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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 1446)

GENERAL DEBATE (concluded)

1. Mrs. DO REGO (Dahomey) said that the principle of equality of men and women, which was the very basis of the draft Declaration (A/6678 and Corr.1, annex I), was proclaimed in her country's fundamental legislation and that her Government spared no effort to ensure its application. She warmly supported the new guarantees being offered to women by the international community. Nevertheless, there were objections to some of the provisions in the draft, which her delegation would state as they were examined. She urged members to consider those provisions from a purely legal viewpoint, as that would greatly facilitate the proceedings.
2. Mrs. NORTHEN (Denmark) remarked that the text of the draft Declaration was the product of unceasing effort which commanded gratitude and admiration. The debate in the Committee had shown once again the profound influence of religion and culture on the view taken of the respective roles of men and women. The draft Declaration was no more than a framework, with a number of gaps. Her Government nevertheless accepted it as a basis for fruitful future action in which men and women would work together in the interests of the individual, the family and society.
3. Denmark enjoyed the benefits of legislation providing for equality between men and women and it knew that more than a declaration was needed to guarantee the full utilization of existing human potential. The Danish Government had established a commission to look into all aspects of national life and identify obstacles to the advancement of women with a view to eliminating those obstacles. Her delegation did not think the draft Declaration was perfect, but it was reasonably good and deserved approval. She therefore trusted that no amendments would be introduced unless they strengthened or clarified the text.

4. Mr. WAHLUND (Sweden) said that his delegation had always appreciated the importance of the subject before the Committee and would be very pleased if the draft Declaration helped improve the status of women in the States Members of the United Nations.

5. The Commission on the Status of Women had performed a major task in preparing the draft, for it had not been easy to reconcile the differing opinions of its members. The problems involved might well have been the reason why the document was not drawn in the vigorous terms his delegation would have wished to see. The purpose of a document of that type was to set up targets which could and should be reached in the future; it was not mandatory, but was rather an exhortation laying down minimum rules for the elimination of discrimination against women.

6. He saw no objection to the draft being approved in its present form, but would oppose any attempt to weaken it. For that reason he was unable to accept the amendments submitted by India (A/6678 and Corr.1, annex II).

7. With regard to the text itself, he agreed to the inclusion of a reference to the International Covenants on Human Rights in the fourth preambular paragraph. On the other hand, he opposed the replacement of the word "abolish" by the words "modify and change" as qualifying laws and regulations in article 2, and suggested that "change" should be so used as to apply only to customs and practices. He did not share the feeling of some delegations that article 6 was unduly detailed, and did not think there was any harm in referring specifically to various rights. Some members had asserted that paragraph 2 (c) of the article was ambiguous. He thought the provision obviously meant that the father and mother must have an equal say as to the way their children were brought up. There had been much comment on paragraph 1 (c) of article 6, but his delegation thought that neither it nor articles 7 and 8 should be deleted. It also strongly supported the retention of article 10, paragraph 2.

8. In conclusion, he shared the disappointment expressed by the United Kingdom delegation at the fact that there was not a clearer statement in the draft Declaration of the right of the woman to receive information on family planning—surely a fundamental right.

9. Mr. MAMIMOUE (Congo, Brazzaville) felt that the elimination of discrimination against women was a thorny problem. His country was making every effort to solve it and to place women on an equal footing with men. He outlined what his Government had done to that end and added that there was a women's organization in his country which was concerned with

the problems of the status of women. The desire to eliminate discrimination was to be seen in all spheres of national life. Through a broad literacy programme, the country had given its female citizens a weapon with which to defend their interests, and women were taking an active part in public affairs.

10. The Pan-African Women's Conference, which had been held at Brazzaville in August last, could be seen as a recognition of the fact that his country had granted political rights to women. His country also scrupulously applied the principle of equality of men and women with regard to the right to vote and be elected, as proved by the fact that three seats in the National Assembly were held by women. His delegation consequently supported article 4. He associated himself with those representatives who had suggested changing the words "abolish" and "abolition" in articles 2 and 3 of the draft Declaration. Where article 6 was concerned, the only provision difficult to apply was paragraph 1 (c), enunciating the right to freedom of movement; in his view, it was somewhat excessive and could be deleted, leaving the spouses full discretion in the matter. With reference to article 8, he pointed out that various countries had already adopted laws on traffic in women and prostitution.

11. Turning to the order of the articles, he remarked that article 9 ought to become the second article, to be followed immediately by articles 2 and 7. The Declaration would not have any value unless all the countries concerned complied with it faithfully and gave women the means of exercising their new rights. Consequently, effective measures would have to be taken to introduce literacy, as otherwise the status of women would not change appreciably and might even deteriorate.

12. Mrs. BARISH (Costa Rica) warmly supported the draft Declaration, whose importance had been rightly stressed by many of the previous speakers. She was generally in favour of the amendments proposed, for while the text was satisfactory, it could stand improvement.

13. She then referred to the current practices in her country with regard to the rights set out in the draft. Her country's Constitution guaranteed the right to work to all its citizens, while granting certain privileges to women by reason of their sex, in particular in certain industries and fields of activity. Nor was there any discrimination in Costa Rica on the ground of race. Costa Rican women had made great advances in all spheres, as had been reported on other occasions. Since her delegation wished to facilitate adoption of the draft Declaration, it had joined the delegations of Chile and Uruguay in presenting some amendments (A/C.3/L.1441). It was sympathetic to the Moroccan amendments (A/C.3/L.1438), being appreciative of the reasons for them. At the same time, she endorsed the Jamaican representative's remarks on the subject at the 1471st meeting; while there was no doubt that articles 9 and 10, to which those amendments related, were valuable, or that the safeguards they provided would improve the status of women, women's main aspiration was undoubtedly for the respect of their human dignity and of the rights inherent therein. Consequently, it was important to

preserve the logical order of the present text, which should not be changed.

14. Lastly, she stressed the need to give publicity to the draft Declaration and expressed the hope that the text would be approved, thereby promoting universal respect for human rights.

15. Miss BAGENDA (Uganda) supported the draft Declaration, a very valuable document. She had followed the discussion with great interest. She shared the Pakistani representative's opinion that the draft Declaration did not go far enough for some nations and went too far for others and thought that perhaps some of its provisions should be implemented to a varying extent in different countries.

16. After briefly describing the rights enjoyed by women in Uganda and their opportunities in teaching, which were the same as those for men, she endorsed the Moroccan delegation's view that education and economic independence were the main factors in the advancement of women; she accordingly suggested that the present article 9 of the draft should become article 3. In conclusion, she expressed the hope that the draft Declaration would be approved in principle, so that a question studied for years by various United Nations organs would not remain pending.

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

17. Miss CAO-PINNA (Italy) said that Italy attached particular importance to the Declaration, firstly, because it regarded the Declaration not as a mere reaffirmation of principles but as a moral commitment by Member States with respect to the elimination of discrimination against women; secondly, because the subject of the Declaration was much wider than appeared at first sight, since it covered questions relating to the family and, in addition to incorporating the principles of the most progressive movements for the emancipation and advancement of women, safeguarded the unity of the family, which the draft Declaration treated as being the joint responsibility of husband and wife; and, thirdly, because the Declaration could have an educational value, in cases where there was *de facto* discrimination against women, by encouraging public opinion to acknowledge the existence of a problem of discrimination against women, such an acknowledgement being an additional prerequisite for the elimination of the problem. In general, therefore, her delegation favoured the adoption of the draft Declaration.

18. Turning to some of the individual articles, she said that there was a certain discrepancy between articles 5 and 6 of the draft Declaration and Italian legislation concerning nationality and family law, which was not in accord with the principles of the progressive movements for the emancipation of women in so far as the traditional rules of marital authority were concerned. She was pleased to report, however, that there had been a change in the situation during the current year, since the Italian Government, after lengthy study, had approved a bill which would substantially amend Italian family law and which was now before the Parliament. Competent officials of the Italian Government had recently examined the draft Declaration in the light of those reforms and had stated that, so far as family law was concerned,

there was no fundamental conflict between Italian legislation and any of the articles of the Declaration. With respect to penal law, there were undeniable differences of opinion in Italy concerning the position of the husband and that of the wife in case of adultery, but the bill now before the Parliament introduced some changes in the Penal Code in that respect. Lastly, on the question of the nationality of married women, changes in keeping with the most up-to-date and advanced thinking would shortly be introduced in the form of another bill relating to nationality.

19. Mrs. SIIPIA (Finland) thanked members of the Committee for their expressions of appreciation to the Commission on the Status of Women and to her personally as the Chairman of the Commission. The draft Declaration under discussion was the result of collaboration by countries of Africa, Asia, Eastern Europe, Latin America and other regions, and the text therefore reflected ideas and views from all parts of the world. She referred to the valuable contribution made by various persons who had taken a prominent part in the preparation of the draft since the adoption of General Assembly resolution 1921 (XVIII), which had invited the Commission on the Status of Women to prepare the text of a declaration on the elimination of discrimination against women. As Governments had had a number of opportunities to express their views on the text of the draft, there was no reason to fear that it expressed ideas of only one part of the world, only one culture, only one religion, or only one social system. Although not all the members of the Commission had agreed on all the articles and paragraphs of the draft, none of them had found it impossible to vote in favour of the draft Declaration as a whole. It was natural that the content and style of the draft should not be satisfactory to everyone, since they were the result of many compromises and of drafting in a number of languages.

20. It had been said that some parts of the draft Declaration were superfluous because they repeated the existing provisions of other international instruments. Such repetition did occur, but it was deliberate. She noted in that connexion that the representative of Poland had said that a declaration incorporating the main provisions of the various conventions on the subject of discrimination against women already adopted by the United Nations, the ILO and UNESCO would be justified because of the small number of States that had signed those conventions. The assertion that the text of the draft Declaration was too detailed was not a valid argument, in view of the adoption of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, which was much more detailed than the draft which the Committee was now considering. It had also been asked to whom the Declaration was directed. It was directed primarily to States, with a view to bringing about changes in their laws, but it was also directed to all individuals, men and women, organizations, institutions, and so forth.

21. The reason why the International Covenants on Human Rights were not mentioned in the fourth preambular paragraph, where it had been suggested that a reference to them should be included, was simply that the Covenants had not been in existence when

the text had first been adopted by the Commission in March 1966; when it had been reviewed, in accordance with General Assembly resolution 2199 (XXI), and the Commission had considered the amendments which had been submitted, there had been no amendment relating to that point. An amendment proposing that some other international instruments should be mentioned had not been adopted, it being understood that the words "other instruments of the United Nations and the specialized agencies" included the International Covenants on Human Rights. Her delegation would certainly prefer that they should be mentioned explicitly, since they dealt specially with questions involved in the subject of the draft Declaration. It had also been stated that the fifth and sixth preambular paragraphs were unnecessary. They were important, however, because they emphasized the obstacles which discrimination constituted and the need for the women to participate fully in the development of their countries, and there were precedents for them in General Assembly resolution 1920 (XVIII) and Economic and Social Council resolution 1133 (XLI).

22. Article 1 of the draft Declaration attempted to define discrimination against women, in the same way as article 1 of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination defined racial discrimination. The article should not be deleted, since the concept of discrimination against women was not defined elsewhere in the text. The use of the word "abolish" in article 2 had also given rise to much discussion in the Commission on the Status of Women; as in the Committee, some representatives had maintained that customs could not be abolished, while others had adduced examples of how customs had been abolished through changes in legislation. Her delegation had had no very definite preference in the matter but had simply felt that, if some delegations wanted a strong wording, there was no reason not to accommodate them. The term "abolition" had also given rise to discussion in connexion with article 3. It should be mentioned that the word "customs" had been added to the text of that article on the proposal of the representative of an African country, who had stated that, since customs practically had the force of law, it was important to mention them. Article 6 had already given rise to much discussion, because of the differences between legal systems. As had been repeatedly pointed out, however, the purpose was to express, not the principles of existing legislation, but those that were accepted as goals in the fight against discrimination. The right of the husband to be the sole administrator of joint conjugal property, which has been adduced in opposition to article 6, paragraph 1 (a), was most inequitable and resulted in obvious discrimination. The purpose of the Declaration was to eliminate discrimination against women, even where established by law, and not to maintain it. The legislation of some countries established complete equality in that respect and had been in force for almost half a century without presenting any difficulties. Nor was it easy to understand the objections which paragraph 1 (c) of the article had aroused when the right to freedom of movement was set forth in article 13 of the Universal Declaration of Human Rights. That right should be

reaffirmed in the text under discussion, in view of the discrimination which was practised in the matter, especially with respect to the rights of married women. With regard to the objections to article 6, paragraph 2 (c), which established equality of rights and duties in matters relating to children, she pointed out that the Commission on the Status of Women had recently considered that subject and adopted a resolution, which had later been endorsed by the Economic and Social Council (resolution 1207 (XLII)) and which was in conformity with the existing text of paragraph 2 (c). In general, her delegation was strongly in favour of the principles stated in article 6.

23. Article 7, which has also been the subject of lengthy discussion, had been included because of the serious discrimination against women in some countries under the penal law; for instance, adultery was punishable when committed by women, but not when committed by men. There were also murders for reasons of honour which were not punishable and were not even mentioned in penal codes. The argument that the principle stated in article 7 was already contained in article 2 was unconvincing, since the same was true of articles 4, 5 and 6, relating to public law and civil law, and they had not given rise to any objections.

24. Although she agreed with the representative of Morocco on the importance of education for women, she did not believe that that had any relevance to the order of the articles in the draft Declaration. There was no reason for not following, in the present

instance, the order followed in all other major United Nations instruments, which began by placing the primary emphasis on equality of political rights. Her delegation was strongly opposed to any change in the order of the articles in the draft Declaration. Finnish women had attained the equality they now enjoyed with respect to education, work and family law through the political rights they had had for sixty-one years and which had enabled them to participate fully in the legislation and administration of the country.

25. Mrs. DIRZHINSKAITE-PILYUSHENKO (Union of Soviet Socialist Republics), speaking in exercise of her right of reply, referred to the comments made by the United States representative at the 1471st meeting concerning the capacity in which the Soviet Union representative spoke, and stated that the representative of the Soviet Union was exclusively the concern of that country. In the Soviet Union all the republics enjoyed equal rights, and any one of them could act as representative of the whole country. Consequently, a representative of Lithuania was perfectly entitled to speak on behalf of the Union of Soviet Socialist Republics.

26. Mr. VAN TILBURG (Netherlands) moved the adjournment of the meeting under rule 119 of the rules of procedure.

The motion by the Netherlands representative was adopted unanimously.

The meeting rose at 5.20 p.m.