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INTERNATIONAL INSTRUMENTS AND NATIONAL STANDARDS
RELATING TO THE STATUS OF WOMEN

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN AND RELATED INSTRUMENTS

Report of the Secretary-General

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INTRODUCTION

1. Origin and background of the present report

1. In its resolution 1325 (XLIV), adopted on the recommendation of the Commission on the Status of Women on 31 May 1968, the Economic and Social Council initiated a reporting system on the implementation of the Declaration on the Elimination of Discrimination against Women of 1967. Member States, the specialized agencies and non-governmental organizations concerned were requested to inform the Secretary-General: (a) of publicity given to the Declaration; and (b) of action taken by them in compliance with its principles. The Secretary-General was requested to submit reports on the information received for the consideration of the Commission. Three reports were prepared in accordance with this resolution. 1/
2. At its twenty-fourth session (1972) the Commission recommended that this reporting system be revised, and the Council endorsed the Commission's recommendations in its resolution 1677 (LII) of 31 May 1972. In an effort to rationalize the preparation of reports, so as to reduce the burden on Governments and on the Secretariat, the Council established a new cycle of reporting with respect to the implementation of the Declaration, and also of other international instruments dealing with women's rights, whose substantive provisions were closely related to those of the Declaration. 2/ Separate reporting systems had previously been in operation with respect to some of the latter instruments.
3. Under the new cycle Member States will continue to be invited every two years to submit information on publicity given to the Declaration, and on the general and educational measures taken to comply with its provisions. With regard to the substantive provisions, however, Member States will be invited, in future, to submit information alternately (i.e., every four years) on the civil and political rights and on the economic, social and cultural rights set forth in the Declaration.
4. A further recommendation of the Council was that future reports should describe primarily developments which have taken place during the period under review with particular emphasis on the following:

(a) The situation existing in law (the enactment and/or the repeal of relevant constitutional provisions, laws and regulations);

1/ E/CN.6/517 and Add.1; E/CN.6/531 and Add.1; and E/CN.6/548 and Add.1.

2/ Convention on Political Rights of Women; Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; and, in so far as they concern the status of women, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

(b) The situation existing in fact (supplemented, when appropriate, with statistical data and percentages);

(c) The discrepancies, if any, between the situation existing in law and the situation in fact (including any obstacles which prevent the full implementation of the principles of the Declaration and any general trends which might be noted).

5. In addition the Commission on the Status of Women in its resolution 3 (XXIV) requested Member States, the specialized agencies and non-governmental organizations to submit information on the implementation of the Declaration and related instruments as far as possible on the basis of guidelines to be prepared and circulated by the Secretary-General.

6. Finally, the Secretary-General was asked to submit to the Commission at each session analytical reports on the information received.

2. Nature of the present report

7. The present report has been prepared in accordance with the above recommendations. It is the first report prepared under the new cycle, and contains information on: (a) the publicity given to the Declaration (chapter I); (b) the general and educational measures taken to comply with its provisions, taking into account articles 1, 2, 3 and 11 of the Declaration (chapter II); and (c) the implementation of the civil and political rights set forth in articles 4, 5, 6, 7 and 8 of the Declaration and related instruments (chapter III). The period under review is June 1971 to June 1973.

8. The report is based on replies received up to 31 October 1973 from 31 Governments, 3/ and 14 non-governmental organizations. 4/ As requested by the Council, the report is analytical in nature, and the replies themselves have not been reproduced. The full text of the replies and the guidelines drawn up for use in the preparation of the reports may be consulted at the United Nations Secretariat.

9. It may be noted that the majority of the replies followed the general headings of the guidelines. Some furnished information on almost all the specific points asked, and some followed the guidelines closely for certain questions. Others

3/ Austria, Barbados, Brazil, Byelorussian SSR, Canada, Cyprus, Denmark, Egypt, Fiji, Finland, Greece, Iceland, Iran, Iraq, Italy, Japan, Kenya, Kuwait, Laos, Luxembourg, New Zealand, Poland, Romania, Rwanda, Singapore, Sweden, Trinidad and Tobago, Ukrainian SSR, USSR, United Kingdom, Zambia.

4/ Category I: International Co-operative Alliance, International Council of Women, Women's International Democratic Federation; category II: All India Women's Conference, Friends World Committee for Consultation, International Council of Jewish Women, International Council of Social Democratic Women, International Organization - Justice and Development, St. Joan's International Alliance, Society for Comparative Legislation, World Confederation of Organizations of the Teaching Profession, World Union of Catholic Women's Organizations, World Young Women's Christian Association, Zonta International.

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supplied only general information on civil and political rights, referred to information previously submitted, or limited their reply to a few specific points. Some Governments and non-governmental organizations responded to the Council's invitation to describe primarily developments during the period under review (June 1971 to June 1973), although many described developments prior to that time, and prior to the adoption of the Declaration in 1967. Few Governments or non-governmental organizations took into account the Council request that they emphasize discrepancies between the situation in law and in fact, and note obstacles preventing the full implementation of the declaration and any general trends.

10. Some Governments and non-governmental organizations provided information concerning economic, social and cultural rights. Where such information is of a general nature it has been included among the general and educational measures analysed in chapter II. Other information relating to specific economic, social and cultural rights will be included in the next report in the four-year cycle, which will deal primarily with such rights. This will be submitted to the Commission at its twenty-sixth session.

I. PUBLICITY GIVEN TO THE DECLARATION

1. Measures taken to give publicity to the Declaration

11. Most of the 14 Governments 5/ and nine non-governmental organizations 6/ which furnished information on the measures taken to give publicity to the Declaration did not state specifically whether or not the developments mentioned had occurred during the period under review.

12. Among the general comments made, the Byelorussian SSR and the Ukrainian SSR stated that the intensive efforts made for the practical observance of the principle of equal rights of men and women, proclaimed in their Constitutions before the General Assembly had adopted the Declaration, affected the character of the measures taken to give publicity to the Declaration. Other Governments pointed out that the principles of the Declaration were receiving increasing publicity because of the growing awareness of the importance of the principle of equality of men and women and of the fact that discrimination against women was recognized more and more as being a matter of national concern. 7/

(a) Press and mass media

13. A number of Governments reported that the press and mass media had given extensive coverage to the Declaration or to the principles recognized therein, and emphasized especially the part played by radio and television. 8/ Canada mentioned, in particular, that extensive coverage had been given to the report of its Royal Commission on the Status of Women (which embodies the principles of the Declaration), to specific recommendations, and to legislative and social changes that eliminate discrimination against women. Sweden noted that the considerable improvement of the general understanding of the significance of women's position among the public was no doubt largely due to the attention it had received in the media, to which practically every individual in Sweden had access. Brazil and Zambia, on the other hand, pointed out that publicity for the Declaration was not necessary since its principles had long since been incorporated in the law (Brazil) or because discrimination against women did not exist (Zambia).

5/ Austria, Brazil, Canada, Cyprus, Denmark, Finland, Iran, Japan, Kenya, New Zealand, Singapore, Sweden, Ukrainian SSR, Zambia.

6/ International Co-operative Alliance, International Council of Women, Women's International Democratic Federation, All India Women's Conference, International Council of Jewish Women, St. Joan's International Alliance, World Union of Catholic Women's Organizations, World Young Women's Christian Association, Zonta International.

7/ Canada, Finland, Kenya, Sweden, United Kingdom.

8/ E.g., Canada, Finland, Iran, Sweden.

14. Among the non-governmental organizations, the International Co-operative Alliance, the International Council of Women and the International Council of Jewish Women (Brazilian affiliate) noted that their organizations had made use of the mass media to publicize the Declaration. The International Council of Women saw positive and rapid changes in attitudes as a result of the intensified efforts of its affiliates, the international feminist movement, and very real changes in community life. Other organizations were less optimistic, however, and felt that very little publicity had been given to the Declaration in the period under review (World Union of Catholic Women's Organizations and St. Joan's International Alliance). The latter organization commented that in the United Kingdom the apparent lack of publicity given to the Declaration during the past two years might be due partly to the fact that strenuous efforts had been made in Human Rights Year, 1968, to publicize it along with the Universal Declaration of Human Rights and these efforts had not been sustained. The Organization also pointed out that the style of the Declaration seemed unlikely to attract those accustomed to modern advertising methods.

(b) Pamphlets, publications and articles

15. Several Governments and non-governmental organizations mentioned that the text of the Declaration had been published in pamphlets, journals or other publications, or that special articles had been devoted to the Declaration or to its principles in various types of publications. In Austria, for example, the Declaration was published in a quarterly report of youth organizations in an issue devoted entirely to "The position of women in society". In New Zealand, a booklet dealing with the Declaration was distributed to teachers' colleges and all secondary and intermediate schools. In the Ukrainian SSR, articles were published in periodicals, and the provisions of the Declaration had been studied and analysed in professional journals. These emphasized the need to confirm the provisions of the Declaration in a convention. Among the non-governmental organizations, the International Co-operative Alliance, the International Council of Women, the Women's International Democratic Federation, the World Young Women's Christian Association and Zonta International all reported that the text of the Declaration and/or articles concerning it had been included in their regular publications, most of which had wide circulation in several languages.

(c) Seminars, lectures, workshops and other forms of discussion groups

16. Various forms of discussion groups were reported as being increasingly used to create greater awareness of the Declaration and of the problems of discrimination against women in general. 9/ In Austria, for example, the principles of the Declaration had been included in the agenda of the Committee on Manpower Affairs of the Advisory Council on Manpower Policy in the Federal Ministry of Social Affairs. In Cyprus, the Pancyprian Federation of Women's Organizations organized meetings at which speakers analysed the main provisions of the Declaration and urged the Government and people to adhere to the letter and spirit of the Declaration. A panel discussion on equality of the sexes had also been organized by the youth section of the United Nations Association of Cyprus. The Ministry of

9/ Austria, Canada, Cyprus, Japan, Singapore, Ukrainian SSR, Zambia; International Council of Women, Women's International Democratic Federation, International Council of Jewish Women.

Labour in Japan had provided information on the implementation of the Declaration at a meeting organized to hear the report of the Japanese representative to the twenty-fourth session of the Commission on the Status of Women. In the Ukrainian SSR the principles of the Declaration had been discussed in various types of meeting at educational institutions, collective farms and enterprises, with a view to disseminating knowledge of the law among broad sections of the working public, especially women. Seminars held in Zambia on the role of women in society had revealed that problems affecting the status of women were more a matter of customary and traditional social practices than legal discrimination.

(d) Dissemination of the Declaration to educational institutions

17. Canada, Finland, New Zealand, Sweden and the Ukrainian SSR all reported that the Declaration and/or problems of discrimination against women had been given much attention in the schools. Finland noted that it was available in most of the public libraries. The International Council of Jewish Women noted that the Declaration had been distributed in the schools and other interested groups in Brazil, but not in Switzerland, where it had not received much publicity.

(e) Translation of the Declaration into national and local languages 10/

18. Austria, Denmark and Finland reported that the Declaration had been translated into the national language of their respective countries, while Zambia stated that it did not exist in any of the Zambian languages. Both the International Council of Women and the Women's International Democratic Federation indicated that they had undertaken, through their national affiliates, the translation of the Declaration into local languages. One example mentioned related to Madagascar, where the President of the National Council of Women, with assistance from the United Nations Development Programme, had translated the Declaration into Madagascan and distributed it to authorities at all levels and to all the women's organizations in that country.

2. Difficulties encountered

19. The World YWCA drew attention to the difficulty of making the Declaration understood and relevant to the "grass roots" woman, and helping her to see how it related to her own situation, daily life and activities.

3. Assistance required of the United Nations

20. Austria suggested that assistance should be given to people who knew the situation of women all over the world, either at first- or second-hand so that they

10/ According to the information currently available to the Secretary-General, the Declaration now exists in 19 national languages: Arabic, Danish, English, French, Finnish, German, Greek, Italian, Madagascan (as reported by the International Council of Women), Norwegian, Persian, Polish, Portuguese, Russian, Serbo-Croat, Sinhala, Spanish, Swahili and Swedish.

could explain the contents of the Declaration to the general public, and help in the formation of attitudes based on its principles. Such persons should participate in meetings of relevant international bodies and/or carry out country studies.

21. The All India Women's Conference urged the United Nations to give financial and other assistance, including the donation of paper, to the organization so that, with the consent of the Indian Government, they could translate the Declaration into the 11 other official languages of India. The organization considered that the translations would benefit the literacy campaign in India, as the Declaration would provide an incentive to women in both rural and urban areas to learn to read and write. It also believed that once the text was available, the mass media could be utilized to give the Declaration effective publicity which could lead to concrete action such as the enactment of legislation.

22. The St. Joan's International Alliance suggested that the United Nations produce an edited version of the Declaration in tabloid form with an attractive jacket.

II. GENERAL AND EDUCATIONAL MEASURES (articles 1, 2, 3 and 11)

1. Constitutional and/or legislative provisions of a general nature

23. Replies containing information on the above subject were received from 18 Governments 11/ and six non-governmental organizations. 12/ Most of them referred to constitutional or other legislative provisions guaranteeing equal rights of men and women, and prohibiting discrimination on grounds of sex, which had been enacted long before the adoption of the Declaration. 13/

24. Developments reported during the period under review included: new constitutional provisions or other legislation of a general character adopted or under consideration; and the adoption of new legislation relating to employment considered of particular significance. One new article of a constitution was adopted and two were reported as being before parliament. In each case the Governments noted that the new provisions reaffirmed principles already recognized in earlier constitutional enactments. Egypt, for example, described the permanent constitution of 1972 as "a further consolidation of the national charter of 1962". The new constitution provided:

"The State shall reconcile women's duties to their families and women's work in society and shall ensure the equality of women with men in the political, social, cultural and economic fields, without violating the law of the Islamic Sharia" (article 11).

11/ Austria, Barbados, Brazil, Byelorussian SSR, Canada, Egypt, Finland, Greece, Kenya, New Zealand, Rwanda, Singapore, Sweden, Trinidad and Tobago, Ukrainian SSR, USSR, United Kingdom, Zambia.

12/ All India Women's Conference, Friend's World Committee for Consultation, International Council of Jewish Women, St. Joan's International Alliance, World Young Women's Christian Association, Zonta International.

13/ For example, Austria: article 7 of the Federal Constitution, article 2 of the Fundamental Law on the General Rights of Citizens of 1867, article 66 of the Treaty of St. Germain, and article 6 of the State Treaty for the Re-establishment of an Independent and Democratic Austria of 15 May 1955; Barbados: section 23 of the Constitution; Brazil: article 153, paragraph 1 of the Constitution of 1969; Byelorussian SSR: article 97 of the Constitution; France: preamble to the Constitution of 1956 (reported by the Society of Comparative Legislation); Greece: article 7 of the Constitution; India: part III, articles 14 and 15 (reported by the All India Women's Conference); Iraq: articles 19, paragraph 1; 30, paragraph 2, and 60 of the interim Constitution of 1970; Poland: article 66 of the Constitution of 1952; Rwanda: articles 12, 44 and 29 of the Constitution; Trinidad and Tobago: Order in Council of 1962 - Constitution; Ukrainian SSR: article 102 of the Constitution; Zambia: section 13 of the Constitution of 1964.

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In Sweden and Zambia, new constitutional provisions were under consideration. The Swedish Government's Bill of 1973 for a new constitution (1973-1990) stipulated that courts of law and administrative authorities "must not discriminate without legal support against any individual on account of his personal circumstances, such as faith, opinion, race, colour, extraction, sex, age, nationality, language, social position or wealth". Zambia noted that the wording of section 13 of the Constitution of Zambia Bill, presented to Parliament in July 1973, was the same as that of the 1964 Constitution. It recognized that every individual was entitled to fundamental rights and freedoms "... whatever his race, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others ...".

25. Iraq noted that several laws had been enacted since 1968 to prevent discrimination against women and provide for equality between the sexes. These principles were set forth in the Constitution of 1970 and reaffirmed in a number of laws adopted subsequently. ^{14/} The National Labour Charter of 1971 stated for example that "to give special attention to women in their adjustment to modern circumstances" was regarded as "one of the fundamental and major goals of social policy" (chapter III). The Charter also provided that "the liberation of women from all the various kinds of bonds and impediments is the true starting point for the raising of a new generation capable of bearing our national responsibilities". Reaffirming this view, the General Federation of Iraqis Women Act (No. 13 of 1972) "stressed the need to raise the level of women by all possible means and to ensure their enjoyment of equal rights with men in all political, social, civic, economic and cultural fields, to provide them with employment opportunities, to defend their rights and interests and to abolish existing laws, customs, regulations and practices which are discriminatory against women".

26. Two Canadian provinces enacted new legislation in 1972 which the Government considered of particular significance. Bill I 1972 of Alberta provided the statutory basis for rights similar to those contained in the Canadian Bill of Rights of 1960 (i.e., equality before the law without discrimination on grounds of sex). Saskatchewan in 1972 amended the Bill of Rights of 1953 to extend the civil rights enumerated in the existing law to prohibit discrimination on grounds of sex. The Commission established under the Saskatchewan Human Rights Commission Act, 1972, will administer the above statute.

27. In Finland, the Act on Contracts of Employment (30.4.1970/320) which came into force on 1 January 1971 provided that an employer shall treat his workers impartially without making any unwarranted discrimination on the basis of origin, religion, sex, age, political or trade union activity or any other comparable circumstance. New Zealand also drew attention to legislation in the employment field, namely, the Equal Pay Act 1972, providing for the implementation of the principle of equal pay throughout the private sector by 1 April 1978. ^{15/}

^{14/} E.g., National Labour Charter promulgated on 15 November 1971; the General Federation of Iraqis Youth Act of 1972 (No. 63); the General Federation of Trade Unions Act; the National Federation of Iraqis Students Act; and the General Federation of Iraqis Women Acts of 1972 and 1973.

^{15/} Further details of these two Acts which relate primarily to economic rights will be included in the next report on the implementation of the Declaration.

28. In the United Kingdom in recent years, private Members of Parliament have attempted to introduce into both Houses bills to prohibit discrimination on grounds of sex in employment, training and education. Select committees took written and oral evidence on the extent to which discrimination existed in these three fields. The Friends World Committee for Consultation observed that so much evidence had been produced "that the men who were put on the committee because they thought that the Bill was unnecessary have been convinced that a Bill is needed". The Government has now announced its intention to introduce a bill of its own, probably during the 1973/1974 session of Parliament. The scope of this legislation is expected to be the prohibition of unfair discrimination in employment and training; consideration is being given to including education.

29. St. Joan's International Alliance pointed out that in the United Kingdom there was no general law or constitution setting forth the principle of equal rights of men and women, and legal equality had been established in specific fields. Efforts were being made to extend these fields, and secure the comprehensive elimination of discrimination against women.

30. The International Council of Women and Zonta International stressed the importance for the status of women in the United States of America of the approval by Congress in 1972 of the Equal Rights Amendment to the Constitution. It provides that "equality under the law shall not be denied or abridged by the United States or any State on account of sex". Senate approval was given by a vote of 84 to 8 after rejecting nine crippling amendments. As of 15 May 1973, 30 states out of the required 38 had ratified the Amendment. However, 18 states failed to give approval. The state legislatures meet again in January 1974.

2. Abolition of discriminatory laws,
customs, regulations and practices

31. In the seven replies containing information on this question 16/ some Governments stated that there was no discrimination either in law or in practice and that consequently no specific measures were called for (Brazil, Byelorussian SSR and Trinidad and Tobago); others indicated that there was no discriminatory legislation (Greece and United Kingdom), that there were few remaining discriminatory provisions in law (New Zealand), that any discriminatory regulations had now been cancelled (Sweden), or that the law did not discriminate against women, and even accorded them preferential treatment in such matters as uncertified sick leave and tax clearance certificates (Zambia).

3. Sanctions and/or remedies

32. Five Governments 17/ supplied information on remedies available in case of violations of rights, but none of these referred to developments during 1971-1973.

16/ Brazil, Byelorussian SSR, Greece, Sweden, New Zealand, Trinidad and Tobago, Zambia.

17/ Austria, Barbados, New Zealand, Sweden, Zambia.

33. Austria noted that the principle of equality was safeguarded as a constitutional right. After administrative appeals have been exhausted, a decision issued by an administrative authority which the applicant claims violates his constitutional right, can be taken to the Constitutional Court (Federal Constitution, article 144). This right of appeal is itself a constitutionally guaranteed right available to everybody. Constitutional rights may also be invoked in the course of administrative proceedings pursued through the hierarchy of administrative authorities. The final decision on an alleged violation of a constitutional right lies with the Constitutional Court.

34. Further, since Austria has accepted the procedures provided under the European Convention on Human Rights, a person may lodge a complaint with regard to rights guaranteed by that Convention with the European Commission of Human Rights provided the domestic remedies have been exhausted.

35. Under the Constitutions of Barbados (sect. 24) and Zambia (sect. 2^o), any person who feels his rights have been violated may appeal to the High Court for redress. Zambia noted also that both the High Court and the Court of Appeal had jurisdiction, but no case had so far been brought before either alleging discrimination on grounds of sex.

36. New Zealand pointed out that a person who has suffered from an unlawful act of omission will ordinarily have his or her remedy in the general law enforceable through the magistrate's courts or the Supreme Court. Under the Equal Pay Act of 1972, however, procedures are laid down for the recovery of remuneration alleged to be payable under the provisions of the Act (sect. 13).

37. Austria and Sweden indicated that women were aware of their legal rights. Austria emphasized, in particular, that the principle of equality had been an established legal rule since 1867 and that women knew their rights under that principle, although there were no institutions designed to give women special assistance to remedy violations. Sweden pointed out that women were well aware that discrimination was not tolerated, and that they had an opportunity to have their case examined in accordance with general procedural rules should that principle be violated. Zambia stated that it was difficult to assess how much of the law granting women special privileges was known to them, and noted that very few working women appeared to know some of their rights. Legal aid was available in civil cases and in appeals, and was granted where it was shown that the applicant had insufficient means to obtain the services of a lawyer (Legal Aid Act, chap. 546, sects. 12 and 14).

38. The only development report of the period reviewed was rendered by Zonta International which referred to two decisions of the United States Supreme Court in 1971 and 1973, respectively, concerning discrimination against women. In the first case a state statute which arbitrarily preferred males over females as estate administrators had been struck down. 18/ In the second case a federal

18/ Reed v. Reed 404 US (1971). The state statute (Idaho) had already been repealed before the Supreme Court decision.

statute was struck down that provided that spouses of male members of the uniformed services were dependents for purposes of obtaining increased quarters allowances and medical and dental benefits, but that spouses of female members were not dependants unless they were in fact dependent for over one half of their support. 19/

4. Main obstacles encountered and steps taken to overcome them

39. Four Governments 20/ and one non-governmental organization 21/ noted obstacles to be overcome, stressing especially attitudes of both women and men towards women's status and roles.

40. Austria listed three main areas of difficulty: (a) anachronistic ideas about the status and roles of women; (b) the low educational level of girls and women; and (c) the interrelation between the value system which determined the roles of the sexes, and the structuring of society on division of labour lines. The Government noted, however, that increasing efforts were being made to overcome outmoded attitudes by the dissemination of information, to improve the educational level of girls and women by extensive counselling and educational activities, and to effect changes in sex roles and attitudes by public discussion of these relationships in terms of processes of change.

41. Barbados was of the view that obstacles were to be found in the attitudes of women themselves, who denied themselves the full implementation of the principle of equality. It was thought that in time education would overcome such attitudes.

42. Kenya considered it encouraging to note the steady progress in the breakdown of taboos and social inhibitions, especially among the educated classes. However, a large segment of society still abided by certain cherished traditional social norms and customs. It was felt, however, that these would disappear with rising levels of education and socialization.

43. Sweden considered that, despite having won equality before the law, women still faced many practical difficulties, especially in attitudes towards male and female roles, and the influence of these attitudes on the choice of education and occupation, as well as the responsibilities for the home and care of children.

44. In India, the All India Women's Conference stressed especially the need for a uniform civil code in that country which, though required by the Constitution, had not yet been implemented. One difficulty was that the various communities - Hindus, Muslims, Christians, Parsis and certain sects had their own personal status laws. In addition, the conservatism and apathy of the various groups had to be overcome.

19/ Fontiero v. Richardson, Secretary of Defense, No. 71-1964 (14 May 1973) reversing 341 F. Supp. 201.

20/ Austria, Barbados, Kenya, Sweden.

21/ All India Women's Conference.

45. Finland did not refer specifically to obstacles, but noted that the view had been gaining ground that the question of equality of men and women was not a separate problem for which women alone should try and find a solution. It was increasingly considered to be a major issue requiring far-reaching social reforms.

46. The Byelorussian SSR and the Ukrainian SSR stressed the fact that women were ensured equality with men by the actual granting to them of equal rights to work, to equal pay, rest and leisure, to social insurance and education, and by state protection of mother and child, state aid to mothers of large families and to unmarried mothers, and by the provision of maternity leave with full pay, and a wide network of maternity homes, nurseries and kindergartens.

5. Methods used and machinery established to review and evaluate the de jure and de facto situation of women

47. Six Governments 22/ and two non-governmental organizations 23/ furnished information on this question. Most of the replies referred to the recent establishment of national commissions, advisory councils or similar bodies, differing as to their mandates and composition. Other replies stressed the value of studies and surveys carried out during the period under review.

48. In Canada, the Federal Government established an Advisory Council on the Status of Women on 31 May 1973, consisting of 26 women and two men of varying experience and backgrounds from across Canada, chosen after consultation with more than 200 women's organizations. The Council reports to the Minister of Labour (not to Parliament), but has authority to publish its reports, recommendations and statements, and is free to keep before the public and the Government the whole question of the status of women. Further, the Department of Justice and the Department of the Secretary of State were reported to be giving serious consideration to the recommendation of the Royal Commission on the Status of Women of December 1970 that:

"federal, provincial and territorial human rights commissions be set up that would: (a) be directly responsible to Parliament, provincial Legislatures or territorial councils; (b) have power to investigate the administration of human rights legislation, as well as the power to enforce the law, by laying charges and prosecuting offenders; (c) include, within the organization for a period of 7 to 10 years, a division dealing specifically with the protection of women's rights; and (d) suggest changes in human rights legislation and promote widespread respect for human rights". (Recommendation No. 165.)

22/ Austria, Canada, Denmark, Egypt, Finland, Sweden.

23/ All India Women's Conference, World Young Women's Christian Association.

49. The Government also reported other activities undertaken in response to recommendations of the Royal Commission. These included: (a) the creation in 1971 of an Office of the Co-ordinator, Status of Women; (b) the establishment of an Interdepartmental Committee, with five working parties; (c) the designation of a Cabinet Minister charged with the responsibility for co-ordinating government policy on the status of women; (d) the creation of the Equal Employment Opportunities Office in the Public Service Commission, and senior positions to provide special advice on status of women implications of departmental policies and programmes.

50. In a report presented in April 1972, the Co-ordinator, Status of Women, commented on the report of the Royal Commission:

"... many of the matters raised in it were urgent. Those matters which were both urgent and strictly federal in scope have received the most immediate and complete attention. No recommendations are being neglected. The Report of the Royal Commission has made an indelible imprint on the consciousness of Canadians and on the determination of the Government to remove discrimination, to increase and enhance equality of opportunity and to move towards the full participation of women in all aspects of Canadian society in partnership with other levels of government and with all Canadians ...".

51. Denmark reported the establishment by the Prime Minister's Department of a Commission, including representatives of women's organizations, to examine the question of discrimination against women.

52. In Egypt, a National Committee of Women was set up: (a) to study, follow up, and evaluate the position of Egyptian women; (b) to prepare programmes designed to ensure that they enjoy the rights provided for by law; and (c) to study the pension rights of women workers.

53. Finland established by Decree of June 1972 (8.6.1972/455) a Council for Equality, with the following functions: (a) to act as a co-ordinating body for research in different sectors on social equality between men and women; (b) to prepare reforms which increase equality in collaboration with authorities, state and communal institutions, labour market organizations, and other bodies; (c) to follow up and promote equality in community planning, take initiatives and submit proposals for the development of legislation and administration concerning equality; (e) to follow up the trends in foreign countries as concerns equality of men and women in society; and (f) to carry out special investigations and planning tasks entrusted to it by the Council of State. The Council for Equality consists of a section dealing with educational questions, and one with labour market policy on which the most important labour market organizations and the Ministry of Labour are also represented. In 1973 this section will concentrate its studies on discrimination in employment and make recommendations relating to the application of the Contracts of Employment Act (30.4.1970/320).

54. A National Committee on the Status of Women was set up in India in September 1971 (according to information furnished by the All India Women's

Conference). Its terms of reference are to study the constitutional, legal and administrative provisions that bear on the education and employment of women over the past two decades. The National Committee has established local committees which report to it.

55. While no specific machinery has been established in New Zealand, there are relevant bodies, such as the National Advisory Council on the Employment of Women, and the Society for Research on Women.

56. Sweden appointed an Advisory Council on Equality between Men and Women on 28 December 1972 on the initiative of the Prime Minister. Its main objective is to assert that women have the right to work and that labour market policy measures and other activities that create employment have a priority position. It is noted that the demand for equality involves changes for both women and men: increase in opportunities for women to perform gainful employment, and greater responsibilities for men in the care of children.

57. Two replies described studies undertaken. Austria noted that a rising number of sociological surveys (polls, questionnaires, psychological tests etc.) had been made recently which were designed to clear up the complex factors that determined the spheres in which women lead their lives. Reports were also being prepared by the Federal Government on the situation of women in Austria, and by the Advisory Council on Economic and Social Questions on the problems of female employment. Both reports should elucidate the situation, and suggest measures to eliminate discrimination where it was found to exist.

58. The World Young Women's Christian Association reported surveys undertaken in Fiji and India on attitudes towards women's role in the home and in society. The surveys revealed that in traditional societies in both countries the women's position was subservient to that of the man and her role tended to be restricted to that of mother and unpaid housekeeper.

6. Measures taken to assist non-governmental organizations

59. Only Canada noted measures taken to assist women's organizations in accordance with a specific recommendation of the Royal Commission on the Status of Women. Grants or other financial assistance had been given for a variety of projects, including the implementation of the Royal Commission's report. Grants had also been made to women's groups which would not otherwise have had the means to study the report as it pertained to them. Government departments had also given financial support to the "Strategy for change" conference of the National Action Committee on the Status of Women, held in April 1972, enabling a wide cross-section of women from across Canada to participate. The Government had also met with various women's organizations and given consideration to their concerns in the formation of policy decisions.

7. General trends noted

60. Two Governments (Austria and Canada) and one non-governmental organization (St. Joan's International Alliance) referred to general trends. Austria stated

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that it was difficult to discern trends in a two-year period because social attitudes and expectations with regard to women were very slow to change. Canada, on the other hand, noted positive developments in the past two years, especially in the growth of groups concerned with improving the status of women. Many long-established organizations had begun directing their efforts towards combating discrimination and a large number of new groups, solely concerned with improving the role of women had come into being. There had been some negative reactions from both women and men to these new developments. The St. Joan's International Alliance indicated that in the United Kingdom there had been a great increase of interest in and, to some extent, sympathy with efforts to secure the elimination of sex discrimination, due to the work of the women's non-governmental organizations, the activities undertaken in Human Rights Year and the public attention aroused by the "Women's Lib" extremists.

8. General educational measures

61. Three Governments (Canada, New Zealand and Sweden) reported general educational measures to eradicate prejudice and discriminatory attitudes, and promote the abolition of customary and other practices based on the idea of the inferiority of women. Canada noted that, while no general educational measures had been taken to change attitudes about women, a number of teachers within kindergarten, primary and secondary schools had attempted to eradicate the idea of the inferiority of women, and a few universities had introduced or were planning to introduce, special women's studies. New Zealand indicated that the roles of women and the forms of discrimination they faced in certain societies were being given prominence in the draft national social studies syllabus to be introduced into the educational system shortly. Sweden stressed the important role of the school in supplying information about sex roles, and in encouraging pupils to subject existing patterns to debate and questioning. The Government also reported that in June 1972 the Nordic Cultural Commission's committee for the investigation of the sex roles in education had delivered a report to the Nordic Council of Ministers, which discussed educational aims, experiments with sex quotas, schools and education up to the age of 19, the training of teachers and other staff, different forms of higher education, adult education, radio and television as well as child and youth culture.

III. CIVIL AND POLITICAL RIGHTS
(articles 4 to 8)

Article 4

(and the Convention on the Political Rights of Women, 1952)

1. Legal provisions guaranteeing political rights to women

(a) Right to vote, including public referenda, and to be eligible for election

62. Almost all of the 18 Governments which gave information on the legal provisions governing the right of women to vote and be eligible for election 24/ noted that women had acquired these rights on an equal basis with men many years prior to the adoption of the Declaration. 25/ Austria, Iran and Zambia specifically mentioned public referenda in this connexion.

63. Brazil reported that registration and voting were obligatory (Constitution, art. 147). Some Governments referred to the age for voting 26/ and for eligibility for election 27/, which, in each of the reporting countries, was the same for both sexes.

64. During the period under review, new legislation was enacted in Barbados, Fiji and Finland. Barbados indicated only that the Representation of the People Act, 1971 (Act 1971-15, sect. 7 (1)) was in advance of the Declaration's provision. In Fiji, the Local Government Act of 1972 (No. 4) conferred upon women the right to vote in local elections and to be a councillor in local government providing:

"Every person of or over the age of 21 years who is a citizen of Fiji and who is the occupier or owner of land within the municipality shall be entitled to be enrolled as an elector" (sect. 11);

24/ Austria, Barbados, Byelorussian SSR, Brazil, Canada, Denmark, Fiji, Finland, Greece, Iran, Kenya, Laos, Luxembourg, Romania, Sweden, Trinidad and Tobago, Ukrainian SSR, USSR.

25/ Byelorussian SSR: Constitution; Brazil: Constitution; Canada: 1918 for federal elections, Quebec being the last province to grant women the vote in 1940; Denmark; Fiji: Constitution, sects. 33, 40 and 46; Finland: 1906; Greece: Law 2159 of 1952; Iran: 1963; Kenya: Constitution; Laos: Constitution, art. 25 and Law No. 10 of 1 March 1959; Luxembourg: Constitution; Romania; Sweden; Trinidad and Tobago: 1935; Ukrainian SSR: Constitution; USSR: Constitution.

26/ Brazil (18 years); Fiji (21 years); Finland (18 years); Laos (18 years); Ukrainian SSR (18 years).

27/ Finland (20 years); Laos (30 years); Ukrainian SSR (21 years).

"... every citizen of Fiji who can read, write and speak in any one or more of the English, Fijian or Hindustani languages and who has been ordinarily resident in the municipality for a period of not less than 12 months at the date of his nomination for election shall be qualified to be elected as a councillor" (sect. 10).

The Finnish legislation lowered the voting age and provided that every Finnish citizen, man as well as woman, who before the year when election takes place has reached the age of 18 years has the right to vote irrespective of residence. Every citizen entitled to vote, irrespective of residence, who before the year of election has reached the age of 20 years and is not placed under guardianship is eligible for election (Act amending the Act of Parliament (12.5.1972/357)).

(b) The right to hold public office and exercise public functions

65. The replies giving information on the legal position governing the above rights also referred to legislation enacted before the adoption of the Declaration guaranteeing all citizens equal access to public office 28/ or included general statements to the effect that the law did not discriminate between men and women. 29/ Austria pointed out that although the Fundamental Law on the General Rights of Citizens of 1867 and the adoption of the Convention on the Political Rights of Women of 1952 guaranteed that public offices were to be equally accessible to all Austrian citizens, this did not imply that men or women had a right to be appointed to public office.

66. A new law enacted in Finland in 1972 expanded further the public offices for which women were eligible to include certain offices in the police force. 30/

67. Two new laws relating to jury service were also enacted during the period under review. An amendment to the Criminal Code of Canada of 1972 made jury duty a right and an obligation for all women on the same basis as men. The Criminal Justice Act of 1972 in the United Kingdom provided that, subject to age limits of 18-65, the basic qualification for jury service should, with certain exceptions, be included in the register of electors, instead of the present property qualifications. It was expected that the new qualifications would come into effect from March 1974 and that in consequence women would be called for jury service in approximately equal numbers with men. The Act did not apply to Scotland, where Rules of Court enacted in 1921 provided that the lists from which jurors were chosen should consist, as far as possible, of equal numbers of men and women.

28/ Austria: Constitution; Brazil: Law No. 5,473 of 9 July 1948; Greece: Law 3192/1955, except for ecclesiastical offices; Laos: Ordinance No. 203 of 18 September 1957.

29/ Canada, France (World Catholic Women's Organization), India (All India Women's Conference), Iran, Iraq, Singapore, Trinidad and Tobago, United Kingdom.

30/ Amendment 3.3.1972/188 to the Decree of 1926 on Women's Eligibility to State Office.

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2. Statistical and other data showing the extent to which political rights have been exercised by women

68. A number of Governments and some non-governmental organizations furnished statistics concerning the number and percentages of women elected to parliament, 31/ and appointed to high governmental, judicial and diplomatic posts. 32/ information has been tabulated in the annex to the present document (see E/CN.6/571/Add.2).

69. Some replies also included general information concerning the de facto situation or the statistical data supplied. The Byelorussian SSR, the Ukrainian SSR and the USSR reported, for example, that women's political activity was steadily increasing. Women participated actively in the organization and activities of organs of state power, in nominating candidates and discussing their qualifications. Women were present in large numbers in public office in all sectors.

70. Austria indicated that a detailed breakdown of government employees by sex would only be available after the planned personnel information system had been set up. Brazil noted that few statistics were available; in 1971 only nine States had furnished complete figures showing the degree of women's participation in the public service.

71. Sweden pointed out that women's representation was weak in all political parties, ranging from 8.6 to 17.7 per cent, and their participation in the 16 standing committees of the Riksdag was 14.6 per cent; women were best represented in the standing Committees on Cultural Affairs (33 per cent), on the Administration of Justice (26.7 per cent) and on Law (26.7 per cent). In the national elections in 1970 the proportion of women nominated in the few largest Riksdag parties was larger than the proportion of women elected. This was explained by the fact that women candidates, more often than men, were placed low on the lists where their chances of being elected were small. Consequently parties which were successful in an election would normally obtain a slightly higher proportion of women among their elected candidates than parties suffering losses of seats. The proportion of women nominated was roughly the same in all constituencies irrespective of urbanization. Compared with the 1952 election, the proportion of women nominated had increased in all parties, most significantly in the Centre Party (from 2 to 15 per cent).

72. In the county councils municipal boards, women had the highest representation in the social welfare sector (from 19.0 to 33.3 per cent), than in the boards concerned with educational and cultural activities (from 10.8 to 14.5 per cent). On the Administrative Boards, considered the most important organs of the county councils, the proportion of women was only 5.8 per cent.

31/ Austria, Canada, Denmark, Egypt, Finland, Kenya, New Zealand, Poland, Romania, Sweden, Trinidad and Tobago, Ukrainian SSR, USSR, Zambia; International Council of Women, All India Women's Conference, International Council of Social Democratic Women.

32/ Austria, Brazil, Canada, Denmark, Egypt, Finland, Greece, Kenya, New Zealand, Romania, Sweden, Ukrainian SSR, Zambia.

73. A similar situation obtained in the municipalities although the percentage of women on the municipal boards was higher (88 per cent in the domestic help committees, 53.2 per cent in the child welfare committees, 35.6 per cent in the social welfare committees, 35.2 per cent in the central social welfare committees, 31.7 per cent on the library boards, 27.4 per cent on the cultural boards and 21.1 per cent on the school boards, and 3.1 per cent in the municipal administrations, which are the central administrative and executive organs of the municipalities). Moreover women were represented in only 29 per cent of the country's 464 municipal administrations.

74. Canada reported that the past two years had seen a heightened awareness of the importance of women being appointed to high posts in the federal departments and agencies, and the Government had on several occasions stated its intention to have a fair representation of women in such posts.

75. The All India Women's Conference commented that in India women rose to the level of Assistant Directors and Joint Secretaries in various ministries but seemed to have difficulty proceeding beyond that level as yet.

3. Discrepancies between the de jure and de facto situation and obstacles encountered

76. Many replies referred to the wide discrepancies existing between the de jure and de facto situation in the field of political rights. With few exceptions the reporting countries noted that even though these rights were guaranteed by law to men and women equally, in fact few women had been elected to parliament and few held high elective or appointive office (see annex).

77. Illiteracy was mentioned by the All India Women's Conference as a major obstacle for women in India, especially in the rural areas. Despite the great efforts being made by the national council of education to expand women's education in those areas, progress was slow.

78. Egypt raised the question of attitudes in the rural areas of that country, and noted that opinion was for the most part conservative with respect to women's participation in political life, although it had endorsed their going out to work.

79. Singapore mentioned traditional attitudes of both men and women towards their respective roles in society, lack of motivation among women, and lack of encouragement by men as reasons why women had not been more active in political life.

80. Canada stressed especially the difficulties women faced in the political parties and pointed out that many party officials were reluctant to support women as candidates, believing they had little chance in an election. Women's organizations which had, in the past played an auxiliary role in the party structure, had not generally encouraged their members to move into the active political arena. These attitudes, however, were changing. Within the party structure many women were becoming more aware of the need for improving the status

of women, and were breaking out of the auxiliary role. The new women's groups that had recently been formed were often strongly supportive of women candidates particularly at the provincial and municipal levels. Each woman who succeeded in an election helped to create more confidence on the part of party officials, both male and female.

81. The reply of the International Council for Social Democratic Women indicated that a similar situation existed in the United Kingdom. While there was no formal role in the parliamentary selection procedure of any of the parties which might handicap women, few had sought to enter or had been elected to Parliament. The International Council expressed the view that the number of women who participated in politics depended on the attitude of the main political parties and on the way in which women themselves were inhibited by social pressures. There was no discernible prejudice against women as voluntary workers at the grass roots level in political parties (where their fund-raising and educational work was much needed and accepted) but there were remarkably few women to be found in the top levels of the party organizations.

82. Further obstacles mentioned by Canada, were campaign costs and mobility. Most women, being financially dependent, or having little access to the financial community that could supply funds, had considerable difficulty in raising money for a successful campaign. Recent developments, however, should prove helpful to women seeking public office, in addition to the growing number of women in the labour force, who would have less difficulty in meeting campaign costs. These developments included (a) policies of some businesses to permit leave with pay throughout an election campaign, and job security for the legislative term served; (b) shorter campaigns; and (c) a ceiling on election expenses. A Bill had been introduced in Parliament, providing for such a ceiling and for government subsidies to all candidates receiving at least 20 per cent of the votes cast in the constituency.

83. The question of mobility was linked to family responsibilities, as well as attitudes, since serving in the federal or provincial Parliament meant absence from home often for prolonged periods and this constituted a barrier for most married women with children. It was considered unsuitable for the mother (though not the father) to leave home for extended periods. Possible situations which had been suggested to overcome this difficulty were sharing of the care of the children by both husband and wife, and the extension of child-care facilities.

84. The same obstacle in the United Kingdom was mentioned by the International Council of Social Democratic Women, which commented:

"Married women in particular - who are expected by society to give their first priority to the family and who cannot easily escape from their own feelings of responsibility to it - are at a tremendous disadvantage in even considering a Parliamentary career because of the organisation of Parliamentary life with evening and late night sittings and the pressure of constituency engagements. For a married man social engagements are frequently undertaken by his wife,

but the converse rarely applies. One result is the relatively small number of women who are available for selection as parliamentary candidates." 33/

85. A further obstacle mentioned by the International Council was the age gap between women and the men with whom they must compete when they returned to active political life after a period when their attention had been concentrated on the family. "At a time when a high premium is placed on youth, this is a severe disadvantage."
86. Finland stressed also the question of household duties which were often the woman's responsibility and made participation in political life difficult. In 1972 it had been found, for example, that women who were gainfully employed outside the home still carried out 85 to 88 per cent of all household duties.
87. Kenya emphasized that if programmes of civic education could be intensified, more and more women leaders could be induced to participate in politics, and to come forward as well-informed voters and, in the process, be enabled to support representatives of their interests in Parliament. In this connexion, the World Young Women's Christian Association noted in its reply that, in co-operation with two other groups in Belgium, it had planned a course to help women develop political consciousness both as voters and candidates for office. The course included theory (study of institutions, economic and political situation in Belgium) and practice (writing official letters, audio-visual techniques, speech correction and voice control).
88. Several replies commented on the situation concerning the appointment of women to public offices and functions where the discrepancy between law and practice was also very marked, although some recent improvements were noted.
89. The International Council of Women, for example, reported that in Greece, it had lodged a protest with the Agricultural Bank against refusal to admit women to a competitive examination for the recruitment of agronomists and accountants. In Iran, the Council had carried out research to promote the employment and welfare of women in government offices and other institutions, and at the request of the Ministry of Co-operatives and Rural Affairs it had founded a school to train social workers for activities in rural areas.
90. The St. Joan's International Alliance and the World Union of Catholic Women's Organizations both reported that in the United Kingdom despite the Sex Disqualification (Removal) Act of 1919, which provided that a woman should not be disqualified by her sex from holding any public office, comparatively few women had held public office. The comparative figures of men and women holding public office were currently under review by the Select Committee on Sex Discrimination, and there were indications that the Government was issuing directives to the effect that women must be considered by various public departments when making appointments to public

33/ In the Labour Party in 1972 the list of trade union sponsored candidates contained only two women out of a total of over 100, and the list of non-sponsored available candidates contained 67 women out of 850.

committees and commissions. The St. Joan's International Alliance reported also that women's organizations had made deputations to ministers and government departments to secure an adjustment of the imbalance in appointments to public office, but had frequently received the answer that the right person for the job had been appointed without consideration of sex.

4. Remedies available in case of infringement of rights

91. Three Governments mentioned remedies available for infringement of political rights. Austria referred to the remedies available for infringement of all rights guaranteed by the constitution (see paragraphs 33 and 34 above).

92. The Byelorussian SSR reported that sanctions were imposed (deprivation of liberty or corrective labour) for the prevention of the exercise of the right to vote, forgery of ballot papers, incorrect tally of votes, and breach of secrecy of the ballot (Criminal Code, articles 130 and 131). In Zambia, the Electoral Act established the procedure for presenting to the High Court an election petition by any person who feels his right to vote or stand for election has been infringed (chap. 19, sect. 18).

Article 5

(and the Convention on Nationality of Married Women, 1957) 34/

93. Information relating to article 5 was supplied by 14 Governments 35/ and six non-governmental organizations. 36/ Only Fiji and Iraq reported that new legislation had been enacted during the period under review, and reproduced the relevant provisions of the law. 37/ Other replies sometimes stated specifically that no legislation governing the acquisition, change or loss of nationality had been enacted 38/ and, in several instances, mentioned or reproduced the relevant legislative provisions which had been in force long before the Declaration was adopted. 39/

34/ As of 1 September 1973, there were 46 States parties to the Convention.

35/ Austria, Barbados, Byelorussian SSR, Brazil, Canada, Denmark, Egypt, Iraq, New Zealand, Poland, United Kingdom, Ukrainian SSR, Trinidad and Tobago, Zambia.

36/ International Council of Women, All India Women's Conference, Friends World Committee for Consultation, International Council of Jewish Women, World Young Women's Christian Association, World Union of Catholic Women's Organization.

37/ Fiji: Fiji Citizen's Act, No. 27 of 1971; Iraq: Act No. 31 of 1972, amending article 12 of the Nationality Act No. 43 of 1963.

38/ For example, Austria, Barbados, Canada, New Zealand, United Kingdom.

39/ For example, Austria: Citizenship Act, 1965; Barbados: Constitution, sects. 3-6; Brazil: Nationality Act, No. 818 of 18 September 1949 and Law No. 818, art. II; Egypt: Act No. 82 of 22 June 1968, arts. 13-19; Poland: Law on Polish Citizenship of 15 February 1962; Spain: Civil Code, arts. 19, 21 and 23 (as reported by the World Union of Catholic Women's Organizations); Ukrainian SSR: Marriage and Family Code, art. 195.

94. Some replies referred to legislation on nationality which was currently under consideration by national legislative bodies. (E.g., Zambia: Constitution Bill introduced before Parliament in July 1973; and Luxembourg: a Nationality Bill was under consideration by the House of Representatives, the text of which took into account the provisions of the Declaration). Others referred to specific changes in legislation that were being contemplated so as to eliminate remnants of differential treatment. Canada, for example, reproduced a number of amendments to the Canadian Citizenship Act which had been recommended in the report of the Royal Commission, 1970, and which will be discussed by the Members of the House when the new Citizenship Bill or major amendments to the current Act are introduced. Denmark indicated that some differences of treatment between men and women in respect of naturalization might be reduced or eliminated.

95. The replies showed that as a result of a trend towards the liberalization of laws and regulations on nationality, compliance with the provisions of article 5 of the Declaration and of the Convention on the Nationality of Married Women had been achieved to a great extent.

96. Information supplied on the acquisition, change or loss of nationality by unmarried women indicated that the laws in force did not provide for different treatment on grounds of sex. 40/ (See also paragraph 126 below.)

97. As regards the effect of marriage on the nationality of spouses (which formed the bulk of the replies) the information received revealed that, with few exceptions, neither marriage nor the dissolution of marriage had an automatic effect on the nationality of the wife: she was not rendered stateless or made to acquire her husband's nationality, or prevented from retaining her husband's nationality if he changed it. The alien husband, however, was frequently not accorded the same rights and privileges as the alien wife with respect to acquisition of nationality and women often suffered from such differences as well as men.

98. With respect to the effect of marriage on the nationality of an alien woman who marries a national, it was reported only for Spain (as indicated by the World Union of Catholic Women's Organizations) and Switzerland (as indicated by the International Council of Jewish Women) that the wife automatically acquired the nationality of her husband. A number of replies (e.g., Argentina, Byelorussian SSR, Poland, Ukrainian SSR) noted that marriage had no effect on the nationality of the spouses and that the laws on nationality were identical for men and women. Other replies indicated that marriage had no automatic effect on the nationality of the alien wife, and referred to a number of procedures whereby she could, if she so chose, acquire the nationality of her husband. For example, in Austria, Fiji and the United Kingdom, the alien wife has a right to acquire the nationality of her husband by making a declaration or by way of registration to that effect. In other countries (e.g., Brazil, Denmark, Egypt, New Zealand, Trinidad and Tobago),

40/ For example, Argentina (as reported by the International Council of Jewish Women), Austria, Brazil, Denmark, Egypt, Fiji, Iran, Iraq, New Zealand, Ukrainian SSR, United Kingdom.

the alien wife may acquire the nationality of her husband through privileged naturalization procedures which either reduce or waive the requirement of prior residency in the country. In Zambia, where, under the 1964 Constitution, citizenship is automatically conferred upon an alien woman who marries a national, the Constitution Bill, 1973 (sect. 8 (i) (b)) now requires a minimum of three years of residence in Zambia and a formal application for registration as a citizen to the Citizenship Board.

99. In a number of replies it was noted that the same rights or privileges enjoyed by alien women in respect of the acquisition of the nationality of their husbands were not extended to alien husbands. ^{41/} Reference was also made to practices in some countries whereby alien wives might be brought into the country without a permit, but alien husbands must obtain one, and to the resulting hardship situations if such permits were refused (e.g., Fiji and United Kingdom (as reported by the St. Joan's International Alliance)).

100. A few replies reported that efforts were being made to enable alien husbands to enjoy the same rights and privileges as alien wives who married nationals, or with a view to eliminating differential treatment. Thus, for example, Canada referred to a Recommendation of the Royal Commission (No. 146) aimed at eliminating differences between the residency requirements for the acquisition of Canadian citizenship by an alien husband and an alien wife of a Canadian citizen (at present, the residency requirement for an alien wife is one year while for an alien husband it is five years, as for other immigrants). Denmark, which also reported a different treatment in this respect (18 months for the wife, six years for the husband), indicated that "pursuant to a recommendation adopted by the Nordic Council, it is contemplated to eliminate or reduce the difference with regard to the period of stay applying in practice to men and women". The World Young Women's Christian Association indicated that it was asking the Government of Fiji to give the same treatment to alien spouses of Fiji citizens, so that Fiji women having married alien husbands might bring them into the country without permit in the same way as Fiji men do in respect of alien wives.

101. Most replies reported either that marriage of a woman national to an alien had no effect on the nationality of the woman ^{42/} or, more specifically, that marriage did not result automatically in the loss of the nationality of the woman national. ^{43/} This means that the woman national keeps her nationality unless she renounces it by way of a special declaration or act to that effect. Several replies stated that the situation was identical for either spouse who married an alien.

^{41/} For example, Austria, Brazil, Denmark, New Zealand, Switzerland (as reported by the International Council of Jewish Women), United Kingdom (as reported by the St. Joan's International Alliance), Zambia.

^{42/} For example, Argentina, Austria, Brazil, Poland, Ukrainian SSR.

^{43/} For example, Fiji: Citizens Act, No. 27 of 1971, sect. 15; Netherlands (as reported by the World Union of Catholic Women's Organizations); New Zealand, Trinidad and Tobago, United Kingdom, United States of America and Zambia (1973 Constitution Bill, sect. 11 (1)).

102. A number of other replies reported, however, that a woman national automatically lost her nationality if she acquired the nationality of her husband by marriage (e.g., Egypt, 44/ Iraq, 45/ Spain 46/).

103. Referring specifically to the effect of the dissolution of marriage on the nationality of the wife, some replies noted that if at the time of marriage to an alien the woman had either lost or renounced her nationality and had acquired that of her alien husband, she could recover her nationality, in some instances within certain time limits (Austria, 47/, Egypt, 48/ Iraq, 49/ and Spain (as reported by the World Union of Catholic Women's Organizations)). 50/

104. Information was scarce on the question of the availability of remedies for infringements of rights pertaining to nationality. Only three replies mentioned briefly the existence of courts having jurisdiction. 51/

105. Reference was made in a few replies to questions which are beyond the scope of article 5 of the Declaration, namely, legal differences between mother and father in respect of the transmission of their nationality to their children 52/ and the right to apply for naturalization on behalf of minor children. 53/

Article 6

(See E/CN.6/571/Add.1)

Article 7

1. Discrimination under penal law

106. Information from 11 Governments 54/ relating to article 7 dealt, with one exception (Canada), with developments prior to the period under review.

44/ Egypt: Act No. 82 of 1958, art. 19.

45/ Iraq: Nationality Act No. 43 of 1963, art. 12, para. 2, as amended by Act No. 31 of 1972.

46/ Spain: Civil Code, art. 23.

47/ Austria: Citizenship Act, 1965, sect. 13.

48/ Egypt: Act No. 82 of 1958, art. 20.

49/ Iraq: Nationality Act No. 43 of 1963, art. 12, para. 2, as amended by Act No. 31 of 1972.

50/ Spain: Civil Code, art. 25.

51/ Austria, Barbados, Zambia.

52/ Canada, United Kingdom (as reported by St. Joan's International Alliance).

53/ Canada.

54/ Austria, Canada, Denmark, Egypt, Fiji, Iran, Poland, Singapore, Ukrainian SSR, United Kingdom, Zambia.

107. In Canada, 55/ amendments to the Criminal Code recommended by the Royal Commission on the Status of Women were under consideration (Recommendations 109.152 and 154). These were (a) that the words "of previously chaste character" should be deleted from all sections of the Code; (b) that the provision under which a married woman whose husband had been a party to an offence would not be considered an accessory after the fact to that offence, should be amended to apply to both spouses equally (sect. 23, subsect. (3)); and (c) that the Code be amended so that the wife might be held to support her husband in the same way that the husband may now be held to support his wife. In April 1973, in answer to questions in the House of Commons, it had been stated that the Minister of Justice was prepared to recommend repeal of the relevant sections of the code referred to under (b) and (c) above the next time that general amendments to the Criminal Code were considered by the Government.

108. Other Governments, for the most part, indicated that the penal law did not discriminate against women and several limited their replies to general statements to that effect. 56/

109. Some Governments referred to the regulation of crimes or offences in which women were the principal offenders, and also to cases in which women were the main victims of crimes and the nature of the protection accorded them under the law.

110. Poland and Zambia, for example, mentioned the crime of infanticide. Under Polish law, infanticide is defined as "homicide committed by the mother during childbirth and under the influence of its course". It was considered a privileged crime for which a much lower penalty was given than for homicide (Criminal Code of 1969, art. 149). The Zambian reply was less specific. It noted that infanticide was "normally committed only by the mother of the infant" and was regulated under the Penal Code (chap. 146, sect. 179A).

111. Poland reported also that the Penal Code prohibited the application of the death penalty to a pregnant woman (art. 31), and if such a sentence had already been pronounced it was converted to 25 years' deprivation of liberty (art. 111). While serving a sentence of deprivation of liberty, pregnant women and nursing mothers were exempt from certain disciplinary penalties (art. 56, paras. 3 and 4).

112. Similarly in the Ukrainian SSR, if a pregnant woman had committed any offence, her pregnancy was considered a circumstance mitigating her responsibility (Criminal Code, art. 40).

113. Denmark mentioned rape as an act regulated by penal law which constituted an offence or a crime depending on the sex of the victim, and noted that there was no intention to repeal these provisions at the present time.

55/ By amendment to the Criminal Code of 1972, jury duty in criminal proceedings was made a right and a duty for women equally with men (see paragraph 67 above).

56/ Austria, Denmark, Egypt, Fiji, Iran, Iraq, Singapore, United Kingdom.

114. Poland reported that, while there was no provision conditioning the criminality of the act on the sex of the victim, there were crimes of which only women could be victims, namely (a) forced abortion, or termination of pregnancy without consent of the woman, or inducing her to terminate pregnancy by force, threat or deceit; (b) performance of abortion with consent of the woman but in contravention of the law, or aiding the woman in so doing. Penalties of deprivation of liberty were provided for each of these offences (Penal Code, arts. 153 and 154). If one of the above acts should result in the death of the woman, the offender was punishable by deprivation of liberty from one to 10 years.

115. Fiji and the Ukrainian SSR both noted that their penal codes protected women against sexual offences (Fiji, Penal Code, sects. 143-176). The Ukrainian SSR indicated that there were a number of provisions providing special protection for women, and in particular for their sexual inviolability (Criminal Code, arts. 117, 118 and 119).

116. In addition the Ukrainian SSR noted that the Code afforded protection to mothers, making it an offence for employers to refuse employment to a woman on grounds of pregnancy or nursing, or to reduce wages on these grounds.

2. Sanctions and remedies available

117. Barbados, Poland and Zambia stated that as there was no discrimination against women in penal law no sanctions or remedies were required. They also referred to the guarantees set forth in the constitution and the remedies that would be applicable to secure their enforcement. Poland pointed out also that, if a violation of the principle of equality under penal law should occur, it would be dealt with under the general administrative penal regulations, providing penalties for any manner of violation of the principle of equality of all citizens under law. These regulations did not determine the sex of either the offender or the victim, and the degree of the penalty imposed was independent of the sex of the offender or victim.

Article 8

(and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949)

1. Legal or other measures taken to combat all forms of traffic in women and exploitation of prostitution of women

118. Nineteen Governments 57/ and one non-governmental organization 58/ furnished information relating to article 8. A number of replies cited legislation enacted before the adoption of the Declaration to combat traffic in women and

57/ Austria, Barbados, Brazil, Canada, Cyprus, Denmark, Egypt, Fiji, Iran, Iraq, New Zealand, Poland, Singapore, Sweden, Trinidad and Tobago, Ukrainian SSR, USSR and United Kingdom.

58/ All India Women's Conference.

prostitution. 59/ In several instances, these replies contained laws which provided penalties for acts such as procuring, attempting to procure, or entice women and girls (or "persons") for purposes of prostitution, keeping or financing a brothel, or making available premises for prostitution, as well as attempts to commit such acts and international participation in them.

119. Some Governments noted that prostitution in and of itself was not punishable (Denmark, New Zealand, Poland). Iraq, however, reported that the law provided for the "punishment of any prostitute, whose engagement in prostitution has been proven, by confinement in an institute of corrective detention for a term of not less than three months and not more than two years". 60/ Singapore pointed out that the Women's Charter (part X) contained ample provisions for the rescue and rehabilitation of women and girls who were the victims of immoral trafficking.

120. Some replies did not provide details of the legislation in effect but noted, for example (a) that prostitution and traffic in persons was forbidden by the religion and was not therefore an acute problem, but that procuring was punishable by law (Iran); (b) that the social and economic causes of traffic in persons and of the exploitation of prostitution had been eliminated and that preventive measures continued to be taken (Ukrainian SSR and USSR); and that the law was in accordance with the intent of article 8 of the Declaration (United Kingdom).

121. Developments of the period under review included amendments to the criminal codes of Austria and Canada. In Austria, the new Criminal Code included a specific provision against traffic in human beings, in which explicit reference was made to traffic in women. The interpretation of the Criminal Code and of the Vagrancy Act had been such as to leave it to the discretion of the police whether or not to penalize prostitutes, and, in practice, a prostitute who complied with police orders and was registered could not be punished for practising her trade.

122. In Canada, two amendments to the Criminal Code came into force on 1 July 1972 under the Criminal Code Amendment Act S.C. 1972. Both were based on recommendations of the Royal Commission on the Status of Women (Nos. 150 and 151).

59/ Barbados: Offences against the Person Act, 1868, Act 1968-5, sect. 45; Brothels (Suppression) Act, 1889, Act, 1889-2, sect. 2; and Magistrates Jurisdiction and Procedure Act, 1956, Act 1956-57; Brazil: Penal Code, arts. 227-232; Denmark: Penal Code, sects. 228-229 and sects. 21 and 23; Fiji: Constitution, sect. 6, and Penal Code, sect. 289; Iraq: Act for the Combating of Prostitution, 1958 (No. 54), arts. 3, 4 and 8; Criminal Code, No. 1111 of 1969, arts. 380 and 399; New Zealand: Police Offences Act, 1927; Crimes Act, 1961, sects. 136, 147, 148, 149 and 210; Poland: Penal Code, art. 174, art. IX of the introductory provisions, and chap. XVI; Singapore: Women's Charter, part X; Sweden: Penal Code, chap. 6, art. 3; Trinidad and Tobago: Offences against the Person Ordinance, chap. 4, No. 9, sects. 38-42, 44, 47, 50 and 52; Zambia: Penal Code, sects. 124, 127, 131 and 146.

60/ Iraq, Act for the Combating of Prostitution, art. 8.

Under the first amendment, the following section of the Code was repealed:

"Everyone commits vagrancy who, being a common prostitute or nightwalker is found in a public place and does not give a good account of herself."

Under the second amendment the following section was repealed:

"Everyone commits vagrancy who, not having an apparent means of support is found wandering abroad or trespassing and does not, when required, justify his presence in the place where he is found",

and replaced by a new section reading:

"Every person who solicits any person in a public place for the purposes of prostitution is guilty of an offence punishable on summary conviction." 61/

123. A further amendment to the Criminal Code was under study by the Law Reform Commission and Department of Justice in Canada to the effect that

"the Criminal Code be amended to extend protection from sexual abuse to all young people, male and female, and protection to everyone from sexual exploitation either by false representation, use of force, threat or the abuse of authority".

124. A few Governments referred specifically in their replies to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949, indicating that they were parties to it (Austria, Brazil, Egypt); that the Convention was under consideration (Cyprus); or that they were not parties to it (New Zealand, Zambia). New Zealand explained that it was a party to a number of earlier conventions, 62/ but an amendment to the original form of the 1949 Convention had blurred the distinction between the notion of sexual promiscuity and prostitution organized for gain. While encouragement of prostitution other than for reward was not regarded as a crime in New Zealand, the terms of the Crimes Act (sect. 147) were so wide that a prostitute could scarcely ply her trade without running foul of the Act, which proscribed both brothel-keeping and procuring for sexual intercourse.

125. New Zealand also drew attention to a discrepancy between males and females in the application of the Police Offences Act, 1927, which had come to light in a recent decision. It was an offence for a prostitute to solicit passers-by in a public place for the purpose of prostitution, but that had been held not to apply

61/ Section 164 (I) (C) and (A) of the Criminal Code (in the Revised Statutes, para. 175 (I) (C) and (A), repealed by chap. 13, sect. 12 of the new Act of 1972.

62/ E.g., International Agreement of the Suppression of the White Slave Traffic and Protocol of Signature, 1904; Convention for the Suppression of Traffic in Women and Children, 1921.

to a man soliciting for the purpose of homosexual prostitution. In a further discrepancy (which discriminated against men), the law provided that homosexual acts between females were criminal only if one party was 21 or over and the other party was under 16, while homosexual acts between males were punishable regardless of consent, subject to limited exceptions for persons under 21.

126. Certain measures had been taken in Egypt in 1973 to control the exploitation of girls leaving the country. On 2 January 1973, the Ministry of the Interior decided that a morals investigation should be made, in each case of granting passports and especially to artists, since a large number of girls left the country for immoral purposes under that designation. A committee, consisting of representatives of several ministries had further decided that (a) the local consul should withdraw the passports of degenerate persons and issue them temporary travel certificates valid for return to Egypt within one month from the date of issue, notification being made to the Department of Immigration, Passports and Nationality, and the Department for the Protection of Morals; (b) the names of women of ill repute were to be placed on the lists of persons forbidden to travel, so that they would not be allowed to leave the country; and (c) women who failed to comply with the consul's summons and were able, by deceiving the authorities, to remain in residence and continue their activities, should lose their Egyptian nationality.

127. Sweden reported that, in the past year, pornographic activities occurring in "sex clubs and posing studios" had become an object of increasing attention, and were thought probably to have led to an increase in the total scope of prostitution and the number of people who ran the risk of becoming socially maladjusted. A Government-appointed commission, in its report presented in March 1973, recommended that pornographic performances should be allowed only by special permission from the police authorities. The commission suggested that prostitution in the clubs could at least be made more difficult, if not stopped altogether, by new rules or conditions concerning the arrangement and use of the premises. The Swedish Newspaper Publisher's Association, after talks with the Commission, recommended its members to exercise restraint in publishing advertisements with provocative sex illustrations. The commission's recommendation appeared to have practically put an end to that type of advertising. The Government had approved the commission's recommendation that pornographic performances could not be held without special permission from the police authorities and a Bill had been put before Parliament (1973:115).

128. In several judgements of the past year it had been made clear that the practice of "posing" came under the scope of the provisions of the law as regards procuration, which was punishable under the Penal Code (chap. 6, art. 7).

2. Relevant statistics

129. Three Governments ^{63/} gave statistics showing the numbers of persons prosecuted or convicted for offences connected with the traffic in women or

^{63/} New Zealand, Poland, Sweden.

exploitation of prostitution. Austria reported that no case of such traffic had come to the notice of the authorities in the period under review. In New Zealand in 1969, five women were indicted in the Supreme Court for brothel-keeping and prostitution; three were acquitted, one was awaiting trial, but the prosecution did not proceed. In the magistrates courts two women were charged and convicted for these offences, and one was committed to the Supreme Court for sentence. In 1970, two women were charged in the magistrates courts for these two offences, but neither was convicted.

130. Poland reported that, in 1970, 50 persons (22 men and 28 women) were sentenced under the Penal Code (art. 174), and, in 1971, 101 persons (52 men and 49 women). The increase in the number of sentences resulted not from an increase in the number of crimes but from changes in the penal law.

131. Sweden reported that in 1970 11 persons (including one woman) and in 1971 13 persons (including one woman) were sentenced for infringements of the Penal Code (chap. 6, art. 7).
