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COMMISSION ON THE STATUS OF WOMEN

Ninth Session

SUMMARY RECORD OF THE HUNDRED AND NINTIETH MEETING

Held at Headquarters, New York,
on Wednesday, 23 March 1955, at 3 p.m.

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Nationality of married women: (a) Report on comments from Governments on the draft convention on the nationality of married women (E/CN.6/259 and Add.1-3; E/CN.6/L.153 and Corr.1, L.163, L.164 and L.165); (b) Report on changes in legislation concerning the nationality of married women (E/CN.6/254)

PRESENT:

<u>Chairman:</u>	Miss BERNARDINO	Dominican Republic
<u>Rapporteur:</u>	Mrs. RÖSSEL	Sweden
<u>Members</u>	Miss CHAMORRO ALAMAN	Argentina
	Mrs. DALY	Australia
	Mrs. NOVIKOVA	Byelorussian Soviet Socialist Republic
	Miss TSENG	China
	Miss MAÑAS	Cuba
	Mrs. LEFAUCHEUX	France
	Mrs. GUERY	Haiti
	Miss ROESAD	Indonesia
	Mrs. TABET	Lebanon
	Begum ANWAR AHMED	Pakistan
	Mrs. DEMBINSKA	Poland
	Mrs. FOMINA	Union of Soviet Socialist Republics
	Mrs. SAYERS	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. LOPEZ	Colombia
	Mrs. FUJITA	Japan
	Mrs. de TEJEIRO	Panama

Representatives of specialized agencies:

Mrs. FIGUEROA	International Labour Organisation
Miss SALAS	United Nations Educational, Scientific and Cultural Organization

Representative of an inter-governmental organization:

Mrs. LEYES de CHAVES	Inter-American Commission of Women
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PRESENT: (continued)

Representatives of non-governmental organizations:

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

Category B and Register:

	Begum NAFISA HAMDANI	All Pakistan Women's Association
	Miss DODD	International Alliance of Women
	Mrs. CARTER	International Council of Women
	Mrs. HYMER)	International Federation of Business and Professional Women
	Miss POLLITZ)	
	Mrs. MEINANDER)	
	Miss MACLEAN)	
	Miss LAGEMANN	International Federation of Friends of Young Women
	Miss ROBB	International Federation of University Women
	Mrs. WOLLE-EGENOLF	International League for the Rights of Man
	Mrs. ROBERTS	Liaison Committee of Women's International Organizations; Associated Country Women of the World
	Mrs. BACKUS	Pan Pacific Women's Association
	Mrs. MADDEN	Pax Romana
	Miss GAINES	World Assembly of Youth
	Mrs. ANDERSON)	World's Young Women's Christian Association
	Miss FORSYTH)	
<u>Secretariat:</u>	Mrs. TENISON-WOODS	Chief of the Status of Women Section
	Mrs. GRINBERG-VINAVER	Secretary of the Commission

EQUAL PAY FOR EQUAL WORK: (a) PROGRESS REPORT ON THE IMPLEMENTATION OF EQUAL PAY FOR EQUAL WORK (E/CN.6/257); (b) REPORT ON METHODS WHICH HAVE BEEN FOUND USEFUL IN CREATING A FAVOURABLE CLIMATE OF PUBLIC OPINION ON THE NEED FOR EQUAL PAY FOR EQUAL WORK (E/CN.6/263; E/CN.6/L.161, L.162, L.166 and L.167 and L.168) (concluded)

Mrs. RUSSEL (Sweden) wished to clarify the comments she had made at the previous meeting concerning the terms "equal pay for equal work" and "equal remuneration for work of equal value". The phrase "equal pay for equal work" had been used in the Declaration on Human Rights in 1948 and it was not until 1950 that ILO had considered the problem of drafting a formula less liable to misinterpretation. The ILO had suggested that the term "equal remuneration for work of equal value" be used and the Commission on Human Rights in drafting the convention on social, economic and cultural rights had adopted that term. Later, however, the article on equal pay at the suggestion of the Yugoslav representative, had been amended, and in that amended text the term "equal pay for equal work" was adopted. Thus the draft article, as it now stood, embodied both the terms.

Mrs. LEFAUCHEUX (France), speaking as the Chairman of the Resolutions Committee, introduced the compromise draft resolution (E/CN.6/L.168) which had been adopted by the Resolutions Committee by 6 votes to none, with 1 abstention. The entire preamble and paragraphs 1 and 3 of the operative part had been adopted unanimously. Paragraph 2 had been adopted by 4 votes to one, with 2 abstentions. The Committee had decided to use the phrase "equal pay for equal work" except in the third paragraph of the preamble which referred to the ILO convention and in which the ILO phraseology had been used. The Chinese amendment (E/CN.6/L.167) had not been included because the Committee had felt that it might confuse the issue and should form a separate resolution on opportunity for promotion. The Pakistan representative had agreed to withdraw her amendment (E/CN.6/L.166) in order to simplify the text.

Mrs. DALY (Australia) said that she had voted against operative paragraph 2 of the draft resolution in the Resolutions Committee because she felt that some States might be unable to agree that plans for technical assistance should include projects for giving practical effect to the principle of equal pay or that high priority should be given to such projects, as the resolution proposed. She suggested that the provision might more appropriately be discussed under item 9 of the Commission's agenda.

If paragraph 2 were deleted she would be able to support the draft resolution although her Government was experiencing some difficulties in implementing the ILO Convention on Equal Remuneration for Work of Equal Value. If the Commission decided to retain the paragraph, she would ask that it should be put to the vote separately.

Mrs. LEFAUCHEUX (France) said that as Chairman of the Resolutions Committee she had abstained from voting on operative paragraph 2 of the draft resolution. She considered, however, that the text would be stronger without paragraph 2, which might be prejudicial to the technical assistance programme. Very few countries had requested technical assistance for the promotion of women's rights, and Governments might even be dissuaded from requesting such assistance, particularly if they considered that assistance could most usefully be employed in developing the civic and political education of women rather than in effort to give effect to the principle of equal pay for equal work. She asked that a separate vote should be taken on paragraph 2.

Miss TSENG (China) said that she had agreed to withdraw her amendment but continued to believe that the problem of equal opportunity for promotion was extremely important and should be dealt with.

The CHAIRMAN suggested that the Chinese representative might submit a separate resolution on that problem under item 7.

Begum ANWAR AHMED (Pakistan) said that she would abstain from voting on the draft resolution. Her amendment had been intended to introduce a note of realism into the draft resolution since it was illogical to call for legislation on equal pay for equal work if the legislation could not be enforced. She had withdrawn her amendment, because she had felt that it might weaken the draft resolution but proposed to introduce a separate resolution on the subject, at the Commission's next session.

Miss CHAMORRO ALAMAN (Argentina) said that she had voted against the inclusion of operative paragraph 2 in the Resolutions Committee because she felt that it complicated the issue. If the Commission decided that the paragraph should remain, she would, however, support the text as a whole.

Miss ROESAD (Indonesia) said that her Government was keenly interested in technical assistance. She felt that the recommendation in operative paragraph 2 would encourage Governments to include projects to advance women's rights in their plans for technical assistance. She would vote for paragraph 2 and for the draft resolution as a whole.

The CHAIRMAN, speaking as the representative of the Dominican Republic, requested a separate vote on the last part of paragraph 2, reading "and that high priority be given to such projects".

Mrs. FOMINA (Union of Soviet Socialist Republics) requested that the third paragraph of the preamble should be put to the vote separately.

The CHAIRMAN put to the vote the words "and that high priority be given to such projects" in paragraph 2 of the operative part of the draft resolution.

The phrase was adopted by 7 votes to 3, with 7 abstentions.

The CHAIRMAN put to the vote paragraph 2 of the operative part.

Paragraph 2 was adopted by 8 votes to 1, with 9 abstentions.

The CHAIRMAN put to the vote the third paragraph of the preamble.

The third paragraph of the preamble was adopted by 9 votes to none, with 6 abstentions.

The CHAIRMAN put the draft resolution as a whole to the vote.

The draft resolution was adopted by 14 votes to none, with 4 abstentions.

Mrs. SAYERS (United Kingdom) said that there was a vast field of employment in the United Kingdom in which wage rates were settled by negotiation independent of Government control. It would therefore be inappropriate for her Government to interfere in such matters or to vote for a resolution urging other Governments to take such action.

NATIONALITY OF MARRIED WOMEN: (a) REPORT ON COMMENTS FROM GOVERNMENTS ON THE DRAFT CONVENTION ON THE NATIONALITY OF MARRIED WOMEN (E/CN.6/259 and Add.1-3; E/CN.6/L.153 and Corr. 1, E/CN.6/L.163, L.164, L.165; (b) REPORT ON CHANGES IN LEGISLATION CONCERNING THE NATIONALITY OF MARRIED WOMEN (E/CN.6/254)

Begum ANWAR AHMED (Pakistan) welcomed the fact that 27 Governments had now commented on the draft convention on the nationality of married women and that two-thirds of them found it acceptable. It should now be opened for signature and she therefore supported the Cuban draft resolution (E/CN.6/L.153), and the Australian amendment (E/CN.6/L.163) to it. She could not state her position on the United Kingdom amendment (E/CN.6/L.164), as she had not yet received instructions from her Government. She was opposed to the United States amendment (E/CN.6/L.165), as the mention of "married persons" instead of "married women" would bring the convention within the competence of the International Law Commission rather than the Commission on the Status of Women. She also could not agree to the substitution of a new text for article 8, which followed standard United Nations procedure. If the United States wished to establish a wider principle, it would be more appropriate to suggest the inclusion of a new article.

Mrs. TABET (Lebanon) supported draft resolution E/CN.6/L.153 and the Australian amendment to it. She also supported the United States amendments to articles 1, 2 and 3 of the draft convention. Consideration should be given to the position of both spouses.

Mrs. MITROVIC (Yugoslavia) thought that the new draft convention was satisfactory, with the exception of article 3, which was not acceptable to the Yugoslav delegation, as the alien wife of a Yugoslav citizen did not have the right to acquire the nationality of her husband. Her delegation was unable to agree to article 1, under which a woman who lost her own nationality on marriage and did not acquire that of her husband would become stateless. She supported the Australian amendment, which was in harmony with Yugoslav legislation on that point. She also supported the United States amendment, which emphasized the equality of the spouses.

Miss ROBERTS (Liaison Committee of Women's International Organizations) announced that the International Council of Women should be added to the list of organizations endorsing the statement contained in document E/CN.6/NGO/33.

Mrs. CARTER (International Council of Women) said that her organization regretted the Commission's decision to restrict the draft convention to married women. While appreciating the reasons for that decision, her organization felt that in order to deal adequately with the problem of nationality of married women it was necessary to consider the nationality of both spouses. In many cases, the welfare of the family was endangered if an alien husband was not free to choose his wife's nationality, as the right to work, children's allowances, etc., were often dependent on nationality. It would be to the benefit of women and children to establish equal treatment for both spouses.

The International Council of Women had, for those reasons, initially endorsed a convention on the nationality of married persons, and it was with some hesitation, and on the principle that half a loaf was better than no bread,

(Mrs. Carter, International
Council of Women)

that it had approved a resolution in 1954 endorsing a convention dealing with the nationality of married women only. For the same reasons, it welcomed the United States amendment (E/CN.6/L.165), which would make the convention apply equally to both spouses, and earnestly hoped that the Commission would adopt it.

Mrs. LEYES de CHAVES (Inter-American Commission of Women) said that twenty of the American countries had so far adhered to the convention on the nationality of women adopted at the seventh International Conference of American States, held at Montevideo in 1933, and eleven had ratified it. The convention comprised a single article providing that there should be no distinction of sex with regard to nationality, legislation or practice. The Inter-American Commission of Women was pursuing its efforts to induce all the Latin American countries to ratify the convention, and was following with deep interest the Commission on the Status of Women's action with regard to the draft convention on the nationality of married women.

Mrs. HAHN (United States of America) suggested that, in view of the doubts expressed with regard to article 7, the question should be referred to a higher body for decision.

Mrs. RÖSSEL (Sweden) said that her Government had objected to the draft convention as worded at the eighth session because under that text married women would receive less favourable treatment than they now enjoyed under Swedish law. The present draft had been amended and the objection no longer applied.

As her Government had mentioned in its comments (E/CN.6/259/Add.3), articles 1 and 2 of the present draft were in conformity with the Swedish Citizenship Act and were therefore acceptable, but article 3 gave rise to some difficulties. While it was easier for alien women who had married Swedes to obtain Swedish citizenship than it was for other aliens, they did not have an absolute right to naturalization and their applications could be rejected by the King in Council, who had discretionary powers in the matter. Consequently, neither the Cuban draft of article 3 (E/CN.6/L.153) nor the Australian amendment

(Mrs. Rössel, Sweden)

(E/CN.6/L.163) met her Government's position, although the latter text came closer to it. She therefore wondered whether the Australian representative would agree to insert, in paragraph 1 of her text, the words "laid down by the national law or" between the words "may be" and "imposed".

With reference to article 7 of the Cuban draft (E/CN.6/L.153), she said that the right to make reservations to the draft convention should be as restricted as possible. If reservations to articles 1 and 2 were permitted, the entire convention might be made worthless. She was therefore prepared to support the suggestions made by the United Kingdom representative.

Miss TSENG (China) wondered whether articles 7 and 8, the first allowing for reservations and the second for denunciation, did not unduly weaken the draft convention.

The CHAIRMAN noted that no one else was prepared to speak at the current meeting.

Miss CHAMORRO ALEMAN (Argentina) accordingly moved the adjournment of the meeting.

Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) supported the motion.

The motion for adjournment was adopted by 12 votes to 1, with 2 abstentions.

The meeting rose at 4.15 p.m.