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Chairman: Mrs. Mara RADIĆ (Yugoslavia).

### AGENDA ITEM 53

Draft Declaration on the Elimination of Discrimination against Women (continued) (A/6678 and Corr.1, A/6703 and Corr.1, chap. XII, sect. XII; E/4316, A/C.3/L.1438, A/C.3/L.1439, A/C.3/L.1440/Rev.1, A/C.3/L.1441 to 1445)

#### GENERAL DEBATE (continued)

1. The CHAIRMAN invited the Committee to continue with the general debate and suggested that speakers should refrain from commenting on draft amendments until they had been formally submitted by their sponsors. In the meantime, the sponsors might find it possible to meet together in an effort to draw up a joint text.

2. Mr. BAHNEV (Bulgaria) said that although declarations did not, strictly speaking, have the force of law, they did imply a moral commitment on the part of States, which must therefore take action for applying the principles embodied in the declarations. In view of the importance of such a commitment, he was surprised that some delegations had questioned the usefulness of a general debate on the draft Declaration (A/6678 and Corr.1, annex I). It was, after all, only in the light of the opinions expressed by the various delegations and the information supplied by them that it would be possible to draw up a text likely to meet with the approval of all Member States.

3. His delegation was generally in favour of the draft Declaration. In his country, men and women had equal rights in all domains, and that equality had been guaranteed by law for some twenty years. Actually, a long struggle had had to be waged before Bulgarian women had been able to attain the place in society that was due to them in view of their role as mothers, teachers and home-makers. It was for the State to give women the opportunity of engaging in an occupation; in Bulgaria, all women, whether working in an office or on a farm, were entitled to maternity leave and had day nurseries and co-operatives at their disposal. He accordingly supported the Libyan representative's suggestion for broadening the scope of article 11 in order to stress the part that must be played by trade unions, women's

organizations and, especially, the State in the implementation of the principles contained in the Declaration. His delegation was also in favour of placing the articles dealing with the economic and social rights of women before those concerned with their civil and political rights. He, too, would like the International Covenants on Human Rights to be mentioned in the preamble, and he welcomed the proposal made by Syria at the previous meeting for inserting an additional paragraph in the preamble. The position of the Iranian representative was also well taken, namely, that there was a lack of balance between article 1 and the rest of the operative part of the draft Declaration and that some shifting about was advisable. The criticisms levelled against the term "abolish" were likewise well-founded. Instead, however, of the term "alter", which implied change, he wondered whether the term "eliminate" might not be preferable.

4. With regard to the New Zealand amendment (A/C.3/L.1444), he said that if the principle of equality of rights was to be embodied in the constitution of each State, it would be necessary to say so in clearer language; otherwise, article 2, sub-paragraph (a), might be left in its present form. The amendment to article 10, paragraph 2, proposed by Chile, Costa Rica and Uruguay (A/C.3/L.1441) was an improvement on the initial text. He found unacceptable, however, the idea that maternity leave should be put on the same footing as sick leave, as had been suggested by the United Kingdom representative. The Belgian amendments (A/C.3/L.1443) would result in eliminating everything that was concerned with practical measures; the Declaration would then merely proclaim principles and be concerned solely with the equality of women under the law.

5. Miss GICHURU (Kenya) said that in her country there was no discrimination against women; women had the same rights as men and had the same career and employment opportunities as men.

6. Turning to the text of the draft Declaration, she expressed approval of the proposal by the United Arab Republic that the International Covenants on Human Rights should be mentioned in the fourth preambular paragraph. As to articles 2 and 3, she agreed with the delegations which had been critical of the word "abolish". In her country, any attempt to abolish customs would be doomed to failure and would arouse the indignation of the people concerned because customs were a part of their culture. She regarded as satisfactory the amendment proposed by Nigeria and Senegal (A/C.3/L.1440/Rev.1) in that regard.

7. With regard to article 6, certain passages were ambiguous and gave rise to reservations; that was

especially true of paragraph 1 (c). Her country's constitution recognized the right of women to freedom of movement, but the manner in which that principle was stated in the draft Declaration was apt to create confusion in the family. The text of sub-paragraph (c) ought, therefore, to be redrafted in the interests of clarity. She also expressed reservations regarding paragraph 2 (c), for her delegation believed that Governments were entitled to take appropriate measures affecting the rights of parents with regard to their children. She would not, however, object to that sub-paragraph being retained if doing so would serve to allay the fears of some delegations regarding the rights of women at the dissolution of marriage. Article 7, on the other hand, could be deleted without any disadvantage, and article 8 would be more appropriate to the International Covenants on Human Rights.

8. The Moroccan delegation had been quite right in stressing the importance of article 9 and in asking that it should be placed at the beginning of the operative part of the draft Declaration. Ever since her country had become independent, its Government had been helping women to overcome their backwardness with regard to education, and the results had been very satisfactory. At the present time, priority was being given to women in the awarding of scholarships and study grants. In article 10, paragraph 1 (d), which, in any event, dealt with matters that came within the exclusive jurisdiction of Governments, there was also a certain amount of ambiguity.

9. Mr. MWITENDE (Rwanda) said that a general debate on a topic as important as the elimination of discrimination against women was fully justified. Discrimination against women was something that was unknown in Rwanda. The few inequalities which existed in Rwandese society were attributable to the colonial system, which had had little concern for the training of girls and women. At the present time, the equality of men and women under the law was proclaimed by the Rwandese Constitution. Women were entitled to the same education as men and had the right to exercise all public functions under the same conditions as them. Women participated in elections, and some of them had made a brilliant career for themselves in politics. Polygamy, which had been adjudged incompatible with the dignity of womanhood, had been prohibited. A bureau for the advancement of women, which had been established in the Ministry of Social Affairs, organized courses in domestic science, child care, hygiene and civic education for the benefit of women. The courses were given in 300 social centres throughout the country and were attended by hundreds of thousands of girls and women.

10. The draft Declaration before the Committee did honour to the Commission on the Status of Women. Article 9, sub-paragraph (e), however, was not clear, and his delegation preferred the wording which had been suggested by the representative of Morocco at the previous meeting. Article 7 might well be deleted.

11. Mrs. MARTEL DE BARRIOS (Dominican Republic) praised the draft submitted by the Commission on the Status of Women and said that the Third Committee, with its much broader membership, must now examine that instrument with the greatest care in the light of

the legal principles involved and from a realistic point of view. The adoption of the draft Declaration should result in a reform of discriminatory legislation. In so far as the women of the Dominican Republic were concerned, they enjoyed full political rights and played a prominent role in the country's public life.

12. She approved of the suggestion by the representative of the United Arab Republic that the International Covenants on Human Rights should be mentioned in the fourth preambular paragraph. She also felt that the word "abolish" could not apply to laws and regulations and that in the present instance the word "repeal" should be used; with even greater reason, it was inappropriate to speak of the abolition of customs and practices. As had been pointed out by the representative of Ecuador, when one spoke of "women", it was taken for granted that all women, regardless of their marital status, were meant. It would therefore be preferable to delete the expression "married or unmarried" in article 6, paragraph 1. In sub-paragraph (a) of that same paragraph, it should be made clear that the reference was to the property actually belonging to the wife, inasmuch as the administration of property belonging to the marital community was governed by other principles. Sub-paragraph (c) should indicate whether married or unmarried women were being referred to. She pointed out with reference to paragraph 2 (a) that as the essence of the institution of marriage was based on the free consent of the spouses, any marriage lacking such consent would be subject to annulment.

13. The presence of article 8 in the draft Declaration was rather surprising, since prostitution was a social problem rather than a form of discrimination against women. For the reasons set forth in regard to article 6, it would be appropriate, in article 9, to eliminate the words "to girls" and the words "married or unmarried". The same remark applied to article 10.

14. She agreed with the representative of Morocco that education was essential to the emancipation of women.

15. Miss O'LEARY (Ireland) said that her delegation associated itself with the other delegations which had congratulated the Commission on the Status of Women and its Chairman, Mrs. Sipilä, on their excellent work. She shared the view of the representatives of Iran and Canada that the attitude of women themselves would have to change if they were to achieve recognition of their rights. In that connexion, education played an all-important role, as had already been said by the delegation of Morocco and the other delegations which had emphasized the importance of article 9. She also wished to stress the necessity of approaching the problem from a practical and objective point of view, one which was based on the interests of women and not wrapped up in abstract concepts. Consideration had to be given to the actual social situation in the various countries and especially to the importance of the family, and the role of women therein, to society.

16. Although the rights of women were enshrined in her country's Constitution, she supported the amendment to article 2, sub-paragraph (a), proposed by New Zealand (A/C.3/L.1444), because it made pro-

vision for countries which did not have a written constitution. The rights of women in civil law were embodied in the statute law of her country and so article 6 was acceptable to her delegation. With regard to article 10, she pointed out that under the Irish Constitution mothers 'in the home' enjoyed special protection and men were required by law to provide for their family.

17. She considered the criticism of article 10, paragraph 2, by the representatives of the United Kingdom and New Zealand well taken and she was prepared to consider the relevant amendments which the United Kingdom representative had envisaged. She also thought that discrimination against women must not be confused with legitimate distinctions based on physiological differences between men and women. She therefore shared the opinion of the representative of Uruguay and other representatives who held that the prohibition of certain types of work for women should not be regarded as discrimination. In particular, she agreed with the representative of the Netherlands that it was regrettable that the Commission on the Status of Women had seen fit to delete from article 10, paragraph 1 (a), dealing *inter alia* with the right to work, the reservation concerning dangerous and arduous work, and she therefore supported the amendment of India (A/6678 and Corr.1, annex II) relating to that paragraph. However, the Indian amendments to article 6, which seemed to weaken the text of the Declaration unnecessarily were unacceptable to her delegation. In conclusion, she said that her delegation reserved the right to explain its final position later in the light of the discussion and any new amendments that might be submitted.

18. Mrs. AMBROSIO (Philippines) congratulated the Chairman and the other members of the Bureau on their election. She recalled that her delegation had been a member of the drafting committee responsible for the preliminary draft of the Declaration and that it had also been a member of the style committee which had produced the final text of the present draft. As a member of the Economic and Social Council, her delegation had also headed the working group which, at the forty-second session of the Council, had recommended that the draft Declaration, together with the amendments of India, should be forwarded without discussion to the General Assembly at its current session. Although it had thus taken a direct part in the preparation of the draft, the Philippine delegation saw nothing wrong in the Committee's trying to improve the text. The changes needed were, in its view, mainly drafting changes.

19. Among the most controversial rights, that of freedom of movement, set forth in article 6, paragraph 1 (g), was already covered by article 13 of the Universal Declaration of Human Rights and article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. It should be noted, however, that in order to maintain family unity, her country's Civil Code provided that the husband should determine the residence of the family. It also provided, contrary to the principle of article 6, paragraph 2 (c), of the draft Declaration, that the father's decision prevailed with respect to children. She hoped

that article 7 would be kept, for it was important to put an end to the discrimination against women still to be found in the penal codes of some countries. She was also for keeping article 8, on traffic in women and prostitution, since the various relevant international conventions already adopted (e.g. the International Convention on Slavery of 1926 and the International Convention for the Suppression of Traffic in Women and Children of 1921) had so far not had the results expected and Governments had to adopt strong measures.

20. In conclusion, she expressed the view that any changes in the draft Declaration should aim primarily at simplicity, conciseness and clarity. She hoped that the text would not be weakened unnecessarily or the substance altered. As far as Filipino women were concerned, they had enjoyed the right of suffrage since 1937, they had free access to education and to all the professions; they could choose their husbands freely and they enjoyed the same rights as men in respect of employment.

*Mr. Nettel (Austria), Vice-Chairman, took the Chair.*

21. Miss GROZA (Romania) emphasized the importance of the draft Declaration and observed that the preparation of such an instrument reflected the rising interest of the United Nations in the status of women, owing to the increasing role played by women in the modern world. However, certain economic, social and political conditions, and deeply ingrained prejudices and customs, still hindered the participation of women in public life on a footing of complete equality with men. However, such participation was necessary to the development of modern society, which could not take place without the full use of human resources. To abolish all such discrimination, measures had to be taken not only at the national but also at the international level. The Declaration reiterated, in respect of women, basic principles already embodied in the United Nations Charter and the Universal Declaration of Human Rights.

22. On the whole, she supported the draft Declaration but felt that its wording could be improved. In her view, the draft did not sufficiently point out the progress which had been made by women in society and the stage which had been reached in their development. She therefore suggested the addition to the preamble of a new paragraph emphasizing the role played by women in political, economic, social and cultural life and in the family. For, while participating in public life, women had to keep their feminine attributes and maintain a balance between family life and occupation. She shared the views of the representatives of Morocco and Byelorussia on the importance of education, which enabled women to have a role both in society and in the family. In that connexion, she drew attention to the conclusions of the Seminar on civic and political education of women, organized by the United Nations with the help of the Government of Finland and held at Helsinki in August under the leadership of Mrs. Sipilä, the Chairman of the Commission on the Status of Women, which had emphasized the importance of education as the primary factor in the participation of women in public life.

23. Mr. QUADRI (Argentina) congratulated the Chairman and the other members of the Bureau on their election and thanked the Commission on the Status of Women for the work it had done. The role of women was becoming more and more important in modern society and their lives had undergone a radical transformation in the last century. Women, who previously could neither vote nor work in certain occupations and had a legal status inferior to that of men, now had access to all spheres of public life. Their emancipation reflected the level of development of a society and recognition of their rights went hand in hand with the recognition of the rights of men. However, while women were entitled to recognition of their equality with men, they also had distinct qualities enabling them to fulfil a specific role in society. The emancipation of women had often caused them to forget their main task, which was their role in the family. Far from taking them away from their family duties, accession to equality should enable them to realize with dignity their capacities in all fields, both of public life and family life. He stressed the importance of the draft Declaration and hoped that it would be adopted unanimously.

*Mrs. Radić (Yugoslavia) resumed the Chair.*

24. Miss MENESES (Venezuela) broadly approved the draft Declaration and was prepared to support it, for the laws of Venezuela themselves contained provisions guaranteeing protection of the rights laid down in the text under consideration. There had been substantial advances in the status of women in Venezuela: women were exercising their rights more fully, on an equal footing with men and without any restrictions other than those consequent on their womanhood. The right to work and the right to education were theirs, as was the right to freedom of movement and of voting in elections and being eligible for election; voting was regarded in Venezuela as a right, and as a public function incumbent on all. As to the acquisition, change or retention of nationality, Venezuelan women had the same rights as men. Out of an active population of nearly 2,800,000 some 553,000 were women; out of approximately 38,000 students enrolled in the universities in 1964 some 12,400 had been women; while in primary education, 49.51 per cent of that year's enrolment had been girls. Those figures were eloquent evidence that Venezuelan women were effectively participating in the life of the nation.

25. Turning to the text of the draft Declaration, her delegation was in favour of retaining paragraph 1 (c) of article 6, and would not insist, despite its reservations on the use of the term "movement", on its replacement by another expression, for "movement" was the actual term used in article 12 of the International Covenants on Civil and Political Rights, which the Committee had adopted at its preceding session. With regard to article 6, paragraph 2 (b), she pointed out that although, under the Venezuelan Civil Code, it was the father who exercised parental authority, the mother was associated with him in all matters pertaining to the home and to the education of the children. Significantly, the Code also provided that where it was the mother who exercised parental authority, she enjoyed, in doing so, all the attributes

normally recognized as being possessed by men. With regard to article 6, paragraph 1 (a), while the Venezuelan delegation, for its part, would be able to endorse it, it appreciated the difficulties experienced by certain countries in respect of that provision, which was at odds with the provisions of their domestic laws concerning the administration of communal property. For that reason, and in order to give more general application to that provision, she would support the proposal to delete the words "married or unmarried" and the phrase "including property acquired during the marriage", on which there had been reservations.

26. As far as article 2 was concerned, the Venezuelan delegation felt that it should apply both to cases requiring the abolition or repeal of legal provisions and to those calling only for amendment or reform. It accordingly endorsed the text proposed by Byelorussia (A/C.3/L.1442) which, with that object in mind used the words "alter" and "abolish", the first applying to customs and practices and the second to laws and regulations.

27. The Venezuelan representative was unable to support the amendment submitted by India concerning article 10, paragraph 1 (a), and introducing the concept of suitability, amounting in practice to a reservation in respect of the free choice of employment; that addition modified the sense of the initial provision, which merely concerned the right of free choice of employment and not the mode of recruitment for a particular job.

28. Her delegation was prepared to endorse any amendment designed to improve the form of the text. As to amendments whose effect was to narrow the scope of the draft Declaration, her delegation fully appreciated the fact that the countries which had submitted them had done so with the aim of harmonizing the text under consideration with that of their national laws, but would welcome efforts by their authors to facilitate the speedy approval of the declaration as far as possible.

29. The Venezuelan representative suggested, incidentally, that some of the amendments submitted expressed ideas which had already been developed in conventions of the International Labour Organisation or other institutions, and that it was therefore superfluous to deal with them again within the framework of the draft Declaration.

30. Miss ALEXANDER (Guyana) endorsed the principles embodied in the draft Declaration; to her mind, they were the ideals to which every State should aspire. It was apparent, indeed, that all the delegations were at one in recognizing the value of those principles, for the only amendments proposed were all designed to improve and clarify their wording. And that, indeed, was a very natural concern on the part of those who regarded the draft Declaration as the basis on which compulsory standards could be formulated.

31. Referring to articles 2 and 3, the representative of Guyana felt that if the words "customs" and "practices" were retained in article 2, the logical step would be to have the latter preceded by article 3; however, if it desired to keep to the present order

of the articles, it would be necessary, as had been proposed, to delete those two words in article 2. Furthermore, the word "abolish" in article 2 should be replaced by the word "repeal".

32. She had no objections with regard to article 4, but saw no need for the use, before the word "discrimination", of the word "any", which added nothing. With regard to article 10, paragraph 1 (c), she felt that it could usefully be expanded, as had been suggested. The interest of the family should be the primary consideration in all cases. On articles 7 and 8, the Guyanese delegation was not opposed to their retention, if such was the Committee's wish. Furthermore, she welcomed the inclusion of articles 9 and 10 in the draft Declaration; while recognizing the value of the suggestions made in some of the amendments submitted on article 10, she still had reservations concerning them.

33. Mrs. REGENT-LECHOWICZ (Poland) paid a tribute to the Commission on the Status of Women for its work to promote the principle of the equality of men and women in all fields. It was regrettable that despite the efforts made and the existence of international instruments such as the United Nations, ILO and UNESCO conventions, a great many women were still deprived of full equality with men because of laws which did not yet accord them all rights or because of practices and customs which discriminated against them.

34. Her delegation attached great importance to the draft Declaration under consideration; indeed, it had seen the Polish delegation which, after putting forward the idea of drawing up an instrument of that kind had submitted to the Commission on the Status of Women, at its eighteenth session in 1965, a text that had served as the basis for the Commission's work.

35. The draft Declaration had the great merit of mentioning all the fields in which discrimination against women was or might be practised. It was quite clear that if such discrimination was to be eliminated, the first step must be to guarantee women equality of rights with men, both civil and political rights and economic, social and cultural rights. It was gratifying that the draft Declaration expressed that idea satisfactorily.

36. Woman's position in the life of society naturally depended upon existing political and economic conditions and social policy, but also and to a large extent upon the role accorded her within the family.

37. In Poland, the principle of the equality of rights of the husband and the wife was stated in the Family Code. Parental authority was shared by the father and the mother and must be exercised in the interests of the child and of society. For the benefit of delegations which were reluctant to support article 6, it should be stressed in that connexion that Polish men had lost none of their human dignity by sharing with their spouses responsibility for parental duties. Indeed, it was possible that that equality of men and women helped to tighten family ties and strengthen parental authority.

38. Regarding the text under consideration, she said that paragraph 2 (c) of article 6 did not deal with the obligation that a woman might have to work outside the home in order to help support the family; parents' duties towards their children covered broader obligations than that, relating particularly to the education of the children and the need to ensure their physical and moral development and to prepare them for life in society. In Poland, the Family Code provided that both spouses were required, each according to his abilities and his earning capacity and wealth, to contribute to meeting the needs of the family they had founded by their union. They could also fulfil that duty by contributing personally to their children's education.

39. Her delegation supported the draft Declaration as a whole and agreed with all those who thought that the United Nations should draw up in what it must be hoped would be the fairly near future a convention on the elimination of discrimination against women.

40. Miss MUTER (Indonesia) described the efforts being made by highly placed Indonesian women to bring about the emancipation of other, less fortunate, women. Women's rights were guaranteed by the Constitution and women could exercise fully the rights accorded to them.

41. Her delegation considered the text before the Committee satisfactory on the whole, but thought that it could be improved. It regarded the Moroccan delegation's proposal to place article 9 after article 3 as an excellent one and strongly supported it.

42. With regard to article 10, paragraph 2, she observed that in Indonesia women were entitled under the law not only to receive paid maternity leave but also to absent themselves from work two days a month if required to do so for health reasons.

43. Her delegation was prepared to support the draft Declaration.

44. Mr. TANDE (Norway) said he was confident that the Declaration, once adopted, would be a valuable instrument in the struggle against the various forms of discrimination against women. In Norway, that struggle had gone on for more than one hundred years and the emancipation of women was now so far advanced that his Government would have no difficulty in accepting the draft Declaration.

45. His delegation was ready to consider amendments regarding the wording of some articles and paragraphs, provided that the proposals did not affect the principles laid down in the draft and did not reduce their value; consequently, it would not be able to support the Indian amendments (A/6678 and Corr.1, annex II), since they would in fact weaken the text of the Declaration.

46. His delegation had an amendment<sup>1/</sup> of its own to submit, to article 6, paragraph 2 (a), which would state that women should have the same right as men to free choice of a spouse.

*The meeting rose at 12.55 p.m.*

<sup>1/</sup> Subsequently circulated as document A/C.3/L.1446.