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COMMISSION ON THE STATUS OF WOMEN

Eighth Session

SUMMARY RECORD OF THE HUNDRED AND FIFTY-FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 25 March 1954, at 3.15 p.m.

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PRESENT:

<u>Chairman:</u>	Miss BERNARDINO	Dominican Republic
<u>Rapporteur:</u>	Mrs. FIROUZ	Iran
<u>Members:</u>	DAW NGWE KHIN	Burma
	Mrs. NOVIKOVA	Byelorussian Soviet Socialist Republic
	Miss GONZALEZ	Chile
	Miss YANG	China
	Miss MAÑAS	Cuba
	Mrs. LEFAUCHEUX	France
	Mrs. GUERY	Haiti
	Mrs. TABET	Lebanon
	Miss YOUNG	New Zealand
	Begum ANWAR AHMED	Pakistan
	Mrs. DEMBINSKA	Poland
	Mrs. ROSSEL	Sweden
	Mrs. FOMINA	Union of Soviet Socialist Republics
	Mrs. WARDE	United Kingdom of Great Britain and Northern Ireland
	Mrs. HAHN	United States of America
	Mrs. SANCHEZ de URDANETA	Venezuela
	Mrs. MITROVIC	Yugoslavia
<u>Also present:</u>	Mrs. FLOURET	Argentina
	Mrs. KIEP	Germany
	Mrs. HARMAN	Israel
	Mrs. de CALVO	Inter-American Commission of Women

Representatives of specialized agencies:

Mrs. FIGUEROA	International Labour Organisation
Mrs. CRUZ SANTOS	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER	International Confederation of Free Trade Unions
	Miss KAHN	World Federation of Trade Unions
	Mrs. EREN)	World Federation of United Nations Associations
	Mrs. FOX)	

Category B and Register:

	Mrs. GIROUX	Catholic International Union for Social Service
	Mrs. WOODSMALL	International Alliance of Women
	Mrs. REGISTER	International Council of Women
	Mrs. HYMER)	International Federation of Business and Professional Women
	Miss RANDALL)	
	Miss LAGEMANN	International Federation of Friends of Young Women
	Miss ROBB	International Federation of University Women
	Mrs. MAKINEN-OLLINEN)	International Federation of Women Lawyers
	Miss SMITH)	
	Mrs. WISHNER)	International League for the Rights of Man
	Mrs. WOLLE-EGENOLF)	
	Miss SCHAIN	Pan-Pacific Women's Association
	Mrs. RUSSELL	Women's International Democratic Federation
	Mrs. SCHAEFER)	World Union of Catholic Women's Organizations
	Miss WEBER)	
	Miss ARNOLD)	World's Young Women's Christian Association
	Miss FORSYTH)	

Secretariat:

	Mrs. TENISON-WOODS	Chief of the Status of Women Section
	Mrs. GRINBERG-VINAVER	Secretary of the Commission

NATIONALITY OF MARRIED WOMEN: REPORT ON COMMENTS FROM GOVERNMENTS ON THE DRAFT CONVENTION ON THE NATIONALITY OF MARRIED PERSONS (ECONOMIC AND SOCIAL COUNCIL RESOLUTION 504 B (XVI); E/CN.6/243 and Add.1 to 3; E/CN.6/206/Add.3 and 4; E/CN.6/L.119, L.120, L.123) (continued)

At the request of Miss MAÑAS (Cuba), Mrs. GRINBERG-VINAVER (Secretary of the Commission) read out the portions of the International Law Commission's report relating to the item before the Commission (A/2456, paragraphs 142, 143 and 144).

Miss YANG (China) said that her delegation was in general agreement with the draft convention, which was based on the principle of equality of rights and was designed to avoid conflicts in law and practice with reference to nationality. The draft convention contained no provisions contrary to Chinese law. In making a decision on the draft resolutions before the Commission the Chinese delegation was however placed in a dilemma: on the one hand, it viewed with sympathy the proposal (E/CN.6/L.119) put forward by the Cuban representative who had explained her reasons for thinking that the Commission should immediately take steps to recommend that the Economic and Social Council and the General Assembly should open the convention for signature by Member States; on the other hand, she had been convinced by the United States representative's argument that the draft convention should be referred to the International Law Commission. The effectiveness and value of the international convention would be dependent on the number of States acceding to it and under the prevailing circumstances a large number of accessions was unlikely. Furthermore, certain delegations could not undertake at the present stage to address to the Council and to the General Assembly the recommendation suggested in the Cuban draft resolution; that was the case with her delegation, which was fully aware of the excellent intentions which had inspired the proposal. If it were possible to find a compromise, the Chinese delegation would give it sympathetic consideration.

Begum ANWAR AHMED (Pakistan) noted that a large number of Member States had not yet transmitted their comments on the draft convention, and that out of the sixteen which had done so, only five were prepared to accept the text in its present form. She also noted that the draft made no mention of the nationality of children; although that question was not within the competence of the Commission, provisions on the subject were a necessary corollary to provisions on the nationality of married women. She therefore felt that it would be better not to proceed too fast and would support the United States proposal under which the question would be referred to the International Law Commission. If the Commission, however, thought that the problem was so urgent that an immediate solution was required, her delegation would be prepared to vote for the draft convention, the essential provisions of which were completely in agreement with Pakistan legislation.

Mrs. HAHN (United States of America) regretted that the Cuban draft resolution made no reference to the fundamental principle adopted by the Commission in 1950. That was a backward step in relation to the position previously taken up. She also pointed out that the United States draft resolution (E/CN.6/L.120) contained an express proposal designed to protect a woman's freedom of choice in deciding whether she wished to acquire her husband's nationality on marriage. That proposal was quite independent of the measures proposed with regard to the draft convention itself.

Miss GONZALES (Chile) said that her delegation, in accordance with its previous position on that question, would support the Cuban draft resolution, which was very important, particularly in comparison with Economic and Social Council resolution 504 B (XVI). She wished, however, to propose a number of drafting changes, the text of which she would communicate to the Secretariat. She would also vote against article 8 of the draft convention, the provisions of which were not in accordance with the policy of States Members of the Organization of American States, the charter of which provided that reservations were not valid unless they had been accepted by all the contracting parties.

Mrs. MITROVIC (Yugoslavia) said that the promulgation of the Constitution of Yugoslavia had opened a new era for the women of that country; since that time, Yugoslav men and women had been working unceasingly to establish conditions which would ensure to women the exercise of equal rights with men. Legislation had been enacted to ensure the practical and detailed application of the principles proclaimed in the Constitution. Article 3 of the Nationality Act provided that any person, man or woman, who married a Yugoslav national, did not automatically acquire the nationality of the spouse. Article 14 excluded marriage from the list of grounds for automatic loss of nationality, whether for men or women, and there were similar provisions concerning the dissolution of marriage. As a consequence, the purpose which the Commission had set itself had already been achieved in Yugoslavia: neither marriage nor its dissolution had any effect on the nationality of either of the spouses. The principle of equality was set forth in article 9 of the same law. Furthermore, the acquisition of Yugoslav nationality had been made easier for persons married to Yugoslav nationals without distinction of sex. Spouses of Yugoslav nationals were not subject to the age or residence requirements laid down in respect of other persons desirous of acquiring Yugoslav nationality.

She admitted that by reason of the differences between national juridical systems and the economic, social and cultural conditions in the various countries, some States might find difficulty in accepting the Convention. She thought, however, that the adoption of the draft instrument by the Commission would be an important step forward and would assist States to enact legislation in conformity with the principles embodied in the convention. The draft contained no provisions unacceptable to the Yugoslav delegation, except article 3. Under that article a married woman would automatically acquire the nationality of her spouse at her request. That provision might lead to abuse, and it would be better to stipulate that States should make it easier for women married to their nationals to acquire their husband's nationality, rather than imply that that was a recognized right of married women.

Mrs. FOMINA (Union of Soviet Socialist Republics) noted that only sixteen Governments, little more than a quarter of the total number of Member States, had submitted observations on the draft convention, and that some of the replies contained proposals for amendments, or reservations. It appeared therefore that the question required further study, and that it would be advisable to wait until other Governments had forwarded their comments, so that a more considered convention might be drafted. The Commission could take note of the observations already received and at its next session examine any other which might have been received in the meanwhile. Furthermore, as her delegation had pointed out at the previous session, the question was extremely complex and by its very nature fell within the domestic jurisdiction of each State.

Mrs. TABET (Lebanon) said that she would abstain in the voting on the draft resolution before the Commission because Lebanese legislation contained provisions incompatible with those in the draft. The main provisions of the Decree of 19 January 1925 were that a woman married to a naturalized Lebanese and her children over age could, if they wished, obtain Lebanese nationality; a woman of alien nationality who married a Lebanese thereby acquired Lebanese nationality, and a Lebanese woman marrying an alien lost her nationality if the laws of the country of which her husband was a national conferred upon her the nationality of her spouse; if not, she retained her Lebanese nationality; finally, a woman who had lost Lebanese nationality as a result of marrying an alien might recover it after the dissolution of the marriage if she resided in Lebanon or if she returned there and declared her intention of settling in the country.

Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) said that since only sixteen governments had replied to the Secretary-General's invitation it was difficult to judge exactly how far States Members were prepared to accede to the proposed Convention. If it were adopted forthwith, the governments which had not yet expressed their views might consider that they were not bound by its provisions.

Perhaps, therefore, the sponsors of the draft resolutions would agree to defer examination of the question until more replies had been received, and in that case the Commission should simply take note of the replies already received so that they could be borne in mind during any later study of the question.

With regard to the substance of the question, she said that the question of nationality in general and that of the nationality of married women in particular were matters within the domestic jurisdiction of States. That was a further argument against the Commission's taking a hasty decision.

Mrs. LEFAUCHEUX (France) noted with regret that even in the United Nations it was difficult to approach the nationality question with the required breadth of vision and that it would be a long time before men and women had obtained equal rights in the matter of nationality.

She had been rather disappointed upon reading the Cuban draft resolution (E/CN.6/L.119). French non-governmental organizations attached great importance to the principle that no distinction should be made between men and women in regard to the effects on nationality of marriage with an alien person. That principle had been accepted by the Commission the previous year when it had considered drafting an international convention on the nationality of married persons. The Cuban delegation was now suggesting that it would be easier to reach agreement by confining the convention to the nationality of married women. That was of course a reasonable suggestion but it marked a distinct retreat from the position adopted in the previous year.

The replies from governments were not encouraging, partly because they were so few in number and partly because certain governments had opposed the principle of equal rights for men and women, arguing in some cases that the legislation in force in their countries favoured women rather than men. She was somewhat suspicious of advantages granted in one direction because they were usually offset by disadvantages in another. She would therefore prefer the principle of equality of rights;

it was essential, however, that the loss or acquisition of nationality as a result of marriage should cease to be automatic: a married woman must be free to choose her nationality, as the Cuban draft resolution proposed.

She thought that to send back the question of the nationality of married women to the International Law Commission would represent a defeat for the Commission on the Status of Women, since the International Law Commission had already been consulted and the report which it had adopted (A/2456) dealt only with statelessness and did not express any views on the principle of equal rights, which was the particular concern of the Commission on the Status of Women. It was desirable therefore that the Commission should have its own policy in the matter.

Mrs. MAÑAS (Cuba) thought that members of the Commission should give careful attention to certain parts of the International Law Commission's report. Once again, all delegations appeared to agree on the substance of the problem and to recognize that a solution was urgently needed: she could not but be surprised, therefore, at the hesitation manifested by some of them. She realized that it was essential to study the matter carefully before expressing an opinion upon it, and it was precisely for that reason that she had agreed to the postponement of discussion the year before. However, the Cuban delegation had no hesitation about the words it had used because they were those of Cuba's own legislation, which made no distinction. As the Cuban patriot, José Martí, had said, rights were to be grasped and not to be begged for. The Commission should remember that saying and act resolutely with regard to the married woman's right to change or to retain her nationality.

It was the responsibility of the Commission on the Status of Women to take positive steps to deal with the problem which was of interest to all women, and one important aspect of which was the question of statelessness.

Mrs. DEMBINSKA (Poland) shared the views of the representatives of the Union of Soviet Socialist Republics and of the Byelorussian Soviet Socialist Republic. The small number of replies received and the divergence of views expressed in them clearly showed that a more thorough study of the question was required before any conclusion could be reached on the matter of a convention. Furthermore, it would be difficult to find a simple solution because the problem was linked with that of citizenship, a matter which fell within the national jurisdiction of individual States and touched upon their sovereignty.

The CHAIRMAN proposed that in view of the existing divergence of views on the question - the most important question on the Commission's agenda - the sponsors of the various draft resolutions and amendments and any other delegations interested should consult each other after the meeting and attempt to reach an agreed solution, so that the Commission might more easily vote on the matter.

She suggested that the Commission should resume its examination of that item at its next meeting.

It was so decided.

EQUAL PAY FOR EQUAL WORK FOR MEN AND WOMEN WORKERS: PROGRESS REPORT ON THE IMPLEMENTATION OF THE PRINCIPLE OF EQUAL PAY FOR EQUAL WORK, INCLUDING INFORMATION ON TRUST AND NON-SELF-GOVERNING TERRITORIES (E/CN.6/231, 235, 237)

Mrs. HAHN (United States of America) said that her delegation attached great importance to the principle of equal pay which was fundamental to a sound economic system. Great progress had been made towards the adoption of the principle and the Commission had largely contributed to that progress. As early as its second session, the Commission had adopted a resolution inviting the ILO and the non-governmental organizations to compile memoranda setting forth what action they were taking to promote equal pay for men and women and so implement

the principle of the Charter that there should be no discrimination based on sex; at its third session the Commission had reaffirmed its interest in the subject and requested the ILO to study various questions closely linked to the question of equal pay. At the Commission's fourth session the ILO had reported that it had sent a questionnaire to governments on equal pay law and practice and that in its study it was taking into account the Commission's suggestions, particularly the concept of wage rates based on the type of work rather than the worker's sex.

Generally speaking, the situation in the United States with respect to equal pay was good. The principle of equal pay was applied throughout the Federal Civil Service and in the states where state civil service systems were in effect. In private industry, management and labour were incorporating the equal pay principle in collective bargaining agreements to an increasing extent. Equal pay laws for workers in private industry were in effect in approximately one-fourth of the states; those were the big industrial states, in which approximately half the total number of employed women in the United States were employed. Equal pay bills were pending in the Federal Congress.

The report, which covered a sizable cross-section of countries and reflected the attitudes of labour, industry and the various governments to the principle of equal pay, showed that considerable progress had already been made and additional gains could be expected. The Commission had an important part to play in discussing not only the progress made but also the methods used to achieve that progress. By furthering the exchange of information, the Commission could promote public education and the voluntary acceptance of the principle of equal pay. Some of the comments in the ILO report indicated the nature of the educational work necessary. For example, some governments had indicated that they believed that men were entitled to higher wage rates on the ground that they had family responsibilities and that women had not. Experience in the United States, however, had shown the fallacy of such contentions. In addition to supporting themselves, many women were also responsible for the support of aged parents or other relatives.

In the United States, women constituted almost one-third of the total labour force. Given the presence of large numbers of women in the labour force, it was obvious that if women could be hired at lower rates than men, they constituted a threat to men's wages and to the maintenance of sound wage rates in general. Even where men were not actually replaced by women workers, the very existence of a pool of labour available for employment at cheaper rates could always be used to the disadvantage of workers on the job. On the other hand, the application of the principle of equal pay gave workers of both sexes greater wage and job security. It also helped to increase the workers' purchasing power and, in an economic system such as that in the United States, it was important to keep consumer purchasing power at a high level.

The ILO report clearly indicated that the principle of equal pay could be put into effect only where public opinion was favourable. The members of the Commission and the Non-Governmental Organizations could do much to help in that connexion. Considerable confusion still existed with regard to the real meaning of "equal pay". It must be made clear that equal pay meant that the worker should receive the rate for the job irrespective of sex; in other words that the rate of pay should be set for the job itself, regardless of whether a man or a woman was to receive it.

The agencies best fitted to carry out the necessary educational activities were the non-governmental organizations, the women's organizations and the unions associated with the Commission's work. She gave several interesting examples of activities carried out by private organizations in the United States, mentioning in particular the National Federation of Business and Professional Women's Clubs and a woman member of Congress who had introduced an equal pay bill. Similar educational work was undoubtedly being carried out in other countries. She therefore suggested that the Secretary-General should be requested to obtain from the non-governmental organizations reports on the steps being taken on an unofficial basis in the various countries to promote public education and acceptance of the principle of equal pay. Such an account of unofficial activities would be a useful supplement to the ILO report and would enable each country to profit from the experience of others. In conclusion

she expressed the hope that the representatives of the non-governmental organizations would speak on the question at the current session of the Commission. Their statements would indicate the type of information that the Commission could hope to obtain at the next session from a report along the lines she had suggested.

Mrs. FIGUEROA (International Labour Organisation) said that it was on the Commission's recommendation that the Economic and Social Council had adopted resolution 504 G (XVI) inviting the Secretary-General in collaboration with the International Labour Office to furnish annually additional information on the steps taken or methods used in the various countries to put the principle of equal remuneration into force. In accordance with that resolution the ILO had submitted a report to the last session of the Commission (E/CN.6/220) and a further report to the current session (E/CN.6/231). The second report concerned the ratification of the Equal Remuneration Convention, No. 100, and national action in connexion with that Convention and Recommendation No. 90. Six countries, Austria, Belgium, the Dominican Republic, France, Mexico and Yugoslavia had already ratified the Equal Remuneration Convention which had entered into force on 23 May 1953. In twenty-one countries the Convention had been submitted to the competent authorities in accordance with the procedure laid down in the Constitution of the International Labour Organisation. In one country it had already been approved by one of the legislative bodies; in other countries recommendations had been submitted to the governments and committees had been set up to study how the principle of equal remuneration could be given effect, examine conditions that made its implementation difficult and recommend how those difficulties could be overcome. In some countries the principle had been given limited application in public undertakings and private industry. In others, where working conditions and wages were determined by agreement between the parties concerned, the question was under consideration and recommendations had been made to promote application of the principle.

Many years would apparently have to elapse before the principle of equal pay was universally applied. Nevertheless, since the Convention had come into effect in 1953 noteworthy progress had already been achieved. In accordance with the provisions of article 19 of the Constitution of the International Labour Organisation, Member States were bound to inform the Director-General of the ILO of the steps they had taken to submit the convention to the competent authorities and of the decisions reached by those authorities. Under Economic and Social Council resolution 504 G (XVI), the ILO would continue to furnish annually to the Secretary-General the information it received.

At the present time, the Commission and the non-governmental organizations were in the best position to exert influence on the various countries to persuade them to apply the principle of equal remuneration and ratify convention No. 100. The ILO believed that it could help to improve the status of women in the labour field and it would continue to collaborate closely with the Commission in order to ensure the universal application of the principle of equal pay.

The meeting rose at 4.55 p.m.