

# GENERAL ASSEMBLY

## SEVENTH SESSION

Official Records



THIRD COMMITTEE, 474th

MEETING

Friday, 12 December 1952, at 10.30 a.m.

Headquarters, New York

## C O N T E N T S

	Page
Draft convention on political rights of women (A/2156, A/2156/Add.1, A/2172, chapter V, section XII, paragraphs 620-624).....	339

Chairman: Mr. S. Amjad ALI (Pakistan).

### Draft convention on political rights of women (A/2156, A/2156/Add.1, A/2172, chapter V, section XII, paragraphs 620-624)

[Item 61]\*

1. Mrs. BEGRUP (Denmark) recalled that a sub-commission on the status of women composed of nine members had met at New York in 1946 to plan the future policy of the United Nations in respect of the application of the principle of equal rights for men and women. The sub-commission had agreed unanimously on the four basic points on which that policy should be concentrated. Those points, which were all important, were equal political, social, economic and education rights for women. The sub-commission's report had been submitted to the nuclear body of what was to become the Commission on Human Rights.<sup>1</sup> It had been clear from the outset that the members of the Commission would have neither the time nor the special experience required to deal with questions of the status of women, and the sub-commission's report had been submitted to the Economic and Social Council in the hope that it would set up a special body to deal with the important problems involved. The Council had set up the Commission on the Status of Women, thereby acknowledging for the first time in history the world-wide interest of the problems raised by the unequal status of the two sexes.

2. Although it had been agreed that the four main problems were equally important, it was obvious that the emphasis to be laid on them would vary at different times and in different countries. The Danish delegation had felt that equality of political rights was fundamental, since it would enable women to promote the advancement of their own rights, and had submitted to the General Assembly in 1946 a draft resolution recommending that Member States which had not yet

granted women equal rights with men, should take the necessary measures to fulfil those purposes of the United Nations Charter. The resolution had been adopted unanimously as General Assembly resolution 56 (I), and had been followed by a resolution adopted at the third session of the Commission on the Status of Women requesting the Secretary-General to examine the possibility of preparing a convention similar to the Inter-American Convention on the Granting of Political Rights to Women adopted at Bogotá in 1948.<sup>2</sup> The result of that resolution was the draft convention adopted by the Economic and Social Council in its resolution 445 B (XIV).

3. The Egyptian representative had expressed the view that it was unnecessary to draft a special convention on a subject which would eventually be covered by the covenant on human rights. That argument had been refuted by the fact that it had been found necessary to make special recommendations concerning the right of self-determination because of its urgent character. The importance of the question of women's rights was proved by the fact that a full Commission of experts was working on it.

4. The Danish delegation did not agree with representatives who thought that the convention should relate to all the four main problems mentioned in the initial plan, because aspects other than the political rights of women were being dealt with by the specialized agencies. Thus the International Labour Organisation was dealing with equal pay for equal work and the United Nations Educational, Scientific and Cultural Organization with equal rights to education.

5. Articles 1 and 2 of the draft convention were clear, but article 3 raised some difficulties, since most of the countries ratifying the convention would be obliged to make reservations on certain points. The Danish Government, for example, might have to make reservations with regard to the military profession and

\* Indicates the item number on the agenda of the General Assembly.

<sup>1</sup> See *Official Records of the Economic and Social Council, Second Session, Annex 4, part B.*

<sup>2</sup> *Ibid., Ninth Session, Supplement No. 5, para. 18.*

posts in recruiting services and with regard to the succession to the throne. She understood from those who had followed the debate on the matter in the Commission on the Status of Women that the words "public office" were not intended to cover military service in the sense of combat service. She hoped that it would be made clear during the current debate whether that understanding was correct, in order that it might be possible to avoid reservations on that point, whether they were made by special reservation clauses or by means of a general reservation procedure.

6. The adoption of the convention would show the world that the United Nations was interested in improving the status of all women and would stimulate them to support the Organization in its work for world peace.

7. Miss BERNARDINO (Dominican Republic) said that her country had always been one of the foremost proponents of the granting of political rights to women, both at international conferences and thought the work of its representative as Chairman of the Inter-American Commission of Women at the Headquarters of the Pan American Union. The Seventh Inter-American Conference, held at Montevideo in 1933, had adopted the first international treaty in history giving political rights to women. Unfortunately, only four countries, Cuba, Ecuador, Paraguay and Uruguay, had signed it. Opinion had not yet been ripe for such a measure. The Commission had redoubled its efforts. Despite its demand at the Eighth Inter-American Conference, held at Lima in 1938, that a new convention on the subject should be adopted, the matter had not even been discussed. By the Ninth Inter-American Conference, held at Bogotá in 1948, however, legislation had progressed so far in most Latin-American countries that, particularly owing to the efforts of the Dominican Republic, the United States of America and Uruguay, the Conference had adopted and signed the Inter-American Convention on the Granting of Political Rights to Women. The Dominican Republic had been the second country to ratify it. Its importance was seen to be particularly striking when it was realized that the arguments about national sovereignty traditionally adduced against such multilateral agreements had given place to the broader and more modern concept that social injustice considerably hampered the progress and prosperity of all human groups.

8. The Dominican Republic had amended its Constitution in 1942 to grant women their political rights, and even before that, in 1940, had amended its civil and other codes to give women their civil rights.

9. The United Nations Commission on the Status of Women had considered the advisability of such a convention since its foundation in 1946, and such outstanding statesmen as the late Peter Fraser and Sir Ramaswami Mudaliar, together with other delegations, had at the San Francisco Conference advocated international recognition of the equality of rights for women. Nevertheless, the Bogotá Convention could rightly be regarded not only as the precursor of the draft convention before the Committee, but as its main inspiration. It had been the Latin-American countries which had induced the Commission to ask the Secretary-General to study a draft convention based on that of

Bogotá. They had done so in the realization that a harmonious society, whether national or international, would be possible only if all human beings comprising it enjoyed equal rights, as laid down in the United Nations Charter.

10. The Commission on the Status of Women and its secretariat had discharged their duty most commendably. The Economic and Social Council had also earned the gratitude of all women by recommending to the General Assembly that an international convention on the political rights of women should be opened for signature and ratification.

11. The tables in the memorandum by the Secretary-General (A/2154) showed that women already enjoyed their political rights in most countries. Although there were still countries in which women had not yet been granted those rights, she was certain that such an abnormal situation would soon come to an end, particularly since the right of women to political equality had become incontestable once the United Nations Charter had been adopted and since the right to vote was an inalienable human right without distinction as to sex.

12. The Dominican delegation had eagerly awaited the consideration of the draft convention on political rights of women and would whole-heartedly support the text before the Committee.

13. Mrs. ROOSEVELT (United States of America) thought that active citizenship for men and women on equal terms was a simple matter of right and justice. Although women already had equal suffrage in most countries, including the United States of America, the draft convention was significant because it reached far deeper into the basic issue of full participation by women in the determination of government policies. While it was true that women had full or partial voting rights in fifty-two of the sixty Member States of the United Nations, there were still far too few women serving in positions of real leadership. All too often major decisions originated in bodies made up wholly of men or completely dominated by men. Women still had too few opportunities to serve as chairmen of important committees or as cabinet ministers and diplomats. Her country was moving forward in that respect, for it had had women in those posts, but not enough of them, and they had not always had a full voice in consultation. It was not to be expected that there would ever be as many women as men in posts of political leadership, for most women, owing to family responsibilities, had fewer years in which to gain public recognition. She believed that it was largely that situation which had spurred public interest in the draft convention. The situation could not be satisfactorily altered by law alone, but it could be changed by determination and conviction.

14. Her Government was proud of the contribution it had been able to make to the preparation of the draft convention, through its representatives in the Commission on the Status of Women. The terms of the instrument were simple. Articles 1 and 2 affirmed the basic political rights necessary to all citizens if they were to express their views and protect themselves against discrimination and deprivation of liberty. The articles were a clear and concrete statement of the principle

affirmed in the Preamble to the United Nations Charter and in General Assembly resolution 56 (I). In that connexion she noted that since the signing of the Charter in 1945, twenty-four countries had taken action to extend full or limited political rights to women. The most recent actions had been taken in Lebanon and Bolivia, and important gains had also been made in recent years in Greece, Haiti and other countries.

15. Article 3, which went beyond basic rights, was designed to encourage participation by women in government and public service. The purpose of that article was heartily endorsed by her Government; indeed, women held many important posts in the United States Government, and there were an increasing number of women in executive posts and in the foreign service. The wording of the article, however, presented certain problems.

16. The right "to hold public office" meant the right to hold such office either by election or by appointment. The right to be elected to public office had usually been recognized together with the right to vote; and it was partially covered in the draft convention before the Committee by the terms of article 2. The right to be appointed to such office, however, had not previously been included in an international convention. The term "public office" was interpreted as including appointments to posts in the civil service, the foreign or diplomatic service and the judiciary branch, as well as to posts which were primarily political in nature. The number of such posts established by national law was usually large and the tasks to be performed varied widely. The phrase "on equal terms with men", in article 3, covered such questions as recruitment, exemptions, salary, old-age and retirement benefits, opportunities for promotion, and employment of married women, all of which were important matters in which women had sought equality for many years.

17. Women in the United States of America enjoyed all the rights set forth in the draft convention, including those which her delegation believed article 3 was intended to cover. Her Government's attitude towards article 3, however, was based on the understanding that the term "public office" did not include military service. Almost all countries considered some types of military duty unsuitable for women; for example, it was natural and proper that women should not be used as combat troops or appointed to certain posts which might involve the direction of combat operations.

18. Moreover, the correct interpretation of the phrase "public functions" was not clear; her Government considered that the term "public office" covered all public posts. The phrase might be clarified by the insertion of the words "related thereto", following "public functions"; it would then be clear that no traditional or legal limitation placed on women in any country, such as restrictions on their right to exercise certain professions or to bring suits at law; would interfere with their capacity to hold public office. If the phrase were retained as it stood, her Government would take the view that the public functions referred to were co-terminus with public office.

19. As regards the formal clauses needed to complete the text, clauses dealing with ratification, accession, entry into force, settlement of disputes, notification

and deposit, her Government was in general agreement with the Secretary-General's proposals (A/2156/Add.1, annex II). The other clauses proposed did not seem to her essential. In her opinion the formal clauses should be kept to a minimum; a short and simple text would be more readily understandable and more effective.

20. The draft convention would serve to emphasize to governments the advantages of fully utilizing the energy and experience of their women citizens. It was a symbol of the progress women had made in the past century and a challenge to them to claim and make full use of their political rights. Her Government hoped, therefore, that the Committee could agree on a text which it could whole-heartedly endorse.

21. Miss MAÑAS (Cuba) said that she had had occasion to speak five times that year in several different organs of the United Nations, twice as a representative of her country and three times on behalf of the Commission on the Status of Women, in connexion with the question of equal rights for women.

22. Discrimination on the basis of sex was still widely prevalent in some countries. That situation had led to the adoption of General Assembly resolution 56 (I), and later to the adoption of Economic and Social Council resolution 120 A (VI), which asked the Secretary-General to prepare an annual report on the progress achieved in the matter of the political rights of women. The latest of those reports (A/2154 and Add.1 and 2) showed that, since the signing of the United Nations Charter in 1945, 23 countries had extended full or partial political rights to women. Certain countries, however, still refused to grant the exercise of such rights. The Commission on the Status of Women had continued its work on the question, and the Third Committee now had before it the results of that work, in the draft convention which had been approved by the Economic and Social Council. The Council, in its resolution 445 (XIV), had recommended that a convention embodying the preamble and substantive clauses adopted by the Commission should be opened for signature and ratification and in accordance with its request the Secretary-General had drafted the necessary formal clauses.

23. The time had come for the Third Committee to adopt the text which had been prepared after such long and exhaustive study, and which gave effect to a principle affirmed both in the Preamble to the United Nations Charter and in the Universal Declaration of Human Rights. The last remaining barriers to the free exercise of fundamental human rights by women on an equal footing with men had to be removed.

24. Her Government would be proud to lend its official support to the three simple, just and concise articles which formed the draft convention, when that instrument was opened for signature.

25. Mr. CORDOVA (El Salvador) noted that the Charter clearly affirmed the universal principle of the equal rights of men and women; he hoped that countries which still had reservations about the implementation of the principle would overcome their objections to it in the near future, as so many other countries had done in the seven years that had elapsed since the signing of the Charter.

26. He noted that the name of his own country appeared in the list of those in which women voted in all elections on an equal basis with men. The restrictions placed upon political rights for women in the Electoral Law of 1946 had been eliminated in 1950. El Salvador had women representatives in the Congress, women judges and mayors, and many women serving with great credit in the public services. The Constitution stated that all men and women over the age of eighteen were citizens, with the right and duty of voting; that any citizen might hold public office in accordance with his or her capacities; and that civil rights might not be restricted on the basis of nationality, race, sex or religion. He hoped that his statement would serve to complement the information set forth in paragraph 621 of the Economic and Social Council's report (A/2172) on the political rights of women. His delegation warmly endorsed Council resolution 445 B (XIV), calling for the opening for signature of a convention on those rights.

27. He could not agree with those who maintained that such a convention was unnecessary since the same provisions could be included in the draft convention on human rights. Action on the question of extending political rights to women should not be thus postponed, when the urgency of granting full exercise of the rights was so widely recognized. Moreover, the immediate opening for signature of a separate convention might serve as a stimulus to States which, for constitutional or other reasons, had not yet recognized the rights in practice.

28. The facts set forth in tables I, II, III and IV in the memorandum by the Secretary-General (A/2154) concerning the legal and constitutional rights currently extended to women in various countries made it possible to foresee the results of the vote in the Committee on the draft convention. It was obvious that no delegation, however sympathetic to a given proposal, could endorse it without the necessary constitutional support in its own country. He hoped, however, that delegations which found it impossible to vote in favour of the draft convention would abstain.

29. He himself would support it unreservedly and would vote in favour of any amendments which improved the text.

30. Mr. CASTILLO (Ecuador) said that his country had always championed the cause of equal rights for women. In 1929 it had been the first Latin-American country to grant the vote to women in national elections. In 1948 it had become the first Spanish-speaking country to ratify the Inter-American Convention on the Granting of Political Rights to Women, approved at the Ninth Inter-American Conference at Bogotá the same year. The single substantive article in that Convention provided that the right to vote and to be elected to public office could not be limited on the basis of sex. The Convention had been studied by the Commission on the Status of Women, and his delegation agreed with the Commission's view that the text was incomplete and too compressed. The text before the Third Committee contained more detailed and specific provisions. All those provisions had been applied in his country since 1929, when women had been granted the right to vote on equal terms with men

under the Constitution. In Ecuador women were also eligible for election to all publicly elected bodies, and they held public office and exercised all public functions on equal terms with men. Under the provisions of the Constitution, adopted in 1946, all literate men and women over the age of eighteen were citizens and could elect or be elected to public office. Voting was compulsory for men and optional for women; it had been considered advisable to exempt women from the penalty of loss of citizenship applied to men who did not exercise their right to vote.

31. One of the fundamental principles on which any true democracy was based was equality of political rights for all citizens without discrimination on the basis of race, sex, language or religion. His delegation fully supported the draft convention and would make every effort to ensure its adoption by the General Assembly without undue modification.

32. Mrs. SPERANSKAYA (Union of Soviet Socialist Republics) pointed out that, although six years had passed since the General Assembly had adopted a resolution recommending that women should be given the same political rights as men, the women of fifteen Member States still had no political rights whatsoever. It was therefore clear that recommendations were not enough and that binding obligations would have to be imposed. That should be the object of the draft convention transmitted to the Assembly by the Economic and Social Council in its resolution 445 B (XIV).

33. The draft convention was not adequate however, because it did not take into account the concrete possibility of extending political rights to women. The USSR delegation to the Commission on the Status of Women had proposed amendments which would have made the draft an effective document; the amendments had unfortunately been rejected. The existing draft was declaratory and did not lay down the necessary obligations for the implementation of the rights.

34. The USSR delegation had therefore submitted as one of its amendments (A/C.3/L.327, point 4) the addition of two new articles, one on the adoption of all necessary measures, including legislative measures, to ensure the genuine possibility of exercising the rights provided for in the convention, and the other on the extension of the provisions of the convention to all territories under the jurisdiction of the parties, including Non-Self-Governing and Trust Territories.

35. Her delegation also considered that the three articles of the existing draft should be amended to include provisions against any discrimination on grounds of race, colour, national or social origin, property status, language or religion in the exercise of women's rights. Such discrimination was practised with regard to women in such advanced countries as the United States of America and the United Kingdom, where, according to admissions by social workers and trade-union leaders, women were paid at lower rates than men in many professions and branches of the economy.

36. The omission of reference in the convention to the extension of rights to the women of dependent territories constituted an attempt to avoid granting those rights where they were most needed.

37. In contrast to the position of women in those territories, she referred to the great improvement of the status of women in the Uzbek SSR, where women had formerly been denied the most elementary rights and where their lives had been made intolerable by religious laws and usages. Uzbek women were participating in all spheres of the national life and their rights were assured by the Constitution of the Republic. The same applied to women in the peoples' democracies. Bulgarian, Romanian and Chinese women participated extensively in the government, administration and economic life of their countries. The position of women in the USSR was absolutely equal to that of men; that equality had been made possible by extensive State aid to mothers. The achievements of Soviet women amply proved the wisdom of the Government's policy in that connexion.

38. She introduced her delegation's amendment (A/C.3/L.328) to the formal clauses of the draft convention (A/2156/Add.1, annex II).

39. Miss VAN DER MOLEN (Netherlands) said that her delegation had supported General Assembly resolution 56 (I) and had urged that the need for its application was pressing. Yet, six years later, the situation had not changed appreciably; it was still mainly a man's world. Women should, however, take a full part in national and international political life, since they comprised more than half the world's population and their interests were as much at stake as those of men in any political decision. Men and women should assume equal responsibilities. Although women were not equal to men in certain physical and psychological respects, they were fundamentally equivalent, and thus had an equal responsibility in political matters founded upon their common interest.

40. It was true that the exercise of political rights was not the only way of exerting influence in political affairs; family life, education, lecturing, use of the Press and radio were means which could be used by women who had no political rights. Switzerland was a country in which public opinion was certainly not formed exclusively by men, although women were still denied their political rights there. But when women could exert their influence only by speaking rather than by acting, they could not assume their proper responsibility. The right to vote and to participate directly or indirectly in the government of their country was the basis of the citizen's responsibility in a democratic State. Women's suffrage was not only an undeniable right but a benefit to the national and international community.

41. The first attempt to gain woman suffrage in the Netherlands had been frustrated in 1883, when the

Supreme Court had ruled that the applicant, being a woman, was not a voter within the meaning of the law, because women did not enjoy full rights as citizens since they lacked the right to vote. That illogical position had been corrected in 1922, when women in the Netherlands had obtained full political rights.

42. The Netherlands delegation was in favour of the principles embodied in the draft convention (A/2156/Add.1), but had submitted amendments (A/C.3/L.329) of a purely drafting nature. The provisions in the Universal Declaration of Human Rights and the Charter of the United Nations were not sufficient. Even if a convention was not ratified by all the countries expected to ratify it, the moral effect of the adoption of such a text might well stimulate the cause of woman in countries in which they were still denied political rights.

43. The phrase "every person has the right to take part in the government of his country" in the second paragraph of the preamble was somewhat ambiguous; it might be construed to mean that everybody had a right to take a direct part in the government of his country, which was certainly not true. It might be better to use the wording of article 21 of the Universal Declaration of Human Rights.

44. For the purposes of uniformity in legislation, the same wording should be used in articles 1 and 2, as proposed in point 2 of the Netherlands amendment (A/C.3/L.329).

45. The wording of article 3 was somewhat unsatisfactory. There seemed to be no real difference between the terms "hold public office" and "exercise all public functions"; indeed, the former expression seemed to embrace the latter. The article dealt with office held by appointment. Under Netherlands law women still could not be appointed to some minor posts, such as sheriff's officer or bailiff, nor to the higher ranks in the armed forces. Furthermore, the position of married women in public functions differed from that of men, for in certain circumstances they might be dismissed on marriage or, if they were supernumeraries, might be dismissed before men. The question of amending that part of the law was currently before the Parliament. Pending its decision, the Netherlands Government would reserve its position.

46. With those minor exceptions, the Netherlands delegation would warmly support the draft convention.

47. The CHAIRMAN proposed that the time limit for the submission of amendments should be set at 5 p.m. on Saturday, 13 December 1952.

*It was so agreed.*

The meeting rose at 1.10 p.m.