

United Nations

Nations Unies

ECONOMIC  
AND  
SOCIAL COUNCIL

CONSEIL  
ECONOMIQUE  
ET SOCIAL

UNRESTRICTED

E/CN.6/SR.29  
9 January 1948

ORIGINAL: ENGLISH

COMMISSION ON THE STATUS OF WOMEN

SECOND SESSION

SUMMARY RECORD OF THE TENTH MEETING

Lake Success, New York, Friday,  
9 January 1948, at 3.00 p.m.

Present:

Chairman:	Mrs. Marie Helene LEFAUCHEUX	(France)
Rapporteur:	Mrs. A. Kandaleft COSMA	(Syria)
	Mrs. J.M. Grey Street	(Australia)
	Mrs. I.I. Uralova	(Byelorussian Soviet Socialist Republic)
	Miss C. Zung	(China)
	Mrs. G. Morales de Escheverria	(Costa Rica)
	Mrs. Bodil Begtrup	(Denmark)
	Mrs. de Monzon	(Guatemala)
	Begum Hamid Ali	(India)
	Mrs. A.C. de Catillo Ledon	(Mexico)
	Mrs. Mihri Pektas	(Turkey)
	Mrs. E.A. Popova	(Union of Soviet Socialist Republics)
	Miss M. Sutherland	(United Kingdom)
	Miss D. Kenyon	(United States of America)
	Mrs. Isabel de Urdaneta	(Venezuela)

Representatives from Specialized Agencies:

Miss Fairchild	(International Labour Organization)
Miss Maass	(UNESCO)

Observers from Non-Governmental Organization:

Miss Tony Sender	(American Federation of Labour)
------------------	---------------------------------

/Other Observer:

Other Observer:

Miss Minerva Bernardino

(Inter-American Commission of  
Women)Secretariat:

Mr. John P. Humphrey

(Director, Division of Human  
Rights)

Mr. E. Lawson

(Division of Human Rights)

Miss L.M. Mitchell

(Secretary of the Commission)

In Reply to a question by Mrs. Popova, regarding progress in obtaining a visa for the President of the W.I.D.F., Mr. HUMPHREY said he had nothing further to report. The Secretariat was taking all necessary measures to expedite the arrival of Mrs. Leclerc, and hoped a visa would be issued shortly. The matter was in the hands of the United States authorities and there was nothing more that the Commission could do for the time being.

## CONTINUATION OF THE DISCUSSION OF THE REPORT OF THE COMMISSION ON HUMAN RIGHTS

Mrs. BEGTRUP (Denmark) said she had sent a letter to the Chairman of the Human Rights Commission drawing her attention to document E/CN.4/21, Annex D and asking that a footnote might be added explaining that all its provisions should be taken to apply without discrimination to the female sex. Article 20 of the Draft International Covenant on Human Rights covered that point.

With regard to the treatment of prostitutes, the Commission on Human Rights considered that that would be covered by the word "indignity" in Article 7.

## PROBLEMS RELATING TO CONFLICTS OF LAW IN FIELDS OF NATIONALITY, DOMICILE, MARRIAGE AND DIVORCE

Miss KENYON (United States of America) said that this was a many-sided question but it seemed best to consider all its aspects at the same time as they were closely related.

The subjects of nationality, domicile, marriage and divorce all came under the heading of "political rights". Progress in those matters was slow. The second part of the questionnaire, which dealt with those and related questions, was not yet ready. In many countries the law made little difference between men and women as regards marriage and divorce. With regard to domicile, on the other hand, the law was clearly discriminatory. A wife's nationality was usually governed by that of her husband and the children's by that of their father. Those matters were determined by the laws of the individual countries.

The immediate problem was that of the conflict of laws as between countries.

/Miss Kenyon

Miss Kenyon cited a number of instances of hardships caused by such conflicting laws, which she said constituted a striking example of discrimination against women.

A Conference held at The Hague in 1930 had resulted in a convention, which had never come into force because it had not been ratified by a sufficient number of States. The question had been discussed many times by the League of Nations.

The Treaty of Montevideo of 1933 had been adhered to by eleven countries - the United States and ten Latin-American countries.

Nothing had been done in that field for the past ten years, yet the evils still existed.

The task was one for which the Commission on the Status of Women was eminently fitted. What was needed was a Convention between as many States as possible. She submitted a resolution dealing with the subject of nationality (document E/CN.6/32).

The CHAIRMAN thanked Miss Kenyon for her statement. She suggested that the Commission might ask the Secretary-General to request all Member States to prepare a statement on the laws of their own countries regarding this question. The situation was not entirely satisfactory in any country.

Mrs. STREET (Australia) warmly supported Miss Kenyon's resolution. The States which had signed the Montevideo Convention were regarded as very progressive, and it was to be hoped that their example would be followed by others.

Miss SUTHERLAND (United Kingdom) supported Miss Kenyon's resolution, on the understanding that the enquiry touched the subjects of marriage, divorce and domicile only insofar as they were connected with nationality. It would be desirable to have replies to the first section of the questionnaire, to accompany any studies that might be presented by the Commissions enumerated in the last paragraph of Miss Kenyon's resolution. New legislation would shortly be introduced in the United Kingdom regarding the nationality of married women.

Miss ZUNG (China) also supported Miss Kenyon's resolution. She remarked that according to Chinese law, a woman did not lose her nationality on marriage unless she chose to do so.

The CHAIRMAN said that in drafting its report to the Economic and Social Council, the Commission should emphasize the points it wished to have covered by the Convention. It should be stressed that the Commission considered that not only should children have the opportunity to choose their nationality on attaining their majority, but that the parents when marrying should be allowed provisionally to decide the children's nationality.

/Begum HAMID ALI

Begum HAMID ALI (India), while agreeing that women should have the right to keep their nationality on marriage, thought it equally important that no one should acquire double nationality.

Mrs. STREET (Australia) thought it might be preferable merely to say that the Commission wished married women to have the same nationality rights as men or single women; otherwise there was a risk of getting involved in the intricacies of the various conflicting laws. The question of dual nationality should be left to other organs of the United Nations better equipped to deal with it than the Commission on the Status of Women.

Mrs. BEGTRUP (Denmark) supported Miss Kenyon's resolution.

Miss KENYON (United States of America) thought it premature at present to try to make any hard and fast recommendations on anything more than the general principles involved. The Commission should initiate a study which would be carried out by the Secretariat. What was needed was information, on the basis of which the problem could be discussed next year in all its ramifications. It was not proposed to attempt to get uniform laws in all States, but to work out a modus vivendi between the varying patterns in the different States.

A number of United Nations organs and other bodies were greatly concerned about hardships arising from international marriages. The Commission had an opportunity to take the lead in this important field, which they should not fail to grasp. The matter should be brought to the attention of the general public. That would add greatly to the Commission's prestige and stimulate its work.

Begum HAMID ALI (India) disagreed with Mrs. Street's contention that the question of dual nationality should be left on one side. The Commission should have very precise ideas on matters of principle. Any legal questions could be referred to the International Law Commission.

Mrs. STREET (Australia) thought that as the International Law Commission would consist of legal experts, it could most satisfactorily deal with any legal questions. She would be prepared to include in the resolution a recommendation to avoid dual nationality, but thought that to go into details was beyond the Commission's province.

She considered that the matter could best be dealt with by legislation in the individual countries. To wait to collect information and draw up a convention would unnecessarily delay the matter.

Miss KENYON (United States of America) thought the difference was only one of method. Both she and Mrs. Street had adopted the principle of equal nationality rights for women, and both wanted all Governments to enact the necessary legislation as quickly as possible. The only way to achieve this was to use every available method.

/Mrs. BEGTRUP

Mrs. BEGTRUP (Denmark) suggested that the Commission might ask the Economic and Social Council to draw up a draft convention without waiting for information to be gathered.

The CHAIRMAN said that the Commission was faced with a number of proposals, all of which had the same object. The Commission must address the Economic and Social Council; Miss Kenyon's draft resolution asked the Secretary-General to make a study and report on the question; the Secretary-General might be asked to draw up a draft convention which could be submitted to the next session of the Commission; or the Economic and Social Council might be asked to recommend Members to take the desired steps; or all methods might be employed at once. She was in favour of requesting the Secretary-General to work on a draft convention.

Miss SUTHERLAND (United Kingdom) thought it would be premature to begin drawing up a convention immediately. The matter was a delicate one, and more progress might be made by stating that a convention was the aim or by asking Governments to adopt legislation. Experience at Geneva had shown how difficult it was to obtain agreement on such questions.

Mrs. STREET (Australia) suggested that the question of domicile must be dealt with by an international convention. She would vote for the resolution, on the understanding that domicile was included.

Miss KENYON (United States of America) hoped that eventually there would be conventions on all the topics, but for a long time to come there would not be unanimity even in the matter of nationality; a convention was therefore necessary if hardships were to be mitigated. The Commission should work for a convention on nationality as well as on domicile, and perhaps later on the other two topics. She understood that it was not intended at present to cover the whole field of marriage laws.

Miss SENDER (American Federation of Labor) thought it might be desirable to treat connected questions together. It had been proposed in the Commission on Human Rights to have a convention on nationality and related questions.

Mrs. STREET (Australia) believed that questions of nationality and questions of domicile were entirely different. The former could be settled by the parliament of one country acting independently; the latter were affected by many aspects of international law, and until international agreement could be achieved nothing could be done. She thought the two subjects should be treated separately.

Miss KENYON (United States of America) agreed that there should be separate conventions on nationality and on domicile. All the four questions mentioned in her draft resolution required much discussion. It was better not to attempt too much at once. The proposal for a convention was meant to eliminate hardships arising from differences, which would always exist in the laws of different countries.

The CHAIRMAN thought that in the light of the discussion it would be possible for the Committee on Resolutions to put Miss Kenyon's draft resolution into final form on the following Saturday.

REPORT OF THE REPRESENTATIVES OF THE COMMISSION CONCERNING THE DELIBERATIONS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES REGARDING ITEMS RELATING TO DISCRIMINATION BASED ON SEX: ITEM 8 (b) OF THE AGENDA: ACTION BY THE COMMISSION

The CHAIRMAN referred to the suggestion of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities that the Commission on the Status of Women should give its opinion concerning Article 15 of the Draft International Declaration on Human Rights drawn up by the Drafting Committee (document E/CN.4/21, Annex F) especially insofar as the question of marriage was concerned. She asked whether the Commission would like to state its opinion on that matter.

Mrs. BEGTRUP (Denmark) pointed out that the Sub-Commission's request for the present Commission's advice could not come direct to the Commission on the Status of Women, but would have to be transmitted by the Commission on Human Rights to which the Sub-Commission reported. As the Commission on Human Rights had not asked the opinion of the Commission on the Status of Women, there was no opportunity for it to answer the Sub-Commission's request.

The CHAIRMAN suggested that the Commission might ask the Economic and Social Council to express to the Commission on Human Rights whatever views it might decide to adopt.

Miss SUTHERLAND (United Kingdom), supported by Mrs. BEGTRUP (Denmark), felt that the Commission should repeat and perhaps expand the ideas it had already expressed on the subject of marriage in its first report to the Economic and Social Council (document E/281). It would certainly be useful to have the Commission's views on the subject recorded in case they might be needed before the Commission should meet again.

In that connection, Begum HAMID ALI (India) proposed the following resolution:

"The Commission on the Status of Women expresses its belief in the principle of monogamy and advocates its acceptance by the United Nations. It forwards the resolution to the Economic and Social Council for action."

/The CHAIRMAN



The CHAIRMAN thought that Begum HAMID ALI's resolution might be considered a proposed amendment to Article 13 of the Draft Articles for an International Declaration on Human Rights (document E/600, Annex A).

In spite of the difficulties in making any amendment to that Declaration, the point raised by Begum Hamid Ali was important enough to be presented to the Economic and Social Council.

Mrs. STREET (Australia) thought it might be sufficient to suggest that the second sentence of Article 13 of the Draft Articles for an International Declaration on Human Rights should be changed to read:

"Men and women shall have the same freedom to contract marriage and obtain divorce in accordance with the law."

Begum HAMID ALI (India), supported by Mrs. DE URDANETA (Venezuela), felt that it was important to emphasize the Commission's belief in monogamy.

Miss SUTHERLAND (United Kingdom) suggested that in its report to the Economic and Social Council, the Commission should add a note in connection with Article 13 of the Draft Declaration on Human Rights, in which it should draw to the Council's attention all its views on the subject of marriage as stated in its previous report and as enlarged by any decisions it might take at the present session.

The CHAIRMAN, Begum HAMID ALI (India), and Mrs. DE URDANETA (Venezuela) agreed to the procedure proposed by Miss Sutherland.

REPORT ON ARRANGEMENTS FOR THE EXCHANGE OF INFORMATION BETWEEN THE COMMISSION AND REGIONAL INTER-GOVERNMENTAL ORGANIZATIONS IN THE FIELD OF WOMEN'S RIGHTS:  
ITEM 13 OF THE AGENDA

Miss BERNARDINO (Inter-American Commission of Women) expressed the appreciation of the Inter-American Commission of Women, an official body composed of twenty-one delegates appointed by the Governments of the American Republics, for the opportunity of establishing working relations between that body and the Commission on the Status of Women.

As a first step towards co-operation, the Inter-American Commission had made available to the United Nations much valuable data which it had collected, such as the comparative study of the differences between the rights of men and women in the American Republics, a study of the nationality of women in the Americas, studies of the legal conditions governing the employment of women in industry, commerce and agriculture, of maternal legislation, of women's activities in the Americas, as well as several unpublished pamphlets which it would present to the Ninth International Conference of American States to be held at Bogota in March. These data had been collected by expert personnel in spite of unprecedented difficulties.

/Since

Since its establishment in 1928, the Inter-American Commission had served as a clearing-house for all matters concerning women in the Americas and had made constructive contributions to discovering and removing laws and practices which discriminated against women. It had sent three delegates and two advisers to the San Francisco Conference where their efforts had been instrumental in having the provisions concerning women included in the Charter of the United Nations and in bringing about the establishment of the Commission on the Status of Women.

The Inter-American Commission of Women extended to the Commission on the Status of Women a cordial invitation to send representatives to its annual meetings to act in an advisory and informative capacity. It also invited the Commission on the Status of Women to send an observer to the Ninth International Conference of American States to which the Inter-American Commission was planning to submit a Convention on the Equality of Political and Civil Rights of Women in the American Republics.

The CHAIRMAN, Mrs. BEGTUP (Denmark), Miss KENYON (United States of America) and Mrs. STREET (Australia) expressed deep appreciation of the co-operation of the Inter-American Commission of Women and of the outstanding work it had accomplished, much of which would be a valuable guide to the Commission on the Status of Women.

The meeting rose at 5.37 p.m.

-----