

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.6/SR.124
2 April 1953
ENGLISH
ORIGINAL: FRENCH

COMMISSION ON THE STATUS OF WOMEN
Seventh Session

SUMMARY RECORD OF THE HUNDRED AND TWENTY-FOURTH MEETING

Held at Headquarters, New York,
on Monday, 16 March 1953, at 3.20 p.m.

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PRESENT:

<u>Chairman:</u>	Miss BERNARDINO	Dominican Republic
<u>Rapporteur:</u>	Begum ANWAR AHMED	Pakistan

PRESENT: (cont'd)Members:

Daw OHN	Burma
Mrs. NOVIKOVA	Byelorussian Soviet Socialist Republic
Mrs. MISTRAL)	Chile
Mrs. GALLO-MULLER*)	
Mrs. TSENG	China
Mrs. MANAS	Cuba
Mrs. LEFAUCHEUX	France
Mrs. GERRY	Haiti
Miss YOUNG	New Zealand
Mrs. WASILKOWSKA	Poland
Mrs. POPOVA	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
<u>Also present:</u> Mrs. KIEP	Germany
Miss FUJITA	Japan
Mrs. de CASTILLO LEDON	Inter-American Commission of Women

Representatives of specialized agencies:

Mrs. FAIRCHILD	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:Category A:

Miss SENDER)	International Confederation of Free Trade Unions (ICFTU)
Mr. WAGNER)	
Miss KAHN	World Federation of Trade Unions (WFTU)
Mrs. BERESFORD FOX	World Federation of United Nations Associations (WFUNA)

PRESENT: (cont'd)Representatives of non-governmental organizations: (cont'd)Category B:

Mrs. MAHON) Mrs. WOODSWALL)	International Alliance of Women
Mrs. BENDER	International Co-operative Women's Guild
Mrs. CARTER) 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 de CASTILLO	International League for the Rights of Man
Mrs. EVANS	Liaison Committee of Women's International Organizations
Mrs. McGIVERN	Pax Romana
Miss SCHAEFER	World Union of Catholic Women's Organizations
Miss ESTELLE	World's Women's Christian Temperance Union
Mrs. ANDERSON) Mrs. PALMER)	World's Young Women's Christian Association

On the Register:

Miss LA LONDE) Miss SMITH)	International Federation of Women Lawyers
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Secretariat:

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

NATIONALITY OF MARRIED WOMEN: REPORT ON THE ACTION TAKEN BY THE INTERNATIONAL LAW COMMISSION AND THE ECONOMIC AND SOCIAL COUNCIL WITH RESPECT TO THE DRAFTING OF A CONVENTION ON THE NATIONALITY OF MARRIED WOMEN (E/2343, E/CN.6/206, E/CN.6/206/Add.1, E/CN.6/206/Add.2, E/CN.6/217, E/CN.6/L.89)

The CHAIRMAN requested the Secretary of the Commission to outline the history of the question of the nationality of married women.

Mrs. GRINBERG-VINAVER (Secretary of the Commission) pointed out that at its fourth session the Commission on the Status of Women had requested the Economic and Social Council to take appropriate measures to ensure the drafting of a convention on the nationality of married women, embodying the following two principles: "1. There shall be no distinction based on sex as regards nationality, in legislation or in practice; 2. Neither marriage nor its dissolution shall affect the nationality of either spouse. Nothing in such a convention shall preclude the parties to it from making provision for the voluntary naturalization of aliens married to their nationals."

The Council had studied those principles at its eleventh session and had adopted a resolution proposing to the International Law Commission that it should undertake as soon as possible the drafting of a convention to embody the principles recommended by the Commission on the Status of Women. The International Law Commission, which had been meeting concurrently with the Council, had stated that it deemed it appropriate to entertain the proposal of the Economic and Social Council in connexion with its contemplated work on the subject of "nationality including statelessness" and that it proposed to initiate that work as soon as possible.

At its sixth session the Commission on the Status of Women had noted that the International Law Commission had placed the question of nationality, and in particular the nationality of married women, on the agenda of its 1952 session. The Secretariat had informed the Commission that the International Law Commission had drawn up a report containing a draft convention on nationality of married persons, the provisions of which closely followed the principles laid down by the Commission on the Status of Women. The Commission had expressed its satisfaction at the intention of the International Law Commission and the action taken by the different organs of the United Nations.

Since the previous meeting of the Commission on the Status of Women, the International Law Commission had dealt with the question of the nationality of married women, in July 1952. The Rapporteur had submitted a proposal to that Commission that it should decide, complying with the proposal of the Economic and Social Council, to draft a convention embodying the principles recommended by the Commission on the Status of Women, on the understanding that in doing so it did not express any approval of those principles. The Commission had rejected that proposal and had decided to communicate its decision concerning the draft convention on the nationality of married persons to the President of the Economic and Social Council, together with the draft convention prepared by its Rapporteur and the summary records of the meetings at which that draft had been discussed.

The Secretary-General had therefore drafted a note (E/CN.6/217) informing the Commission on the Status of Women of the letter he had received from the Chairman of the International Law Commission, which appeared in document E/2343, which also contained a brief survey of the history of the question.

Furthermore, the Secretariat had drawn up for the use of the Commission on the Status of Women document E/CN.6/206, which gave the most recent statutory and constitutional provisions concerning the nationality of married women. She drew the Commission's attention in particular to the tables at the end of that document showing the effect of marriage to a national on the acquisition of nationality by an alien in the various countries.

At the second part of its fourteenth session the Economic and Social Council had considered its basic programme for 1953 and had decided to postpone the examination of the draft convention on the nationality of married women to its sixteenth session, to be held at Geneva in July 1953.

Mrs. HAHN (United States of America) said that the United States delegation had repeatedly expressed its interest in the question of the equality of women as far as nationality was concerned and in the drafting of a convention embodying the principles adopted by the Commission in 1950. She was glad to note that the International Law Commission had begun to study the whole question of nationality and she felt sure that its work would be facilitated by the documentation prepared at the request of the Commission on the Status of Women, and especially by document E/CN.6/206.

It was a cause of regret that the principles adopted by the Commission on the Status of Women three years previously had not yet been embodied in a separate convention on the nationality of married women. She was persuaded, however, that the time had not been wholly wasted. In fact, document E/CN.6/206 showed that a number of countries had recently altered their legislation, and presumably the recommendations adopted in 1950 had some connexion with that gratifying fact. American legislation was already in conformity with the principles adopted by the Commission. At the present time only seventeen countries required foreign women to acquire their husbands' nationality, whereas more than forty allowed freedom of choice; at least ten countries had amended their legislation since 1950 - a good omen for the future.

There might be some doubt whether the problem of the nationality of married women should be dealt with in a separate convention or whether, on the contrary, it should be covered by a more general convention on nationality. The Commission on the Status of Women was not competent to pronounce on the question as a whole; it was for the other organs of the United Nations, and in particular the International Law Commission, to formulate the guiding principles relating to the problem. The status of women married to foreigners was an urgent question that might be studied separately, but at the same time it could not be dissociated from the problem as a whole.

In that connexion she referred to the status of children whose parents were of different nationalities and of persons who could claim several nationalities on the grounds of their place of birth or residence, their parents' nationality, naturalization etc.

The position of children was important. They usually had the nationality of the country where they were born; as a general rule they could also acquire the father's nationality and in certain cases that of the mother. The nationality of children was a social problem, which lay rather within the competence of organs such as the Social Commission. In 1950, the

United States had proposed to the Commission a principle whereby any distinction between the father and mother as regards the transmission of nationality to their children would be abolished. The Commission, without recommending the inclusion of that principle in the proposed convention, had transmitted it for study to the competent organs of the United Nations and it was to be hoped that the International Law Commission would base its work upon it.

The problem of nationality arose also for unmarried women, for the same reasons as for men (parentage, frontier changes etc.). That aspect of the problem had been raised by the non-governmental organizations and would doubtless be examined by the International Law Commission.

She stressed the importance of the principle of equality between men and women as regards nationality. It would be very useful if governments could come to an agreement to recognize that neither marriage nor its dissolution should affect the nationality of either spouse. That was the solution adopted in American legislation and it should become general. At its 1952 session, the International Law Commission had not adopted the draft convention on those lines prepared by Mr. Hudson, but it had not rejected the terms which that convention followed.

Before the convention was generally applied, there would be a transition period, the dawn of which was already apparent from the legislative measures described by the Secretary-General in his memorandum; those measures, which varied according to the countries concerned, were a step forward in that they provided women with greater freedom of choice and prevented dual nationality and statelessness. She referred particularly to laws recently promulgated in Belgium, Egypt, Norway and Switzerland.

She thought that the memorandum of the Secretary-General (E/CN.6/206), which gave an account of the legislation of various countries on that subject, was a useful document; such a report should, in her opinion, be submitted annually, for it would be of value both to governments and to individuals.

In that connexion, she pointed out that the table at the end of the memorandum should make it clear whether a woman marrying an alien could retain her own nationality if she so desired.

In conclusion, she reviewed the important strides which had already been made with regard to the nationality of women: the convention signed at Montevideo in 1933, to which eleven American countries were party and which provided that neither marriage nor its dissolution affected the nationality of the woman, and the principles of equality adopted by the Commission on the Status of Women in 1950. Since that time, several countries had amended their legislation and the day would come when less would be said of the problems arising on the question of nationality than of the progress accomplished in this field. It was to be hoped that the non-governmental organizations, whose interest in the matter had never flagged, would continue to give the Commission the benefit of their experience.

Mrs. CARTER (International Council of Women) wished to preface her comments by an expression of her organization's appreciation of the efforts made by the Commission on the Status of Women to solve the complicated problem of the nationality of married women. The International Council of Women, for its part, had long been concerned with the question, particularly since the end of the recent war, by reason of the increasing number of marriages between aliens and the magnitude of the ever-growing movement of populations.

The International Council of Women did not think that the Commission should confine its efforts to the nationality of married women but felt that it should extend its consideration to the nationality of both spouses and to the general problem of the transmission of nationality. All those problems were interdependent and called for an immediate solution.

Marriage raised many problems for families, particularly in countries where permits to work were not issued unless applicants became naturalized. The International Council of Women had always been of the opinion that legislative provisions and international conventions should apply equally to both parties and that women, as well as men, should be able to retain their nationality on marriage if they so desired.

At its last session, the International Council of Women had re-examined those questions and had adopted a resolution in which, after expressing its satisfaction that the International Law Commission had agreed, at the request of the Economic and Social Council, to prepare a convention on the nationality of married women and had approved the terms proposed by the Commission on the Status of Women, it expressed the hope that a naturalization procedure would be evolved which should be as simple and uncomplicated as possible.

Furthermore, the Council had adopted a recommendation which it considered essential to safeguard the family: that recommendation was based on the principle that any person marrying a national of a foreign country and establishing residence in that country should be permitted, even before naturalization, to enjoy favoured treatment, particularly the right to work. Such favourable treatment should be continued, even after the death of the citizen spouse, if there were children of the marriage. That proposal, which the Council hoped the Commission on the Status of Women would be good enough to bring to the attention of Governments and the competent organs of the United Nations, was designed to prevent situations where a family was obliged to emigrate on the death of one of the parents simply because the other parent was unable, for administrative reasons, to provide for it. Such situations arose with sufficient frequency to call for action.

Miss SCHAEFER (World Union of Catholic Women's Organizations) said that her organization shared the views and the concern of the International Council of Women. In 1949 her organization had submitted to the Commission a document setting forth its views on the question as a whole and referring particularly to the need of defending the principle that in no case should a woman be deprived of her nationality against her will, or constrained to acquire another by reason of her marriage. The World Union of Catholic Women's Organizations also considered it essential to protect the unity of the family and, to that end, to declare the right of spouses of different nationalities to choose the nationality and place of residence which seemed to them in the best interests of the family which they intended to found. That principle should apply also to stateless and displaced persons. She hoped that the Commission would draw the attention of Governments and the competent organs of the United Nations to that point.

Mrs. de CASTILLO LEDON (Inter-American Commission of Women) said that she would inform the Commission later of the experience the Inter-American Commission of Women had acquired on the subject of the nationality of married women and would describe in detail the effects of the adoption of the 1933 Convention. For the time being, she wished to point out that since the adoption of the Convention most countries of the American Continent had amended their legislation to bring it into line with the provisions of that instrument.

Miss MANAS (Cuba) said that her delegation intended to submit a draft resolution on the question under discussion. She accordingly reserved the right to speak as soon as the draft was ready.

The meeting rose at 4.10 p.m.