



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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Fifth session

SUMMARY RECORD OF THE 76th MEETING

Held at Headquarters, New York,
on Tuesday, 18 March 1986 at 10 a.m.

Chairperson: Ms. BERNARD

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Viet Nam (continued) (CEDAW/C/5/Add.25)

1. At the invitation of the Chairman, Ms. Nguyen (Viet Nam) took a place at the Committee table.
2. Ms. NGUYEN (Viet Nam), replying to the questions of the members of the Committee, said, with regard to article 11 of the Convention, that women represented 51 per cent of the active population; they were concentrated in light industry (66.9 per cent), teaching (65 per cent), the health sector (64 per cent) and the cultural sector (61 per cent), and were also represented in business (44 per cent), construction (35 per cent), postal and telecommunications services (28 per cent), and transport and communications (28 per cent). Decree No. 31 provided, on the one hand, that women should not be employed in heavy or dangerous work and, on the other hand, that whenever more women were employed, the improvement of their professional qualifications and the provision of social services for them must be ensured. The principle of equal pay for equal work was scrupulously respected. The statutory work day, which was an eight-hour day, was reduced to seven hours for women with children under one year of age. In addition, studies were beginning to be done, as part of a national research project, on ways of centring technical and social development strategies in part on the improvement of the status of women.
3. Family planning was a priority because of the population explosion; the population had doubled between 1955 and 1977. It was, however, meeting with resistance in the countryside because of prejudices and traditions that set store by large families and, generally, because of a dearth of contraceptives. The Union of Vietnamese Women, which women joined by paying a small fee that could be paid in kind, played an important role in public consciousness-raising on the question of birth control. Contraceptives as well as abortions, after which women were entitled to a few days of paid leave, were free of charge. Currently, 30 per cent of the women of child-bearing age were using contraceptives. The population growth rate had fallen from 3.8 to 2.4 per cent between 1960 and 1980, but it was still too high and the Government was trying to bring it down to 1.7 per cent by encouraging couples to have no more than two children, so that the country would not go above 75 million inhabitants in the year 2000. Those guidelines, however, did not apply to ethnic minorities.
4. The United States had dropped almost 91,000 tons of toxic chemical products on Viet Nam; their effects on the population were still being felt (in the form of spontaneous abortions, still-born children and congenital malformations).
5. Most women lived in rural areas, where they represented 60 per cent of the agricultural labour force. The State had adopted special provisions to improve their conditions of work, had bettered health conditions in the countryside, had begun to solve the problem of water supply by giving 32 per cent of the rural

(Ms. Nguyen, Viet Nam)

population access to pure water (a ratio that was still unsatisfactory but represented a significant advance over conditions in the colonial period), and had established a network of infant-care nurseries and day-care centres in the countryside that was more extensive than in the cities. Each village had a maternity service in its dispensary, where most of the women went to give birth, and that had reduced infant mortality and the dangers of health complications for the mother.

6. Married women kept their maiden names; children generally took their father's name but could add to it their mother's name. The marriageable age was 18 years for girls and 20 years for boys, although full legal age was set at 18 years for both sexes; the idea being that young men acquired a political sense before they had the necessary maturity to undertake family responsibilities. The provision had also been designed to defer the age of marriage in rural areas, where the husband was sometimes still a child although that practice had fallen off sharply.

7. Cases of battered women, which were increasingly rare, were brought before the committees of the Union of Vietnamese Women; the guilty husband was publicly denounced and was liable to legal penalties in conjunction with re-education. Reconciliation proceedings preceded the granting of divorces. The law also provided for divorce by mutual consent, upon submission of a request signed by both persons concerned. Each of the ex-spouses received an equal portion of the household property. The draft marriage law gave children born out of wedlock the same rights as those born in wedlock. The terms "natural child" or "illegitimate child" were avoided. However, the problem rarely arose, because common-law marriages were infrequent. The many single mothers, an outcome of the war, had the same rights as married women.

8. Vietnamese society was basically favourable to equal rights for both sexes, but some vestiges of a feudal mentality persisted, especially in the south, where socialism had been in place for only 10 years and where the traditional image of the woman was deeply rooted. The State saw the modern Vietnamese woman as a valiant worker who was also an accomplished housewife. Men expected women to have household skills, but women must also prove their professional capability to win the esteem of their male partners.

9. The difficulties Viet Nam was experiencing in establishing a better society stemmed essentially from the unfavourable material conditions, themselves a product of the past war, and of the current border hostilities and economic blockade.

10. Ms. Nguyen withdrew.

Initial report of El Salvador (CEDAW/C/5/Add.19)

11. At the invitation of the Chairman, Mr. Meza (El Salvador) took a place at the Committee table.

12. Mr. MEZA (El Salvador) began to read aloud the initial report of El Salvador.
13. Ms. REGENT-LECHOVITZ, speaking on a point of order, said that it was not necessary to read aloud the entire report, which the members of the Committee had already examined. A general presentation, with additional information perhaps, sufficed.
14. Mr. MEZA (El Salvador) said that at the current time there were 6 women vice-ministers in the Government cabinet and 10 women in the Legislative Assembly who constituted 10 per cent of the number of deputies. Women also directed certain public agencies and held high positions at the departmental or municipal level.
15. The CHAIRPERSON, speaking as a member of the Committee, asked whether abortion was legal in El Salvador; what measures were being taken to limit the number of children abandoned voluntarily for adoption; whether young people under the age of 18 were not considered citizens; how many women worked as legal advisers; and what was being done to reach more women in literacy campaigns.
16. Ms. CORTES expressed regret that the report of El Salvador did not contain demographic statistics or detailed information which would have given the Committee a clearer idea of the real situation of women in the economic and political fields. The Committee would appreciate, in particular, figures on the proportion of women in decision-making positions in the public and private sectors. She also inquired how many women received assistance from the Office of the Attorney for the Poor; what was the number of children abandoned for adoption; what the scope of the prostitution problem was; whether the fact that the voting age varied according to the level of education did not constitute discrimination against women; what percentage of the population was reached by the televised education programmes; how many persons benefited from the training and vocational retraining programmes; what penalties were there for violating the principle of equal pay; why there were three social insurance systems and what the differences and similarities were between those systems; how long a woman must have lived with a man in order to be considered his partner under law and to be entitled to social security benefits; whether the fact that the husband had to protect his wife and the wife had to obey her husband was not contrary to the principle of equality of the rights and obligations of spouses; and what the various marriage regulations in El Salvador were.
17. Ms. GONZALEZ MARTINEZ asked whether there existed or were under consideration measures designed to eliminate from legal texts provisions which established discrimination against women and to improve the situation of women in the work place, in the field of education and in the family; whether the "Comprehensive Population Policy" referred to in connection with article 3 of the Convention was still in effect, whether it was supported by legal provisions, whether it included specific programmes and whether such programmes were being implemented; what was the nature, composition and the programmes of women's organizations referred to in order to demonstrate the implementation of article 7 (c) of the Convention; whether the programme to assist rural women launched by the Ministry of Agriculture and Animal Husbandry also affected education, employment and the availability of loans,

(Ms. Gonzalez Martinez)

and, more generally, whether it favoured the economic advancement of women and counteracted the effects of the internal conflict, which had a more direct impact on women; whether, with regard to the dangerous and unhealthy work referred to in article 108 of the Labour Code, legal provisions protected men, women and minors; and what the discriminatory grounds for divorce referred to in the report were.

18. Ms. ILIC expressed regret that the report of the Salvadorian Government provided few statistics and did not quote in full the legislative texts referred to.

19. Article 150 of the constitutional law, referred to in connection with article 2 of the Convention only guaranteed equality of women with regard to civil rights and she inquired what the situation was in respect of the other rights and whether it should be understood that those rights were included in the civil rights. The Committee would also appreciate information on what steps the Government was taking to eliminate the discrimination established under the Penal Code with regard to the situation of women in marriage and within the family and discrimination in the social and cultural fields; on measures taken to provide information and education in order to change relations within the family, which still seemed to be ruled by patriarchal attitudes; and on what was planned by the State and the other agents of social action in order to improve the lot of rural women.

20. Ms. MONTENEGRO de FLETCHER expressed regret that the report of El Salvador did not enable the Committee to form a general idea of the society in that country and consequently of the situation of women. She would have wished further information on the proportion of women in the working population, the level of pay and the types of employment for women, the rates of literacy according to sex, and the percentages of the urban, rural and indigenous populations according to sex. She wished to know what legal recourse was available to women who were victims of discrimination, whether the recourse procedures were used effectively and what penalties were imposed. It would also be interesting to know the percentage of women who held public office, were employed in the diplomatic service, were trade-union officials, or were heads of secondary educational institutions; what measures the Government had taken in order to cope with the problem of refugees which was caused by the internal political situation and which had an impact on the lives of families and, in particular, of women. The Committee would also like further information concerning the Office of the Attorney for the Poor and the Women's Office, as well as the educational programmes designed to eliminate prejudices.

21. Mrs. MACEDO de SHEPPARD, referring to article 111 of the Labour Code quoted in connection with article 4 of the Convention, inquired whether the only case where a pregnant woman could be transferred to a different post was "when her normal work consisted in dealing directly with the public". The reporting State should also provide figures concerning education, particularly statistics according to sex for all levels and further information on the phenomenon of voluntarily abandoning children for adoption, on the measures taken to protect the women and children who were victims of the internal political situation, and the programme of the Ministry of Agriculture for the advancement of rural women. She also asked what the percentage was of women in the diplomatic service who were qualified to

(Mrs. Macedo de Sheppard)

represent the Government. With regard to article 10 of the Convention, she asked what the physical exercises were for which "there are no limitations for girls apart from those resulting from the intrinsic nature" of such exercises, because it was stated in connection with article 13 that there was no discrimination in sports; what the dangerous or unhealthy work which was prohibited for women consisted of; and what the legal length of apprenticeship was.

22. Ms. VELIZ de VILLALVILLA said that it was regrettable that the report did not contain any demographic or statistical information that would shed light on the way in which legislation was implemented in the political, economic and social fields.

23. Since Salvadorian legislation did not contain any provisions explicitly prohibiting discrimination against women, she wished to know whether the Convention had the force of law under El Salvador's legislation; what the specific scope of the "Comprehensive Population Policy" was; what measures the Government had adopted with a view to changing traditional views on women; whether the Government had taken any steps to change the situation, particularly where the provisions on adultery were concerned; what penalties were prescribed for women who underwent abortions and for doctors who carried out abortions; why "false allegation of pregnancy or birth" was an offence; whether there were women's organizations other than the IACW Co-operation Committee and what their activities were; what the percentage of women holding high-level positions was; what the administrative nature and the role of the Office of the Attorney for the Poor were; whether the Women's Office could propose legislation and whether it also dealt with women who were not mothers; what factors underlay the voluntary surrender of children for adoption; whether article 209 of the Penal Code implied that procuring was lawful where the prostitute was over 16 years of age; what information was available on sexual violence and violence in the family; whether the ILO recommendations on the protection of workers, which applied to both men and women, were being implemented; what impact the internal struggle in El Salvador was having on family life, particularly the lives of women, and what steps the Government was planning to take with a view to solving political problems; what the justification for the three different insurance schemes was and how they were implemented; what the situation was regarding women who did not receive social security benefits or who worked in a marginal fashion; and whether there were maternal- and child-health programmes. She would welcome statistical information on the birth rate, home confinements, infant mortality, life expectancy and abortions, as well as details about family-planning programmes and the proportion of the national budget set aside for health and education. She also wished to ask what the features of the agrarian reform and the programme developed by the Ministry of Agriculture to assist rural women were and what benefits were derived from the reform and the programme; what the relationship between the Church and the State was; in what manner women participated in political activities and what role they were playing in seeking a solution to the Salvadorian conflict, which had a particularly strong impact both on them and on their children.

24. Ms. WADSTEIN said that she would appreciate further information on the political situation in El Salvador and on the economic and social factors that constituted the background to the situation described in El Salvador's report. Moreover, she wished to know how often women took matters to the courts when they considered that they had been the victims of discrimination on grounds of sex, whether they were even aware of the recourse that was available to them in that manner and, if so, whether they could claim legal assistance; what role was played by the Church in social development and in improving the status of women; what the unemployment rate was, both in general and by sex; whether there were trade unions, what their powers were and to what extent women were represented in them; whether the use of kitchen utensils was excluded from the list of dangerous types of work, as indicated in the report in connection with the implementation of article 11 of the Convention, because women were regarded as being predestined, by their very nature, to work in the kitchen, when the provisions in question dated from and whether the Government planned to amend them; what the work "requiring considerable physical effort" was, to which employers could not assign pregnant women; whether article 111 of the Labour Code, which was quoted in connection with article 4 of the Convention and which provided for the transfer of pregnant women to posts where they did not have to deal directly with the public, safeguarded the interests of women themselves, those of the public or those of employers; which spouse, in rural areas, owned the land, whether women who did not own land could obtain bank loans and what the structural characteristics of the agricultural sector were (for example, what the size of the farms was) and whether they were privately owned or co-operatives.

25. Ms. LAIOU-ANTONIOU said that the report gave the general impression that Salvadorian women were hemmed in by a patriarchal family structure and excluded from the country's political, economic and social life, even though they had the responsibility of caring for the weakest members of society. The key to their emancipation was social justice, and the Government must have the will to guarantee social justice. Although the principle of equality was laid down in the Constitution, it had not been adequately translated into reality; furthermore, there were many discriminatory legal provisions.

26. There were a number of aspects of the situation of Salvadorian women that were open to criticism. For example, the "Comprehensive Population Policy," which was referred to in connection with article 3 of the Convention and was certainly a positive factor, did not go far enough, did not provide for specific measures and, moreover, did not have the force of law. It was regrettable that the Women's Office was part of the Office of the Attorney for the Poor; equating women with the underprivileged made them second-class citizens and was disparaging to them. It was not sufficient to quote, as the report did, a number of cases in which women had obtained high positions, in order to prove that women were participating fully in public life. The provisions of the Penal Code concerning adultery differentiated between the sexes in an unacceptable manner. The articles of the Labour Code concerning the transfer of pregnant women to certain posts permitted employers to infringe on their employees' individual rights. Articles 105 and 106 of the Labour Code, which were quoted as an example of the implementation of article 11 of the Convention, were clearly discriminatory and did not permit women to gain full acceptance in the labour market, since the articles in question

(Ms. Laiou-Antoniou)

equated women with minors and barred them from many types of employment. The fact that women, but not men, were forbidden to carry out certain types of work that could "cause death" did not mean that the aim was to protect women; on the contrary, the goal was to prevent women from entering the labour market. Furthermore, the lack of any real concern for the welfare of women was demonstrated by the fact that employment in certain establishments that was regarded as dangerous for persons under the age of 18 years was not considered dangerous for women as well. The benefit paid to women on maternity leave should be equal to the entire amount of their wage, and not merely 75 per cent, as was currently the case.

27. All educational establishments should be coeducational, since schools mirrored the society in which pupils were to live; at school, girls should be free to choose the sports they wished to engage in, without being subject to any of the "limitations" referred to in the report.

28. The social security provisions were discriminatory - in that particular instance, to the detriment of men, since a woman could be the beneficiary of an insured person, whereas the reverse situation did not apply. Article 182 of the Civil Code, concerning the obligations of husbands and wives in terms of protection and obedience, respectively, which was quoted in connection with the implementation of article 16 of the Convention, discriminated against one of the two sexes, despite the statement made in the report, since it did not prescribe the same responsibilities for husbands and wives. The provision of the Civil Code stipulating the length of time that women must wait before remarrying infringed on the individual freedom of women. The widespread practice whereby wives took their husbands' names perpetuated the idea that wives were their husbands' property. Article 183 of the Civil Code, which required a woman to share her husband's domicile, wherever he might go, reflected the patriarchal system prevailing in El Salvador.

29. Much could be done with a view to solving the problems in question through the adoption of legislative measures, the implementation of programmes demonstrating the Government's determination to take appropriate action, the establishment of special institutions and the inclusion of provisions benefiting women in regional economic-development programmes.

30. Ms. JAYASINGHE said that she wished to have figures concerning the female economically active population. She also wished to know to what extent women were represented at decision-making and management levels and whether any steps had been taken to change stereotyped ideas, one of the effects of which was that boys took greater advantage of the scholarships that were available than girls did; what percentage of the Salvadorian population the rural population represented; what steps had been taken to introduce such services as crèches and day-care centres to assist working women; what facilities were provided for women in rural areas where education, employment and health services were concerned; and whether the Women's Office was a public agency and what its features were.