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Sixteenth Session

SOCIAL COMMITTEE

SUMMARY RECORD OF THE TWO HUNDRED AND FORTY-FIRST MEETING

held at the Palais des Nations, Geneva,
on Monday, 13 July 1953, at 10.30 a.m.

CONTENTS:

pages

- | | | |
|----|--|--------|
| 1. | Programme of work | 4 |
| 2. | Report of the Commission on the Status
of Women (seventh session) (item 13 of
the Council's agenda) (E/2401) | 4 - 16 |

Present:

Chairman: Mr. MUNOZ (Argentina)

Members:

Argentina	Mrs. FLOURET
Australia	Mr. BRENNAN
Belgium	Mrs. CISELET
China	Mr. TSAO
Cuba	Miss MANAS
Egypt	Mr. AZMI
France	Miss LISSAC
India	Mr. VIRA
Philippines	Mr. INGLÉS
Poland	Mr. ZDANOWSKI
Sweden	Mr. MICHANEK
Turkey	Mr. TUNCEL
Union of Soviet Socialist Republics	Mr. ORLOVSKY
United Kingdom of Great Britain and Northern Ireland	Mr. OVERTON Mr. BROWN
United States of America	Mr. KOTSCHNIG Miss HEATH
Uruguay	Mr. PEROTTI
Venezuela	Mr. RIVAS
Yugoslavia	Mr. PLEIĆ

Observers:

Dominican Republic	Miss BERNARDINO
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Representation of specialized agencies:

International Labour Organisation	Mr. BLAMONT
United Nations Educational, Scientific and Cultural Organization (UNESCO)	Mr. TERENCEZIO

Also present:

Representative of the United Nations High Commissioner for Refugees	Mr. WEIS
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Representatives of non-governmental organizations:

Category A

World Federation of Trade Unions Mr. DIALLO

Category B and Register

Catholic International Union for
Social Service Miss HERTOGHE

International Alliance of Women -
Equal Rights, Equal Responsibilities Mrs. SPILLER

International Association of Penal Law Miss de PEGANOW

International Bureau for the
Unification of Penal Law Miss de PEGANOW

International Bureau for the
Suppression of Traffic in Persons Miss HARRIS

International Council of Women Mrs. CARTER

International Federation of Friends
of Young Women Miss de PERROT

International Federation of
University Women Mrs. NANTET de SENRANT

Women's International League for
Peace and Freedom Mrs. BAER

World's Young Women's Christian
Association Miss ARNOLD

Secretariat:

Mr. Humphrey	Acting Principal Director, Department of Social Affairs
Mrs. Tenison-Woods	Chief, Status of Women Section, Division of Human Rights
Mr. Messing-Mierzejewski	Secretary to the Committee

1. PROGRAMME OF WORK

Mr. VIRA (India) stated that his Government had instructed him to request postponement of item 14 of the agenda (prevention of discrimination and protection of minorities) to the fifth or sixth week of the session because the relevant documents had been received by his Government only on 8 or 9 July, and, therefore there had been insufficient time for it to issue instructions to the delegation.

Mr. ORLOVSKY (Union of Soviet Socialist Republics) supported the Indian representative's proposal.

Mr. OVERTON (United Kingdom) was sympathetic towards the proposal, but thought it would be prudent not to take a decision forthwith. The repercussions upon the work programme as a whole would have to be considered.

Mr. AZMI (Egypt) had no objection to the discussion on the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities being deferred, but could not agree to the report of the Commission on Narcotic Drugs being taken earlier than had been arranged. An Egyptian expert had already been instructed to attend the meetings of the Social Committee on that subject, and if the time-table were changed the Egyptian delegation would be placed in an awkward position.

Mr. PLEIĆ (Yugoslavia) thought that the Indian representative's request, which the Yugoslav delegation was ready to support, should be granted, provided the subject - to which the Yugoslav delegation attached the greatest importance - was not dealt with too hastily.

The CHAIRMAN proposed that the Secretariat should look into the co-ordination of the remaining items on the Committee's programme of work and report at the next meeting.

It was so agreed.

2. REPORT OF THE COMMISSION ON THE STATUS OF WOMEN (SEVENTH SESSION)
(item 18 of the Council's agenda) (E/2401)

Miss BERNARDINO (Observer for the Government of the Dominican Republic), speaking at the invitation of the CHAIRMAN in her capacity of Chairman of the Commission on the Status of Women, thanked the Committee for the opportunity given her of introducing the Commission's report on its seventh session (E/2401), which

deserved careful attention. Chapters I and II of the report dealt with purely formal matters. Chapter III described the proceedings on the question of the nationality of married women. It related the circumstances in which, consequent upon the failure of the International Law Commission to draft a convention on the subject, as requested by the Economic and Social Council, the Commission on the Status of Women had adopted a resolution requesting the Secretary-General to circulate to the governments of States Members for their comments - to be received by 1 January 1954 - a draft convention on the nationality of married persons which had been prepared by the Commission itself. The text of the draft convention was contained in draft resolution B (Annex 1, pages 16-18 of the report). It was hoped, therefore, that when the problem of nationality came to be discussed at the Council's seventeenth session the Social Committee would have the comments of governments before it.

Referring to draft resolutions C and D in Annex 1, she recalled that the question of the status of women in private law (Chapter IV of the report) had been considered at the last session of the Commission on Human Rights. The wording of the relevant article adopted by that Commission for inclusion in the draft covenant on political and civil rights was not identical with Article 16 of the Universal Declaration of Human Rights, and it was to be hoped that after further discussion the Commission on Human Rights would find it possible to bring its text more closely into line with that of the Universal Declaration.

With regard to draft resolutions E and F on the political rights of women (Chapter V of the report), she observed that the Commission's seventh session had coincided with the opening for signature of the Convention on Political Rights of Women. That document was the first international instrument on the subject to be adopted under the auspices of the United Nations. The Commission had worked hard to secure its adoption, and the Economic and Social Council deserved high praise for its assistance; as a result of all that effort, no fewer than twenty-five States had already signed the Convention. In her opinion, that achievement alone was sufficient justification for the Commission's existence.

The Commission attached great importance to draft resolution F. Although everything possible was being done in the Trust and Non-Self-Governing Territories,

women there still did not enjoy full political rights, and a new impetus was needed, particularly in the field of the political education of women.

With regard to draft resolution G (equal pay for equal work - Chapter VII of the report), she observed that discrimination against women was still being practised to a great extent in respect of wages and salaries.

Draft resolutions H and I (educational opportunities for women - Chapter IX of the report) were based on the principle that access by women to sources of culture and education should no longer be a matter for argument. She expressed appreciation of the assistance given by UNESCO in promoting the rights of women in the field of education.

Draft resolution J (technical assistance programmes in relation to the status of women - Chapter XI of the report) had been adopted unanimously, and testified to the Commission's interest in the problem of technical assistance. She hoped, therefore, that the General Assembly would give the approval requested in paragraph 3 of the resolution.

The Commission deplored the fact that, despite the requirements of Article 8 of the Charter, fewer and fewer women were occupying responsible positions in the United Nations Secretariat; and it might be observed that WHO had been particularly slow in giving that article its correct interpretation. She wished, however, to record the Commission's thanks for the great assistance received from that part of the United Nations Secretariat which was responsible for providing the Commission with the necessary documents.

In conclusion, she expressed the hope that, when discussing the report, members of the Committee would be inspired by a sense of justice and equity, and that they would show their faith and objectivity by giving it their approval. Only by working in a spirit of true co-operation could the desired results be achieved.

Mr. AZMI (Egypt) paid a tribute to the quality of the Commission's work, the results of which were very well presented in the report. He felt he should mention that the Egyptian delegation had been happy to have the opportunity of studying the report in circumstances that were far more auspicious than at previous sessions of the Council. As a result of the change of régime in Egypt, his delegation was now able to affirm its general agreement with the purport of the Commission's report.

As a member of the constitutional commission set up to draft the new constitution of the Egyptian Republic, he took pleasure and pride in stating that that Commission, bearing in mind the recommendations of the Commission on Human Rights, had already adopted for inclusion in the new constitution articles recognizing the complete equality of men and women in respect both of civil and political rights, and of economic, social and cultural rights. Thus the new Egyptian constitution would give women as well as men the right to vote, and expressly recognized the principle of equal pay for equal work.

Dealing with the various Chapters of the report, he pointed out, as Chairman of the Commission on Human Rights, that, in view of its importance, draft resolution C on the status of women in private law had been given most careful consideration by that Commission and that Mrs. Lefauchaux, the representative of the Commission on the Status of Women, had taken part in the discussion. The matter was an extremely delicate one, and the Commission on Human Rights had unfortunately felt unable to give its full support to the text submitted by the Commission on the Status of Women. The Universal Declaration of Human Rights, which was a proclamation of principles, and the covenants on human rights, which were undertakings to be entered into by States, were essentially different. The Commission on Human Rights, following the French representative, Mr. Cassin's, wise suggestion, had reached a satisfactory solution by wording the text of article 22 of the draft covenant on civil and political rights so as to include the essential points of the text proposed by the Commission on the Status of Women; but instead of providing for legislation by States Parties to the Covenant to give equality of rights and responsibilities to husband and wife as to marriage, during marriage and at its dissolution, article 22 urged that legislation be directed towards ensuring such equality of rights. That was a sound idea, for few countries had as yet introduced complete equality of rights, and those which were endeavouring to do so should be given time to surmount, one by one, the obstacles that stood in their way.

For that reason, the Egyptian delegation thought it opportune to apply the same reasoning to article 1 of the draft convention on the nationality of married persons in draft resolution B and to paragraph (a) of the operative part of draft resolution D submitted by the Commission on the Status of Women. That was the

purpose of its amendments to those proposals.⁽¹⁾

Indeed, there was no common doctrine in international law on the question of the nationality of married women. Egyptian legislation, for instance, gave a married woman the right to keep her nationality during marriage and to regain it should the marriage be dissolved. It gave an alien married to an Egyptian the right to choose between her former nationality and Egyptian nationality, though the latter could not be granted until two years after the marriage. In other countries, however, different conditions obtained, and it was therefore difficult for the time being to draw up any general rules on the subject.

Equality of rights for men and women as to marriage was another question that raised complicated difficulties for certain countries. The Egyptian delegation would not wish to see such equality given to Moslem women. Although Moslem law gave the woman complete freedom to dispose of her personal property, it made the husband responsible for all family expenditure, and he believed that Egyptian women would be the first to refuse equal rights when they were not matched by equal obligations.

With regard to the Egyptian amendment to draft resolution B, it might be objected that the draft convention on the nationality of married persons should not be discussed in the Economic and Social Council, since that resolution merely asked the Secretary-General to transmit the text to States Members with a request for their comments. In that case, he would ask that the amendment be considered as a comment by the Egyptian Government on draft resolution B and as such as forming part of the documentation pertaining to the report of the Commission on the Status of Women.

Mr. RIVAS (Venezuela) said that Venezuelan legislation had for many years been based systematically on the principle laid down in draft resolution C, paragraph (3).

(1) The Egyptian amendment to draft resolution B read:

"Replace the text of Article 1 by the following:

'Each of the Contracting States agrees to direct its legislation and practice in regard to nationality towards abolishing the distinction based on sex.'"

The amendment to draft resolution D read:

"Replace paragraph (a) in the operative part of the resolution by the following text:

'(a) Direct all the possible measures towards ensuring equality of rights and duties of husband and wife in family matters.'"

submitted by the Commission on the Status of Women, namely, that the family was the natural and fundamental group unit of society and was entitled to protection by society and the State. It was, however, imperative that the safeguarding of the family unit should not create more inequalities than were strictly necessary, and that such inequalities and limitations should not in practice lead to others, which might still further restrict the provisions of the law itself. Draft resolutions B and D illustrated that complex situation. They were complex in their provisions, because it was precisely the most advanced legislations that gave special treatment to married women in such matters as nationality, choice of the family domicile and the administration of the joint property of the spouses. One of the spouses must necessarily be given powers of decision in certain matters, subject only to the limitations determined by the need to protect the other spouse against arbitrary conduct on the part of the spouse administering the common possessions. Thus, in Venezuelan law, although wives were obliged to follow their husband to any residence he might choose, Article 138 of the Civil Code permitted the appropriate courts to exempt them from that duty in certain circumstances. Further, wives were granted compensatory privileges not provided for husbands, in particular in respect of nationality and the administration of common property. Undoubtedly, such privileges were tantamount to discrimination on grounds of sex, but they were essential to the safeguarding of the unity of the family. But it would seem that article 1 of the draft convention in draft resolution B would require the total abolition of such discrimination. True, the Contracting States agreed under article 3, paragraph 2, that the convention should not be construed as affecting any existing legislation or practice which gave to the alien spouse of one of its nationals the right to acquire the latter's nationality, either at his or at her request or through privileged nationalization procedures. That article, however, would seem to grant the alien husband but not the alien wife, such advantages, which would be inconsistent not only with the basic purposes of the draft convention, but also with article 1, which laid down that no distinction should be made based on sex. The Venezuelan Constitution was consistent with article 2 of the draft convention, but only in so far as Venezuelan women were concerned, since if they married aliens they retained their Venezuelan nationality. Thus, if articles 1 and 2 of the draft convention

were read together, it would appear that a similar guarantee should be extended to Venezuelan men marrying alien women; but such a provision was obviously unnecessary, since nowhere did an alien husband married to a national acquire his wife's nationality solely by reason of the marriage.

It had been necessary to devise the safeguard for women precisely because the legislation of some countries was based upon exactly the opposite principle. The present Venezuelan Constitution not only provided benefits for alien women married to Venezuelans and safeguards for Venezuelan women married to aliens, but also that the dissolution of the marriage should not affect the nationality of the spouses and children.

Whereas, however, the draft convention on the nationality of married persons conformed fairly closely with Venezuelan law in substance and intent, its form was defective, and, if it were transmitted to governments as it stood, it might be misconstrued. The Venezuelan delegation would not vote against draft resolution B, nor would it submit amendments to it, but it did feel that the text of the convention was not yet ready for circulation to governments. Indeed, paragraphs 24 and 25 of the report suggested that the Commission itself shared that view. The text of draft resolution B seemed to go back to an original draft embodying a recommendation that a convention on the nationality of married persons be opened for signature by interested States. But the draft resolution in paragraph 26 of the report made no reference whatsoever to such a procedure. The Council could not properly take action on a draft resolution which the Commission itself had not adopted.

Draft resolution D gave rise to similar misgivings. It made no reference to the right to choose the family domicile, although that right was specifically mentioned in the second paragraph of the preamble to the original draft resolution set out in paragraph 36 of the report. Despite that inconsistency, the Venezuelan delegation would not vote against draft resolution D or seek to amend it. Indeed, its doubts about draft resolutions B and D implied no disagreement with their substance and purpose. His delegation was in favour of all attempts to safeguard the legal and social equality of women against any unduly rigid construction of the limitations dictated by the need for protecting the unity of the family. Such rigid

construction would endanger the very cause of the legal and social equality of women, a reality against which no valid arguments could any longer be adduced. He would vote for the remainder of the Commission's draft resolutions.

Mrs. CISELET (Belgium) said that the Belgian delegation had noted with keen interest the report of the Commission on the Status of Women, which was obviously helping to improve the status of women in a great many countries by gradually removing unfair discrimination against them in various fields. She herself was convinced that, far from being a handicap to the family, the emancipation of women - which should go hand in hand with their education - was a salutary influence, since it qualified them the better to carry out their duties as wives and mothers.

On the whole, the Belgian delegation endorsed the conclusions stated in the report of the Commission on the Status of Women, though it had some reservations and comments to make in respect of certain of the draft resolutions submitted in Annex 1.

With regard to draft resolution B (nationality of married women) some of the articles of the draft convention on the nationality of married persons, for example, articles 1 and 2, were at variance with the principles governing Belgian law on the subject. With a view to ensuring that members of a family should wherever possible have the same nationality, without prejudice to the right of married women either to keep or to relinquish their nationality of origin, Belgian law had in fact granted them a privileged status. Article 15 of the Universal Declaration of Human Rights, referred to in the Commission's resolution, was applied in full in Belgium. Under a law of 1922, a Belgian woman marrying a foreigner was free either to keep her nationality or to give it up, and, moreover, if she relinquished her Belgian nationality, she could, in certain circumstances, recover it, should her marriage be dissolved. It would thus seem that existing Belgian law protected women better than would the draft convention itself.

The Belgian delegation wondered, incidentally, whether the time was ripe for discussion of the question. It would be remembered that, after it had originally been placed on the Council's agenda, the question had been deferred till the seventeenth session to enable the Council to ascertain the views of the International

Law Commission. Furthermore, draft resolution B dealt not only with the nationality of married women, but also with the nationality of married persons generally, and she wondered whether the Commission on the Status of Women was not exceeding its terms of reference. She would be glad to hear the views of other delegations on the point.

Draft resolution C was surely out of date, since the Commission on Human Rights had incorporated its substance in article 22 of the draft covenant on civil and political rights.

Draft resolution D (status of women in private law) was an extremely important proposal which dealt pertinently and concisely with a rather unsatisfactory situation. It was a fact that the legal systems of a great many countries placed the married woman in a subordinate position which at the time of speaking was in flagrant contradiction with the status of women in civil and political life. Belgian law, of course, was based on the Napoleonic Code, which had been rendered less stringent by a number of legislative enactments, especially the Law of 20 July 1932, which modified it in a number of important respects. Belgian law was at present undergoing changes, and tended more and more to grant women equality of rights in marriage and full civil status. The Belgian Parliament had, for instance, recently passed a law granting equality of rights to the father and mother in the matter of parental consent to the marriage of their children, thus dividing the paternal power between them. With regard to the respective personal and property rights of husband and wife, various bills had been submitted to Parliament and the Belgian Government had shown the great importance it attached to the question by setting up a commission of jurists to study members' proposals for the reform of legislation in that field. The Belgian delegation would, therefore, vote in favour of draft resolution D, which it regarded as preferable to the text proposed in the Egyptian amendment thereto.

With regard to the political rights of women, dealt with in draft resolution E, in Belgium there was complete equality of rights between men and women in respect of the franchise and eligibility for public office. The Convention on Political Rights of Women approved by the General Assembly under resolution 640 (VII) was at present being studied by the competent Belgian authorities, but Belgium would be able to

ratify it only with certain reservations concerning, for example, the Congo and Ruanda Urundi, where the stage of development of the indigenous population and certain conditions peculiar to those territories made it impossible to apply the Convention immediately. Nor could the Belgian delegation agree to the final paragraph of draft resolution E, which placed States signing the Convention at a disadvantage by comparison with non-signatory States, inasmuch as States Parties to the Convention were required to report every two years to the Economic and Social Council on the measures they had taken to implement its provisions. That meant interference by the United Nations in a number of very delicate problems. If the paragraph were maintained, the Belgian delegation would have to abstain from the vote on draft resolution E as a whole.

The Belgian delegation was prepared to vote in favour of draft resolution F, also on political rights of women, although it was not very happy about the wording.

With regard to draft resolution G (equal pay for equal work), Belgium had been one of the first countries to ratify the Convention on Equal Remuneration adopted by the 34th International Labour Conference in 1951, after acceding to it on 23 May 1952. The principles of that Convention were applied in Belgium in all Government departments, and the Government had submitted the text to the National Labour Council, which was studying the action required to ensure its implementation in all branches of trade and industry.

She would support the amendment⁽¹⁾ submitted jointly by the delegations of Argentina, Cuba, France and the United States of America to draft resolution H (educational opportunity for women), for she felt that the expression "identity of basic school curricula" was rather too drastic.

She could well understand the motives underlying draft resolution J (technical assistance programmes in relation to the status of women). Technical assistance

(1) The joint amendment read:

"Amend [draft resolution H] to read as follows:

'Draws the attention of governments and of specialized agencies to the need of ensuring that pupils of both sexes have the same opportunity to take basic school curricula, including curriculum choices.'".

could certainly help to improve the status of women in certain fields and in certain countries, but she could not entirely approve the way in which the text was drafted. It might, she suggested, be advantageous to refer it to the Technical Assistance Administration.

Miss LISSAC (France) was glad to note the continued improvement in the work done by the Commission on the Status of Women, both as regards its content and as regards its form. The various draft resolutions submitted in the Annex to its report were evidence, not only of the results it had already obtained, but of those it was seeking to achieve. Thus, draft resolution E (political rights of women) provided an instance of efforts crowned with success, and draft resolution B (nationality of married persons) was an example of work that remained to be completed. Time and patience would be needed, as the statements of certain delegations had shown, but the perseverance displayed by the Commission in that connexion left small doubt about the final result.

The fact should be emphasized that the positive results achieved by the Commission were due to the happy collaboration prevailing between governments and the United Nations Secretariat. There could be no doubt that the studies undertaken by the latter at the Commission's request had given governments a clearer picture of the problems before them, and had thus helped them to find more adequate solutions to them. Another of the merits of the Commission on the Status of Women was that it brought together at international level a picked body of women who were experienced in and conversant with the problems that interested women all over the world. She was gratified that the Commission had elected as its Chairman the representative of a country of Latin America, a part of the world in which, since the Santiago Conference of 1923, remarkable progress had been made towards improving the position of women.

The French delegation would reserve its comments on the Commission's draft resolutions until the Committee came to discuss them individually, but she could say already that on the whole it approved of them.

In the case, however, of the draft convention on the nationality of married persons, she felt that it would be proper to adopt the procedure already followed by the Council in considering the Convention on Political Rights of Women, namely,

to have the proposed text examined by the competent government departments which would submit comments that would facilitate the Commission's work.

Mr. ORLOVSKY (Union of Soviet Socialist Republics) recalled the fact that the functions of the Economic and Social Council and of its Commission on the Status of Women in the matter under discussion were clearly defined by the Charter of the United Nations and relevant General Assembly resolutions, particularly resolution 56 (I), in which the General Assembly had recommended that all States Members which had not already done so should adopt measures necessary to fulfil the purposes and aims of the Charter by granting women the same political rights as men. The Council had set up the Commission on the Status of Women for that very purpose. The Commission's report on its seventh session showed, however, that, despite some positive recommendations, especially in draft resolutions D and F, to ensure the implementation of equal rights for men and women, much more remained to be done. The factual information supplied by the Commission showed that political, economic and social discrimination against women still existed in a number of States Members, and that in many countries it was unconcealed. In sixteen countries, women enjoyed no political rights at all; in six, they could vote only in local and provincial elections; and in three others there were limitations, not applicable to men, on their participation in elections. Even in countries where women formally enjoyed equal rights, in practice they still did not occupy political positions on a par with men. There was still widespread discrimination with regard to pay, promotion and choice of profession. Discrimination also persisted with regard to the right to own property, to choose the family domicile and to appear before the courts. The Commission must make greater efforts to overcome its shortcomings, and to comply with General Assembly resolution 540 (VI). The scope of its work was still too narrow, for it had not paid sufficient attention to such vital matters to women's welfare as maternal and child care, access to health services for the mass of women, the protection of the home and of young women workers, and so on.

In the Soviet Union women had full rights in all walks of life. His country's Constitution not only laid down the principle of equal rights for men and women, but also included specific guarantees for its application and the enjoyment thereof.

Women were extremely active in political life; there were 280 women deputies in the Supreme Soviet and more than 2,000 in the Soviets of the autonomous Republics and those of the Union. More than one third of all deputies in the local Soviets were women. Women played an equally prominent part in law, agriculture, teaching and the health services. Working mothers were supplied with a full crèche and nursery service, which took care of their children. There was also free medical care and free access to higher education.

The Soviet Union delegation was prepared to support draft resolution A submitted by the Commission on the Status of Women, and would discuss the succeeding draft resolutions in detail as they came up for consideration.

The meeting rose at 12.50 p.m.