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COMMISSION ON THE STATUS OF WOMEN

Eighth Session

SUMMARY RECORD OF THE HUNDRED AND FIFTY-NINTH MEETING

Held at Headquarters, New York,
on Monday, 29 March 1954, at 3 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 MAÑAS	Cuba
	Mrs. LEFAUCHEUX	France
	Mrs. GUERY	Haiti
	Mrs. TABET	Lebanon
	Begum ANWAR AHMED	Pakistan
	Mrs. DEMBINSKA	Poland
	Mrs. RÜSSEL	Sweden
	Mrs. FOMINA	Union of Soviet Socialist Republics
	Mrs. WARDE)	United Kingdom of Great Britain and Northern Ireland
	Mr. ATTLEE)	
	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
<u>Representatives of specialized agencies:</u>	Mrs. FIGUEROA	International Labour Organisation
	Mrs. GRUZ-SANTOS	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

Category A: Mr. THORMANN International Federation of
Christian Trade Unions
Miss KAHN World Federation of Trade
Unions
Mrs. EREN World Federation of United
Nations Associations

Category B and Register:

Miss GUTHRIE International Alliance of Women
Mrs. FREEMAN International Council of Women
Mrs. HYMER International Federation of
Business and Professional
Women
Miss LAGEMANN International Federation of
Friends of Young Women
Miss ROBB International Federation of
University Women
Miss SMITH International Federation of
Women Lawyers
Mrs. WOLLE-EGENOLF International League for the
Rights of Man
Mrs. ROBERTS Liaison Committee of Women's
International Organizations
Mrs. RUSSELL Women's International Democratic
Federation
Mrs. MALIN)
Mrs. WALSER) Women's International League for
Peace and Freedom
Mrs. SCHAEFER World Union of Catholic Women's
Organizations
Mrs. ARNOLD World's Young Women's Christian
Association
Secretariat: Mrs. TENISON-WOODS Chief of the Status of Women
Section
Mrs. GRINBERG-VINAVER Secretary of the Commission

QUESTION OF THE VISA GRANTED TO THE REPRESENTATIVE OF THE WOMEN'S INTERNATIONAL DEMOCRATIC FEDERATION

The CHAIRMAN announced that she had transmitted to the Legal Department of the Secretariat for its advice a protest received from the WIDF regarding the terms of the restricted visa granted its representative attending the Commission's session. She would communicate the Legal Department's reply as soon as it was received.

Mrs. DEBINSKA (Poland) strongly supported the protest, pointing out that the restricted visa constituted a further instance of the discrimination practised against the non-governmental organization concerned, discrimination incompatible with the rights to which that organization was entitled under the Charter and the Headquarters Agreement.

NATIONALITY OF MARRIED WOMEN (E/CN.6/L.119/Rev.2, E/CN.6/L.120/Rev.1, E/CN.6/L.123)(concluded)

Miss MAÑAS (Cuba) introduced the revised draft of her proposal for a draft convention on the nationality of married women (E/CN.6/L.119/Rev.2), explaining that the revision had been based on the observations already received from some governments and on the views expressed by the members of the Commission. The Secretary-General was again requested to circulate the draft convention to governments and it was hoped that more replies would be received indicating whether the revised version was more acceptable than the earlier text.

It should be emphasized that the Commission was not being asked to take a decision regarding the desirability of a draft convention or on its terms; it was merely asked to take the procedural decision of transmitting the Cuban draft resolution containing the draft convention to the Economic and Social Council. The debate had demonstrated general agreement regarding the desirability of remedying the inequality in the nationality status of married women, and the Cuban initiative was intended eventually to convert a legitimate hope into a reality.

Mrs. SANCHEZ de URDANETA (Venezuela) congratulated the Cuban representative upon her initiative. The Venezuelan delegation considered the

question of a convention on the nationality of married women to be a matter of extreme seriousness, to be dealt with with caution, and therefore supported the procedure of seeking comments and reactions from as many governments as possible.

Miss GONZALEZ (Chile) said that her delegation opposed the inclusion in the draft convention of an unrestricted reservations clause (article 8). Such a provision raised problems of great complexity, such as the precise scope of reservations, whether they were applicable to the whole of the convention or simply to some provisions. Obviously, if reservations were to be applicable to the entire convention, it would not fulfil its essential purpose of offering international protection to the nationality rights of married women. The United Nations would in fact be sanctioning the restriction of rights which had been recognized as universal in the Charter, thus undermining its prestige as a champion of those rights, and conceding that international law was to be subordinated to the internal law of sovereign States.

As had been demonstrated at the recent Conference at Caracas, the American States did not agree with that interpretation of reservations to international conventions. Dr. Evaristo Lourdes of Colombia had taken issue with it, and his view had been echoed by the Chilean representative in the Commission on Human Rights, who had stated that the acceptance of unrestricted reservations to the Covenants would convert the responsibilities of signatory States from legal obligations, which they had in fact undertaken in signing the Covenants, into merely moral commitments.

In the Commission on Human Rights the unrestricted reservations clause had also been rejected by the United Kingdom, which had introduced a draft reservations article restricting reservations solely to Part III of the Covenant (E/CN.4/L.345), and by China, Egypt, Lebanon and the Philippines, which had jointly introduced another draft article (E/CN.4/L.351) prescribing, as a criterion for determining the validity of a reservation, its compatibility with the object and purpose of the Covenant. Moreover, in case of a dispute as to whether or not a particular reservation was compatible with the object and purpose of the Covenant which could not be settled by special agreement between the States concerned, the dispute might be referred to the International Court of Justice by the reserving State or by any State party objecting to the reservation. The United Kingdom, in its draft reservations article, had laid down the further condition that a reservation had to be accepted by not less than two-thirds of the signatory States.

The validity of the United Nations' work would be jeopardized if its various organs did not adopt consistent positions on such questions of principle as the scope and applicability of reservations to international conventions. By adopting the reservations clause contained in the Cuban draft convention, the Commission would be accepting a principle in blatant contradiction with that endorsed by the Commission on Human Rights. It would be recognizing that domestic law came before international law, thus nullifying the efforts of the United Nations to prescribe international standards and offer international guarantees for the rights of all human beings, without discrimination on any grounds whatsoever.

Mr. ATTLEE (United Kingdom), commenting on Chile's objection to the reservations clause, noted that it would be futile for the Commission to duplicate the inconclusive debate held in the Commission on Human Rights on that complicated legal question, which had finally been referred to the Economic and Social Council for decision. If the Commission considered the substance of the Cuban draft convention, it would do well either to take no decision on the inclusion of article 8, or to suggest that a reservations article be drafted at a later stage to conform with similar articles in other United Nations conventions dealing with subjects of a related nature.

The United Kingdom was not convinced that a convention represented the best way to achieve the Commission's objective of safeguarding the nationality rights of married women, but it was nevertheless prepared to support the Cuban initiative, on the understanding that full account would be taken of its position as set forth in its observations on the original draft circulated to Governments, particularly those aspects which had not been included in the revision of the Cuban draft.

The United Kingdom Government could not subscribe to the principle of absolute equality in nationality rights of men and women. It believed that the family was the fundamental unit of society and in the interest of the family, it had granted certain privileges with respect to nationality status to married women and not to men. It therefore could not support the reaffirmation of the principle of equality of the two sexes contained in the United States draft resolution (E/CN.6/L.120/Rev.1) and would have to abstain on that proposal.

Moreover, the United Kingdom Government's constitutional position demanded the inclusion in the convention of a territorial clause relieving that Government from assuming the obligations of the convention simultaneously on behalf of all the dependent and Trust Territories for whose international relations it was responsible. Such a clause, as suggested in its amendment (E/CN.6/L.123), would expedite this accession of those territories to the convention, and make it possible for the metropolitan country to become a party at an earlier date while consultation with the governments of the territories was proceeding.

Mrs. RÖSSEL (Sweden) said that she would support the recommendations contained in the Cuban draft without in any way prejudging the attitude of her Government to the proposed text of the convention. She hoped the members of the Commission would succeed in persuading their Governments to transmit their observations on it as early as possible.

Mrs. HAHN (United States of America) pointed out that the recommendation to governments contained in the revised draft of her draft resolution (E/CN.6/L.120/Rev.1) could be useful immediately and would not conflict with the development of a convention such as that proposed by Cuba. Moreover, it might prevent various governments from providing contradictory procedures for the acquisition of nationality in any new legislation on the subject. From the observations of governments, it was evident that some assumed that married women retained their nationality unless they stated otherwise and some assumed that they acquired their husbands' nationality unless they objected. To thrust the husband's nationality on married women without their consent might result in the inadvertent loss of their own nationality or the acquisition of dual nationality. The object of the United States recommendation was to ensure that married women acquired their husband's nationality only as a result of a positive request.

Mrs. LEFAUCHEUX (France) stated that in transmitting a new and more moderate text to the Economic and Social Council, the Commission would seem to be taking a stand on the substance of the draft convention. The new text referred to married women, rather than married persons, which was contrary to the French delegation's view that there should be no difference in the legal provisions governing the nationality of the two spouses. While she agreed with

the United Kingdom representative that family unity was important, she failed to see why it should be preserved through one sex, rather than the other.

For those reasons, and in order to avoid giving the impression that the Commission had reversed its earlier position on the question, she would be able to support the Cuban draft resolution only if the United States draft resolution (E/CN.6/L.120/Rev.1), which re-affirmed the Commission's view that there should be no discrimination based on sex in nationality matters, was adopted.

As regards the United Kingdom amendment (E/CN.6/L.123), while a territorial clause was not of interest to France inasmuch as all citizens of the Republic whether born in the metropolitan country or in the overseas territories had equal rights to French nationality, it would have no objection to such a clause being included in the draft convention, if that would facilitate accession by other States.

Mr. ATTLEE (United Kingdom) said that United Kingdom law distinguished between the sexes in nationality matters in the sense that it granted foreign women who married United Kingdom nationals the right to acquire United Kingdom nationality immediately upon request, a privilege which it could not extend to foreign men who married United Kingdom nationals.

Mrs. LEFAUCHEUX (France) pointed out that it was obviously a matter of discrimination when a Government considered that the granting of its nationality did not require the same guarantees from new female citizens as were required from new male citizens. She was also somewhat mistrustful of special measures which favoured women for experience had shown that they were seldom anything more than compensation for other unfavourable measures.

Miss MAÑAS (Cuba) supported the United States draft resolution which contained a number of useful provisions reaffirming principles previously adopted by the Commission.

Mrs. HAHN (United States of America) said that, in order to meet the views of some representatives, she would change the word "Reaffirming" in the first paragraph of her draft resolution to "Recalling".

Mr. ATTLEE (United Kingdom) said that with that change, he would be able to support the United States draft. He would not press for a vote on his amendment to the Cuban draft resolution (E/CN.6/L.123).

Mrs. GUERY (Haiti) stated that while the Commission was not concerned with the substance of the draft convention, the subject of child welfare being on the Commission's current agenda, she wished to point out that the convention contained no provision regarding the nationality of the child.

Miss MAÑAS (Cuba) reminded representatives that the question had been raised at the Commission's previous session, when it had been agreed that the problem of the nationality of the child could be dealt with after the Commission had settled the problem of the nationality of the married woman.

Mrs. GONZALEZ (Chile) said that if the Cuban draft resolution was put to the vote as a whole, her delegation would have to abstain as it opposed the provisions of article 8 of the draft convention.

The CHAIRMAN explained that in adopting the Cuban draft resolution, the Commission would be taking no decision on the draft convention itself, but would simply transmit it to the Economic and Social Council with the request that the Council should send the draft to Member States for their observations. In the light of those observations the Commission would then examine the substance of the draft convention at its following session. Accordingly, she suggested that the United Kingdom amendment (E/CN.6/L.123) should not be put to the vote, but transmitted to the Economic and Social Council as an annex to the draft convention.

Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) asked that the first and the second paragraphs of the proposed Economic and Social Council resolution contained in the Cuban draft resolution should be put to the vote separately.

The first paragraph of the proposed Economic and Social Council resolution contained in the Cuban draft resolution was adopted by 12 votes to none, with 5 abstentions.

The second paragraph of the proposed Economic and Social Council resolution contained in the Cuban draft resolution was adopted by 10 votes to none, with 6 abstentions.

The CHAIRMAN called for a vote on the Cuban draft resolution as a whole.

At the request of the representative of Cuba, a vote was taken by roll call. Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Yugoslavia, Burma, Byelorussian Soviet Socialist Republic, Cuba, Dominican Republic, France, Haiti, Iraq, Iran, Pakistan, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela.

Against: None.

Abstaining: Chile, Lebanon, United States of America.

The Cuban draft resolution was adopted by 14 votes to none, with 5 abstentions.

The CHAIRMAN said that the United Kingdom amendment (E/CN.6/L.125) would be submitted to the Economic and Social Council as an annex to the resolution on the nationality of married women which the Commission had just adopted.

Mrs. HAHN (United States of America) said that her delegation understood the vote was not an expression of opinion on the text of the draft convention. She had abstained from voting because she wished to make it clear that her Government was leaving open the position it would take in the Economic and Social Council as to the further disposition of the proposal.

Mrs. LEFAUCHEUX (France) said that she had voted for the text on the understanding that the Commission was not deciding upon the principles at issue.

Mrs. TABET (Lebanon) said that she had abstained from voting because existing Lebanese legislation provided that a women should acquire the nationality of her husband. She was in favour of full equality for women, but felt that so long as the husband was considered the head of the household,

a wife should acquire her husband's nationality upon contracting marriage. If, however, the husband desired to change his nationality during the marriage the wife should be free to choose her nationality.

Miss MAÑAS (Cuba) urged the members of the Commission to press their governments to submit observations so that the Commission could work out a final draft and perhaps settle the issue at its forthcoming session.

Mrs. GRINBERG-VINAVER (Secretary of the Commission) acting in accordance with rule 28 of the Commission's rules of procedure, reported on the financial implications of the last paragraph of the United States draft resolution on the nationality of married women (E/CN.6/L.120/Rev.1). The new edition of the pamphlet on the Nationality of Married Women could be fitted in with the publication schedule and would be available in 1955. The printing of an English and French edition would entail additional expenditure of \$1,650. It was expected that sales of the pamphlet would partially offset the cost of a new edition.

Mrs. ROSSEL (Sweden) felt that the United States draft resolution as a whole was useful but she called for a separate vote on the words "or in practice" in paragraph 1 of the preamble. She would have to abstain on those words because the implementation of the rules governing the acquisition of Swedish citizenship by persons married to Swedish citizens favoured women in the sense that an alien woman married to a Swedish national could obtain Swedish nationality more quickly than an alien man in the same circumstances.

The CHAIRMAN, speaking as the representative of the Dominican Republic, said that in 1933 she had presented to the Seventh International Conference of American States at Montevideo the Convention on the Nationality of Women, article 1 of which was reproduced in paragraph 1 of the United States draft resolution. With one exception, all of the American States had signed the Convention and a number of ratifications had been deposited. She doubted, therefore, whether the Commission could introduce any amendments to paragraph 1 at that stage.

The CHAIRMAN put to the vote the words "or in practice" in paragraph 1 of the United States draft resolution (E/CN.6/L.120/Rev.1).

The words "or in practice" were adopted by 12 votes to none, with 5 abstentions.

The resolution as a whole was adopted by 16 votes to none, with 1 abstention.

Mr. ATTLEE (United Kingdom) said he had abstained from voting on the words "or in practice" as his Government felt that there should be no distinction between the legislation on a principle and the practice in its application.

ECONOMIC OPPORTUNITIES FOR WOMEN: (a) REPORT ON OLDER WOMEN WORKERS (E/CN.6/251); (b) PROGRESS REPORTS ON PART-TIME WORK FOR WOMEN (E/CN.6/236 and 238)

Mrs. FIGUEROA (International Labour Organisation) said that when requested by the Commission at its seventh session to submit a report on older women workers the ILO representative had doubted that sufficient data could be compiled for the Commission's eighth session. The Advisory Committee on Salaried Employees and Professional Workers was to convene in May 1954 and the question of older women workers had been placed on its agenda. The Women's Division of the ILO had prepared the documentation for the Advisory Committee's session in such a way as to ensure that the information requested by the Commission would be compiled. The ILO would report to the Commission's ninth session on the Advisory Committee's findings.

Miss SCHAEFER (World Union of Catholic Women's Organizations) said that at the Secretary-General's request, her organization had instructed its affiliates in various countries to study and to report on the question of economic opportunities for older women workers.

The replies which had been received showed that on the whole most women workers over forty, particularly those who lived alone, were compelled to work for financial reasons. Employment opportunities for women currently employed were normal provided they did not leave their work. Their remuneration was also

normal except in the case of factory workers whose wages were somewhat lower than average.

Older women often had to work after their children had grown up. In some respects that was an advantage since from the community's point of view it was desirable that the population should remain active as long as possible.

Studies showed that employment opportunities for older women were not well organized. No country had reported legislation compelling employers to engage a certain percentage of older women workers or governing their part-time employment.

No statistics were available on the marital status of women workers between forty and sixty years of age but the group was made up largely of women living alone (including unmarried women, widows and women separated from their husbands).

In order to alleviate the situation, her organization thought that action should be taken to improve the training of youth and to regulate working and living conditions for older women workers. Parents should pay greater attention to the education of girls. Vocational guidance for girls should be developed, and studies made of the type of job for which women were particularly well fitted, psychologically and physiologically. Efforts should be made to facilitate the employment, re-employment and retraining of women and professions where women over forty could easily find employment should be given greater prestige. Social measures should be taken to relieve the difficult living conditions of older women workers particularly through the provision of women's restaurants, rest and vacation homes and the like.

Studies should be undertaken of social projects to help women to adjust to the critical age of fifty. Many women after rest, treatment and, if necessary, professional re-education would be able to resume remunerative activities. The lack of such measures often led to a decline in productivity and a cessation of work by women workers to the detriment of the community as a whole.

Mrs. GUERY (Haiti) thought that too little was done to assist older women workers who deserved the State's fullest attention if only for the valuable services they had rendered to the community in the past.