



Convention on the Elimination
of all Forms of Discrimination
Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fifth session

SUMMARY RECORD OF THE 70th MEETING

Held at Headquarters, New York,
on Thursday, 13 March 1986, at 10 a.m.

Chairperson: Ms. BERNARD

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The meeting was called to order at 10.20 a.m.

1. Mrs. PULIDO de BRICEÑO (Co-ordinator for the Improvement of the Status of Women in the Secretariat/Assistant Secretary-General) congratulated the Committee on its excellent work and assured it of her support. The action programme adopted at the most recent session of the General Assembly and the work plans for the next two years, the text of which would be distributed to the members of the Committee, were aimed at introducing structural changes in the Secretariat and throughout the United Nations system, but especially at bringing about changes in attitude and behaviour. It was, indeed, important for international organizations to be a model for society, for it was only by setting an example that they could give rise to a real debate on the question of women. She therefore invited the members of the Committee to share their experiences and suggestions and initiate a fruitful dialogue with her.

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

Initial report of Mongolia (continued) (CEDAW/C/5/Add.20)

2. At the invitation of the Chairperson, Mr. Enkhasaikhan (Mongolia) took a place at the Committee table.

3. Mr. ENKHASAIKHAN (Mongolia), in reply to the questions asked about his country's report, said, first, that in Mongolia, as elsewhere, the improvement of the status of women was inseparable from the general advancement of the country. The Mongolian Constitution not only proclaimed the principle of equality of men and women but guaranteed its realization in all areas. In Mongolia, the socialist system guaranteed all citizens the right to work and to receive just remuneration in accordance with the principle "Equal pay for equal work".

4. The pension system was governed by the 1958 Pensions Act and chapter XIV of the Labour Code, whose main provisions were contained in the report and its annex. Old-age pensions were granted to workers on two conditions: that they had reached the retirement age established by law (60 for men and 55 for women) and that they had an appropriate length of service. However, exceptions to the general rule were authorized by article 215 of the Labour Code. Thus, persons working in arduous or hazardous jobs, women who had raised four or more children to the age of six years, etc., were entitled to old-age pensions on privileged terms. Under article 150 of the Labour Code, the list of arduous work and work carried out under hazardous conditions, in which women were forbidden to work, had been ratified by law. He quickly read out the list of such jobs. When a worker reached retirement age, he could either retire or continue to work, the latter option being the one most often chosen. The increment to the pension was about 10 per cent for an uninterrupted work record, which took into account years of vocational or advanced training, serving in the army and paid annual or maternity leaves. In view of Mongolia's labour force shortage, that measure was designed to prevent too frequent changes of jobs. The retirement age was earlier for women, in recognition of motherhood and teaching as irreplaceable contributions to society.

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5. The labour force currently amounted to 400,000 persons and was slowly on the rise. There was no branch of the economy where women were not employed. The proportion of women in the total labour force of the country had risen from 46.7 per cent in 1975 to 49.2 per cent in 1983. He then cited the percentage of women employed in the various branches of the economy for 1975 and 1983. The question of women's employment was of major importance, for by participating in the social and economic activity of the country they could hope to achieve not only equality but independence and to acquire the means to escape from the roles traditionally assigned to them by the society. The work of all citizens was assessed on the basis of quality and quantity. Workers who over-fulfilled their planned targets were called "model workers", and those who made an outstanding contribution to the progress of their country received the title "Heroes of Labour". There were currently 245 Heroes of Labour, a third of whom were women.

6. With regard to education, after citing the percentage of women who had received advanced education in the various sectors of activity, he indicated that 51 per cent of the pupils and students of all levels were women and that 27 per cent were continuing their studies at various levels.

7. The provisions concerning the rights of men and women in marriage were contained in the Family Code and were based on the principle of the equality of citizens. Currently, the marriage rate was 5.6 per thousand and the divorce rate was 0.3 per thousand. The percentage of couples with four or more children was 38.6 per cent; 12 per cent had three children, and 14 per cent had two children. In 1983, the birth rate had been 36.2 per thousand.

8. Traditionally, all members of the family, including grown-up children shared household tasks. Women enjoyed the same property rights as men, pursuant to articles 11, 17, 18 and 19 of the Family Code, as cited in the annex to the report. The fact that women were increasingly participating in the country's economic activity had helped to change the attitude of men and women about their respective roles. Women were today more skilled, more knowledgeable and more active, particularly in politics. Thus the question of whether women should work or confine themselves to domestic chores had been resolved.

9. Promotion, for men and women, was based solely on skill and qualifications. Pregnancy and motherhood were never an impediment to promotion, and special privileges were provided for mothers with many children. Children born out of wedlock enjoyed the same rights as other children. The age-old traditions of respect for the elderly were still cherished; the duties of grown-up children towards their parents and the duties of spouses towards each other were defined in articles 21, 22, 36, 41 and 55 to 75 of the Family Code. Partially paid paternity leave was granted to any worker who had to look after a sick child or take care of his wife or parent in need of attention.

10. Under article 76 of the Constitution and provisions of the Criminal Code, the Civil Code, the Family Code and other laws, any form of discrimination was prohibited and punished. In particular, article 29 of the Criminal Code provided

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for penalties of imprisonment, rehabilitation work and social sanctions for preventing a woman from having access to education or employment or from participating in a public, social or cultural activity, or for using or threatening to use force. Article 104 of the same Code provided for punishment by imprisonment for refusing to hire pregnant or nursing women, for reducing their salary or for dismissing them.

11. Legal assistance was provided in several ways: free legal advice bureaus and counsel in enterprises and people's organizations (including trade unions and women's organizations). The laws and regulations were published and easily accessible to the people. Moreover, the law was taught as a part of the educational programmes.

12. Sanitary and safe working conditions were required by law in all workplaces. Workers involved in hazardous underground or laborious jobs were protected by law. Pregnant women were prohibited by law from doing those jobs. Hygiene and security medical teams were on the work premises.

13. The right of single persons to adopt children was recognized by law, provided that that those persons were mentally stable, were not serving a sentence, had not been convicted on multiple occasions, had not been deprived of the right to be a parent, and were not undergoing a divorce.

14. Information concerning the dissolution of marriages was contained in the annex to the report (CEDAW/C/5/Add.20). Dissolution might be denied if the wife was pregnant, the couple had a child under one year of age or one of the spouses was seriously ill or injured.

15. Children generally bore their father's name by tradition, but no strict rules applied, and they might bear their mother's name.

16. In Mongolia, motherhood was neither an obligation nor a burden, but a privilege and an honour. There were moral and material incentives to bear children, but they were not designed to ensnare women in the role of mother. It was for couples alone to decide whether to have children. The State ensured the protection of mothers and children by providing allowances, services and facilities to meet their needs. Moreover, the legislation provided for the possibility of flexible work schedules for pregnant and nursing women. Maternity was protected up to and even beyond the nursing period. The report (CEDAW/C/5/Add.20) contained statistics on women's representation on elected bodies and in the Party and on their access to all levels of education and health care. Free health care and education at all levels were provided throughout Mongolia.

17. Rape, abortion and prostitution were prohibited and punishable by law. Rape carried a prison sentence of from 2 to 15 years depending on whether it was a question of one rapist, group rape, rape resulting in especially grave consequences, rape perpetrated by a recidivist or rape perpetrated against minors or children. Forcing a woman to have sexual relations against her will was

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prohibited. Abortion was prohibited, but could, under article 56 of the Health Code, be performed if the mother's health was seriously endangered; in that event, it was performed by physicians under hospital conditions and in accordance with legal procedures. Illegal performance of abortion by a non-authorized person or resulting in the death of the patient was punishable under the Criminal Code by prison sentences, correctional tasks, or professional suspension. Prostitution was illegal and scarcely practised. Sexual intercourse for money (prostitution) was punishable by imprisonment or a fine under article 87 of the Criminal Code, and sexual relations with a person who had not attained puberty was punishable by imprisonment under article 86. Persons who knew they had venereal diseases and who did nothing to prevent their transmission were also liable to punishment under the law.

18. Mongolian nationality was maintained in the event of marriage with a foreigner, but the Mongolian citizen could always choose the other nationality if he so wished. Children of marriages between Mongolians and foreigners were recognized as Mongolians.

19. The Committee of Mongolian Women, set up in 1924, was one of the largest organizations in the country. The Congress, its supreme organ, convened delegates of provincial and town councils every five years and elected the Chairman and the Presidium. The Committee of Mongolian Women directed the activities of some 3,000 councils throughout the country. Its main tasks were to help women to participate in the development of society and to improve their education, occupational skills, cultural level and living and working conditions. It also participated in the drafting of legislation in favour of mothers, children and women in general, monitored the implementation of that legislation and helped women to raise new generations and to develop their creative capacities. The Mongolian Women's Committee often worked closely with trade unions, supported the Government's peace policy and co-operation among States, had participated in various conferences on disarmament and the promotion of equality between the sexes, had hosted international conferences and seminars and was a member of the Women's International Democratic Federation.

20. Improvement of rural women's living conditions had gone hand in hand with overall social progress. Rural women today enjoyed the same rights as urban women. Since the revolution, rural areas had been the subject of a significant development effort focusing on education (school construction, introduction of eight years of compulsory schooling), health (free medical care), and women's and children's services (day care centres, kindergartens, etc.).

21. While Mongolia respected the Convention, there was still room for improvement in the position of women. The Government intended to facilitate women's work further and to develop and improve municipal services and community facilities (canteens, restaurants), as well as children's services (day-care centres, kindergartens and recreational activities).

22. Ms. CARON asked whether a single unmarried person could adopt a child, whether there was a law against sexist advertising, whether household activities were considered as productive work and taken into account in the years of service for pension purposes, whether liberalized abortion was envisaged and whether children could bear their mother's name.

23. Mr. ENKHASAIKHAN (Mongolia) said that a single person could adopt children under certain circumstances, which he had mentioned earlier. Sexist advertising was an impossibility, since any advertising that might give offence either to men or to women was prohibited. He was not sure whether household activities were taken into account for pension purposes but would see that the answer was provided in the next report of Mongolia. He was unable to provide any more details than those he had already given regarding the abortion law. While a child traditionally bore the name of its father, the assumption of its mother's name was not ruled out.

24. Ms. MACEDO de SHEPPARD noted that the Family Code referred twice to the concept of "communist morality" (chap. I, art. 1 and chap. IV, art. 28). She would welcome clarification of the difference between communist morality and other moralities.

25. Mr. ENKHASAIKHAN (Mongolia) said that communist morality was characterized by an attitude of respect for women on the part of men, respect for parents on the part of children and vice versa, as well as by an obligation to assist and help members of the family. Those were practical, not just legal, obligations.

26. Ms. MACEDO de SHEPPARD said she concluded from that reply that universal principles, common to all countries, were involved.

27. Ms. CORTES said she would be interested to learn what measures had been taken to ensure that the rights which were guaranteed would actually be implemented. She would like to have an explanation of the statement that the functioning of the social system in itself constituted the implementation of those rights. In other systems, citizens took action themselves to enforce their rights.

28. With regard to divorce procedures, she noted that a marriage was dissolved by the court if the spouses could not be reconciled. Were the grounds for the dissolution of marriage different for men and for women as they were in certain other countries?

29. Chapter VII, article 50, paragraph 1, of the Family Code indicated that the adoption of a child under one year of age was allowed only if the mother of the child could not breast-feed it for health reasons. She wondered whether that was a sufficient reason in itself to authorize adoption and whether a mother in good health could have her child adopted.

30. Mr. ENKHASAIKHAN (Mongolia) said that constitutional guarantees required a material basis. In Mongolia, the social system was itself a guarantee for the protection of the individual against exploitation, because all distinctions based on material wealth had been abolished.

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31. Most divorces were pronounced by a court. There were various grounds for divorce and they were not specified by legislation. The arguments put forward by wives and children's interests were, however, always duly taken into account.
32. The provision concerning the adoption of children under one year of age should not be interpreted as obliging the mother to have her child adopted. The mother's state of health was only one of the factors taken into account. The interests of the mother and of the child were both considered in such matters.
33. Ms. WADSTEIN said that the list of occupations forbidden to women seemed very long. It was unclear whether women had the same employment opportunities as men in some areas, for instance the building trades, and whether it was intended to shorten the list.
34. Mr. ENKHASAIKHAN (Mongolia) said that women were only forbidden to do work that was hazardous to their health. By that he meant strenuous work such as sinking mine shafts. It was likely that advances in automation would allow women to work in areas currently closed to them.
35. Ms. EL-FETOUH said she would appreciate information on the nationality of children born of Mongolian women and foreign fathers. The next report of Mongolia should include statistics on the number of Mongolian women married to foreigners.
36. Mr. ENKHASAIKHAN (Mongolia) said that the Mongolian People's Republic applied the jus sanguinis: if either of the parents was Mongolian, the child had Mongolian nationality. Ms. El-Fetouh's request would be transmitted to the competent authorities.
37. Ms. PEYTCHEVA said that she was fully satisfied by the answers given by Mr. Enkhasaikhan to her questions.
38. Ms. LAIOU-ANTONIOU said that the report seemed to indicate that women had both to work and bear the burden of raising children, with possible assistance from their husbands. It should be stressed that in the spirit of the Convention, men should not only help women but also play an equal role in the education of the children and in domestic tasks. While nursing mothers required special protection - excessive protection might result if there was no legal definition of the nursing period and should be avoided. Excessive protection could for instance lead to a lack of crèches for children under three years of age, which would prevent women from devoting themselves to a professional career on an equal footing with men. Information was therefore required on whether the nursing period was defined by law in the Mongolian People's Republic.
39. Mr. ENKHASAIKHAN (Mongolia) stressed that all family members were encouraged to participate in household duties. The nursing period was one year.
40. The CHAIRPERSON wished to know what the requirements were for being decorated with the "glory of Motherhood" order.

41. Mr. ENKHASAIKHAN (Mongolia) said that the order was awarded to women who had given birth to, and brought up, more than four children.

42. Mr. Enkhasaikhan (Mongolia) withdrew.

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

At the invitation of the Chairperson, Mrs. Nguyen Binh Thanh (Viet Nam) took a place at the Committee table.

43. Mrs. NGUYEN BINH THANH (Viet Nam), introducing her country's initial report, recalled that since 1945 the principle of the equality of the sexes had been clearly set out in the first supreme law of the Democratic Republic of Viet Nam. Its fullest embodiment was to be found in article 63 of the 1980 Constitution, which provided that men and women enjoyed equal rights in every sphere. The first part of the report dealt with the legal status of Vietnamese women and it was useful to indicate in that regard that the Penal Code, on which work was still proceeding when the report was being prepared, had been completed and promulgated in July 1985. Article 125 of the Code, which punished any discrimination against women, together with other articles defining the kinds of infringements of the rights of women and children punishable by law, represented a major achievement for Vietnamese women.

44. The second part of the report indicated how the Convention was being implemented in Viet Nam and, inter alia, provided various statistical data on the participation of women in the higher bodies and at various administrative levels. Vietnamese women actively participated in international public affairs and, under the auspices of the Viet Nam Women's Union, were in the forefront of the world peace and disarmament movement and of efforts to promote friendly relations in South-East Asia.

45. In the economic sphere, in December 1984 the Council of Ministers had adopted a resolution on the promotion of the participation and abilities of women in the national construction effort and national defence, with a view to giving women their rightful place in the management of the economy and society in general.

46. As a supplement to the Law on Marriage and the Family, promulgated in 1960, the new draft law on the subject reaffirmed, inter alia, the equality of children born out of wedlock and other children and recognized that labour in the home was productive work. Furthermore, the principle that household tasks should be shared equally was set out in article 18. A "positive discrimination" clause prohibited husbands from initiating divorce proceedings while their wives were pregnant or the infant was under one year of age, a clause which was not applicable if the wife was seeking the divorce.

47. Family planning was of particular importance to Viet Nam, which had a very high rate of population growth. A National Committee on Population and Family Planning had been established in 1984, and it was active throughout the country. Families were encouraged to have only one or two children, and the use of

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contraceptive devices and other methods of contraception was highly recommended. In that connection, she wished to make the following change in the French version of the report. On page 11, the beginning of the second sentence of the third paragraph should read as follows: "La campagne en faveur d'une maternité consciemment assumée". Moreover, in keeping with the maternal and child welfare policy instituted in 1971, at the height of the war of resistance, the network of nurseries and day-care centres now covered the entire country.

48. From the outset, Vietnamese women had been closely associated with the Vietnamese people's struggle for independence and freedom; precisely because of their active participation in the struggle, they had gradually been able to assert themselves more forcefully vis à vis their male partners and demand that they be accorded equal treatment in all aspects of social and family life.

49. Despite the successes achieved, it would, however, be erroneous to assert that discrimination against women had disappeared entirely. The percentage of women occupying positions of leadership in the political and economic spheres still was low, as was the proportion of young women attending universities. The vestiges of the feudal mentality remained, particularly in the countryside. Lastly, in a country ravaged by 30 consecutive years of war, the Government lacked the means to establish the social services needed by women, many of whom had to assume the duties of head of household.

50. Ms. SMITH emphasized that changes in attitudes and social behaviour were the key to genuine progress for women and asked what the situation in that regard was in Viet Nam. Furthermore, she observed that the report made little reference to rural women, although they constituted a large segment of the population. It would be useful to know whether women had access on an equal footing with men to land, credit facilities and other resources. Additional clarification would be welcome with regard to the role of the Viet Nam Women's Union, particularly vis-à-vis legislative bodies. She also wished to know the extent to which trade unions, which appeared to play a key role at the grassroots level, endeavoured to keep women informed of their rights and encouraged them to take advantage of those rights, particularly in the case of rural women. She wished to know how the principle of "equal pay for equal work" was implemented and whether salaries were lower in sectors where women comprised most of the work force. Lastly, she asked what the chief obstacle to equality for women was and what efforts were being made to overcome it.

51. Ms. CARON deemed it particularly favourable that labour in the home was recognized as productive work under the Law on Marriage and the Family. The statistics on the participation of Vietnamese women in political and public life attested to the progress they had made. Thus, there now were 17 female ministers or vice-ministers; however, the report did not indicate what proportion that figure represented. She asked whether the President and officers of the Viet Nam Women's Union were appointed by the Government and how the Union was financed. She would like to know whether women could have abortions, whether abortion costs were paid by the State and, lastly, what provisions governed the family name of spouses and children.

52. Ms. MONTENEGRO de FLETCHER said that the report of Viet Nam was a source of encouragement for the members of the Committee. To her knowledge, Viet Nam was the first country to penalize any act of discrimination against women, a fact that was particularly praiseworthy. She would, however, appreciate additional information concerning the status of women in Viet Nam. She would like to know how many members the Viet Nam Women's Union had, what percentage of the population that number represented and what activities the organization conducted, particularly in the field of education. She wondered what impact traditions and religion had in Vietnamese society and wished to know whether that impact was an obstacle to the advancement of women. She inquired as to the proportion of civil marriages and consensual unions and whether the rights set out in the Law on Marriage applied to both types of union. Furthermore, she wished to know why women, who had accounted for over 50 per cent of the electorate in the 1980 and 1983 national and provincial elections, had held only 21.7 per cent of the seats in the National Assembly in 1981. She would also welcome details and statistics on the number of discrimination cases brought before the courts.

The meeting rose at 1 p.m.