

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.6/SR.127
2 April 1953

ORIGINAL: ENGLISH

COMMISSION ON THE STATUS OF WOMEN

Seventh Session

SUMMARY RECORD OF THE HUNDRED AND TWENTY-SEVENTH MEETING

Held at Headquarters, New York,
on Wednesday, 18 March 1953, at 11 a.m.

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PRESENT:

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

PRESENT: (continued)

Members:

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 PELETTIER	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
Mr. UMARI	Iraq
Miss FUJITA	Japan
Mr. HORUAT	Yugoslavia

Representatives of specialized agencies:

Mr. ARNAIDO	United Nations Educational, Scientific and Cultural Organization (UNESCO)
Dr. INGALLS	World Health Organization (WHO)

Representatives of non-governmental organizations:

Category A:

Miss SENDER	International Confederation of Free Trade Unions (ICFTU)
Miss KAHN	World Federation of Trade Unions (WFTU)
Mrs. FOX	World Federation of United Nations Associations (WFUNA)

Representatives of non-governmental organizations: (continued)

Category B and Register:

Mrs. ROBERTS		Associated Country Women of the World
Mrs. MAHON)	International Alliance of Women
Mrs. WOODSMALL)	
Mr. LONGARZO		International Conference of Catholic Charities
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 Lawyers
Miss SMITH)	
Miss de CASTILLA)	International League for the Rights of Man
Miss POSES)	
Mrs. WISHNER)	
Mr. WOLLE-EGENOLF)	
Mrs. EVANS		Liaison Committee of Women's International Organizations
Mrs. MCGIVERN		Pax Romana
Mrs. GARTIAN		World Union of Catholic Women's Organizations
Mrs. PALMER		World's Young Women's Christian Association
<u>Secretariat:</u> Mr. LIANG		Director of the Division for the Development and Codification of International Law
Mrs. TENISON-WOODS		Chief of Status of Women Section
Mrs. GRINBERG-VINAVER		Secretary of the Commission

REPRESENTATION OF THE WOMEN'S INTERNATIONAL DEMOCRATIC FEDERATION

Mrs. WASILKOWSKA (Poland) wished to know whether any further information was available concerning the entry visa of the representative of the Women's International Democratic Federation.

Mrs. HAHN (United States of America) said that her Government was working on the question and that she would communicate its decision to the Commission at the earliest possible moment.

The CHAIRMAN said that she also was dealing with the question and would have a definite answer to give the Commission within twenty-four hours.

Mrs. POPOVA (Union of Soviet Socialist Republics), Mrs. WASILKOWSKA (Poland) and Mrs. NOVIKOVA (Byelorussian Soviet Socialist Republic) pointed out that two days had already passed since the question had first been raised. They urged the Chairman to do all in her power to bring the matter to a rapid and successful conclusion, so that the representative of the organization in question could attend the Commissioner's meetings as did the representatives of other non-governmental organizations.

NATIONALITY OF MARRIED WOMEN (E/2343, E/CN.6/206, Add.1 and 2, E/CN.6/217, E/CN.6/L.89 and E/CN.6/L.90) (continued)

The CHAIRMAN invited the Commission to continue the discussion on the nationality of married women.

Mrs. POPOVA (Union of Soviet Socialist Republics) suggested that as soon as the general discussion was completed the Commission should transmit the draft resolutions on the subject to the Committee on Resolutions for preliminary examination.

Mr. LIANG (Secretariat), reporting on the work of the International Law Commission, said that that body had decided that it would be inadvisable to deal with the question of the nationality of married women apart from the more general question of nationality including statelessness. The agenda of the

International Law Commission at its coming session would be very heavy and it was unlikely that the International Law Commission would be able in the near future to deal with the question of the nationality of married women or with any aspect of the general question of nationality other than statelessness.

Mrs. GALLO-MULLER (Chile), after briefly reviewing the history of the item, suggested that since the International Law Commission had not seen fit to draft a convention on the nationality of married women (E/2343, paragraph 8 (5)), the Commission on the Status of Women should do so itself without further delay. Her delegation supported the text proposed by Cuba (E/CN.6/L.89), which covered most of the points with which the Commission on the Status of Women was concerned.

She wished to raise two points in that connexion. Firstly, the successful application of the International Convention on the Nationality of Women, ratified by eleven American republics, was proof that instruments of that nature could have a practical effect. Secondly, the documents prepared by the Secretariat showed that under the laws of a number of countries marriage could be the cause of dual nationality or statelessness, as the case might be. The Commission should seek to eliminate both extremes by establishing the principle that marriage should not affect the nationality of either spouse. Her own country had solved the problem by making nationality, as defined in articles 5 and 6 of its Constitution, independent of marriage, which was governed by the Civil Code.

In conclusion, she said that she could not support the New Zealand and United States joint draft resolution (E/CN.6/L.90), which would result in a postponement of the question, and that she would vote for the Cuban draft resolution (E/CN.6/L.89). The argument that the Commission on the Status of Women was not competent or qualified to draw up a legal instrument was invalid, for the Commission on Human Rights, itself not a body of experts, had successfully carried out a similar task.

She reserved the right to speak again on the subject at a later occasion.

Miss MANAS (Cuba) thanked the Chilean representative for her support of the Cuban draft resolution and for her well-founded arguments in support of the Commission's competence to draft a convention. It was clear from the statement of the Secretary of the International Law Commission that that body would not be able to draft the convention, which was urgently needed for the benefit of women throughout the world who were deprived of the right to retain their nationality on marriage.

Mrs. GUERY (Haiti) said that she would support the Cuban draft resolution, which was compatible with the Commission's ideals and purposes.

The CHAIRMAN, speaking as the representative of the Dominican Republic, pointed out that the nationality of married women was a very important problem in many countries. The reports prepared by the Secretariat and the discussions in the Economic and Social Council and the International Law Commission showed that both those organs had manifested their interest in the subject but had reached no encouraging conclusion. At every session since 1948, the Commission on the Status of Women had stressed the need for a convention; now that it was clear that the International Law Commission would not draft the instrument, the matter would be referred back to the Economic and Social Council and the Commission should insist that it should be given priority on the agenda.

The right of nationality was an inalienable human right, since there could be no juridical personality without a definite nationality. Political rights were closely connected with nationality rights, because in many countries nationality was a condition of the right to vote. Her delegation considered it imperative that the Commission should approve a draft convention, in order that the Economic and Social Council might fully appreciate the urgent need for a solution of the problem. The adoption of the Convention on Political Rights of Women at the first part of the seventh session of the General Assembly was a stimulating example of a concrete achievement in the struggle to abolish discrimination as to sex.

Miss TSENG (China) informed the Commission that a man or woman marrying a Chinese took the nationality of the spouse, unless he or she expressed the wish to retain the former nationality. Nationality was not affected by divorce, unless the person concerned expressed the wish to change.

The father's rights over the children of marriages between persons of different nationalities were preponderant over the mother's, unless the father was dead or had renounced his nationality.

She pointed out that nationality laws applied only to the women of free countries; in some parts of the world marriage with aliens was prohibited.

Miss YOUNG (New Zealand) did not think that the Commission should become involved in a technical discussion in the limited time at its disposal. The International Law Commission, which was the United Nations organ competent to do that work, was already engaged in a comprehensive study on nationality and statelessness. She fully understood the attitude of the representatives who had stressed the urgency of the problem but she felt that hasty and incomplete drafting could not achieve the best results. Her delegation was therefore unable to support the Cuban draft resolution and had submitted jointly with the United States delegation an alternative draft resolution encouraging the International Law Commission to continue its study of the problem.

Nationality and statelessness were continuing problems and the immediate questions did not seem to be so urgent as to justify proceeding without at least the advice and help of the International Law Commission in connexion with the proper formulation of principles and the expression of those principles in international law. When the Commission on the Status of Women had studied the draft convention in that light, it would be free to make its recommendations, but it should not become a mere drafting committee.

STATUS OF WOMEN IN PRIVATE LAW (E/CN.6/185 and Add.1 - 9, E/CN.6/L.88, E/CN.6/L.9 E/CN.6/208, E/CN.6/186 and Add.1 - 3)(continued)

Mrs. WARDE (United Kingdom) thought that the discussion on the vast problem of the status of women in private law should be regulated. The Commission could easily spend the whole session discussing it, even though the documentation was not yet complete. To avoid entanglement in legal technicalities, therefore, was essential to agree to concentrate on one aspect of the question.

The questionnaire which had been sent out to governments dealt, broadly speaking, with the two subjects of legal status and treatment and property rights. She disagreed with the United States procedural draft resolution (E/CN.6/L.88),

which confused the two points and introduced a misplaced reference to information supplied by non-governmental organizations.

The question of the legal status and treatment of women was a very general heading, which covered women's property rights. It was impossible to deal with it in general terms and the only conclusion to be drawn from the replies was that legal status and treatment varied widely from one country to another, according to religious beliefs, traditions and economic and social conditions. The United Kingdom delegation considered that a suitable subject for discussion might be the personal relations of spouses, on which personal and legal status depended. An example of those relations was the basic assumption in many legal systems that the husband was the head of the family.

With regard to property rights, the focal point was a woman's right to own and dispose of property on equal terms with her husband. That principle could be given effect in two ways, either by granting a woman an equal voice with her husband in respect of their joint property, or by giving her the right to dispose of her separate property in her own name. The principle of entitling women to own and dispose of their own property was respected in the United Kingdom, where considerable progress had been made recently in that regard, although there was room for further improvement.

Mrs. POPOVA (Union of Soviet Socialist Republics) said that the ample documentation collected by the Secretariat showed clearly that, despite their formal recognition of the principle of equality of men and women proclaimed in the Charter, some Member States still discriminated against women in a number of fields including that of private law. Many countries had discriminatory legislation - to say nothing of the actual practice - on marriage and on family and property rights in which woman was treated as an inferior being. Thus, in a number of countries the husband, as head of the family, had full control over the wife's earnings and their joint property and could bring legal action to force his wife to follow him to a new domicile chosen by him alone, while in others the husband's consent was required before a wife could work, carry on a business, sue or be sued, or be appointed to certain offices. Various other limitations existed with regard to property and inheritance rights, guardianship etc.

In the USSR, on the other hand, the full equality of men and women in all fields of endeavour was guaranteed by article 122 of the Constitution and had become a living reality. To cite but a few examples, husband and wife could upon the death of either party, or each could retain his own; marriage

did not entail the obligation to live under the same roof; the property rights of both husband and wife were fully safeguarded and both spouses had an equal say with regard to the education and custody of the children.

Mothers in the USSR enjoyed special protection, while mothers of large families received honours and awards. Owing to the fact that pregnant women were given 77 days of paid leave and free medical care for themselves and the children, and that there was a network of nurseries and kindergartens operated by experienced personnel, women in the USSR were free to pursue their careers and occupations and to take an active part in the country's public and political life. That represented particularly great progress in the case of the Asian members of the USSR, where before the revolution women had been little better than slaves.

The Commission had considered the question under discussion at several sessions and had before it abundant material which proved that many Member States still discriminated against women, in clear violation of the Charter. Discrimination in the field of private law was but a single aspect of the general inequality. It would therefore be academic for the Commission to examine that one subject out of its general context. In order to achieve practical results, the Commission should consider, not what changes might be made in specific laws, but what measures should be taken to give full effect to the principle of equality of men and women.

Begum ANWAR AHMED (Pakistan) observed that the documentation prepared by the Secretariat was evidence of the existence of discrimination against women in all parts of the world - except possibly in the USSR, on which no material had been published. The situation was so general that, instead of trying to remedy separate laws, the Commission should go through its own questionnaire point by point, decide what provisions would be necessary in each case to improve the status of women and, after evolving a reasonable pattern of society in which discrimination no longer existed, make concrete recommendations on the subject to the Economic and Social Council.

Mrs. POPOVA (Union of Soviet Socialist Republics) pointed out that information relating to the status of women in her country had been submitted as early as 1948; she hoped that it would be duly placed before the Commission.

Mrs. TENISON-WOODS (Secretariat) replied that the information had applied to another subject; no comments had been submitted on the two questionnaires circulated to all Member States in 1950.

The CHAIRMAN invited the USSR representative to take up the matter privately with the Status of Women Section of the Secretariat.

Mrs. HAHN (United States of America) agreed with the United Kingdom representative that the question of property rights during marriage was one of the most important subjects with which the Commission had to deal. As shown by the documentation on family law compiled by the Secretariat, the position of women in the United States was very good in that respect. The legal status of the unmarried woman was practically identical with that of the unmarried man, while, where the married woman was concerned, most of the old common law injustices had been removed by statute. A matter which still required reform in some states - since the family status of women was governed by state, rather than Federal, law - was the rights of the wife with respect to the ownership and control of property acquired by the joint efforts of husband and wife after marriage.

Since the documentation submitted by the Secretariat dealt largely with the general or prevailing principles of law in the United States, she gave a brief survey of the family and property laws in force in her home state, Nebraska, showing that women enjoyed extensive rights and that marriage was a partnership in which to a considerable extent both parties had similar rights and obligations.

The United States delegation had presented a draft resolution on the procedure to be followed in discussing the question of status of women in private law (E/CN.6/L.88). The object of the resolution was to select certain portions only of the available material for discussion at the present session, because that material covered too wide a field to be taken up at one session. The situation of women in happy family relationships had been chosen because of the importance almost all countries attached to the family as the basic unit of society.

As she understood, however, that it was felt by some members that there was no need for the Commission to adopt a resolution on the matter, she withdrew the United States draft resolution and proposed instead that the Commission should adopt the following decision, to be recorded in its report:

"The Commission on the Status of Women

"1. Decides to discuss the documentation only in relation to the formulation of general principles regarding the status of women in private law;

"2. Decides to give attention at the present session to the situation of women in family relationships, particularly as to entrance into marriage (betrothal, substantive marriage requirements, and marriage formalities), the personal relations of spouses, and the property rights of women in marriage, as set forth in document E/CN.6/185 and its addenda, document E/CN.6/208, and the pertinent sections of E/CN.6/186 and its addenda.

In her view, the documentation regarding specific countries should be discussed with a view to formulating principles on the status of women in private law; discussion of the merits and shortcomings of the laws of specific countries would cause the Commission to stray from that objective. Furthermore the Commission should concentrate on the three topics listed in the United States proposal, each of which might be introduced by the Secretariat with appropriate comments. After considering those three topics consecutively, the Commission would be in a position to decide whether it was ready to make recommendations on certain matters or whether it should merely ask the Secretariat to summarize its discussion with a view to preparing such recommendations at the following session.

Miss PELETIER (Netherlands) supported the United States proposal. As the Pakistan representative had said, the Commission must attempt to formulate basic conclusions after a minute study of the available material. The right to own and dispose of property, which the United Kingdom representative had singled out, was no doubt important but it was only one of many. She saw no reason why the Commission should not deal with the entire question of property rights at the present session. It might also devote some attention to the relationship of the mother with her children.

The CHAIRMAN, speaking as the representative of the Dominican Republic, also supported the United States proposal.

Mrs. LEFAUCHEUX (France), too, was in favour of the proposal, but understood it to mean that in addition to a general conclusion or recommendation the Commission would be able at the present session to adopt one or two concrete resolutions on the matrimonial régime. The women of European countries, in particular, expected positive action from the Commission, which had already devoted sufficient time to the consideration of general principles.

Mrs. POPOVA (Union of Soviet Socialist Republics) said that, since the United States representative had withdrawn her draft resolution, it was her understanding that representatives would be able to speak on the item as it stood on the agenda and to continue the discussion along its present lines.

The meeting rose at 1.5 p.m.