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COMMISSION ON THE STATUS OF WOMEN

THIRD SESSION

SUMMARY RECORD OF THE FORTY-SEVENTH MEETING

Held at Beirut, Lebanon,
on Friday, 25 March 1949, at 3:00 p.m.

CONTENTS:

1. Educational opportunities for women.
 - (a) Draft resolution of the Resolutions Committee
 - (b) Draft resolution of the Union of Soviet Socialist Republics.
2. Conflict of laws relating to nationality, domicile, marriage and divorce.
3. Report of the Representative of the Commission at the third session of the Commission on Human Rights.

Present:

<u>Chairman:</u>	Mrs. Marie Helene Lefauchaux	France
<u>Members:</u>	Mrs. Elsie Frances Byth	Australia
	Dr. Cecelia Sieu-Ling Zung	China
	Mrs. Bodil Begtrup	Denmark
	Mrs. Lina P. Tsaldaris	Greece
	Mrs. Fortuna Andre Guery	Haiti
	Mrs. Lakshmi Nandan Menon	India
	Mrs. Amalia C. de Castillo Ledon	Mexico
	Mrs. Adila Beyhoum El-Jazaeri	Syria
	Mrs. Kihri Pektas	Turkey
	Miss Mary Sutherland	United Kingdom
	Mrs. Elizieveta Popova	Union of Soviet Socialist Republics
	Miss Dorothy Kenyon	United States of America
	Mrs. Isabel de Urdueta	Venezuela

Representatives from Specialized Agencies:

Mrs. Mildred Fairchild-Woodbury	International Labour Organization
Miss Jeanne H. Chaton	United Nations Educational, Scientific and Cultural Organization

Representatives from Inter-Governmental Organizations:

Miss Minerva Bernardino

Inter-American
Commission of Women

Consultants from Non-Governmental Organizations (Category A):

Mrs. Marie Couette

World Federation
of Trade Unions

Secretariat:

Mrs. Amanda Labarca

Chief of the
Section on the
Status of Women

Mr. Edward Lawson

Secretary

Mrs. Claude Day

1. EDUCATIONAL OPPORTUNITIES FOR WOMEN (E/CN.6/78, E/CN.6/78/Corr.1, E/CN.6/78/Add.1, E/CN.6/88: Item 5 of the agenda)

(Continuation of discussion)

(a) Draft resolution of the Resolutions Committee

The draft resolution, as amended during the previous meeting, was read.

After a brief exchange of views between Mrs. MENON (India) and Miss SUTHERLAND (United Kingdom) it was agreed to replace the term "legal study" in paragraph 7, by "study of the legal situation".

A vote was taken on the draft resolution as a whole, which was adopted by eleven votes to none with one abstention.

Mrs. POPOVA (Union of Soviet Socialist Republics) recalled that at the previous meeting she had proposed deletion of the eighth paragraph of the resolution, referring to the offer of collaboration from UNESCO. She asked that a vote be taken, paragraph by paragraph, on the final text.

The CHAIRMAN said that, although members had had ample time to submit observations before the vote, she would nevertheless put to the vote the question as to whether the debate should be re-opened.

The proposal to re-open the debate was rejected by nine votes to one with four abstentions.

(b) Draft resolution of the Union of Soviet Socialist Republics (E/CN.6/96)

Mrs. POPOVA (Union of Soviet Socialist Republics) emphasized

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the well-defined, clear and positive character of her draft resolution.

Mrs. LEDON (Mexico) felt that several points of the resolution were specially worthy of consideration, in particular those concerning information on the number of illiterate women, and the proportion of men and women, in educational institutions.

Miss SUTHERLAND (United Kingdom) said that such statistics were only significant in comparison with the total number of boys and girls in each age-group in the different countries, on which it would be impossible to obtain accurate figures since a census had not been taken in certain countries. The latest census in the United Kingdom referred to pre-war years.

Miss KENYON (United States of America) recalled the comments she had made during the previous meeting about the lack of statistics on the proportion of the two sexes in each profession. No legal barrier existed in the United States preventing the access of women to the different professions. If, for example, candidates for admission to the Bar should be asked to mention their sex in the application form, that would be interpreted as a discriminatory measure against women.

Mrs. POPOVA (Union of Soviet Socialist Republics) stated that such arguments were unconvincing. Present statistical procedures easily solved problems of that nature.

Mrs. PEKTAS (Turkey) thought that the publication of statistics concerning illiterate women would place in an unfavourable light those countries with a heavy background of illiteracy. It was precisely those countries which had made the greatest effort to improve such a condition, but there were limits to the action which could be undertaken in regard to illiterates of a certain age.

The Soviet Union draft resolution (E/CN.6/96) was rejected by ten votes to one with three abstentions.

2. CONFLICT OF LAWS RELATING TO NATIONALITY, DOMICILE, MARRIAGE AND DIVORCE (Item 7 of the agenda).

- a) Report of the Secretary-General on existing treaties and conventions in the field of nationality (E/CN.6/87)
- b) Report of the Secretary-General on studies by the League of Nations in the field of nationality of women (E/CN.6/84)

/c) Report

- c) Report of the Secretary-General prepared on the basis of replies to Part I Section G (Nationality) of the Questionnaire on the legal status and treatment of women (E/CN.6/82, E/CN.6/82/Add.1, E/CN.6/82/Add.2)
- d) Supplementary list of questions on nationality and domicile as they affect the status of married persons (E/CN.6/81)

Miss KENYON (United States of America) congratulated the Secretariat on the complete picture and detailed analysis contained in the basic documents, which constituted one of the most noteworthy studies carried out by the Secretariat.

The United States Representative summarized the contents of an article on the Hague Convention of 12 April 1930, which she had written for the International Law Association. The codification conference convoked by the League of Nations had been confronted with two diametrically opposed conceptions: the old conception based on the principle of the family unit, and the new one which attempted to grant a married woman the right freely to choose her nationality. In Miss Kenyon's opinion, the Conference had achieved very little because each participating country had persisted in defending its own existing legal system. The United States, which accorded to a married woman the right to choose her nationality, had not signed the Hague Convention. Of the signatories to the convention, only about twelve countries had deposited instruments of ratification.

The Convention on the Nationality of Women, and the Convention on Nationality signed in 1933 at Montevideo by the countries of the Western Hemisphere, represented a certain progress since they proclaimed the right of women to free choice in the matter. However, those two instruments did not provide for the effective application of the principle.

In order to put an end to the confusion resulting from conflicts in laws, efforts should be made leading to the adoption in all countries of the rule whereby marriage, divorce or naturalization of the husband had no effect on the nationality of the wife. Children should have the possibility of opting, if necessary, for the nationality of one or other of the parents. Finally, illegitimate children should be able automatically to acquire the nationality of whichever parent is known.

Even if uniformity in the matter were achieved, however, it would be necessary to find a method of solving the problem of

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conflicting laws arising out of the old and new systems. To accomplish that double task -- the unification and solution of existing conflicts -- the Commission on International Law might usefully be consulted. The conclusions reached should then be submitted to Member States. As soon as the replies of governments were known, the conclusion of an international convention might be envisaged, with a view to the enacting of legislation in regard to equality of men and women in the field of nationality.

Mrs. LEDON (Mexico) warmly supported Miss Kenyon's proposal concerning nationality, a question of paramount importance to women all over the world. She recalled that under the Convention of Montevideo of 1933 the Latin-American States undertook to do away with all distinction between the sexes in regard to nationality, either de jure or de facto. Mexico was one of the first countries to ratify the convention in 1934. The Montevideo Conference owed its success mainly to the efforts of the Inter-American Federation of Women, and Mrs. Ledon trusted that that example would encourage other States to conclude a similar convention on the nationality of women.

Mrs. BYTH (Australia) pointed out that Australia had just adopted new legislation, the text of which had been communicated to the Secretariat.

Mrs. LABARCA (Representative of the Secretary-General) confirmed having received from the representatives of Australia and the United Kingdom the text of nationality laws recently adopted by those two countries. The Secretariat was undertaking a study of those laws, and a text summarizing the substance of the legislative measures concerning nationality of women, presented in the same form as the replies of other countries, would be distributed at the meeting on Monday.

In reply to a question by Miss Sutherland (United Kingdom), Miss KENYON (United States of America) explained that for the moment she was not making a formal proposal. She had merely wished to give a brief enumeration of principles as an example. She hoped that the Secretariat would undertake a careful study along the lines indicated, and submit its conclusions to the next session.

Mrs. TABET (International Council of Women) presented the views of her organization concerning the nationality of women; the International Council of Women desired that legislation in the various countries should allow a married woman the right to retain the nationality she had had as an unmarried woman. A woman desirous of acquiring the nationality of her husband should make the request under the same conditions as a man desirous of changing his nationality, the fact of marriage merely allowing her more easily to obtain the nationality of her husband. Thus, the sometimes regrettable effects of marriages whereby the woman was mainly attempting to change her nationality and which often ended in divorce, would be avoided. The International Council of Women hoped for recognition of the right for children to choose between the nationality of their father and that of their mother.

Miss TOMLINSON (International Federation of Business and Professional Women) expressed satisfaction that the Commission was working along lines leading to the preparation of a nationality convention, which was the best contribution the United Nations could make to the cause defended by her Federation. Indeed, nationality was considered one of the basic rights of women, who should not be deprived thereof by reason of marriage. The Federation hoped that children would be given the option to choose, so long as the marriage of their parents lasted, between the nationality of their father and their mother.

Mrs. POPOVA (Union of Soviet Socialist Republics) recalled that the question of conflicting nationality laws fell within the field of private international law, and was therefore not within the competence of the Commission. Furthermore, particularly complex legal problems were involved, as could be judged from the difficulties encountered at the Hague Conference, which had resulted in the Convention of 1930. The Commission should concentrate its efforts on discrimination against women in the political, social, economic and cultural fields. Mrs. Popova stressed that in the United States 15 states forbade mixed marriages, 10 states forbade marriages between whites and mulattoes, and 5 states forbade marriages between whites and Indians. When a white man in the United States married a coloured woman in a State which authorized mixed marriages, and later went to live in another state which forbade them, the marriage was declared null and void.

Mrs. Popova quoted further examples from countries where the legitimate rights of women and children were apparently disregarded in legislation. In Switzerland, Sweden and Norway the child took the nationality of its father, except when he was unknown. In France, even after the decree of 18 February; in China, after the promulgation of the 1937-1938 Code; in Belgium, in Canada, in Latin-America as well as in Louisiana, the wife's domicile was that of her husband. In Belgium, Canada, and in a number of Latin-American countries, the woman took the name of her husband on marriage.

The right to plead before a court of law was denied to women in Belgium and in many countries of Latin-America. In France, Georgia, and elsewhere, a woman could not exercise a profession without the permission of her husband. Other limitations restricted the right of a woman regarding questions of succession.

On the other hand, in the Soviet Union the family code recognized the right, without distinction, of both spouses to choose a profession and to administer their property in common. A wife is not obliged to adopt the domicile of her husband. Article 4 of the Civil Code granted the same rights to all citizens, without distinction of sex. A woman was free to move about inside the country, exercise a profession, administer her property, contract obligations and to appeal before a court of law. Briefly she had the same rights as a man. Any agreement aiming at the restriction of the rights of a woman was considered invalid.

The Commission would be exceeding its terms of references in studying the problem of the nationality of women. Moreover the United States representative had stated that she had no formal suggestion to make, and there was no need to spend further time on the question.

Miss KENYON (United States of America) explained that the United States was a federation of free states each one of which within Constitutional limitations could adopt any legislation it chose. The citizens of the United States acted freely within these limitations, and nobody could dictate their conduct. The United States was an open book which every one could read. The same could not be said of the Soviet Union, which persisted in closing its frontiers and in refusing to give necessary information. Miss Kenyon asked whether a woman in the Soviet Union was free to marry whom she liked, and to reside where she pleased. 365 Soviet women had married either Americans or Englishmen, but were not allowed to rejoin their husbands. 65 Soviet subjects had married American women, and also could not leave the Soviet Republic. In reply to their

requests, the Soviet authorities had advised divorce. A more flagrant violation of the rights of man could not be imagined.

Miss Kenyon wished to correct a misunderstanding. She had not stated that she had no proposal to submit, but had limited herself to the definition of principles which, in her opinion, should form a basis of a reform in the field of nationality of women. If the Soviet Union representative took as a pretext the absence of a formal proposal in order to adjourn the debate on the problem, she was ready immediately to read a draft resolution intended originally for submission at the end of the general discussion.

On the proposal of the Chairman, Miss Kenyon read the United States draft resolution.

Mrs. POPOVA (Union of Soviet Socialist Republics) refused to discuss a proposal, the text of which had not been distributed.

The CHAIRMAN suggested that the draft resolution should be examined at the meeting on Monday to allow the Secretariat time to reproduce translate and distribute the text. Moreover she intended, as representative of France, to ask that mention be made of Article 5 of the Declaration of Human Rights, concerning nationality.

Miss SUTHERLAND (United Kingdom), referring to Mrs. Popova's reference to the Hague Convention, emphasized the progress which its adoption represented at that time. That instrument had greatly ameliorated the position of women in the field of nationality.

Mrs. PIA COLINI LOMBARDI (International Union of Catholic Women's Leagues) voiced the concern of her organization with the struggle for complete equality between men and women. Questions of nationality, domicile, marriage and divorce might cause conflicts in the family which one of the spouses must have the power to settle. The International Union of Catholic Women's Leagues placed its emphasis on the dignity of the spouses. Moreover, if the woman, in the interest of harmony, had to give way there was no cause for alarm because often the real victor was the one who yielded.

3. REPORT OF MRS. AMALIA CASTILLO LEDON (MEXICO), CONCERNING HER ATTENDANCE AT THE THIRD SESSION OF THE COMMISSION ON HUMAN RIGHTS. (E/CN.6/83: Item 10 of the agenda).

At the request of the Chairman, Mrs. Ledon (Mexico) explained the part she had taken at the third session of the Commission on Human Rights. She had requested that each article should include, in one form or another, reference to equality of men and women in each of the rights. These proposals had been accepted, first by the Commission on Human Rights, then by Economic and Social Council, and finally by the General Assembly.

The CHAIRMAN thanked Mrs. Ledon, on behalf of the Commission, for the outstanding part she had played in the work of the Commission on Human Rights. She proposed that the Commission should express its satisfaction, either in the form of a resolution or by a statement in its Report. It was also appropriate to express appreciation of the efforts of the representative of the Dominican Republic, thanks to whom the preamble of the Declaration of Human Rights expressly proclaimed the principle of equality between men and women.

The meeting rose at 6 p.m.