96TH CONGRESS
2d Session

SENATE

EXECUTIVE
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CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY ON DECEMBER, 18, 1979, AND SIGNED ON BEHALF OF THE UNITED STATES OF AMERICA ON JULY 17, 1980

NOVEMBER 12, 1980.—Convention was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE
79-109 O WASHINGTON : 1980

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *November 12, 1980.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification (subject to certain qualifications and possibly to appropriate implementing legislation), I transmit herewith a copy of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention was adopted by the United Nations General Assembly on December 18, 1979 and signed on behalf of the United States of America on July 17, 1980. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

Adoption of this Convention by the General Assembly at the conclusion of its 34th Session in December, 1979, was the culmination of a negotiating process that lasted several years. Throughout this process, the United States was an active participant and a vigorous supporter of a comprehensive and effective international instrument to achieve the elimination of discrimination against women. Although certain earlier human rights treaties relate to the rights of women, none of these previous instruments attempted to deal with women's rights in as comprehensive a manner as this Convention. The wide scope of the Convention is particularly noteworthy and commendable in that it calls upon States Parties to take "all appropriate measures" to eliminate discrimination against women in such diverse fields of human endeavor as politics, law, employment, education, health care, commercial transactions, and domestic relations. Moreover, the Convention establishes a Committee on the Elimination of Discrimination against Women to review periodically the progress being made by States Parties.

Ratification of the Convention on the Political Rights of Women in 1976 was a recent express affirmation by the Executive and Legislative branches of the U.S. Government that human rights in general and women's rights in particular are matters of legitimate concern to the international community and are not subjects with exclusively domestic ramifications. U.S. ratification of the Convention at hand, the newest of the international human rights instruments, would be consistent with this affirmation and would make clear at home and abroad the commitment of the United States to eliminate discrimination against women.

The great majority of the substantive provisions of the Convention are consistent with the letter and spirit of the United States Constitution and existing laws. However, certain provisions of the Convention raise questions of conformity to current United States law. Nevertheless, the Departments of State and Justice and other interested agencies of the Federal Government concur in the judgment

that, with the adoption of certain qualifications and, possibly, appropriate implementing legislation, there are no constitutional or other legal obstacles to United States ratification. The report of the Department of State on the Convention and an attached legal memorandum describe the provisions of the Convention and identify those areas of concern that will require further discussion and treatment.

This Convention is a significant new element in the development of the international law of human rights. By giving its advice and consent to ratification of the Convention, the Senate will confirm our country's traditional commitment to the promotion and protection of human rights and will enhance our nation's ability to achieve progress throughout the world. I hope that all States will become Parties to the Convention and that it will be applied universally. I recommend that the Senate give early and favorable consideration to this Convention.

JIMMY CARTER.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, October 23, 1980.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmission to the Senate for advice and consent to ratification (subject to certain qualifications and possibly to appropriate implementing legislation), the Convention on the Elimination of All Forms of Discrimination against Women. The Convention was adopted by the United Nations General Assembly on December 18, 1979 and signed on behalf of the United States of America on July 17, 1980.

Adoption of this Convention by the General Assembly at the conclusion of its 34th Session in December, 1979, was the culmination of a negotiating process that lasted several years. Throughout this process, the United States was an active participant and a vigorous supporter of a comprehensive and effective international instrument to achieve the elimination of discrimination against women.

In the United States, the role of women in all facets of life has changed dramatically during the past few decades due to a wide variety of sweeping legislative, economic, social, and cultural developments. However, domestic and international awareness of the need to proclaim and promote women's rights is a more recent phenomenon. Such activities as the International Women's Year and the U.N. Decade for Women are clear indications of this global awareness and concern, but this Convention is one of the most significant manifestations to date of the growing international interest in the subject.

In the resolution that accompanied adoption of the Convention, the U.N. General Assembly declared, *inter alia*, that "discrimination against women is incompatible with human dignity and the welfare of society" and that "it is necessary to ensure the universal recognition in law and in fact of the principle of equality of men and women." You espoused the same principles in your message to the U.N. Mid-Decade Conference for Women.

Women's rights and the equality of men and women are addressed in very general terms in the U.N. Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the American Convention on Human Rights. The United States has signed the Covenants and the American Convention, all of which have been transmitted to the Senate for its advice and consent to ratification.

The Convention is far broader in scope and much more detailed than any of the international agreements that seek the advancement of

women in particular areas.[1] Of these agreements, the United States has ratified only the 1904 Agreement for the Suppression of the White Slave Traffic, the 1933 Convention on the Nationality of Women, the 1948 Inter-American Convention on the Granting of Political Rights to Women, and the 1953 Convention on the Political Rights of Women. The United States ratified these agreements in, respectively, 1908, 1934, and 1976 (in the case of both political rights conventions).

There follows a summary of the Convention's provisions. The attached memorandum of law, to which your attention is invited, sets forth an analysis of both conformity of United States law with the Convention and of those provisions that might require either implementing legislation or reservations, understandings, and declarations.[2]

The Convention provides a broad definition of the term "discrimination against women" in Article 1 that applies to any distinction made on the basis of sex impairing human rights "in the political, economic, social, cultural, civil or any other field." In the next fifteen articles, the Convention obligates States Parties to take, in most instances, "all appropriate measures" to eliminate such discrimination in all its forms and in every field of human endeavor, including politics, law, employment, education, health care, commercial transactions, and domestic relations.

Article 2 obligates States Parties to embody the principle of equality of men and women in their national constitutions or other appropriate legislation, to adopt legislation and other measures prohibiting discrimination against women, to establish legal protections for women, and to ensure that no public authorities or institutions engage in any act or practice of discrimination against women.

Under Article 2, States Parties are also required to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise, to modify or abolish existing laws, regulations, customs and practices constituting discrimination against women, and to repeal all national penal provisions that discriminate against women. In like manner, Article 3 requires States Parties to take all appropriate measures in "all fields" to ensure the development and advancement of women.

Article 4(1) permits temporary special measures to accelerate equality of men and women but prohibits the maintenance of unequal or separate standards. Article 4(2) permits special measures aimed at protecting maternity and declares that they shall not be considered discriminatory.

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[1] Previous conventions have dealt with relatively narrow topics and include the Convention on the Political Rights of Women (1953), the Inter-American Convention on the Granting of Political Rights to Women (1948), the Convention on the Nationality of Married Women (1957), the Convention on the Nationality of Women (1933), the International Agreement for the Suppression of the White Slave Traffic (1904), the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950), the UNESCO Convention Against Discrimination in Education (1960), and the Convention on Consent to Marriage (1962). In addition, the International Labor Organization has produced conventions on employment discrimination, equal remuneration for men and women workers for work of equal value, employment of women at night, employment of women before and after childbirth, insurance for widows and orphans, and employment of women undergrouud.

[2] The Convention is the product of a consensus among more than 130 States and, as must be expected, contains certain language that can give rise to policy, as distinct from legal, questions. The attached memorandum of law discusses the latter concerns. With respect to policy, the tenth and eleventh preambular paragraphs are objectionable to many nations, including the United States, because they contain political rhetoric which those nations consider inappropriate for an international convention intended to impose binding legal obligations upon States Parties. For that reason, the United States, together with twenty-five other countries, did not support adoption of these preambular paragraphs during the General Assembly proceedings in December, 1979.

Article 5(a) obligates States Parties to take all appropriate measures to modify social and cultural patterns of conduct among their citizens for the purpose of eliminating sexual prejudices and stereotypes. Article 5(b) calls for "family education" to include "a proper understanding of maternity as a social function" and a recognition of the common responsibility of men and women for raising children.

Article 6 requires adoption of legislative or other measures to suppress all forms of traffic in women and exploitation of prostitution of women.

Pursuant to Article 7, Parties to the Convention must take all appropriate measures to eliminate discrimination against women in political activities and to ensure to women, on equal terms with men, the rights to vote, to run for and hold public office, and to participate in formulating and implementing government policy.

Article 8 calls for equality of men and women with respect to the opportunity to represent their governments in international activities, and Article 9 requires such equality with regard to their nationality and that of their children.

Article 10 obligates States Parties to take all appropriate measures to ensure equal rights with men regarding access to all types and levels of education, equal curricula and facilities, scholarships, programs for school drop-outs, and opportunities for athletic participation. Article 10 also includes an affirmative commitment to coeducation.

In the field of employment, Article 11 obligates States Parties to ensure, on the basis of equality of men and women, the rights to work, to the same employment opportunities, to equal remuneration for work of comparable value, to social security, retirement, unemployment and disability benefits, to safe working conditions, to free choice of employment, and to promotion, job security and training. Article 11(2) requires that measures be taken to prevent discrimination against women in employment on the basis of marital status or maternity.

In accordance with Article 12(1), States Parties must eliminate discrimination against women in the delivery of health care services. Article 12(2) requires States Parties to provide "appropriate" and, where necessary, free services in connection with pregnancy, confinement, and the post-natal period, including adequate nutrition during pregnancy and lactation.

Article 13 mandates all appropriate measures to ensure equal rights to family benefits, financial credit, and participation in all aspects of cultural life and recreational activities. Article 14 sets forth a variety of rights and special programs for women living in rural areas.

Pursuant to Article 15, States Parties must accord women equality with men before the law, a legal capacity identical to men in civil matters, equal rights to conclude contracts and administer property, and equal procedural rights before all courts and tribunals.

Article 16 covers the field of domestic relations and requires States Parties to take all appropriate measures to ensure equality of men and women in all matters relating to marriage and its dissolution, parenthood and other legal relationships with children, and property ownership, administration, and disposition.

Article 24 obligates States Parties to initiate all necessary measures at the national level directed toward the "full realization of the rights" set out in the Convention.

Articles 17 through 22 constitute the administrative and enforcement provisions of the Convention. A Committee on the Elimination of Discrimination against Women is established, along with a requirement that States Parties submit reports to the United Nations Secretary-General, for consideration by the Committee, describing the measures they have adopted that give effect to the provisions of the Convention. The Committee may make recommendations based on the reports and information received from States Parties.

Articles 23 through 30 are the final clauses. Article 29 provides that any dispute with respect to the interpretation or application of the Convention that is not settled by negotiation shall, at the request of any party to the dispute, be submitted to arbitration. If, within six months of the date arbitration is requested, the parties are unable to agree on the organization of the arbitration, any party to the dispute may refer the matter to the International Court of Justice.

As is often the case with broad-based multilateral treaties, questions have been raised as to how the Convention will mesh with our domestic legal system. If the law of the United States does not meet the standards of the Convention, we risk being cited for failure to meet our international obligations. In such a case we have two options. We can change our law by enacting appropriate conforming legislation or we can submit a reservation to the treaty. As examples, we point out the following general problems:

The broad definition of "discrimination against women" applies throughout the Convention and has the effect of applying the Convention to private organizations and areas of personal conduct not covered by U.S. law. The principal articles where this issues arises are Articles 2, 3, 5, 7, 10, and 12.

Among other provisions that raise issues of conformity with current U.S. law are Article 2 (military registration and service related inequities, public accommodations), Article 11 (equal pay for work of comparable value, inequities in social security and workers' compensation benefits) and Article 12 (delivery of health care services).

The Convention includes no provision that would take into account the division of authority between the state and Federal governments in the United States. Indeed, Article 24 obligates parties to adopt all necessary measures "at the national level" to realize the rights recognized in the Convention. We therefore recommend a reservation that would deal with the provisions imposing obligations whose fulfillment is dependent upon the state and local governments as well as the Federal Government. These provisions include Articles 6 (exploitation of prostitution), 10 (education), 13 (right to family benefits), 15 (contract and property rights), and 16 (domestic relations).

A further issue raised by the Convention is whether it is itself effective as domestic law. Virtually all of the articles of the Convention are, in our judgment, not self-executing and would probably not be construed as such since they appear to contemplate

that legislative or other implementing action be taken by the parties (beyond ratification) in order to carry out the Convention's provisions. So that there will be no misunderstanding on this point, however, we propose a declaration that the substantive provisions of the treaties are not self-executing. Our obligation under international law to comply with the treaty will of course not be affected, and compliance will be subject to review through the procedures created by the Convention.

Specific language for implementing legislation or reservations is not being recommended at this time. When the Senate Committee on Foreign Relations wishes to take action regarding the Convention, interested agencies will meet upon request with the Committee and its staff to discuss the necessary language. If this approach is followed there will be no constitutional or other legal obstacles to ratification of the Convention by the United States. The Departments of Justice, Health and Human Services, Education, and Labor, the Equal Employment Opportunity Commission, and the United States Commission on Civil Rights concur with this assessment and are enthusiastic in their support of the Convention.

The Convention on the Elimination of All Forms of Discrimination against Women is a significant accomplishment of the United Nations system and an important advance in the development of the international law of human rights. United States adherence to this Convention is in the national interest and in the interest of the world community. It is our hope that the United States, after full consideration by the Senate, will become a party to the Convention.

Respectfully submitted,

EDMUND S. MUSKIE.

MEMORANDUM OF LAW

U.S. LAW AND THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The following is an analysis of U.S. law that conforms to the Convention on the Elimination of all Forms of Discrimination against Women, as well as a statement of those areas of concern in which the Convention is either not addressed by or is in possible conflict with U.S. law.

ARTICLE 1—DEFINITION

Potential areas of concern

The definition of "discrimination against women" in Article 1 appears applicable not only in instances where federal or state action is involved but to private organizations and even interpersonal relationships. The effect of this definition, which further states that "the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status . . ." of their rights and freedoms, is to reach into areas that are not regulated by the federal government either due to Constitutional restraint or as a matter of public policy.

An appropriate reservation that would state the limits of federal jurisdiction would address the concern raised by this Article and applicable throughout the Convention.

ARTICLE 2—OBLIGATION TO ELIMINATE DISCRIMINATION

Federal initiatives

Section (a) of Article 2 imposes an obligation on parties to the Convention to procure equality of the sexes under their national constitutions and/or through legislation. The Congress of the United States has passed the proposed 27th Amendment to the U.S. Constitution (ERA): "Sec. 1 Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." To date, 35 of the required 38 states have ratified this proposed amendment and Congress has granted an extension of the period of time in which the ERA may be ratified by the states to June, 1982. Although the Equal Rights Amendment has not yet been ratified, the President and the Congress have acted affirmatively and to the fullest extent of their authority to effectuate its passage.

Regardless of whether the ERA is ratified, the 14th and 5th Amendments to the Constitution provide a basis to invalidate any federal or state classification or distinction based on sex if it is not substantially related to an important government objective. *Craig* v. *Boren*, 429 U.S. 190 (1976).

Article 2(a), as an alternative to Constitutional coverage, imposes an affirmative obligation on Congress to initiate appropriate legislation to ensure the equal protection of women under the law. Congress has passed many significant pieces of legislation prohibiting discrimination on the basis of sex in housing, extension of credit, employment, education and in certain federally assisted programs. Following is an enumeration of those statutes that broadly or by specific program prohibit discrimination on the basis of sex.

Statute	Common name	Proper name
12 U.S.C. § 1735f-5		National Housing Act, as amended.
15 U.S.C. § 775		Federal Energy Administration Act of 1974.
15 U.S.C. § 719o		Alaska Natural Gas Transportation Act of 1976.
15 U.S.C. § 1691 et seq	ECOA	Equal Credit Opportunity Act.
18 U.S.C. § 246		An act to amend Title 18, United States Code . . . [. . . to prohibit deprivation of employment or other benefit on account "of inter alia, race, sex."]
20 U.S.C. § 1145b		Title XII, Higher Education Act of 1965, as amended.
20 U.S.C. § 1681 et seq	Title IX	Title IX of the Education Amendments of 1972.
20 U.S.C. § 1701 et seq		Equal Educational Opportunities Act of 1974.
23 U.S.C. § 324		Federal-Aid to Highway Act of 1973.
29 U.S.C. § 206(d)	Equal pay	Equal Pay Act.
29 U.S.C. § 834(a)	CETA	Comprehensive Employment and Training Act Amendments of 1978.
31 U.S.C. § 1242(a)(1)	Revenue sharing	State and Local Fiscal Assistance Amendments of 1976.
33 U.S.C. § 1251 Note		Federal Water Pollution Control Act.
40 U.S.C. § 476		Federal Property and Administrative Services Act, as amended.
40 U.S.C. App. 223 Note		Appalachian Regional Development Act Amendments of 1971.
42 U.S.C. § 292d		Title VII, Public Health Service Act, as amended.
42 U.S.C. § 298b-2		Title VIII, Public Health Service Act, as amended.
42 U.S.C. § 2000e	Title VII	Title VII of the Civil Rights Act of 1964.
42 U.S.C. § 2971c		Economic Opportunity Amendments of 1972.
42 U.S.C. § 2930c		Headstart-Follow Through Act.
42 U.S.C. § 2985g	Community economic development.	Title VII, Economic Opportunity Act of 1964, as amended.
42 U.S.C. § 3601 et seq	Housing	Title VIII of the Fair Housing Act.
42 U.S.C. § 3123		Public Works and Economic Development Act Amendments of 1971.
42 U.S.C. § 3789d(c)(c)(1)	LEAA	Omnibus Crime Control and Safe Streets Act of 1968, as amended.
42 U.S.C. § 5057	ACTION	Domestic Volunteer Service Act of 1973.
42 U.S.C. § 5151(a)		Disaster Relief Act of 1974.
42 U.S.C. § 5309(a)		Housing and Community Development Act of 1974.
42 U.S.C. § 5672		Juvenile Justice and Delinquency Prevention Act of 1974 (incorporating 42 U.S.C. § 3789d(c)).
42 U.S.C. § 5891		Energy Reorganization Act of 1974.
42 U.S.C. § 6727		Title II, Public Works Employment Act of 1976, as amended.
42 U.S.C. § 6870		Energy Conservation in Existing Buildings Act of 1976.
42 U.S.C. § 1651 Note		Trans-Alaska Pipeline Authorization Act.
43 U.S.C. § 1863		Outer Continental Shelf Lands Act Amendments of 1976.
45 U.S.C. § 803	The 4-R's Act	Railroad Revitalization and Regulatory Reform Act of 1976.
45 U.S.C. § 1708		Conveyance of submerged lands to territories [An Act "to place certain submerged lands in the jurisdiction of the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes."]
49 U.S.C. § 1615(a)(1)	UMTA	Surface Transportation Assistance Act of 1976.
49 U.S.C. § 1730		Airport and Airway Development Act Amendments of 1976.

Section (a) also suggests that "other appropriate means" be utilized by Congress to procure equality under the law for men and women. Accordingly, the President created and the Congress funded the Task Force on Sex Discrimination coordinated through the Attorney General, to conduct a comprehensive review of all federal laws, regulations, policies and programs for the purpose of identifying discrimination on

the basis of sex and to effectuate appropriate modifications to eliminate discrimination identified. The Task Force is responsible for numerous changes in federal policy and law.

Congress also separately mandated that a comprehensive review of the Social Security System be conducted jointly by the then Department of Health, Education and Welfare and the Task Force on Sex Discrimination to determine provisions that discriminated on the basis of sex or resulted in a disparate impact on the basis of sex. *See* Article 11, *infra.*

Section (e) raises several issues pertaining to nondiscrimination on the basis of sex by private organizations and establishments. The President under Executive Order 11246 and Executive Order 11375 has subjected federal contractors to nondiscrimination requirements including prohibitions against sex discrimination and specifically required affirmative action efforts. The Department of Labor has proposed a regulation that would prohibit federal contractors from paying membership fees or other expenses for its employees to join or participate in private organizations that exclude persons on the basis of, *inter alia,* sex, 45 Fed. Reg. 4954 (January 22, 1980). Also, a similar prohibition by the Federal Reserve System became effective October 11, 1979, 44 Fed. Reg. 60406 (October 19, 1979).

The President has directed that the prohibition involving official federal employee attendance at or participation in an organization that discriminates on the basis of race, be amended to cover organizations that discriminate on the basis of sex. (Chapter 410, Subchapter 8, paragraph 4, of the Federal Personnel Manual.)

The Congress has reached private organizations through legislation prohibiting discrimination in employment, housing, credit and education and a multiplicity of other programs enacted with specific nondiscrimination language.

Potential areas of concern

Sections (b), (c), (d), and (f) may raise areas of concern with existing federal statutes. In two instances the President of the United States has proposed corrective legislation but Congress, to date, has not acted affirmatively. First, the statutory preference granted veterans employed in the federal civil service and second, the male only registration for military service, both of which work in practice to discriminate on the basis of sex, have yet to be modified. The law also establishes limitations on women's participation and mobility in the Armed Forces particularly in combat-related assignments. (The U.S. Army bars women from combat related assignments as a matter of policy.)

Section (e) raises concern in the area of public accommodations. Congress has not amended existing statutes prohibiting discrimination to include a prohibition on the basis of sex. 42 U.S.C. 2000a. However, the Task Force on Sex Discrimination has recommended and drafted an amendment to the Civil Rights Act of 1964 to include such a prohibition on the basis of sex.

Membership in private clubs or organizations that are not supported in any way by federal financial assistance is, as mentioned earlier, not subject to government regulation.

Appropriate corrective legislation or reservations may be necessary in these areas.

ARTICLE 3—ADVANCEMENT OF WOMEN

There do not appear to be any unique concerns presented by Article 3 that would require additional reservations, declarations or understandings not already set out under other articles.

ARTICLE 4—TEMPORARY SPECIAL MEASURES

There do not appear to be any significant concerns raised by Article 4 that would require additional reservations, declarations or understandings, and there have already been several federal initiatives in this area.

Federal initiatives

The United States Supreme Court in *United Steelworkers* v. *Weber*, 443 U.S. 193 (1979), upheld voluntary affirmative action plans by private employers, the position consistently held by the Equal Employment Opportunity Commission (EEOC). Also Congress amended Title VII of the 1964 Civil Rights Act in 1978 to prohibit discrimination in employment on the basis of pregnancy or related disabilities, 42 U.S.C. 2000e(k).

Recently, the President has taken special initiatives to encourage and assist women business entrepreneurs by directing each federal agency to allocate specific resources for this purpose. Executive Order 12138. Additionally, the United States Supreme Court has upheld the Congressionally-mandated minority business set-aside program. *Fullilove* v. *Klutznick*, _____ U.S. _____ No. 78–1007, July 2, 1980.

ARTICLE 5—PATTERNS OF CONDUCT

Federal initiatives

Because education, as well as legislation, is one means to influence attitudes, Congress passed the Women's Educational Equity Act (WEEA) and recently substantially increased appropriations under the Act. 20 U.S.C. 1666 *et seq.*, as amended by 20 U.S.C. 3341 *et seq.* WEEA was expanded to authorize grants to local educational agencies and higher education institutions to develop non-sexist programs and projects to ensure sex equity and to implement the provisions of Title IX.

The Office of Education, the National Institute of Education and the National Center for Education Statistics have undertaken studies that examine the nature and extent of sex bias, sex discrimination and sex role development in order to design and evaluate accurately sex equity education programs.

Areas of potential concern

The United States federal government does not regulate family education or interpersonal relationships. *See* Article 1, *supra*. Therefore a statement of understanding may be appropriate.

ARTICLE 6—EXPLOITATION OF PROSTITUTION

Federal initiatives

Congress has enacted the "White Slave Act", prohibiting any person from transporting or assisting to transport a female across

state lines for the purpose of prostitution. It applies only where interstate commerce is involved. 18 U.S.C. 2421 *et seq.*

Potential areas of concern

We do not understand Article 6 to prohibit prostitution per se. There is no federal statute prohibiting prostitution generally; it is a matter left to state regulation.[3] Should Article 6 be deemed to require this prohibition, a federal/state reservation clause would accommodate this concern.

ARTICLE 7—POLITICAL RIGHTS

Federal initiatives

In general, the internal affairs of political parties in the United States are not controlled or regulated by the federal government. However, the electoral process, including state primaries, has been held to constitutional requirements. In addition, the President appoints persons to "political" positions that are separate from the federal Civil Service. The appointment rate for women in top positions by the current administration has exceeded appointments by any other President. As of March 19, 1980, 33 percent of all appointments and those appointments pending before Congress for Boards and Commissions were women (343 women of 1,049 appointments).

Potential areas of concern

A statement of understanding may be appropriate to clarify the limited role of the federal government in non-governmental organizations and associations, including political parties, and their affairs. *See* Article 1, *supra.*

ARTICLE 8—REPRESENTATION IN INTERNATIONAL ACTIVITIES

Article 8 appears to raise no concerns that would require additional reservations, declarations or understandings.

ARTICLE 9—NATIONALITY

Our federal statutes are consistent with the mandate of Article 9.

ARTICLE 10—EDUCATION

Federal initiatives

Congress has acted in ending discrimination in education. Title IX of the Education Amendments of 1972 prohibits sex discrimination in federally assisted education programs or activities. 20 U.S.C. 1681 *et seq.* Title II of the Education Amendments of 1976 added a number of provisions focusing on sex equity to the Vocational Education Act, including the development of programs to eliminate sexual sterotyping in vocational education and career steering. 20 U.S.C. 2301 *et seq.* In 1979 HEW issued a final Policy Interpretation on Intercollegiate Athletics and Title IX that provides guidance to be used in determining whether men and women are provided equal opportunity, treatment, and benefits in all aspects of an athletic program, including athletic scholarships.

[3] The "federal/state" concern is discussed in the Report to the President. It is our expectation that one "federal/state" reservation clause would appropriately pertain to the entire Convention.

HEW also issued in 1979 "Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap," which explain the civil rights responsibilities of agencies administering federally funded vocational education programs and require, *inter alia*, states to submit methods of administration for the sexual integration of students where class enrollment exceeds eighty percent or more of one sex. 44 Fed. Reg. 17162 (March 21, 1979).

Potential areas of concern

Title IX and other mentioned statutes have contributed significantly to equal educational opportunity. Although these statutes apply only to public and private institutions that receive federal assistance, *see* Article 1, *supra*, this includes most educational institutions in the United States.

Additionally, 1) the actual administration of public elementary and secondary schools is a responsibility of the states, 2) there is no federal law that requires co-education, and 3) there is no federal statute that specifically requires revision of textbooks for sexual stereotyping. Textbook revision is generally a matter regulated by state review commissions. The federal/state reservation clause, a general reservation clause, or implementing legislation would accommodate these concerns.

ARTICLE 11—EMPLOYMENT

Federal initiatives

All conditions of employment, including promotions and hiring, are covered by Title VII of the 1964 Civil Rights Act, which prohibits discrimination on the basis of sex, including pregnancy and related disabilities.

Pursuant to that Act, the EEOC issued Uniform Guidelines for Employee Selection that establish uniform criteria for selection of employees in the private and public sector. 29 C.F.R. 1607 *et seq.*

The 1963 Equal Pay Act requires equal pay for men and women who perform jobs of equal skill, responsibility and effort under similar working conditions.

Also, the 1976 Vocational Education Amendments described earlier are relevant to this Article.

The Department of Labor has recently issued guidelines entitled "Regulations on Nondiscrimination in Apprenticeship Programs" that establish policies and procedures to promote equality of opportunity in apprenticeship programs registered with DOL or recognized state agencies. The regulations also prohibit discrimination based on sex and other grounds. 29 C.F.R. 30 *et. seq.* The EEOC has issued final guidelines regarding pregnancy (29 C.F.R. 1604.10 *et seq.*) and proposed guidelines on Employment Discrimination and Reproductive Hazards, 45 Fed. Req. 7514 (February 1, 1980).

Potential areas of concern

Despite the fact that Title VII is extremely comprehensive, it includes and implies certain exemptions. For example, employees of employers hiring fewer than fifteen, certain legislative branch employees, and political appointees of state and local governments enjoy no Title VII protection from sex discrimination in employment. Initiatives to remedy some of these situations statutorily have to date not been adopted by Congress.

Section 1(d) may raise a potential area of concern regarding our current federal statutes: Title VII of the 1964 Civil Rights Act and the 1963 Equal Pay Act. The Equal Pay Act requires that equal pay be provided regardless of one's sex for work of equal skill, responsibility and effort under similar working conditions. Title VII imposes the same requirement of equal pay for equal work under the standards of the Equal Pay Act. Whether Title VII or the Equal Pay Act require equal pay for work that may not be equal in skill, effort, and responsibility but is of equal or comparable value is currently being litigated, and is likely to be definitively decided in the 1980s.

Section 1(e) raises several areas of potential concern. The Social Security Act, as mentioned earlier, presently includes several provisions that make distinctions on the basis of sex. New concepts, such as equally dividing earnings credits for social security purposes between husbands and wives ("earnings sharing"), thus providing credit for homemakers, will also have to be considered in formulating new legislation. Also, the unemployment insurance system may raise concerns. The system is operated by the states, and allows the states to establish standards for categories of eligibility. Persons who work part-time and women on maternity leave are often ineligible for unemployment compensation. The Unemployment Compensation Amendments of 1976 require as a condition for the Secretary of Labor's approval of a state unemployment compensation law, that no person be denied compensation under such law solely on the basis of pregnancy or termination of pregnancy. 26 U.S.C. 3304.

Jurisdiction to resolve some of these matters is shared between the states and the federal government. The federal/state reservation clause, a general reservation clause, or legislation would accommodate these concerns.

Although Federal employees are protected by regulation from discrimination on the basis of marital status, 5 CFR § 713.401, current federal law does not prohibit discrimination by employers on the basis of marital status as required by Section 2(a) or explicitly provide for paid maternity leave or comparable benefits as required by Section 2(b). A reservation or appropriate implementing legislation would accommodate these concerns.

ARTICLE 12—HEALTH CARE SERVICES

Potential areas of concern

One of the few areas where the Congress has failed to prohibit discrimination on the basis of sex is in the delivery of health care services. This particular omission may require specific implementing legislation. or an appropriate understanding.

Although neither Medicaid nor other programs provide fully comprehensive coverage for pre- and post-natal care to all needy women, as required by Section 2, the proposed Child Health Assurance Program, introduced as H.R. 4053 and S. 1204 (96th Cong., 1st sess.), would substantially accommodate this concern.

ARTICLE 13—CREDIT, FAMILY BENEFITS

Article 13 raises no areas of concern, with the exception that social relationships and the purely private activities of persons are beyond the limits of federal jurisdiction. *See* Article 1 *supra*.

Federal initiatives

Congress has enacted the Equal Credit Opportunity Act (ECOA) that prohibits discrimination on the basis of sex or marital status in any respect of a credit transaction. 15 U.S.C. 1691 *et seq.*

ARTICLE 14—WOMEN IN RURAL AREAS

Federal initiatives

The Tax Reform Act of 1976, Pub. L. No. 94–455, has substantially relieved the estate tax burden on farm women by increasing the amount of the estate that can pass without federal taxation. Congress has also amended the tax code to allow for the special valuation of farmland for less than fair market value under certain conditions. 26 U.S.C. 2032A.

Potential areas of concern

26 U.S.C. 2040(a) fails to consider contributions made in services as opposed to "money or money's worth" for the purpose of excluding a surviving joint tenant's interest in jointly held property at the time of the spouse's death. This provision particularly impacts on farm women. Federal law also prohibits a spouse employed by a spouse to establish and pay into a social security account. 26 U.S.C. 3121(b)(3)(A). This Article may require corrective legislation or reservations.

ARTICLE 15—LEGAL STATUS AND CAPACITY

Potential areas of concern

Creation and execution of contracts is generally governed by state law and therefore Article 15 would be subject to the federal/state reservation clause. However, distinctions on the basis of sex in state contract law may violate the 14th Amendment to the U.S. Constitution.

ARTICLE 16—DOMESTIC RELATIONS

Potential areas of concern

Matters relating to the family, such as marriage, divorce and child custody, are primarily reserved for state regulation. While the 14th Amendment to the U.S. Constitution would probably invalidate any classification or distinction based on sex that was not substantially related to an important government objective, *Craig* v. *Boren*, 429 U.S. 190 (1976); *see also Orr* v. *Orr*, 440 U.S. 268 (1979), the federal/state reservation clause would be applicable here.

ARTICLE 24—IMPLEMENTATION

The federal/state reservation clause would accommodate any concern raised by this Article.

ARTICLES 17–22—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

ARTICLES 23–30 (EXCEPT 24)—FINAL CLAUSES

Neither the administrative provisions nor the final clauses give rise to questions of conformity with U.S. law.

Convention on the Elimination of All Forms of Discrimination Against Women

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms 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 the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

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, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of *apartheid,* of all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

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 on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing or children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

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 all its forms and manifestations,

Have agreed on the following:

PART I

ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

ARTICLE 2

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

(*a*) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(*b*) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(*c*) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(*d*) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(*e*) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(*f*) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(*g*) To repeal all national penal provisions which constitute discrimination against women.

ARTICLE 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full 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 equality with men.

ARTICLE 4

1. Adoption by States Parties of temporary special measures aimed at accelerating *de facto* equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

ARTICLE 5

States Parties shall take all appropriate measures:

(*a*) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(*b*) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

ARTICLE 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

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

(*b*) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(*c*) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

ARTICLE 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

ARTICLE 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

ARTICLE 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

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

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

(*c*) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(*d*) The same opportunities to benefit from scholarships and other study grants;

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

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

(*g*) The same opportunities to participate actively in sports and physical education;

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

ARTICLE 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

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

(*b*) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

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

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

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

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

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

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

(*b*) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(*c*) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(*d*) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

ARTICLE 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to

ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

ARTICLE 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(*a*) The right to family benefits;

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

(*c*) The right to participate in recreational activities, sports and all aspects of cultural life.

ARTICLE 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(*a*) To participate in the elaboration and implementation of development planning at all levels;

(*b*) To have access to adequate health care facilities, including information, counselling and services in family planning;

(*c*) To benefit directly from social security programmes;

(*d*) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, *inter alia*, the benefit of all community and extension services, in order to increase their technical proficiency;

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

(*f*) To participate in all community activities;

(*g*) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

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

PART IV

ARTICLE 15

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

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

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is 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 relating to the movement of persons and the freedom to choose their residence and domicile.

ARTICLE 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in al. matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

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

(*b*) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

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

(*d*) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(*e*) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(*f*) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

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

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

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

ARTICLE 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination Against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States

Parties from among their nationals and 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 the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by 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 the present 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 present and voting.

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

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. 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.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

ARTICLE 18

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 to give effect to the provisions of the present Convention and on the progress made in this respect:

(*a*) Within one year after the entry into force for the State concerned; and

(*b*) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

ARTICLE 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

ARTICLE 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

ARTICLE 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

ARTICLE 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

ARTICLE 23

Nothing in this Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

(*a*) In the legislation of a State Party; or

(*b*) In any other international convention, treaty or agreement in force for that State.

ARTICLE 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

ARTICLE 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 26

1. A request for the revision of the present 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 27

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

ARTICLE 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

ARTICLE 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider

itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

ARTICLE 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

O