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COMMISSION ON THE STATUS OF WOMEN
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Held at Lake Success, New York,
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<u>Chairman:</u>	Mrs. LEFAUCHEUX	France
<u>Members:</u>	Miss McCORKINDALE	Australia
	Miss ZUNG	China
	Miss PEDERSEN	Denmark
	Mrs. TSALDARIS	Greece
	Mrs. SEN	India
	Mrs. KHOURY	Lebanon
	Mrs. CASTILLO LEDON	Mexico
	Mrs. PEKTAŞ	Turkey
	Miss SUTHERLAND	United Kingdom of Great Britain and Northern Ireland
	Mrs. GOLDMAN	United States of America
	Mrs. URDANETA	Venezuela

Representative of a specialized agency:

Miss FAIRCHILD International Labour Organisation (ILO)

Representatives of non-governmental organizations in Category B:

Miss RYDH Mrs. VAN DEN BERG	International Alliance of Women
Mrs. CARTER	International Council of Women
Miss TOMLINSON	International Federation of Business and Professional Women
Mrs. FREEMAN	Liaison Committee of Women's International Organizations
Miss ARVOLD	World's Young Women's Christian Association

Secretariat:

Mr. SCHACHTER	Deputy Director, Legal Department
Mr. LIN MOUSHENG	Division of Human Rights
Mrs. MENON	Secretary of the Commission

NATIONALITY OF MARRIED WOMEN (E/CN.6/L.4/Rev.1)

1. The CHAIRMAN said that as item 3 of the agenda could not be discussed until an opinion had been received from the Commission on Human Rights on the question of a convention on the political rights of women, the Commission would take up item 5 which concerned the question of the nationality of married women.
2. Mr. SCHACHTER (Secretariat) said that in the United Nations there were four possible procedures for the formulation of a convention, when the principles to be incorporated in the convention had been agreed on.
3. The first procedure, which was that normally used, was for the Commission to attempt to draft a complete draft convention and, having done so, to refer it to its superior bodies, the Economic and Social Council and the General Assembly. The latter would then open the convention for signature and accession.
4. A second possible procedure was for the Commission to recommend to the Economic and Social Council that it should refer the matter to the International Law Commission which, under its terms of reference, would be competent to prepare a convention on the subject.

5. A third procedure was for the Commission to propose the establishment of a special committee of legal experts to draft the convention. That procedure had been used in the case of the draft convention on statelessness.

6. Finally, the Commission might ask the Council to convene an international conference of member states to draft the convention and open it for signature.

7. All four methods had been used in the United Nations. The General Assembly, however, had considered the problem of dealing with conventions at its last session, and the report of the Committee on Methods and Procedures had indicated that the General Assembly did not think it desirable that the text of a convention should be prepared by a large body or by one having a heavy agenda. If, therefore, the Commission wished the convention to be considered as soon as possible and by as many Governments as possible, he thought the best procedure would be for it to recommend that the Council should call an international conference to draft the convention along the lines of the principles adopted by the Commission. The terms of the resolution should be fairly flexible so as to leave the conference free to make the necessary legal changes in its drafting.

8. In answer to a question from the United States representative, Mr. Schachter said it was possible for the Commission to ask the International Law Commission to draft a convention, but that would be a request and not an instruction, as only the General Assembly was competent to issue instructions to the International Law Commission. Moreover, the International Law Commission had a heavy agenda and was bound by lengthy and elaborate procedure.

9. In reply to the representative of Denmark, he said that in the case of very complicated conventions, it was not desirable to have them considered in detail by Main Committees of the General Assembly. Although the convention in question should be simple and relatively short, it might give rise to problems, particularly if it was not likely to be universally adopted. That being so, he thought the international conference procedure the most suitable. A further advantage of the procedure was that the convention would be submitted directly to Governments on completion, without additional consideration in the United Nations.

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10. It was difficult to be specific concerning the relative expense of the different procedures. Both the international conference and the special committee of experts would be composed of representatives of Governments, so that additional travelling and subsistence allowances would not be involved. There was probably no substantial difference between the cost of having the convention prepared by an international conference or a group of experts, and having it drafted by a Committee of the Assembly.

11. The CHAIRMAN proposed that the Commission should reject the first procedure outlined. It would not be possible for the Commission itself to draft a convention owing to the lack of time at its disposal.

12. Mrs. KEOURY (Lebanon), having been informed by Mr. Schachter that, from a procedural aspect, the most direct and efficient method in the case in point would be to call an international conference, proposed that the Commission should recommend that procedure to the Economic and Social Council.

13. Mrs. GOLLMAN (United States of America) suggested that the Commission should ask the Council to convene a committee of experts rather than an international conference.

14. Miss SUTHERLAND (United Kingdom) suggested that it would be more appropriate to leave the Economic and Social Council to decide as to procedure if it adopted the Commission's suggestion concerning a convention, for more information regarding the views of Governments would probably be available when the Council met.

15. She had been much impressed, in listening to the statement of the International Labour Organisation's representative the previous day, by her account of the preliminary work necessary to ascertain the views of Governments. The success of ILO conventions was largely due to the careful preparation undertaken beforehand.

16. Miss ZUNG (China) supported the United Kingdom representative's suggestion.

17. In reply to a question from the United Kingdom representative, Mr. SCHAEFFER (Secretariat) declared that if the Council or the Commission so desired, the Secretariat would prepare a draft text as a working document for the conference. That was, indeed, the usual procedure.

18. The CHAIRMAN felt the United Kingdom proposal was somewhat negative; the Commission should provide the Council with some idea of its preference as to procedure. She therefore suggested that the Committee on Resolutions should be asked to add a paragraph describing the method favoured by the Commission to the joint draft resolution (E/CN.6/L.4/Rev.1).

19. Miss ZUNG (China) and Miss McCORKINDALE (Australia) supported the Chairman's suggestion, as it would give representatives more time to consult their Governments and would enable them to make stronger recommendations.

20. At the request of the Chairman, Mrs. URDIANETA (Venezuela), Chairman of the Committee on Resolutions, read and commented on the revised joint draft resolution of Mexico, the United States of America, and Venezuela (E/CN.6/L.4/Rev.1).

21. She herself was in complete agreement with the terms of the joint draft resolution. Those representatives who had not agreed with the original draft had thought that the question of the nationality of children was being considered by the Committee on Statelessness and Related Problems. According to the Secretariat's report, however, the Committee on Statelessness would only consider the problem of children whose parents were stateless. The question of the nationality of children whose parents were not stateless should therefore be dealt with in the convention on the nationality of married women.

22. Miss ZUNG (China) agreed with the Venezuelan representative but asked the precise meaning of the words "recognized nationality" in the third line of paragraph 2 of the joint draft proposal.

23. Mrs. SEN (India) observed that although it had been proposed that the drafting of the convention should be referred to the Economic and Social Council or to a committee of experts, the Commission now appeared to be drawing up the text. She therefore wondered whether the Commission intended to adopt a resolution on the text, as in that event she would have to abstain in the absence of instructions from her Government. She explained that the Aliens' Nationality Act drawn up by the British in 1914 had become obsolete and that new legislation for citizenship was now being prepared in India. She had cabled to her Government, but in the meantime could make no commitment on its behalf.

24. The CHAIRMAN pointed out that the Commission was continuing work which had been started some years ago: at least it could specify the provisions which it wished to include in the convention. Perhaps the Committee on Resolutions could draft general principles which would reflect the views of the Commission as a whole. If delegates felt reluctant to commit their Governments even on the broad principles, then a vote could be taken paragraph by paragraph. She thought, however, that sub-paragraph (a) and the first part of sub-paragraph (b) of paragraph 1 would be generally acceptable to the Commission. Any representative who wished to abstain from voting could point out that such abstention did not necessarily indicate a negative attitude toward the convention and could reserve her position on the matter until instructions were received from her Government.

25. Mrs. GOLDMAN (United States of America) said that the important factor concerned in paragraph 2 of the joint draft proposal was that of the nationality of children. In the past, a good deal of confusion had arisen; in some cases the child automatically had the nationality of one of its parents, whereas in other countries the child automatically became a national of the country of birth. Further complications arose in the case of a child whose parents had been naturalized. It was of primary importance to establish a procedure by which married women would be allowed to retain their own nationality or to change it if they so desired, irrespective of the husband's nationality. In no circumstances should a woman lose her own nationality either through marriage or through the dissolution of her marriage. There should be no doubt as to the rights of the

/illegitimate

illegitimate child to nationality and the Commission should state that, as mentioned in the joint draft proposal, mothers felt a natural and acute concern in the question. She therefore thought that the problem should be brought to the attention of the Economic and Social Council in the form of a general resolution.

26. Miss PEDERSEN (Denmark), did not think that paragraph 2 of the joint proposal was concerned with the nationality of married women; on the contrary it appeared to deal with the nationality of children. Although, as the United States representative had pointed out, women had a natural and acute concern in the question, there was a legal aspect also to be considered. The problem might be studied at the later date, but she did not think that it was appropriate to include it in the joint draft.

27. Miss ZUNG (China) thought that the Commission should deal with the matter. She mentioned the complicated situation which could arise if a father died prior to the birth of his child; in such cases, the mother should certainly be able to give her nationality to the child at birth. That was a legal question and it was important that the mother should have the right to transfer her nationality to the child.

28. Mrs. GOLDMAN (United States of America) agreed the Commission could not ignore the question. In addition to illegitimate children, there were refugees who could trace only one parent. If the Commission desired, however, the point could be included in a separate resolution.

29. Miss SUTHERLAND (United Kingdom) said she had no objection to the principles mentioned in the first part of the document; in fact, those points were already covered by existing legislation in the United Kingdom.

30. She agreed with the Danish representative, however, regarding paragraph 2. The question of refugee children was related to the problem of stateless children which was dealt with by the Ad Hoc Committee on Statelessness

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and Related Problems. She did not think that the principle raised was concerned with discrimination against ^{married}women in regard to nationality. It was difficult to protect children from hardships that might arise owing to broken marriages, but the welfare of children was a separate question. In any case, she was ^{not}convinced that the interests of the child in mixed marriages would be automatically protected by the right suggested in paragraph 2.

31. For these reasons she could not approve the second part of the draft.

32. Mrs. GOLDMAN (United States of America) pointed out that it was not suggested that the child should take the mother's nationality; the proposal was, in fact, that the child should be able to take the nationality of the mother as well as that of the father. There were many places where those conditions did not exist and the Commission should strive to abolish such discrimination against mothers.

33. Miss ZUNG (China) suggested that paragraph 2 might be redrafted in order to satisfy dissentient members, but in any case, the Commission should state that there must be no discrimination against a mother's right to transfer her nationality to her children.

34. Mrs. TSAIDARIS (Greece) recalled that the Chairman had said at the previous meeting that the Commission should confine its activities to the question of the nationality of the spouses; she wondered whether that view had been changed.

35. Mrs. GOLDMAN (United States of America) agreed with the Chinese representative that the text of the proposal might be reworded and would endeavour to prepare a more acceptable draft for the consideration of the Commission.

36. The CHAIRMAN felt that the first part of the joint draft resolution should not give rise to any objections on the part of Governments in view of the inclusion of the second sentence in sub-paragraph (b) which stated that:

/"nothing

"nothing in this article shall preclude the parties to a convention making special provision for the voluntary naturalization of aliens married to their nationals". The provisions of that part of the draft resolution were therefore very general and should receive unanimous support.

37. With respect to paragraph 2, the Chairman agreed with the representatives of Denmark and the United Kingdom that no reference to children should be included. The convention would no doubt have repercussions on the question of the nationality of children and the attention of the Economic and Social Council might be drawn to that fact. If that was considered to be insufficient, a few general principles could be included. For instance, the Economic and Social Council might be told that, as the nationality of parents obviously affected the nationality of children, the specific question of the nationality of children should be covered in a separate convention.

38. Mrs. CASTILLO LEDON (Mexico) agreed that emphasis should be placed in the draft resolution on the mother rather than on the child. She suggested that the draft resolution should be amended to that effect.

39. Mrs. TSAIDARIS (Greece) suggested that a more suitable wording for paragraph 2 (b) might be the following: "Neither marriage nor its dissolution shall leave either husband or wife without a nationality."

40. Mrs. PEKTAS (Turkey) felt that the primary concern of the Commission on the Status of Women should be the nationality of married women, whether mothers or not. That was complicated in itself and was a problem which should be clarified. In some countries married women retained their nationality while in others they did not. The emphasis should be placed on the first part of the draft resolution in order to clarify the position of married women. The question of the woman who had a child was a different matter which concerned the Social Commission more than it did the Commission on the Status of Women. Nevertheless, the attention of the Economic and Social Council might be drawn to that problem.

/41. Mrs. GOLDMAN

41. Mrs. GOLDMAN (United States of America) declared that the sponsors of the joint draft resolution had deemed it necessary to indicate that the provisions of sub-paragraphs (a) and (b) created the further problem of mothers. They had therefore thought it advisable to include a sentence drawing the attention of the Economic and Social Council to that problem.

42. Mrs. URDANETA (Venezuela) felt that the Commission could adopt paragraph 1 of the joint draft resolution, as amended by Greece, without further discussion.

43. Miss PEDERSEN (Denmark) suggested that in the first line of the paragraph the word "content" should be replaced by the word "principles".

44. Mrs. URDANETA (Venezuela) considered that, if the Commission was not prepared to adopt the first paragraph as it stood, the resolution as a whole should be referred to the Committee on Resolutions for redrafting on the basis of the proposals made during the debate.

45. The CHAIRMAN agreed with the suggestion to refer the text as a whole to the Committee on Resolutions. No further discussion appeared necessary with respect to paragraph 1. With regard to paragraph 2, several courses were open to the Commission. It could decide to delete any reference to the nationality of the child, or simplify that paragraph by a mere reference to the fact that the Commission was concerned with the problem of the nationality of the child and requested its further consideration by a competent organ, or it could state that the nationality of each parent should have equal force in determining the nationality of the child. Of the three possible procedures, she considered the second to be the most suitable.

The Chairman's suggestion was adopted.

46. The CHAIRMAN wondered whether the Commission might not deem it necessary to request the Committee on Resolutions to include a third paragraph to cover the procedure to be adopted with respect to the drafting of a convention on the nationality of married women. The Commission could

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either recommend a specific procedure to the Economic and Social Council or leave it to that body to determine the best procedure to be adopted.

47. Mrs. GOLDMAN (United States of America) felt that the Commission should reach a final decision as to the content of the draft resolution before discussing the question of the procedure to be adopted.

48. If it would in any way clarify the situation, the United States delegation was prepared to submit a separate draft resolution covering paragraph 2.

49. The CHAIRMAN considered that the provisions contained in paragraph 2 should be included as a part of a general resolution.

50. Mrs. PEKTIAS (Turkey) considered that it was for the Economic and Social Council, rather than the Commission on the Status of Women, to take a decision as to the procedure to be adopted in drafting a convention on the nationality of married women. The drafting of conventions was an important matter on which most Governments had a definite policy.

51. The CHAIRMAN felt that it was nevertheless open to the Commission to indicate its wishes in the matter to the Economic and Social Council. Moreover, the substance of the draft resolution would in no way be affected.

52. Miss McCORKINDALE (Australia) observed that several representatives had not had sufficient time to consult their Governments with respect to paragraph 2. Moreover, no decision had been taken as to how best to approach the question of the drafting of a convention on the nationality of married women. It might therefore be preferable to draw up a statement setting out the problem as a whole and transferring responsibility to another organ.

53. The CHAIRMAN proposed that the Commission should request the Economic and Social Council to entrust a competent organ with the consideration of the question of the nationality of the child. The principle that the nationality of the mother should have equal force in determining the

/nationality

nationality of the child could not give rise to any objection. The Commission would be fully justified in making such a recommendation.

54. Mrs. CASTILLO LEDON (Mexico) fully agreed with the Chairman. The draft resolution contained some of the basic principles governing the rights of women and the Commission would be fully justified in stating that one of the basic rights of a woman was to retain her nationality and to transfer it to her child.

55. In requesting the Economic and Social Council to draft a convention on the nationality of married women, the Commission should at least indicate what it wished that convention to include.

56. The CHAIRMAN proposed that the Commission should refer the joint draft resolution to the Committee on Resolutions for redrafting. The Committee would be requested to include a third paragraph asking the Economic and Social Council to decide as to the procedure to be adopted in drafting a convention on the nationality of married women.

It was so decided.

The meeting rose at 12.55 p.m.

18/5 a.m.