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COMMISSION ON THE STATUS OF WOMEN

Seventh Session

SUMMARY RECORD OF THE HUNDRED AND TWENTY-FIFTH MEETING

Held at Headquarters, New York,
on Tuesday, 17 March 1953, at 10.55 a.m.

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PRESENT:

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

PRESENT: (continued)

<u>Members:</u>	Daw OHN	Burma
	Mrs. NOVIKOVA	Byelorussian Soviet Socialist Republic
	Mrs. GALLO-MULLER	Chile
	Miss TSENG	China
	Miss MANAS	Cuba
	Mrs. LEFAUCHEUX	France
	Mrs. GUERY	Haiti
	Miss PELETIER	Netherlands
	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

Also present:

Mrs. Kiep	Germany
Miss FUJITA	Japan
Mrs. de CASTILLO LEDON	Inter-American Commission of Women

Representatives of specialized agencies:

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

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER)	International Confederation of Free Trade Unions (ICFTU)
	Mr. WAGNER)	
	Mr. THORMANN	International Federation of Christian Trade Unions (IFCTU)
	Mrs. FOX	World Federation of United Nations Associations (WFUNA)
	Miss KAHN	World Federation of Trade Unions (WFTU)

Representatives of non-governmental organizations (continued)

Category B and Register:

Mrs. WOODSMALL)	
Mrs. MAHON)	International Alliance of Women
Miss GANTENBERG)	
Mrs. CARTER	International Council of Women
Mrs. HYMER	International Federation of Business and Professional Women
Miss LAGEMANN	International Federation of Friends of Young Women
Miss ROBB	International Federation of University Women
Miss LA LONDE)	International Federation of Women
Miss SMITH)	Lawyers
Mrs. EVANS	Liaison Committee of Women's International Organizations
Mrs. MCGIVERN	Pax Romana
Mrs. MALIN	Women's International League for Peace and Freedom
Mrs. ZIZZAMIA	World Union of Catholic Women's Organizations

Secretariat:

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

STATEMENT BY THE REPRESENTATIVE OF THE NETHERLANDS

Miss PELETIER (Netherlands) thanked the Commission for honouring her and her country by appointing her Vice-Chairman. She also thanked well-wishers throughout the world for the sympathy that had been shown to her country in its terrible ordeal. The sea, which was usually regarded as the main source of the Netherlands' prosperity, had now brought disaster, though fortunately the industrial part of the country had remained unharmed and recovery was already under way. Material assistance and moral encouragement had poured in from all corners of the world and women's organizations had done splendid work. Women were specially characterized by their capacity for visualizing the misfortunes of others and taking the appropriate action; she hoped that that feeling, which transcended national frontiers, would continue to grow.

COMPOSITION OF THE RESOLUTIONS COMMITTEE AND THE COMMUNICATIONS COMMITTEE

The CHAIRMAN suggested that the Resolutions Committee should be composed of the representatives of France, New Zealand, the Union of Soviet Socialist Republics, the United States of America and Venezuela.

It was so decided.

The CHAIRMAN suggested that the Communications Committee should be composed of the representatives of Burma, China, Haiti, Poland and the United Kingdom.

Mrs. POPOVA (Union of Soviet Socialist Republics), supported by Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic), proposed that, since the Chinese people were not represented by the delegate of the Kuomintang group, the candidacy of China should be replaced by that of Pakistan.

Miss TSENG (China) stated that she had never belonged to the Kuomintang and had been elected to office by the Chinese people in 1948. Moreover, in the existing circumstances, there was no person on the mainland who could possibly represent the people owing to the tyranny prevailing there. She (Miss Tseng) was their only lawful and competent representative in the Commission.

Mrs. LEFAUCHEUX (France), supported by Mrs. HAHN (United States of America) and Miss TSENG (China), proposed that the representatives of both China and Pakistan should be invited to serve on the Communications Committee.

After a brief procedural discussion, the CHAIRMAN called for a vote by secret ballot on the inclusion of the representative of China in the membership of the Communications Committee.

A vote was taken by secret ballot.

As a result of the vote, the representative of China was elected to the Communications Committee by 9 votes to 4, with 1 abstention.

The CHAIRMAN asked if there were any objections to the French proposal to include the representative of Pakistan as a sixth member of the Communications Committee.

In the absence of any objections, it was so decided.

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 and Add. 2, E/CN.6/217, E/CN.6/L.89)

The CHAIRMAN pointed out that the nationality of married women was one of the most important problems for women, since there could be no juridical personality without civil status. The question, moreover, involved that of nationality rights, since in most countries a person had to be a national in order to vote. The Commission, which had been set up to make recommendations for the abolition of discrimination on grounds of sex and for the improvement of the status of women in all spheres of activity, could not, therefore, remain indifferent to problems of nationality.

Since the International Law Commission's decision had apparently left the matter in the hands of the Economic and Social Council, the Commission on the Status of Women could follow one of two courses, either that of requesting the Council to take definitive action, or that of asking the International Law Commission to give the question its urgent attention.

She asked the Secretariat to read the letter on the subject from the Chairman of the International Law Commission to the Secretary-General.

Mrs. TENISON-WOODS (Secretariat) read the letter contained in paragraph 8 of document E/2343.

Mrs. SANCHEZ de URDANETA (Venezuela) recalled that her Government had not signed the Montevideo Convention on the Nationality of Married Persons because certain provisions of the Convention had not been compatible with the Venezuelan Constitution. The Constitution had been amended subsequently to conform with the relevant provisions and her delegation had therefore been able to vote for the Commission's resolution requesting the Economic and Social Council to prepare a draft international convention.

The United States representative's statement on the history of the subject and the recent information on the views of the International Law Commission showed that it was for the Economic and Social Council to take further steps for the preparation of a draft convention. The Council had shown a spirit of co-operation in the matter; the Commission's attitude should be that of stressing the need for concrete action.

Mrs. WARDE (United Kingdom) observed that there was general agreement in the Commission that neither marriage nor its dissolution should affect the nationality of either spouse. That principle was, however, couched in general terms; inasmuch as it applied to men as well as women, it was obviously the concern of other United Nations organs, and not only of the Commission.

The International Law Commission had been of the opinion that it would be technically undesirable to prepare a separate draft convention on the nationality of married women and that the subject should be dealt with as part of the entire problem of nationality including statelessness which that Commission was studying. The members of the International Law Commission were experts, whose advice was indispensable; she therefore felt that the Commission on the Status of Women should not take any decision of substance with regard to the draft convention at the present session but should wait until the

International Law Commission had examined the subject in a broader context and should then consider whether separate action with regard to women appeared desirable.

Her own country had until recently applied a differential treatment to women where nationality was concerned and had remedied the resulting inequities by enacting legislation providing that no person's nationality was to be affected by marriage. Some such general treatment might be the answer on the international plane as well, since the making of special provisions for women, even with the best intentions, frequently resulted in the perpetuation of discrimination against them.

She therefore doubted the wisdom of the course indicated in the Cuban draft resolution (E/CN.6/L.89) but reserved the right to speak on that document after further study.

Miss MANAS (Cuba), after reviewing the history of the item, introduced the Cuban draft resolution on the draft convention on the nationality of married persons (E/CN.6/L.89). Her delegation attached the greatest importance to the subject and its draft resolution was intended to defend the universal principle of equality of men and women consecrated in the Charter, in the Universal Declaration of Human Rights and in the Constitution of her own country.

There was still in a number of countries a great deal of discrimination against women where loss of nationality through marriage was concerned. Marriage, which was a personal contract freely entered into, should on no occasion be accompanied by an automatic loss or change of nationality. All human beings, men and women alike, had the right to a nationality and should not forfeit it merely by marrying a foreigner, while a change of nationality should always be a voluntary act and not the consequence of another act of an altogether different nature.

The time was ripe for a convention on the subject to be drawn up by the United Nations. The draft convention contained in the Cuban draft resolution was the product of serious and careful study of documentation prepared by various non-governmental organizations, for whose help she was particularly grateful.

Some of the organizations had drawn attention to the need for clarifying the status of children of marriages between persons of different nationalities; that problem should be studied at a later time and the Cuban delegation would be deeply interested in its solution.

She invited all the representatives who agreed with its contents to become co-sponsors of the Cuban draft resolution and she urged the Commission to adopt it.

Miss YOUNG (New Zealand) said that the problem of the nationality of married women had always given rise to many legal and personal difficulties and it was only proper that the Commission on the Status of Women should be concerned with it. The Commission should, however, confine itself to calling attention to the problem, leaving the solution to be worked out by experts. In the view of the experts -- the International Law Commission -- it would be inadvisable to draw up a convention on the subject until the more comprehensive study of nationality, including statelessness, had been completed.

Much emphasis had been placed on the moral value of the Convention on Political Rights of Women. In the present case, it seemed doubtful whether moral value alone, without specific commitments on the part of Governments, would be very effective. It was therefore better to wait until there was a possibility of obtaining an international convention which would have some standing in international law.

A convention on the nationality of married women would raise a number of legal problems which would have to be solved. For example, there was the question of the ability to pass on nationality jure sanguinis. Without granting women that ability such a convention could hardly claim to establish full equality. Moreover, care must be taken not to prejudice in any way the traditional right of countries to protect their nationals overseas.

In view of those considerations, the Commission should wait for the recommendations of the International Law Commission before taking any further action in the matter. Otherwise it might not only produce an inferior text but also prejudice the work of the International Law Commission in the whole

field. In the meantime, the Commission could express appreciation of the work already undertaken by the International Law Commission and the hope that that body would give the subject the highest possible priority. The steady evolutionary process in the matter in the various countries would continue and would facilitate the adoption of a convention when the time came.

In the meantime, the Commission could be kept informed of the changes in national legislation affecting the nationality of married women.

She therefore suggested that the Commission should concentrate on those items on its agenda that would enable women to make a greater contribution towards the general progress of mankind from which they, too, would benefit.

Mrs. de CASTILLO LEDON (Inter-American Commission of Women) stated that the experience of her Commission on the vital problem under discussion had been very encouraging. At the Seventh Inter-American Conference, held at Montevideo in 1933, the Inter-American Commission of Women, which had then been in existence for five years, had submitted a report on the treatment of women in the legislation then in force in the Americas and a convention on the nationality of women. The convention, embodying the principle that there should be no distinction based on sex as regards nationality, in legislation or in practice, had been adopted by the Conference, had been signed by nineteen of the twenty countries represented and had since been ratified by eleven of those countries. It had been the first treaty on the subject to apply to an entire continent. The Commission was endeavouring to secure further ratifications. A number of countries had changed their legislation in accordance with the convention, although they had not yet ratified it. The net result had been that in no American country did a woman lose her nationality through marriage, with the exception of one country, where that happened only if she had automatically acquired a second nationality.

The Inter-American Commission of Women had presented a further report on the subject at the Ninth Inter-American Conference held at Bogotá in 1948, and it would do so once more at the Tenth Conference, soon to be held at Caracas.

Miss ROBB (International Federation of University Women) said that the non-governmental organizations, including her own, had found the study on the Nationality of Married Women prepared by the Secretariat in 1950 extremely useful and would welcome periodic reports on legislative developments with regard to nationality. Her own organization was particularly concerned with the problem of statelessness in view of the fact that a large number of intellectuals was affected by it.

The International Federation of University Women considered the problem of loss of nationality by married persons due to conflicts of law to be very important and it endorsed the principles adopted by the Commission in that regard at its fourth session.

In conclusion, she urged that, whatever procedure it decided to follow in the matter, the Commission should adopt a draft convention in the not too distant future.

Miss La LONDE (International Federation of Women Lawyers) recalled that at its 1950 Conference in Rome her organization had adopted a resolution urging countries which had not already done so to amend their constitutions with a view to abolishing distinctions on grounds of sex in their nationality and citizenship laws. That resolution was in line with article 1 of the draft convention on nationality of married persons (A/CN.4/50). Her organization would continue, through its members in forty-eight countries, to press for appropriate legislation on the status of married women.

The meeting rose at 12.15 p.m.