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Chairman: Mrs. Mara RADIĆ (Yugoslavia).

AGENDA ITEM 53

Draft Declaration on the Elimination of Discrimination against Women (A/6678 and Corr.1, A/6703 and Corr.1, chap. XII, sect. XII; E/4316)

GENERAL DEBATE

1. The CHAIRMAN invited the Committee to consider the revised text of the draft Declaration on the Elimination of Discrimination against Women that had been adopted by the Commission on the Status of Women. That text had been submitted to the General Assembly by the Economic and Social Council in its resolution 1206 (XLII) and appeared as annex I to the note by the Secretary-General (A/6678 and Corr.1). Annex II to that note contained amendments to the draft Declaration submitted by India. She also called the attention of the Committee to chapter XII, section XII, of the report of the Economic and Social Council (A/6703 and Corr.1) and to the report of the Commission on the Status of Women on its twentieth session (E/4316).
2. Mrs. SIPILA (Finland) briefly outlined the action which the Commission on the Status of Women, over whose twentieth session she had had the honour to preside, had taken on the request in General Assembly resolution 2199 (XXI) that it should review the text of the draft Declaration on the Elimination of Discrimination against Women. She next pointed out the amendments that had been introduced into the preamble of the original text and into articles 1, 4, 6, 9, 10 and 11 (E/4316, paras. 87-146).
3. Some countries which had already made a certain amount of progress might wonder whether the draft Declaration met their needs, while others would consider it too advanced. The idea of non-discrimination had been proclaimed in the Charter of the United Nations and in the Universal Declaration of Human Rights, but discrimination against women had remained to be defined. In that connexion, the draft Declaration was simply a statement of principles, representing a bare minimum. It was the result of considerable work by men and women of different countries, races, religions and cultures.
4. She hoped that, rather than hold a general debate, the Committee would proceed to consider the draft Declaration article by article.

5. Mrs. DIRZHINSKAITE-PILYUSHENKO (Union of Soviet Socialist Republics) said that the draft Declaration was the product of long and arduous but fruitful work, resulting in a document that could provide a basis for the recognition of full private and public rights for women.

6. In the Soviet Union the matter had been settled both in law and in practice. Under article 122 of the Constitution, women were accorded equal rights with men in all spheres of economic, political, cultural, and social activity. Soviet women were an important force; they were active in all areas of social life and employment and could freely decide their own future. There were more than 43,000 women scientists in the Soviet Union, and a third of all Soviet engineers were women; women accounted for 74 per cent of the medical profession, and the figure was even higher in education. Great attention was paid in the Soviet Union to the special needs of women, and over 7 million families availed themselves of the services of nursery institutions. Women were entitled to special grants and pensions and received free medical services and equal pay for equal work.

7. In 1966, Lithuania had celebrated twenty-five years of socialism, thanks to which it had overcome its backwardness and become an industrial nation. Roads, schools and housing had been built and illiteracy had been eradicated. In contrast to the previous twenty years of bourgeois rule, during which a woman could not get a post in a ministry or occupy an important place in society, the Lithuanian woman of today took part in public life on equal terms with men. She offered her own case as an example: for over seven years she had been serving as Chairman of the Council of Ministers of Lithuania.

8. The USSR delegation attached the very highest importance to the adoption of a Declaration on the Elimination of Discrimination against Women, since it would be a legal instrument affecting more than half the human race. It also thought it most important that the Declaration should be adopted during the current session, on the eve of the International Year for Human Rights. It felt sure that the Declaration would occupy as prominent a place as the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, and the International Covenants on Human Rights. Her delegation supported the draft Declaration and would do its utmost to expedite the adoption of the final text.

9. The draft Declaration was nothing more than a statement of universal principles. The Committee should take the draft as a basis and make it clearer or more precise where necessary. Once the Declaration was adopted, the next step would be to prepare a convention in order to ensure that the principles of the Declaration were implemented.

10. The draft Declaration was not a collection of privileges, but a means of ensuring that rights would be made equal in practice. In many countries, unfortunately, women had no electoral rights, were paid less than men and occupied an inferior place in the family. She hoped that the Declaration would play an important role in securing full participation by women in all spheres of human life and that it would play an especially active role in developing countries. In order to implement the principles contained in the Charter of the United Nations, of which the present issue, in the final analysis, was but a single aspect, there must be peace; women in all countries must declare their opposition to war and associate themselves with those denouncing aggression in Viet-Nam and the Middle East.

11. Mr. ABOUL-NASR (United Arab Republic) said that the revised text of the draft Declaration that was before the Committee was certainly a great improvement over the previous text, and observed that his delegation had voted in favour of the draft Declaration as a whole, in the Commission on the Status of Women despite the fact that it had considered some points ambiguous or disputable. He suggested that the following drafting changes should be made: in the fourth preambular paragraph, it would not be amiss to add a reference to the International Covenants on Human Rights approved at the previous session of the General Assembly; in article 2, it would be better to say "modify or change" rather than "abolish", since customs could not be abolished and those were thus more appropriate legal terms; in article 3, the word "abolition" should be replaced by the word "modification" or "change", for the same reason; in article 6, it would be preferable to avoid too much detail and have a simpler formulation. In the United Arab Republic, for example, family law was based on the greater responsibility of the husband. In particular, the phrase "freedom of movement" was not clear. Article 7 was superfluous, since it repeated what was stated in article 2.

12. Lastly, he agreed with the representative of Finland that the Committee should not hold a general debate, and expressed the hope that the Committee would be able to proceed directly to consider the articles of the draft Declaration.

13. Mrs. SIVOLOB (Ukrainian Soviet Socialist Republic) said that the problem of discrimination against women, which occurred in the cultural, legal, political and moral spheres, had concerned the great minds of the world for centuries. After much time had elapsed, ideas and proposals to do away with it had been put forward. Today, a great change had taken place and there was an opportunity to eradicate discrimination against women everywhere. Discrimination against women was one of many forms of discrimination, but it was particularly important since it affected half the people of the world. Naturally, the problem must

be solved by each country, but the United Nations could also help to solve it and thus achieve one of its most important purposes. The Commission on the Status of Women had made a valuable contribution in preparing the draft Declaration now before the Committee. An international instrument of that type would only be effective if it guaranteed equality for women in all countries throughout the world. The document approved by the Committee should refer, in addition, to the aims to be achieved in the future.

14. In her own country, the triumph of the Great October Revolution had opened up greater possibilities for achieving equality. But it had taken time and a great deal of effort. On the fiftieth anniversary of the Revolution, it could be said that complete equality was guaranteed in the Ukrainian SSR. The social conditions existing in the country made it possible for women to enjoy all rights, including equal pay, medical services, assistance to unmarried mothers and to large families, maternity leave, child-care centres, etc. Equality was not merely proclaimed: the practical means existed to make rights a reality. Universal suffrage was guaranteed for women, as was their right to stand for public office. There were 174,000 women in local councils, and more than a quarter of the judges were women. Women also played an active part in trade unions, where they held 40 per cent of the senior posts. Fifty years previously, there had been few women with higher education; today, there were more than 500,000 and 50 per cent of all specialists were women. Women also played an outstanding part in education and science.

15. Her delegation was full of admiration for the role played by women in countries fighting for their independence and against colonialism. Lastly, her delegation thought it might be appropriate for the Committee to adopt, in addition to the draft Declaration, a covenant on discrimination against women similar to the International Covenant on Human Rights adopted at the twenty-first session of the General Assembly.

16. Mrs. OULD DADDAH (Mauritania) agreed with the proposal made by some delegations that there should not be an extended general debate. In addition, she would like to congratulate the Commission on the Status of Women on the draft Declaration, which was the result of very special efforts.

17. Mr. CIASULLO (Uruguay) said it was well known that women had enjoyed complete equality of rights in his country for many years, in accordance with the Constitution and other lesser legislative provisions. His delegation fully supported the draft Declaration, although it recognized that the text might have to be amended in some respects. It would like reference to be made to the International Covenant on Civil and Political Rights, and in particular to article 26, which was directly relevant. In addition, it would be advisable to speak in article 10, paragraph 2, of "marriage or maternity" rather than just "maternity", in order to take account of the discrimination that occurred when women married and employers preferred to dismiss them with compensation rather than face the social services payments for married women and potential mothers.

18. It should also be pointed out that the draft Declaration did not represent the most that could be done in terms of the rights of women. In Uruguay, it was already possible to speak of discrimination against men, which in his view was something to be proud of. There were laws prohibiting women from undertaking heavy, unhealthy or night work, and there was provision for early retirement for women workers and school-teachers. It would be advisable, therefore, to state specifically that such measures would not be discriminatory. Lastly, he would be in favour of a convention similar to the International Convention on the Elimination of All Forms of Racial Discrimination, since an instrument of that kind would bind Member States more than a simple declaration.

19. Mr. PAOLINI (France) said that the Declaration should be combined with a long-term programme for the progress and emancipation of women, a question which was on the agenda of the International Conference of Human Rights to be held in 1968. It was the nature of a declaration to enunciate general principles which should govern legislative policy without in themselves constituting a binding commitment for any State. In discussions on the draft Declaration, there had been some confusion as to what its aim was; for example, some of the amendments submitted concerned details which were out of place in a general declaration, such as the proposals relating to article 6; others, however, went the other way and challenged principles which had already been approved in conventions. The text as it stood struck a balance between the two tendencies: the draft Declaration was still progressive without being too detailed and without binding States. It was a compromise setting forth the norms that were considered to be desirable. His delegation thought it would be advisable not to reopen discussion on the problems which had already been dealt with in the Commission on the Status of Women. Some delegations might express reservations, but the principle of the Declaration should be taken as accepted. His delegation had voted in favour of the text in the Commission on the Status of Women and had submitted an amendment relating to the role of women in family life. With regard to the question raised by the representative of the United Arab Republic concerning article 6, paragraph 1 (c), in his view the meaning of the phrase "the right to freedom of movement" was perfectly clear; that right, which also applied to married men, meant that married women could move about freely without requiring authorization from their husbands.

20. Mr. PAREJA (Peru) said he feared that in the desire to protect the rights of women, the draft Declaration on the Elimination of Discrimination against Women had gone too far. Looking closely at the substance of the draft Declaration, he had been struck by such absurd and inappropriate questions as the disposal of property covered by article 6, paragraph 1 (a). Under most legal systems, the husband was the administrator of the common marital estate. Admittedly, the fault might lie in the drafting, and that paragraph might really be referring to the wife's own personal property. What should be ensured for women was the right, during the marriage, to acquire, administer and inherit such property, and not property in general. With regard to the reference in article 2, paragraph 1, to the abolition of customs, it should be

borne in mind that customs could not be changed by decree but could only be transformed through the passage of time.

21. In the specific case of Peru there was absolute equality of rights between men and women. Under an act passed in 1946, women could freely hold any political office and engage in all types of professions. A subsequent act had given women the right to vote.

22. He endorsed the statement made by the representative of Uruguay to the effect that the Declaration should be followed up by a convention. In addition, the text of the Declaration itself should be brought more into line with the legal and political realities of the civilized world.

23. Mrs. EMBAREK WARZAZI (Morocco) said that, at first sight, the draft Declaration seemed very attractive. However, unless some changes were first made, it would be difficult to accept. The outstanding work done by the Commission on the Status of Women in preparing the draft Declaration was only one aspect of the Commission's efforts to secure more rights for women. There seemed, however, to be a tendency, when seeking to guarantee such additional rights, to aim too high and lose sight of the real problem which women faced. The problem now confronting the Third Committee was the inferior position of women in society—not the position of well-educated, well-fed and well-dressed women, but that of the uneducated and ignorant woman who was not aware of her right to be treated on a footing of equality with men. For such a woman, the vote, for example, really served no purpose if she did not use it with a full understanding of the issues. In the developing countries, most women voted not as they chose but as their parents, husbands or families wished.

24. It was in article 9 of the draft Declaration that the real problem confronting women was taken up. The first right which must be demanded and proclaimed was the right to education. As it was there that the real cause for the backwardness and inferior status of women was to be found, the enunciation of the right to education should appear as article 1 of the Declaration.

25. The right of women to work under the same conditions as men was another right which must be proclaimed. The degree of progress and emancipation of a country was measured not only by its state of cultural and technological advance but also by its economic independence. The same should be the case with women. In the absence of those two essential conditions—education and economic independence—the emancipation of women would have no solid foundation.

26. She suggested that, in considering the present item, the Committee should not forget the varied civilizations represented among its members, and she expressed the hope that the Committee would approve a Declaration which would serve to promote the interests of women, particularly in the developing countries.

27. Mr. A. A. MOHAMMED (Nigeria) said that the subject before the Committee had been studied in detail at the previous session. Since, in resolution 2199 (XXI), the General Assembly had decided to give

high priority to the draft Declaration, it would be desirable for the debate to be kept short and for representatives to limit themselves to considering the various articles of the Declaration.

28. The draft still raised certain problems. With regard to the preamble, he supported the proposal by the representative of the United Arab Republic that reference should be made to the International Covenants on Human Rights. As to article 2, if it was decided to substitute another word for the word "abolish", his delegation would accept the article. In article 6, paragraph 2 (c), it was stated that parents were to have equal rights and duties in matters relating to their children; in that matter, however, husband and wife should have not equal but parallel rights. As to articles 7 and 8, there was no reason for them to appear in the draft. The former was essentially the same as article 2 and was therefore redundant, and the subject-matter of the latter was outside the scope which should be given to the draft Declaration. Lastly, the Committee must clearly define the meaning of the expression "family allowances" which appeared in article 10, paragraph 1 (d). As there were many types of grants made to families, the paragraph should state precisely what was meant.

29. Mrs. AFNAN (Iraq) said that as a declaration was always an affirmation, the Declaration now under study by the international community would affirm that discrimination against women must be ended, not only in the developing countries but throughout the world.

30. The draft Declaration consisted of two important parts: the one was an expression of intentions, ideas and principles, and the other a programme for achieving goals set forth. Taken as a whole, the text being considered by the Committee was better than the previous text. With regard, however, to article 2, it was regrettable that the Commission on the Status of Women had not seen fit to adopt the amendment submitted by the Drafting Committee with regard to the abolition of customs; her delegation had at the time proposed the replacement of the word "abolish" by the word "modify". It would perhaps be desirable to restrict article 2 to laws and regulations, and transfer the reference to customs and practices to article 3. With regard to article 7, she shared the Nigerian representative's opinion that it was a repetition of article 2. She agreed with the representative of the United Arab Republic that, in view of the detailed character of article 6 it would be desirable to omit certain provisions which in the light of the differing viewpoints of the various legal systems would otherwise have to be included. Her delegation had the previous year asked for the deletion of article 8. She welcomed the fact that a similar proposal had been made in the Commission on the Status of Women and trusted that the same would occur in the Third Committee. Articles 9 and 10, which represented the programme, would be useful for the future work of the Commission on the Status of Women and of women's organizations in their efforts to induce Governments to apply the principles of the basic document which the Declaration would constitute.

31. As to the objections raised regarding paid maternity leave and the guarantee of returning to former employment, which matters were dealt with in article

10, paragraph 2, she had found that in the International Labour Organisation it was the trade unionists who were the most strongly opposed to those provisions because their adoption would be discriminatory against men and would thus make the access of women to skilled employment even more difficult. She trusted that the amendments proposed to the existing text of the draft would not be substantial, for otherwise her country might be prevented from effectively applying its provisions. In that regard, she could not accept any of the amendments proposed by India (A/6678 and Corr.1, annex II).

32. Mrs. WILMOT (Ghana) said that her delegation had played an active part in the formulation of the draft Declaration. While that did not, of course, mean that it accepted all the provisions of the draft, it thought that it was a reasonably sound document and that unnecessary changes should be avoided.

33. She would not oppose the addition of the words "International Covenants on Human Rights" after the words "the Universal Declaration of Human Rights" in the fourth paragraph of the preamble. However, she could not support the replacement of the word "abolish" in article 2, paragraph 1, by the words "modify or change", since in her view that would be not a drafting change but a change in substance. Similarly, she could not accept the amendment that had been proposed in article 3.

34. As for article 6, paragraph 2 (c), she concurred with the representative of the United Arab Republic in being unable to agree that parents had equal rights and duties in matters relating to their children, since, in her own country, those rights and duties were complementary in nature. She also agreed with the representative of the United Arab Republic that article 7 should be deleted, since it constituted a repetition of article 2. She felt, too, that article 8 was out of place in the draft Declaration, and she could not accept article 9 (e) since the question of equality did not arise in that regard.

35. She would find it difficult to accept the amendments submitted by India (A/6678 and Corr.1, annex II), since, for example, the first four amendments, relating to article 6, would weaken the text, whereas the fifth amendment did not seem compatible with the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (General Assembly resolution 2018 (XX)).

36. Mr. NETTLE (Austria) said that he supported the existing text of the draft Declaration, which was the outcome of compromise among many diverging views and represented a notable step forward towards the achievement of equality between men and women. Although the draft had not been conceived as a binding legal instrument, its approval would be of the greatest importance in setting forth the agreed wishes and convictions of the States Members of the United Nations.

37. Although Austria had recently had difficulties in harmonizing some of the passages of the draft Declaration with its domestic legislation, those difficulties had been resolved by means of appropriate changes in Austrian inheritance and family law where there had been a contradiction with the draft.

38. Mrs. STEVENSON (Liberia) said that her delegation regarded the present item as one of the most important on the agenda. Since its inception, the United Nations had ceaselessly tried to promote respect for fundamental human rights without distinction as to race, sex, language or religion, and the discrimination still practised in some countries against a sector of the human race was therefore sufficient justification for drawing up a text aimed at putting an end to that practice. The denial to women of the opportunities offered to men in the political, economic and social

development of a nation hindered that nation's progress. Her delegation considered that the draft Declaration would be a major step towards breaking the chains by which for centuries women had been bound.

39. In conclusion, she recalled that, at the twentieth session of the Commission on the Status of Women, her delegation had recommended the deletion of article 8.

The meeting rose at 6.10 p.m.