

## QUESTIONS RELATING TO HUMAN RIGHTS

### 821 (XXXII). Report of the Commission on the Status of Women

#### I

#### REPORT OF THE COMMISSION

##### *The Economic and Social Council*

Takes note of the report of the Commission on the Status of Women (fifteenth session).<sup>48</sup>

*1171st plenary meeting,  
19 July 1961.*

#### II

#### OPERATIONS BASED ON CUSTOMS

##### *The Economic and Social Council*

1. *Draws the attention* of the World Health Organization to the report of the 1960 Seminar on the Participation of Women in Public Life<sup>49</sup> and particularly to paragraphs 60, 61 and 62;

2. *Requests* the World Health Organization to inform the Council whether it deems it possible to meet the wishes clearly expressed by African women by undertaking a study of the medical aspects of operations based on customs to which many women are still being subjected.

*1171st plenary meeting,  
19 July 1961.*

#### III

#### STATUS OF WOMEN IN PRIVATE LAW

##### CONSENT TO MARRIAGE, MINIMUM AGE OF MARRIAGE AND REGISTRATION OF MARRIAGES

#### A

##### *The Economic and Social Council,*

*Considering* that the time is appropriate to conclude under the auspices of the United Nations an international convention on the free consent to marriage, the minimum age of marriage and the registration of marriages.

1. *Recommends* to the General Assembly that an international convention on free consent to marriage, minimum age of marriage and registration of marriages be adopted as soon as possible;

2. *Transmits* to the General Assembly as the basis for such a convention the texts of the preamble and the substantive articles adopted by the Commission on the Status of Women;

<sup>48</sup> *Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 7 (E/3464).*

<sup>49</sup> ST/TAO/HR.9.

3. *Transmits also* to the General Assembly the amendments to these texts proposed at the thirty-second session of the Economic and Social Council together with the records of the relevant discussions.<sup>50</sup>

*1171st plenary meeting,  
19 July 1961.*

##### DRAFT CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE OF MARRIAGE AND REGISTRATION OF MARRIAGES

##### *The Contracting States,*

*Desiring* in conformity with the United Nations Charter to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language and religion,

*Recognize* that, as stated in article 16 of the Universal Declaration of Human Rights:

" 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

" 2. Marriage shall be entered into only with the free and full consent of the intending spouses."

*Recalling* that the General Assembly of the United Nations declared by resolution 843 (IX) of 17 December 1954 that certain customs, ancient laws and practices relating to marriage and the family were inconsistent with the principles set forth in the United Nations Charter and in the Universal Declaration of Human Rights and urged all States, including States which have or assume responsibility for the administration of Non-Self-Governing and Trust Territories, to take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, *inter alia*, complete freedom in the choice of a spouse, completely eliminating child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded,

HEREBY AGREE as hereinafter provided:

##### *Article 1*

No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person, in the presence of the authority competent to solemnize the marriage and of such witnesses as may be prescribed by law.

*New Zealand and Spain: amendment*<sup>51</sup>

Add second paragraph as follows:

" 2. Notwithstanding anything in paragraph 1 of this article, it shall not be necessary for one of the parties to be present when the authority is satisfied that the three following conditions are met: namely, that the party:

<sup>50</sup> E/CN.6/SR.341 to 344.

<sup>51</sup> *Official Records of the Economic and Social Council, Thirty-second Session, Annexes, agenda item 16, document E/3535, para. 2.*

- (a) Is absent from the country where the marriage is to be solemnized; and
- (b) Is unable because of exceptional circumstances to be present; and
- (c) Has, before such witnesses and in such manner as may be prescribed by law, expressed and has not withdrawn consent."

*Article 2*

States which are party to this convention shall take legislative action to specify a minimum age of marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

*Article 3*

All marriages shall be registered in an appropriate official register by the competent authority.

**B**

*The Economic and Social Council*

1. *Transmits* to the General Assembly the text of the draft recommendation on consent to marriage, minimum age of marriage and registration of marriages adopted by the Commission on the Status of Women;

2. *Transmits also* to the General Assembly the text of the amendments proposed at the thirty-second session of the Council, together with the records of the relevant discussions.<sup>52</sup>

*1171st plenary meeting,  
19 July 1961.*

DRAFT RECOMMENDATION ON CONSENT TO MARRIAGE, MINIMUM AGE OF MARRIAGE AND REGISTRATION OF MARRIAGES<sup>53</sup>

*The Economic and Social Council,*

*Recognizing* that men and women of full age have the right to marry and to found a family, that they are entitled to equal rights as to marriage and that marriage shall be entered into only with the free and full consent of the intending spouses, in accordance with the provisions of article 16 of the Universal Declaration of Human Rights,

*Recalling* General Assembly resolution 843 (IX) of 17 December 1954,

*Recalling further* article 2 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery of 1956, which makes certain provisions concerning the age of marriage, consent to marriage and registration of marriages,

<sup>52</sup> E/CN.6/SR.345 to 347.

<sup>53</sup> *Denmark and the United Kingdom of Great Britain and Northern Ireland: Amendment (E/3535, para. 2).*

1. In operative paragraph I insert the word " Member " before the word " State ";
2. In operative paragraph III delete the words " and of the action taken by them ";
3. Delete operative paragraph VII.

*Recalling also* that, under Article 62, paragraph 2, of the Charter, the Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all, and that under Article 64 of the Charter, it may make arrangements with the Members of the United Nations to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly,

I. *Recommends* that where not already provided by existing legislative or other measures, each State take the necessary steps, in accordance with its constitutional processes, to adopt such legislative or other measures as may be necessary to give effect to the following principles:

(1) No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person, orally, publicly and in the presence of the authority competent to solemnize the marriage and of such witnesses as may be prescribed by law;

(2) No marriage of any person under the age of fifteen shall be legally entered into except where a competent authority has granted a dispensation as to age, for serious causes, in the interest of the intending spouses;

(3) All marriages shall be registered in an appropriate official register by the competent authority;

II. *Recommends* that each Member State bring the Recommendation on the free consent to marriage, the minimum age of marriage and registration of marriages contained in this resolution before the authorities competent to enact legislation or to take other action, at the earliest practicable moment and, if possible, not later than eighteen months after its adoption;

III. *Recommends* that Member States inform the Secretary-General, as soon as possible after the action has been taken, of the measures taken under the present Recommendation to bring it before the competent authority or authorities, with particulars of the authority or authorities regarded as competent and of the action taken by them;

IV. *Recommends further* that Member States report to the Secretary-General at the end of three years and thereafter at intervals of five years the position of the law and practice in their countries in regard to the matters dealt with in this Recommendation, showing the extent to which effect has been given or is proposed to be given to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adapting or applying it;

V. *Requests* the Secretary-General to prepare for the Commission on the Status of Women a document containing the reports received from Governments;

VI. *Invites* the Commission on the Status of Women to examine the reports received from Member States pursuant to the present Recommendation and to report thereon to the Economic and Social Council with such recommendations as it may deem fit to make;

VII. *Recommends* that the General Assembly adopt the following draft resolution:

*The General Assembly,*

*Recalling* that, under Article 60 of the Charter, the responsibility for the discharge of the functions of the United Nations relating to international economic and social co-operation is vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council,

*Noting* that the Economic and Social Council has made, in resolution 821 (XXXII) of 19 July 1961, recommendations to the Members of the United Nations concerning the consent to marriage, the minimum age of marriage and the registration of marriages,

*Endorses* the recommendations and the arrangements made by the Council in resolution 821 (XXXII)."

*1171st plenary meeting,  
19 July 1961.*

#### IV

### ECONOMIC RIGHTS AND OPPORTUNITIES FOR WOMEN

#### A

#### DISCRIMINATION IN EMPLOYMENT AND OCCUPATION

*The Economic and Social Council,*

*Recalling* its resolution 728 D (XXVIII) of 30 July 1959 inviting Governments to ratify International Labour Organisation Convention No. 111, concerning discrimination in respect of employment and occupation, or to take other appropriate action with regard to the said Convention,

*Recalling also* its resolution 771 B (XXX) of 25 July 1960 on the access of married women to public services and functions,

*Recognizing* the need for the earliest possible elimination of discrimination against women in respect of employment and occupation,

*Stressing* the importance of action to change the social attitudes which play an important part in discrimination against women in respect of employment and occupation,

1. *Recommends* that Governments of States Members of the United Nations and of members of the specialized agencies take the necessary measures to eliminate restrictions on the right of women, including married women and women contracting marriage, to work in conformity with the principles laid down in Convention No. 111;

2. *Invites* the International Labour Organisation to continue its studies of discrimination against women in respect of employment and occupation and to give further consideration to ways of eliminating all the aspects of such discrimination;

3. *Further invites* the International Labour Organisation to consider in this connexion to what extent discrimination against women in respect of employment and

occupation in certain countries may be attributable to the cost of all or some social welfare benefits, particularly maternity benefits, being defrayed solely by employers and not out of public funds or other collective arrangements.

*1171st plenary meeting,  
19 July 1961.*

#### B

#### EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR WOMEN

*The Economic and Social Council,*

*Noting* that in many countries women have only limited opportunities to obtain paid work, particularly in accordance with their qualifications,

*Having in mind* the steps being taken in many countries to promote national economic development,

*Recognizing* that some countries are endeavouring to expand opportunities and eliminate discrimination against women in this regard,

*Noting* the activities of the International Labour Organisation which have a bearing on the employment of women,

*Recalling* its resolutions 652 E (XXIV) of 24 July 1957 and 771 E (XXX) of 25 July 1960,

1. *Recommends* that Member States pay special attention to the problems of employment of women, and take all possible steps to promote, for women who desire to work, opportunities to obtain employment in accordance with their qualifications and abilities;

2. *Invites* the International Labour Organisation to supplement its regular reports to the Commission on equal pay and related matters, with information on other International Labour Organisation activities which have a bearing on the employment of women, including *inter alia* and as appropriate, available statistics and information on the work of its industrial committees, the panel of consultants on the problems of women workers, and similar efforts.

*1171st plenary meeting,  
19 July 1961.*

#### C

#### TAX LEGISLATION APPLICABLE TO WOMEN

*The Economic and Social Council,*

*Noting* the views expressed at the thirteenth<sup>54</sup> and fifteenth sessions<sup>55</sup> of the Commission on the Status of Women based on the study and discussion of document E/CN.6/344 and Add.1 and 2, and at the eleventh session<sup>56</sup> based on document E/CN.6/297, concerning discrimination against women in some countries in tax legislation,

*Considering* that if the system of joint taxation of the earned income of husband and wife is practised, care

<sup>54</sup> E/CN.6/SR.293 to 295.

<sup>55</sup> E/CN.6/SR.352 and 353.

<sup>56</sup> E/CN.6/SR.249 to 251.

should be taken to ensure that married persons do not pay tax at a higher rate than single persons.

*Affirming* the basic principles that the remuneration of the work of women should be no less than that of men and that the tax legislation should not interfere with the right to marry and found a family,

1. *Calls the attention* of Member States to the need in tax legislation to provide for equal treatment of men and women in respect to taxation of earned income;

2. *Invites* Member States to consider the desirability of giving effect to this principle by ensuring that married persons do not pay tax on earned income at a higher rate than single persons.

*1171st plenary meeting,  
19 July 1961.*

## V

### ACCESS OF WOMEN TO EDUCATION

#### A

##### ACCESS OF WOMEN TO THE TEACHING PROFESSION

*The Economic and Social Council,*

*Recalling* its resolution 722 E (XXVIII) of 14 July 1959,

*Considering* the important part now played by women in teaching, and the need of many countries to call upon an increasing number of women in recruiting teaching staff,

*Considering* that the participation of women in educational work is an essential condition for the fight against illiteracy and the advancement of education in the developing countries,

*Observing* that there are still obstacles to the full access of women, on equal terms with men, to the teaching profession, admission to which is particularly sought by women,

1. *Calls upon* the educational authorities in States Members of the United Nations and members of the specialized agencies to ensure, in law and in fact :

- (a) A complete professional training for women teachers, with a view to making fully qualified women teachers available at an early date;
- (b) Equal pay and equal in-service training and promotional opportunities;
- (c) Equal access to posts of responsibility and authority, where qualifications are equal;
- (d) The elimination of discrimination against married women in the exercise of the teaching profession by abolishing obstacles to their employment or re-employment and by promoting the access of women to the teaching profession in countries where they are still a minority;
- (e) The social protection of women teachers who are mothers (maternity leave, family allowances, creches, etc.);
- (b) For teachers of both sexes an economic and social status consonant with the importance of their pro-

fession, and to increase the opportunities for the exchange of teachers between Member States;

2. *Invites* the United Nations Educational, Scientific and Cultural Organization, and the other specialized agencies concerned, to lend their assistance to the Member States to this end.

*1171st plenary meeting,  
19 July 1961.*

## B

### DISCRIMINATION IN EDUCATION

*The Economic and Social Council,*

*Noting with appreciation* the Convention and Recommendation against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization General Conference at its eleventh session,

*Recalling* its resolution 652 C (XXIV) of 24 July 1957 and resolution 11 c/8.63, of the United Nations Educational, Scientific and Cultural Organization,

*Recognizing* that in many countries the rate of illiteracy among women is high,

*Believing* that the eradication of illiteracy among women would constitute an important step towards their increased participation in public life,

*Noting* the regional education projects in Africa, Asia and the Arab countries of the United Nations Educational, Scientific and Cultural Organization and the major project on the extension and improvement of primary education in Latin America,

1. *Invites* Governments of Member States to apply the provisions of the United Nations Educational, Scientific and Cultural Organization Convention and Recommendation against Discrimination in Education as fully as possible and to provide full opportunities for young persons of both sexes to take the same or equivalent courses of study;

2. *Recommends* to Governments of Member States and the competent educational authorities to give special attention to problems of illiteracy among women by adopting the necessary measures to increase, so far as may be necessary for this purpose, their budgetary appropriations for education, and to introduce, wherever it does not exist, the principle of free and compulsory primary education, and to take appropriate steps to build schools as necessary;

3. *Invites* the United Nations Educational, Scientific and Cultural Organization:

(a) To pursue steadily and to develop its plans for assistance in the fight against illiteracy;

(b) To assist all initiatives or action by States aimed at increasing the opportunities for women to obtain education and all necessary educational materials;

(c) To inform the Commission on the Status of Women of what has been achieved and is being planned in the campaign against illiteracy among women.

*1171st plenary meeting,  
19 July 1961.*