

# United Nations GENERAL ASSEMBLY

TWENTY-SECOND SESSION

Official Records



THIRD COMMITTEE, 1481st  
MEETING

Thursday, 12 October 1967,  
at 3.40 p.m.

NEW YORK

## CONTENTS

### Agenda item 53:

#### *Draft Declaration on the Elimination of Discrimination against Women (continued)*

Article 7. ....	85
Article 8. ....	86
Article 9. ....	86
Article 10. ....	86

Chairman: Mrs. Mara RADIC (Yugoslavia).

### AGENDA ITEM 53

Draft Declaration on the Elimination of Discrimination against Women (continued) (A/6678 and Corr.1, A/6703 and Corr.1, chap. XII, sect. XII; E/4316, A/C.4/L.1438, A/C.3/L.1439/Rev.1, A/C.3/L.1440/Rev.1, A/C.3/L.1441/Rev.1, A/C.3/L.1443/Rev.1, A/C.3/L.1445/Rev.1, A/C.3/L.1447/Rev.1, A/C.3/L.1449/Rev.2, A/C.3/L.1452, A/C.3/L.1455)

#### ARTICLE 7

1. Mrs. MERCHANT (Canada), speaking on a point of order, said that much precious time had been lost in the consideration of article 6, and she therefore suggested that in future speeches should be confined to objections to articles or to comments on amendments. The draft Declaration was not a convention, but a statement of goals, and the Committee must not allow itself to become a drafting group.

2. Mr. SANCHEZ GAVITO (Mexico) urged the Committee not to delete article 7 as some delegations had proposed because they deemed it to be redundant. From that point of view, the entire draft Declaration was redundant and could be reduced to article 2, which called for the taking of all appropriate measures to abolish discrimination against women. The Committee was not attempting to write a literary masterpiece, but, to quote the representative of the United Kingdom, to sound an alarm that would rouse the world's conscience and awaken it to the injustice of the discriminatory practices against women.

3. Mrs. SIPILA (Finland) agreed that the Committee must not degenerate into a drafting group. She trusted that it would not repeat its experience with article 6, which was to be explained by the fact that many of the delegations present had not been members of the Commission on the Status of Women. For their benefit, she briefly sketched in the background of article 7. Her delegation would vote against the amendments calling for the deletion of the article, for the same reasons for which the Commission had rejected a United Kingdom amendment to that effect.

4. Miss HART (New Zealand) thought that the problem before the Committee was of striking a balance between the general statement of principles and the references to particular problems which the Declaration sought to eliminate. Discrimination against women in penal codes continued to be significant enough that it merited specific mention. While that could have been done in article 2, her delegation saw no objection to the presence of a separate article dealing with the point and she supported its retention.

5. Mr. UY (Philippines) also favoured the retention of article 7, especially as there were provisions in his country's penal code calling for more lenient treatment with regard to so-called "crimes in defence of honour". If the arguments in favour of deleting articles because of redundancy were carried to their ultimate conclusion, most of the articles already adopted would have to be deleted.

6. Mr. BEAULIEU (Haiti) felt there had been too much criticism of the lengthy debates in the Committee. If some delegations were prepared to vote on obscure or ambiguous texts, his delegation was not. He associated himself with those speakers who wanted to retain article 7.

7. Mr. LAVALLE (Guatemala) withdrew his amendment to delete article 7 (A/C.3/L.1445/Rev.1), but remarked that his doing so had absolutely nothing to do with his country's criminal laws.

8. Mr. HOVEYDA (Iran) favoured the retention of article 7 for reasons of pure logic; since the draft Declaration contained two articles on the equality of women with regard to political and civil rights, the lack of any reference to equality in matters of criminal law might be regarded as an oversight on the Committee's part.

9. Mr. A. A. MOHAMMED (Nigeria) said he could not accept the Mexican representative's implication that the delegations asking for the deletion of article 7 were doing so because their criminal law contained provisions discriminatory against women. In their amendment (A/C.3/L.1440/Rev.1), his delegation and that of Senegal had proposed deletion because article 7 was an unnecessary repetition of article 2.

10. Mr. VERMEYLEN (Belgium) associated himself with those representatives who had opposed the amendments to article 7.

11. Mr. PAREJA (Peru) said that at the beginning of the debate his delegation had submitted an amendment to delete the article (A/C.3/L.1439/Rev.1), but now wished to withdraw the amendment, in deference to the Mexican representative's suggestion.

12. Mrs. RAOELINA (Madagascar) stated that she would abstain in the vote on article 7, but would support the original text of article 8.

13. Mrs. AFNAN (Iraq) remarked that she had at first felt that discrimination against women in the penal codes was covered by the provisions of article 2, but that she had been impressed by the Mexican representative's saying that his delegation wanted article 7 to be included in the draft Declaration because his Government might then find it easier to eliminate those criminal provisions which were discriminatory against women. Such frankness deserved great respect, and her delegation would vote for the article.

14. Mrs. IDER (Mongolia) said that in fact article 7 was redundant. Nevertheless, after the eloquent arguments that had been advanced, she had no objection to its being retained.

15. Mr. GHAOUCY (Afghanistan) continued to think that there was some overlapping between articles 2 and 7 of the draft Declaration. At the same time, having been impressed by the Mexican representative's statement, his delegation would vote for article 7.

16. Mr. ABOUL-NASR (United Arab Republic) emphasized that the spirit of the Nigerian-Senegalese amendment had nothing to do with the substance of the draft; he therefore asked the two sponsors not to press it.

17. Mr. A. A. MOHAMMED (Nigeria), speaking on behalf of his own delegation and that of Senegal, withdrew their amendment to article 7 (A/C.3/L.1440/Rev.1).

*Article 7 (A/6678 and Corr.1, annex I) was adopted by 94 votes to none, with 3 abstentions.*

#### ARTICLE 8

18. Mr. UY (Philippines) stated that there were several amendments calling for the deletion of article 8 on the ground that it did not deal with discrimination against women. However, it was illogical to classify restriction of women's freedom of movement and of their right freely to choose a spouse as discriminatory practices and not to do the same with regard to the traffic in women and exploitation of prostitution, practices which forced women into a degrading profession. The deletion of those provisions, which were intended to combat such practices, could in itself be discriminatory. For that reason, his delegation wanted article 8 to be retained and would vote against amendments to it.

19. The CHAIRMAN reminded the Committee that amendments calling for the deletion of article 8 had been submitted by Peru (A/C.3/L.1439/Rev.1), Nigeria and Senegal (A/C.3/L.1440/Rev.1), Belgium (A/C.3/L.1443/Rev.1) and Guatemala (A/C.3/L.1445/Rev.1). She invited the Committee to first vote on the question of the deletion of the article.

*All the amendments calling for the deletion of article 8 were rejected by 62 votes to 16, with 13 abstentions.*

*Article 8 (A/6678 and Corr.1, annex I) was adopted by 80 votes to 4, with 11 abstentions.*

#### ARTICLE 9

20. Mrs. KUME (Japan) said that her delegation was fully aware of the importance of education and the economic rights of women; however, neither the value nor the priority attached to the provisions of articles 9 and 10, which dealt with those vital matters, would be altered because of a change in the order in which they appeared in the draft Declaration. Her delegation would therefore not support the Moroccan amendment (A/C.3/L.1438).

21. Mrs. EMBAREK WARZAZI (Morocco) said that her amendment was prompted by the desire to proceed in accordance with the logic of the facts. No one could deny that education was the basis for all progress. The place given in the Declaration to article 9, concerning the right to education, would thus meet the concern for that logic, which dictated the necessity of recognizing the fact that only with the support of that most fundamental right could the rights set forth in the document be fully exercised.

22. Mr. HOVEYDA (Iran) said that his delegation would abstain from voting on the Moroccan amendment, for to support it would be tantamount to admitting that some rights were more important than others, which was not the case.

23. Mr. BEAULIEU (Haiti) also intimated that his delegation would abstain from voting on the Moroccan amendment.

24. The CHAIRMAN suggested that the question of the order of the articles be dealt with, barring objections, after all the articles had been voted on.

*Article 9 (A/6678 and Corr.1, annex I) was adopted unanimously.*

#### ARTICLE 10

25. Lady GAITSKELL (United Kingdom) wished to explain her position regarding paragraph 2 of article 10 (A/6678 and Corr.1, annex I), as that paragraph underscored what her delegation regarded as a weak point of the draft text. She agreed that maternity should not serve as a pretext for denying women equal rights with men in respect of work or economic opportunities. However, what the document failed to recognize, in that provision, was that women had a primary responsibility in the education of the children. The social services providing child-care facilities, as proposed in that paragraph, merely shifted the responsibility from one group of women to another. A balance had to be kept between women's rights and aspirations and their family duties, when they had children of tender age. That argument had of course been used by those seeking to impede the advancement of women, but that could hardly be said of the United Kingdom where women made up more than one-third of the working population.

26. The United Kingdom representative submitted that the formulation "the guarantee of returning to former employment, and to provide the necessary special services", in paragraph 2 seemed too rigid, and that the social and also moral consequences which it might have for future society aroused her misgivings. That guarantee would be all very well if the employer did not have to replace the woman

worker who took maternity leave, but the situation was different if he actually had to employ someone else in her stead. It was obvious, therefore, that the word "guarantee" raised a number of difficulties. Women with young children should themselves decide whether they wanted to a full day's work outside the home, without society pressing them to take one course or the other. She had grave doubts as to whether the State should adopt energetic measures for providing social services, including child facilities, the end-result of which would be to detach the mother from her younger children.

27. For all those reasons, the United Kingdom delegation would be unable to vote in favour of paragraph 2 of article 10.

28. Mrs. RAJAGOPALAN (India) was in general agreement with the principles set forth in article 10 of the draft, which were again and again reflected in the Constitution of India and in much of its domestic legislation. Considering her Government's progressive attitude on the subject of equal rights for men and women in the economic and social sphere, the Indian representative saw no reason for opposing the provisions of that article, except with regard to the concluding phrase of paragraph 2, which referred to the provision of the necessary social services, including child-care facilities. The absence of such services would not imply any discrimination against women but was merely a reflection of the country's social situation. Her delegation had accordingly presented an amendment (A/C.3/L.1455) proposing the deletion of the phrase in question.

29. Mr. A. A. MOHAMMED (Nigeria) proposed two slight changes in the amendment submitted by his own and the Senegalese delegations (A/C.3/L.1440/Rev.1): first, the deletion of the words "applicable to"; and secondly, the replacement of the word "invalidity" by "disability". In its present form, he added, paragraph 1 (d) did not specify the type of family allowances referred to. The allowances depended in fact, on the social policy of the Government concerned, and it was necessary to indicate the type involved. The two delegations had accordingly deemed it advisable to make that point more specific, and had proposed that subparagraphs (c) and (d) be combined in order to give them more incisive force.

30. Mr. HOVEYDA (Iran) asked the representative of the Ivory Coast to explain the purport of the words "provided that the husband is not receiving such allowances or that the wife is the head of the family" which his amendment (A/C.3/L.1447/Rev.1) proposed to add to paragraph 1 (d). While he was able on principle to support the first part of the amendment, he wondered whether the second part might not imply the payment of two family allowances to the same family. He was unable, furthermore, to support the amendment submitted by Nigeria and Senegal (A/C.3/L.1440/Rev.1).

31. Mrs. CHAPMAN (Ivory Coast) said that she felt it unfair that women who worked could not receive family allowances for their children when their husbands were not officials or salaried workers and were engaged in such occupations, say, as that of fisherman or street vendor. She would accordingly

answer the Iran representative's question by saying that what her delegation had in mind was not that two allowances should be paid to the same family: what it wanted to establish, with its amendment, was that a woman who worked say, as an official or salaried worker and whose husband was not an official or salaried worker, should not be debarred from receiving allowances for her family because of the fact of being a woman.

32. Mrs. IDER (Mongolia), while supporting the principle expressed in the Ivory Coast amendment, felt that what was involved was a point of clarification not essential in a declaration of that type. As to the amendment submitted by Chile, Costa Rica and Uruguay (A/C.3/L.1441/Rev.1), her delegation supported it on the ground that it improved the original text and included married women within its scope. On the other hand, it could not support the Indian amendment (A/C.3/L.1455), as the provision it proposed to delete was of great importance.

33. Mr. NASINOVSKY (Union of Soviet Socialist Republics) regarded article 10 as fundamental. However, it covered only a fraction of the guarantees and rights enjoyed by women in his country in the field of social assistance, which included, among many other things, day-nurseries. His delegation would have liked the text of the Declaration to be strengthened in that respect, and felt that the present text represented a minimum which all countries should try to achieve. Accordingly, his delegation whole-heartedly supported the provisions of the present text of article 10. It also felt that the amendment submitted by Chile, Costa Rica and Uruguay was apposite, and included an important element not featured in the original text, namely, the right of women not to lose their employment because of being married. Lastly, his delegation did not share the views of the United Kingdom representative which were tantamount to saying that a woman should lose her employment on account of pregnancy. That approach might be valid from the standpoint of a well-to-do family, but in the case of a poor one the fact that a wife was without work could be a most serious misfortune. A woman, if she needed to work, should be able to do so.

34. Mr. VERMEYLEN (Belgium) pointed out that it was not a question of expressing value judgements on women who went out to work and on women who stayed at home. The guarantee in question was essential, but he felt that the Soviet Union representative had misinterpreted Lady Gaitskell's views, in thinking that she was solely concerned with well-to-do women. He observed, in that connexion that under Belgian law the labour contract was suspended in the event of maternity. Meanwhile, in seeking to establish equality in respect of social allowances, care had to be taken to avoid duplication. It should be made clear that family allowances were for the family unit, and not necessarily for the husband.

35. With regard to the amendments, he was unable to support that submitted by the Ivory Coast; that submitted by Nigeria and Senegal seemed to him to be useful, as it established equality of rights between men and women, whether the latter were married or not; while that submitted by Chile, Costa Rica and Uruguay, which aimed at removing a serious discrimi-

nation, met with his warm support, assuming always that it implied a guarantee for women who needed or wished to work and not an encouragement to women to go out to work.

36. Mr. KOITE (Mali) supported the Ivory Coast amendment because it was clear and comprehensive and stated what allowances women should receive, a point which was not explained in paragraph 1 (d).

37. Mr. IRURETA (Chile) welcomed the support given to the amendment submitted by his delegation, together with those of Costa Rica and Uruguay. He wished to propose two slight changes thereto: to replace the Spanish word "licenciamiento" by the word "despido"; and to delete the words "in the event of marriage", which were unnecessary.

38. Mrs. SIPILA (Finland) explained why paragraphs 1 (c) and 1 (d) of the article had been kept separate. At the twentieth session of the Commission on the Status of Women, Belgium had submitted an amendment similar to that now proposed by Nigeria and Senegal. The Australian delegation had proposed that a mention of family allowances should be included in that text. However, other delegations had felt that family allowances constituted a separate category and should not be coupled with other benefits paid to all persons, married or unmarried. Her delegation saw no reason to change the present text as proposed in the amendment submitted by Nigeria and Senegal. It was better to deal separately with workers' rights and family allowances, which included benefits such as allowances for low-income families and cost-of-living allowances.

39. While the objectives of the Ivory Coast amendment were praiseworthy, the text was perhaps unduly restrictive. For example, difficulties might arise in the case of the marriage of two persons who had been married before and had children from their first marriage. Her delegation was strongly opposed to the Indian amendment, for it regarded the absence of child-care facilities as one of the main forms of discrimination against women. It supported the amendment to paragraph 2 of the article, submitted by Chile, Costa Rica and Uruguay but not the proposal to add a third paragraph, which in its view would constitute a very dangerous limitation.

40. Mrs. HARRIS (United States of America) said that her delegation supported the original text of article 10 and was opposed to all the amendments submitted. It was particularly concerned about the Indian amendment, because child-care services were essential to the exercise of the rights of working women. It also opposed the addition of a third paragraph, according to the proposal by Chile, Costa Rica and Uruguay, as being unnecessary and as opening the door to the introduction of discriminatory practices on the pretext of protecting women.

41. Mr. ABOUL-NASR (United Arab Republic) was in favour of article 10 in its present form and was

particularly gratified that the Commission on the Status of Women had included the right to work in paragraph 1 (a). He also supported the amendments submitted by Chile, Costa Rica and Uruguay and the amendment submitted by Nigeria and Senegal, which improved the wording of the article.

42. Lady GAITSKELL (United Kingdom), exercising her right of reply, said that the Soviet Union representative had misunderstood her statement. She had not been referring to rich women, nor had she stated that women were dismissed when they became pregnant. Of course, maternity leave was granted in her country too. She had simply drawn attention to the social and moral problem which arose when a woman went out to work and her children were deprived of her care and attention. In conclusion, she requested a separate vote on the end of paragraph 2 beginning with the words "with the guarantee of returning to former employment".

43. Mrs. CHAPMAN (Ivory Coast) drew attention to the problem which existed in countries whose civil law was based on the Napoleonic Code, according to which the husband was head of the family and hence the only person who could receive family allowances. However, when a marriage was dissolved by divorce or the husband's death, the wife who did not remarry could become head of the family and be entitled to receive allowances; she wondered why that right should cease in cases where the second husband did not receive such allowances or where those he received did not cover the children of the first marriage.

44. Mr. VAN TILBURG (Netherlands) said that although his delegation was satisfied with the present wording of article 10, it considered it capable of improvement and therefore supported the amendment submitted by Nigeria and Senegal. However, it would be difficult to co-ordinate that amendment with that of the Ivory Coast, and he therefore suggested that the three delegations should produce a composite amendment with the words "provided that the husband is not receiving such allowances" being inserted after the words "family allowances" in paragraph 1 (d).

45. He disagreed with the United Kingdom representative regarding paragraph 2, for if women were not given the guarantee of returning to their former employment, their right to choose their work freely would be limited.

46. Lastly, he supported the amendments submitted by Chile, Costa Rica and Uruguay, which strengthened the text of the Declaration as a whole.

47. Mrs. RAOELINA (Madagascar) supported the Ivory Coast amendment but preferred the original wording of the rest of the article.

*The meeting rose at 6 p.m.*