



UNITED NATIONS
 ECONOMIC
 AND
 SOCIAL COUNCIL



GENERAL

E/CN.6/SR.87
 14 May 1951

ORIGINAL: ENGLISH

COMMISSION ON THE STATUS OF WOMEN
 Fifth Session

SUMMARY RECORD OF THE EIGHTY-SEVENTH MEETING

Held at Lake Success, New York,
 on Wednesday, 2 May 1951, at 4.30 p.m.

CONTENTS:

The status of women in public law (E/CN.6/156, E/CN.6/157, E/CN.6/158;
 E/CN.6/159, chapters I, II and III)

<u>Chairman:</u>	Mrs. LEFAUCHEUX	France
<u>Members:</u>	Mrs. DALY	Australia
	Miss ZUNG	China
	Mrs. MEDEROS de CONZALEZ	Cuba
	Miss BERNARDINO	Dominican Republic
	Mrs. TSAIDARIS	Greece
	Mrs. GUERY	Haiti
	Mrs. SEN	India
	Mrs. KHOURY	Lebanon
	Miss LAVELLE URBINA	Mexico
	Miss PELETTIER	Netherlands

Members:(continued)

Mrs. DEMBINSKA	Poland
Mrs. POPOVA	Union of Soviet Socialist Republics
Miss SUTHERLAND	United Kingdom of Great Britain and Northern Ireland
Mrs. GOLDMAN	United States of America

Representatives of specialized agencies:

Mrs. STANLEY	International Labour Organisation (ILO)
Miss PETRY	World Health Organization (WHO)

Representatives of non-governmental organizations:

Category B:	Miss GUTERIE	International Alliance of Women
	Miss MCGILLICUDDY	International Federation of University Women
	Miss PALMER	World's Young Women's Christian Association

<u>Register:</u>	Miss SLEEPER	}	International Council of Nurses
	Miss TAYLOR		

<u>Secretariat:</u>	Mrs. TENISON-WOODS	Representative of the Assistant Secretary-General
	Mrs. GRINBERG-VINAVER	Secretary of the Commission

STATUS OF WOMEN IN PUBLIC LAW (E/CN.6/156, E/CN.6/157, E/CN.6/158; E/CN.6/159, chapters I, II and III)

The CHAIRMAN observed that the Resolutions Committee had not been able, in the time available to it, to terminate its work on the draft resolutions on political rights for women and on the nationality of married women. She therefore invited the Commission to take up the consideration of item 5 of its agenda, "The status of women in public law".

Mrs. GRINBERG-VINAVER (Secretary of the Commission) gave a brief explanation of the four documents submitted by the Secretariat on the subject, pointing out that the replies received from governments to the questionnaire circulated by the Secretariat had been difficult to summarize and present in a concise and effective manner. Nevertheless, she hoped that the documents would provide a clear idea of the fields in which women were on an equal footing with men, in the several countries, and those in which they were still the victims of discrimination. She drew attention in particular to the last column of each table, in which general comments were set forth.

/Mrs. SEN (India)

Mrs. SEN (India) paid tribute to the Secretariat for the very useful documentation submitted to the Commission. She pointed out, however, that in so far as her country was concerned, the data given were in many respects out of date, for many changes had taken place since 1948 as a result of the Indian Government's policy of equalizing the status of men and women in public law. A complete official corrigendum from her Government would reach the Secretariat shortly; in the meantime she wished to draw attention to some of the more important advances made in recent years.

With regard to document E/CN.6/158, chapter I, she explained that all civil services, including teaching, were now open to women on an equal basis with men. There was no bar to representation of women on examination committees or committees in charge of appointments; conditions of recruitment and allowances were the same for men and women. The only restriction was in the matter of recruitment for the Indian Administrative and Police services; married women could not be appointed to those services, and had to resign if they married during their term of service. With regard to the information given in chapter II, she observed that Indian women were now allowed to enter the medical and nursing services of the armed forces. Conditions of service were the same as for men, except that in the nursing service women received higher pay than men. Referring to chapter III, she explained that the Criminal Procedure Code required jury service only of men. In certain Indian states, however, some high courts had now made it possible for women to perform such service if they wished; they were appointed only on their own application.

With respect to document E/CN.6/156, she pointed out that income tax was now levied in almost all Indian states, and a wife's share in the income from her husband's partnership in a firm was assessed.

Mrs. Sen pointed out that the information given for other countries besides her own might very well be out of date to a great extent. She therefore suggested that a revised report should be prepared for the Commission's next session, in order that the Commission might have a complete and accurate picture of the situation. She stressed the difficulty of studying a document which included an excessive number of addenda and corrigenda; it would be preferable, if possible, that a new document should be issued when data were found to be out of date.

/The CHAIRMAN

The CHAIRMAN pointed to the impossibility of keeping such documents strictly up to date, in view of the length of time which governments usually required to reply to questionnaires and the complexity of the Secretariat's task in compiling the information received. Governments should be requested to supply information concerning all changes as they occurred; but she did not think the Secretariat could be asked to do more than prepare an annual report incorporating those changes. The Commission's decision on the question need not form the subject of a resolution; it could simply be inserted into the report.

Mrs. KHOURY (Lebanon) joined in commending the Secretariat for its work in preparing the documents, and expressed regret that her government had not yet sent in replies to the questionnaire, adding that it would do so as soon as possible. She pointed out that her country, although a small and comparatively new nation, followed a progressive policy with respect to women's rights; women in Lebanon were well represented in the diplomatic service, and there were married women in both the civil service and the foreign service.

She endorsed the Chairman's suggestion that the Secretariat should publish an annual report showing the progress made in all countries; in addition she hoped that a complete revised report could be published every five or ten years.

Miss PELETIER (Netherlands) recalled that the questionnaire had included a question as to whether marriage was a bar to appointment to or continuation in public office; her Government's comments in that respect had not been included in the report. She explained that in the Netherlands a married woman could not be appointed to public office unless she was forty-five years of age, or in special circumstances. She requested the Secretariat to add that information to the relevant section of the document.

Mrs. GOLDMAN (United States of America) expressed her Government's appreciation of the analyses provided by the Secretary-General on the status and treatment of women under public law, and said she thought the extent of response by governments to the Secretary-General's questionnaires was encouraging.

/The analyses

The analyses put forward by the Secretary-General on the situation of women in public services and functions (E/CN.6/158) civil liberties for women (E/CN.6/157) and fiscal laws as they affect women (E/CN.6/156), were based on replies received from governments as far back as 1947, and she agreed with the representative of India that they were therefore not quite up to date. They reflected a wide range of variation among national laws relating to women's rights. The studies completed the analysis of Part I (Public Law) of the Economic and Social Council questionnaire on the legal status and treatment of women, authorized by the Council in 1946. Previous sections had been analysed in previous years.

She thought that, instead of the comparative form used for the analyses, the general reader might find a narrative form more interesting, and would be more likely to stimulate local action.

At least thirty-five countries had replied to each section of the questionnaire. The greatest variation noted among governments concerned the position of women in relation to civil service posts. Discrimination against married women was noted in many countries, sometimes as a result of custom rather than legal bars. There were variations in pension systems and allowances for children, while the fact that women usually lived longer than men affected annuity benefits in some cases, though there seemed to be no actual discrimination in that respect. The United States, however, had removed that difference. It was more usual to pay family allowances to the father than to the mother, and, while widows received pensions as a result of their husband's employment in civil service, widowers received them only when it could be proved that they were dependent on their wives' earnings. United States legislation provided also for pensions for dependent survivors of female civil servants.

With respect to maternity benefits for women civil servants, the United States had reported that the regular annual and sick leave provisions in the civil service system might be applied in the case of women needing maternity leave. That permitted adjustment to individual requirements, which varied widely according to the job and the person concerned. Some countries provided re-employment rights for women after maternity leave.

/She said

She said that she would like some further details with regard to forced or conscripted labour. While it was reported that women might be required to perform forced labour in some countries, it was obvious that the expression had not been defined in the same way throughout. Some countries, for instance, listed civil defence under that heading, but it was not clear whether that was limited to war time.

The report on women in public services and functions (E/CN.6/158) also included a section on jury service, from which it appeared that only a limited number of countries used the jury system. Women's eligibility was limited in that respect both by custom and legal provisions.

The question of equal pay for women, which appeared in all phases of the report on women in public services and functions, had produced comments which would also be relevant to the work of the ILO. The analysis was necessarily limited, and the Secretary-General should be asked to make available to the ILO the original replies in relation to pay systems. Some countries which exercised discrimination in that respect were revising their laws, so that it was not just to base any generalization on the reports. Their value, in fact, lay in raising questions of principle and the need for change rather than in proving any given distinction.

Mrs. POPOVA (Union of Soviet Socialist Republics) agreed that the right of women to choose their occupations and professions on an equal basis with men was a question of fundamental importance which should be fully discussed by the Commission. The ability of women to exercise that fundamental right, however, was largely dependent upon the creation of the proper general conditions within each State, and upon each government's providing for the basic needs of the people for housing, machinery, and other necessities. Moreover, there could be no true equality between men and women in countries where large masses of the population were still deprived of any civil rights. The racial discrimination existing in such countries as the United States of America and the Union of South Africa was well known; in some countries the situation was aggravated by the existence of laws perpetuating such discrimination.

The replies submitted by the governments to the Secretariat's questionnaire offered many examples of discrimination against women. In Bolivia, a woman could not appear before a court without the approval of her husband, except in penal cases; virtually the same situation existed in the
Union

Union of South Africa. In many states of the United States of America, and in Canada and Australia, women were barred from holding high posts in the judiciary. Certain posts were closed to married women in the United Kingdom and other countries. The conditions revealed by the replies to the questionnaire led to the inference that many women in such countries undoubtedly chose not to marry in order not to lose their posts.

It was the responsibility of each government to provide the necessary living and working conditions -- such as equal pay for equal work, social and unemployment insurance, paid leave, maternity leave and nursing care -- in order to enable women to avail themselves of their fundamental right to a useful and happy life on an equal footing with men. It was clear that such conditions did not exist in most countries. There was no provision for compulsory maternity leave in the United States of America; indeed, women in government posts could take such leave only as regular annual or sick leave or leave without pay. In Mexico, maternity leave could be granted for three months before confinement, but subject to certain restrictions. In Greece, women could receive pensions only after fifteen years' service. In other countries where no legislative obstacles existed, women's activities were nevertheless subject to practical restrictions. In the Union of South Africa there were no women in legal posts and few in cultural posts; it must be inferred that no qualified women were to be found to fill such posts. In Canada, women could not be called upon for jury duty; in Guatemala, although jury duty was permitted for women, no woman had ever been elected foreman of a jury.

In the Union of Soviet Socialist Republics, equality of men and women was guaranteed by the Constitution, and the full exercise of women's rights was safeguarded by law and by the establishment of the requisite living and working conditions. Women enjoyed full civil rights, and no discrimination was practised with regard to appointment to any type of post. The penal code was applicable equally to men and women, although it included certain provisions for the protection of women and children. There was equal pay for equal work in all fields of activity. Moreover, the labour code included many provisions for the protection of motherhood, such as restriction of employment of women in occupations which might be harmful to their health, and provision for specific rest periods before and after confinement and for nursing mothers. Employers

/were forbidden

were forbidden to dismiss a woman employee from her post within a certain period of time before or after her confinement, or to dismiss a woman employee having a child under one year of age, except in special circumstances.

Mrs. Popova pointed out that such conditions, ensured by the government, made the women of her country more productive in all fields of national life.

Mrs. TSAIDARIS (Greece) said that women in Greece were admitted to public services and offices except those from which they were debarred by law. Thus, women did not have access to the army, except in the case of nurses. It was not the custom for women to enter the clergy. As a general rule, women did not enter the administrative services but a decree law had just been ratified which would make women eligible to serve as mayor or town councillor. Women did not have access to the judiciary and the diplomatic corps because appointment to such posts was subject to the requirements of military service. The appointment of women to posts in the juvenile delinquency courts, and of women lawyers as judges, had recently been proposed.

In all cases where women were admitted to public services and functions it was on an equal footing with men, and marriage constituted no obstacle to admission.

Referring to Chapter I, question 5 of document E/CN.6/158: Are there civil service positions to which only women are eligible?, she indicated that the position of head of the nursing section in the Ministry of Health was open only to women.

Mrs. MEDEROS de GONZALEZ (Cuba) stated that in her country the new Constitution introduced in 1940 established the principle of equal rights for men and women, and that principle had been implemented in all respects in both the political and civic fields. There was, however, still room for progress, and as it was very important in that connexion to have a legal background, she felt the Commission should concentrate on that aspect. It might, for example, study the possibility of a convention along the lines of the Bogota Convention which would sponsor equal rights for men and women throughout the world.

Some 25 per cent of the personnel of the consular service was composed of women and 10 per cent of the diplomatic service. Entrance to these services was by special examination and the number of women being admitted was steadily increasing. Some 35,000 women were employed in clerical posts under the government and about 27,000 women had entered the professional field. Less progress had been made in the political field -- only 2 to 3 per cent of legislative positions were held by women -- but that included some important posts in the cultural and social services.

Miss BERNARDINO (Dominican Republic) said the USSR representative had apparently mistaken the functions of the Commission. She appealed to Mrs. Popova to change her tactics and attempt to encourage the development of women's rights instead of using the Commission as a forum for aggressive criticism of countries in which women did not enjoy the same rights as in the USSR.

The Napoleonic Code, on which her country's legislation was based, had been reactionary and the Civil Code of the Dominican Republic had therefore required adaptation. Much had however been done in that direction when the Civil Code had been revised in 1940. Moreover, her country had signed and ratified the Bogota Convention.

Admitting that much remained to be done in her own country and many other Latin American countries, she expressed her willingness to accept stimulation and encouragement from the Commission, while rejecting harsh criticism such as that of the USSR representative.

Miss LAVALLE URBINA (Mexico) said that in her country no restrictions were imposed on the holding of public functions by women and the latter occupied some positions of great responsibility, particularly in the field of social welfare. In the diplomatic and consular services and in the field of education women held some of the highest positions. No restrictions were placed on the exercise by women of any profession, and marriage was no obstacle to the holding of any post.

The Civil Code granted women the same rights, authority and prerogatives in the home as man and the only distinctions made between the two sexes were for women's protection. Women were entitled to equal pay for equal work, and a special government department had been established to protect the interests of working women and children.

In the political field certain restrictions still existed. Mexican women were considered as citizens but their political rights were limited to municipal affairs. The question of the grant of full political rights was, however, being considered by the Mexican Government.

Mrs. QUERY (Haiti) said that in 1820 the Constitution of her country had recognized that women were capable of playing a part in civil affairs, but that it was only in 1938 that full civil rights had been granted to women.

Women had traditionally remained at home in her country but in recent years there had been an increasing tendency for women to take up office work teaching. Some women had entered the diplomatic service and an increasing number were training for the professions, although women had not yet been fully accepted as lawyers. But there were a number of women doctors and women chemists.

Women had the right to dispose freely of their salary or wages. They had a right to a pension. They were entitled to sick and maternity leave; and marriage was no obstacle to the holding of a position.

They were not yet able to practice law because of local conditions. There were quite a number of women doctors and pharmacists.

The meeting rose at 6.05 p.m.