, establish communal services and facilities and adequate forms of assistance, particularly the granting of paid leave to the parents of a sick child during the time necessary for the provision of early care as well as child care and nursing establishments, and shall encourage all private or public initiatives which further the same ends. Fees payable by parents for this service shall be proportional to their resources or nil. States Parties shall also seek to encourage such use of time as permits the harmonization of family, parental, professional and public obligations.

Article 14 (has become article 12)

CIVIL AND FAMILY RIGHTS

Article 15

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

2. States Parties shall accord to women a civil and legal capacity identical to that of men, and the exercise of that capacity, particularly in all stages of procedure in courts and tribunals.

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

4. States Parties shall accord to men and women the same rights with regard to the law on the movement of persons and the freedom of choice of their residence and domicile.
Article 16

1. States Parties shall adopt all appropriate measures to ensure the full equality of women with men in all matters relating to marriage and family relations, includin:

(a) The same right as men to enter into or not enter into the marriage state;

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

(c) Equal rights and duties with men during marriage and at its dissolution;

(d) Equal rights and duties with men in matters relating to their children.

The unmarried mother shall be granted parental authority, which she shall exercise alone or jointly with the father of the child. In all cases the interests of the children shall be paramount;

(e) Recognition of equal rights and duties as guardians and trustees, and also of an equal right with regard to any form of child adoption;

(f) Provision in law for the equality of spouses in their personal relationships as regards their rights and obligations. Accordingly, each spouse shall have, inter alia, the right to choose an occupation and to exercise it freely. The choice of a jointly owned and of the conjugal residence shall be made by agreement, neither spouse having a predominant voice in the matter;

(g) Recognition of equal rights of both spouses in respect of the ownership, acquisition, management, administration, enjoyment, disposition — whether free of charge or for a valuable consideration — or inheritance of property, whether it be property owned by one spouse or joint property.

2. Child marriage and the marriage of betrothal of young girls before puberty shall be prohibited, and effective action, including legislation, shall be taken to specify a minimum age for betrothal and marriage and to make the registration of marriages in an official registry compulsory.

3. To eliminate discrimination against unwed mothers and to give effect to the principle proclaimed in the Declaration of the Rights of the Child that all children shall be protected irrespective of the circumstances of their conception and birth, the States Parties shall provide that all children shall enjoy equal rights and equal social protection.

Article 17

The provisions of this Convention shall be without prejudice to the provisions of the existing domestic law of countries and to provisions of existing conventions adopted by the United Nations of the specialized agencies that are more favourable to women.
Article 16

This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it at any time.

Article 19

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 20

Each Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject-matter of this Convention, compel it to do so. It shall give notice of such withdrawal three months in advance to all Parties to the Convention and to the Secretary-General of the United Nations. Each notice shall include a statement of the extraordinary events it regards as having compelled it to take such action.

Article 21

1. There shall be established a Committee on the Convention on the Elimination of Discrimination against Women (hereafter referred to as the Committee) consisting of experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, preferably members of the Commission on the Status of Women, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a
quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of six of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 22

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: within one year after the entry into force of the Convention of the State concerned, and thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

(a) Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to this Convention, it will not be necessary to reproduce that information but a precise reference to the information so furnished will suffice.

(b) Specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of this Convention as fall within the scope of their activities. They shall be entitled to submit reports on the implementation of relevant instruments adopted by them or under their auspices, including particulars of decisions and recommendations on such implementation adopted by their competent organs.

2. Specialized agencies shall be able to receive copies of such parts of the reports by Governments on this Convention as fall within the scope of their activities.

3. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.
Article 23

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the ... instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the ... instrument of ratification or accession, the present Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 24

The Secretary-General of the United Nations shall inform States of the following:

(a) Signatures, ratifications and accessions under article ...

(b) The date of entry into force of the present Convention under article ...

(c) Denunciations in accordance with article ...

Article 25

This Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the United Nations. Certified copies of this Convention shall be transmitted to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorised, have signed this Convention.

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