



CONTENTS

Agenda item 53:

	Page
<i>Draft Declaration on the Elimination of Discrimination against Women (continued)</i>	
Article 6. . . . .	71

Chairman: Mrs. Mara RADIĆ (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.3/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.1446, A/C.3/L.1447/Rev.1, A/C.3/L.1449/Rev.1, A/C.3/L.1450/Rev.1, A/C.3/L.1451 and Corr.1, A/C.3/L.1455)

ARTICLE 6

1. Mr. LUSINGA (Democratic Republic of the Congo) said that, like other speakers, he feared that the present text of article 6 (A/6678 and Corr.1, annex I) might give rise to misinterpretation, which could militate against the unity and harmony of the family, the basic unit of any healthy society. In his view, the rights set forth in that article should be seen in the light of one overriding consideration which should be mentioned therein: the protection of that unity and harmony. He therefore suggested that the article should begin in the way proposed in his delegation's amendment (A/C.3/L.1450/Rev.1).

2. He also had misgivings that if, as paragraph 1 (c) of that article provided, women had the right to freedom of movement without the prior authorization of their husbands, that would be a factor contributing to the disintegration of the family. His delegation could accept the substance of the article with the inclusion of the amendments proposed. What was essential was not to seek to impose the customs of some countries on others but to stress a spirit of tolerance in order to bring about a real improvement in the status of women and to ensure family stability.

3. Mrs. RAJAGOPALAN (India) said her delegation was in general agreement with the text of the draft Declaration adopted by the Commission on the Status of Women. In her country, the liberation and advancement of women dated back to the time of Mahatma Gandhi, whose civil disobedience movement had been decisive in that respect. Since then, discrimination against women and women's inferiority complex had slowly disappeared. As a representative of an Asian

country, she was proud of the fact that the first and second women in history to occupy the post of Prime Minister belonged to two nations of that continent, Ceylon and India.

4. With regard to the Indian amendments to the draft Declaration (A/6678 and Corr.1, annex II), she said that her delegation would not press the amendments to article 6, paragraph 1 and to the introductory sentence of paragraph 2; she would withdraw the amendment to paragraph 2 (a) in favour of the Norwegian amendment (A/C.3/L.1446). On the other hand, she would maintain the amendment to paragraph 2 (c) because it was intended merely to make the original text more acceptable. With regard to the amendments to paragraph 3, and in the light of the positions taken by many of the Committee's members, she still felt that the words "and the betrothal of young girls before puberty" should be omitted, but would not press for the addition of the words "as far as possible" in that paragraph.

5. She also withdrew the amendments to article 10, paragraph 1, in favour of the proposal submitted by Chile, Costa Rica and Uruguay (A/C.3/L.1441/Rev.1). The sentence which her delegation had proposed deleting in article 10, paragraph 2, was not relevant to discrimination against women and her delegation would therefore maintain that amendment. The amendments which had not been withdrawn had been circulated in document A/C.3/L.1455.

6. Mr. SANON (Upper Volta) said he had no difficulty in agreeing to the Nigerian and Senegalese amendments (A/C.3/L.1440/Rev.1), including, in particular, the proposal to delete paragraph 1 (c) of the article, since no convincing argument had yet been put forward that would justify keeping it. However, he was willing to accept, as a compromise, the Dahomean sub-amendment (A/C.3/L.1451 and Corr.1) to the Guatemalan amendment (A/C.3/L.1445/Rev.1). He also supported the amendment proposed by Norway to paragraph 2 (a) (A/C.3/L.1446).

7. Mrs. WILMOT (Ghana) was in favour of keeping the words "married or unmarried" in the introductory sentence of the article, despite the suggestion made by the Peruvian delegation in its amendment (A/C.3/L.1439/Rev.1). She had listened very carefully to the statements made by various speakers concerning the right to freedom of movement. It had been said, among other things, that women were likely to abuse that privilege. In her country, where polygamy had not yet been abolished by law and was still practised in some parts of the country, it was the women who raised and educated the children. Thus, if women were responsible enough to be able to raise responsible citizens, there was no reason to expect that they

would decide to leave their families and go globe-trotting merely because the United Nations had adopted a declaration giving them that right; on the contrary, they would know how to exercise their right sensibly. The purpose of the provision was to ensure that the husband, whose consent would be requested, would realize that his wife was also a human being who needed to get out of the house from time to time. For that reason, her delegation could not support the deletion of paragraph 1 (c) of the article.

8. Turning to paragraph 2 of the article, she said that the purpose of the words "free choice of a husband" in sub-paragraph (a) was to prevent a woman from being compelled to accept the choice made for her by her parents or relatives. In her view, a woman should be free to indicate her preference and in that respect she did not agree with the Nigerian representative. What the Committee should not do was to deny women the right to react as they wished to a proposal of marriage. The Norwegian amendment (A/C.3/L.1446) was merely a repetition of the introductory sentence of the article. She objected to the deletion of paragraph 3 proposed by Nigeria and Senegal (A/C.3/L.1440/Rev.1), since, in her view, the betrothal of young girls before puberty implied discrimination since they were often handed over to considerably older men. As for the argument that the provision had already been included in another declaration, the same was true of the other provisions of the draft. She was also unable to accept the amendment of the Democratic Republic of the Congo (A/C.3/L.1450/Rev.1), since the institution of the family had many times been used as a pretext for discrimination against women. Consequently, her delegation would vote against the amendments to which she had referred and in favour of the original text.

9. Begum ISA (Pakistan) said she had no objection whatever to article 6, whose purpose was to guarantee women equal rights with men. However, some provisions seemed to her to be neither clear nor appropriate. Paragraph 1 (c) should not be included in the article since it was vague and might lead to confusion. She agreed with the view expressed by the Iranian representative that a woman's freedom was restricted by that of her husband, there being, in fact, a reciprocal limitation. She therefore supported the Nigerian delegation concerning the deletion of that sub-paragraph. Nevertheless, as a compromise, she could agree to the sub-amendment submitted by Dahomey (A/C.3/L.1451 and Corr.1). She could not, on the other hand, support the Norwegian amendment (A/C.3/L.1446) and considered that the Nigerian and Senegalese proposal (A/C.3/L.1440/Rev.1) to add the words "in all cases the interest of the children shall be paramount" at the end of paragraph 2 (b) was a good one and improved the text.

10. With regard to paragraph 2 (c), which had been variously interpreted, she believed that it meant quite literally that a wife would have the same duties as her husband regarding the education of their children. However, the majority of the Committee seemed to feel that the main responsibility in that respect should be borne by the father. For that reason, the Nigerian and Senegalese amendment to delete the sub-paragraph seemed to be appropriate. With regard to paragraph 3,

her delegation could not support the Indian amendment (A/C.3/L.1455), which merely weakened it.

11. Mr. PAREJA (Peru) observed that in other United Nations bodies, the practice was to reach a consensus, agree on a general wording during the debate, and then approve the matters under consideration, sometimes without the need for a vote. That was not the case in the Third Committee. He had been surprised to hear various representatives say that the text of the draft Declaration was perfect, that the amendments were pointless and that the original text should be approved. With regard to the word "abolish", the Belgian delegation had submitted a satisfactory amendment but had later withdrawn it because of the objections made to it. The draft Declaration before the Committee was to be a document of universal significance. His delegation had suggested an amendment to article 6 (A/C.3/L.1439/Rev.1) because the present drafting of that article was incompatible with the legislation in force in various Latin American countries. The text proposed complete equality between men and women; however, in matters connected with marriage, it should not be forgotten that the husband was the head of the family. That article also referred to the right of women to free choice of a husband, but it should be recognized that what women really wanted was just the opposite: in other words, to have marriage proposed to them. The Committee was trying to draft a model and extremely important Declaration, but it seemed to be illogical at some points.

12. He formally withdrew his delegation's amendment but, when the article was put to the vote, he requested a separate vote on the words "married or unmarried" in paragraph 1.

13. Mrs. DO REGO (Dahomey) said that, generally speaking, the principles laid down in article 6 seemed to her appropriate, but all the amendments which clarified it and made its meaning more precise should be adopted. In submitting its sub-amendment to paragraph 1 (c) (A/C.3/L.1451 and Corr.1), her delegation had tried to make the right to freedom of movement more generally acceptable. Lastly, she supported the Norwegian amendment (A/C.3/L.1446), since it had the advantage of expressing the idea of paragraph 2 (a) more accurately.

14. Mr. A. A. MOHAMMED (Nigeria) noted that the amendments (A/C.3/L.1440/Rev.1) submitted by his delegation and that of Senegal were raising difficulties for other delegations and stated that the objection to the draft lay not with the principles embodied in the articles but with the manner in which they were worded. All those amendments could be withdrawn, provided that a satisfactory alternative was found. The proposal of Dahomey (A/C.3/L.1451 and Corr.1) was an excellent compromise solution and, on behalf of his delegation and that of Senegal, he therefore withdrew the amendments calling for the deletion of paragraph 1 (c) and paragraph 3 of article 6.

15. Mr. UY (Philippines) thought that the amendments to article 6, paragraph 1 (c), submitted by Dahomey (A/C.3/L.1451 and Corr.1) and Guatemala (A/C.3/L.1445/Rev.1) and the amendment to paragraph 2 (a) of that article proposed by Norway (A/C.3/L.1446) were motivated by a concern to guarantee women

equal treatment with men in the matters mentioned in those paragraphs. Yet that concern for equality had been well met by the introductory sentence of article 6, paragraph 1, and there was no need to repeat the same idea in the body of the article. He was therefore opposed to the amendments.

16. He thanked the Nigerian representative for withdrawing the proposal to delete article 6, paragraph 3. He could not accept the amendments of India (A/C.3/L.1455) and Guatemala (A/C.3/L.1445/Rev.1), which proposed certain deletions from the article, because he thought they weakened the text. The text would be weakened also if the Committee adopted the proposals of Nigeria and Senegal (A/C.3/L.1440/Rev.1); simply by moving a sentence, they would destroy the balance of the article.

17. Similarly, if the text was to be a strong one, the Indian proposal to add the words "as far as possible" to article 6, paragraph 2 (c), could not be accepted.

18. Lastly, he could accept the amendment of the Democratic Republic of the Congo (A/C.3/L.1450/Rev.1) but, for stylistic reasons, would prefer it to be inserted after the words "legislative measures" in the introductory sentence in paragraph 1. If that was possible, his delegation would not oppose the proposal.

19. Mr. WALCOTT (Barbados) said that article 6 was particularly important, because it guaranteed women equal treatment with men in the sphere of civil law. The differences between the various delegations were minor; he supported the original wording of the article, with the amendments submitted by Nigeria and Senegal and by Dahomey since they did not affect the substance of the text.

20. Mrs. FRANCK (Central African Republic) said it was necessary to put an end to certain things which were still keeping women in an inferior position. In pursuing the goal of equal rights, however, one should not lose sight of the special role played by women in family life and in the home. Inasmuch as they gave recognition to that role, her delegation supported the amendments to article 6 submitted by Norway (A/C.3/L.1446), India (A/C.3/L.1455), Dahomey (A/C.3/L.1451 and Corr.1) and, in particular, the Democratic Republic of the Congo (A/C.3/L.1450/Rev.1).

21. She briefly described the position of women in the Central African Republic, where they enjoyed the same rights as men. In particular, she mentioned the role which the women's welfare department of the Ministry of Public Health and Social Affairs played in the study and promotion of any measures to improve the status of women in the Central African Republic.

22. Mrs. OULD DADDAH (Mauritania) said that she attached great importance to article 6, whose tenor reflected the new spirit reigning in her country. She supported the amendments submitted by Dahomey and Norway but could not accept the deletion of the words "married or unmarried" in the introductory sentence of paragraph 1, since experience showed that it was precisely married women who suffered most from discriminatory practices. She would find it difficult to accept the amendment proposed by the Democratic Republic of the Congo and would therefore abstain in the vote.

23. Mr. QUADRI (Argentina) expressed appreciation for the Peruvian representative's efforts to improve the text of the draft Declaration and regret that he had withdrawn his proposal to delete the words "married or unmarried" from the introductory sentence in article 6, paragraph 1, since it would have improved the wording without altering the substance. Since that amendment had been withdrawn, he associated himself with the Peruvian representative's request for a separate vote on the words.

24. Mrs. SIVOLOB (Ukrainian Soviet Socialist Republic) emphasized the special importance of article 6, which concerned the sphere in which there was still the most discrimination against women. She agreed with the representative of Ghana that the proposal made by the Democratic Republic of the Congo left room for continued discrimination against women on the pretext of safeguarding the harmony of the family and she therefore opposed that amendment. With regard to the amendments sponsored jointly by Nigeria and Senegal, she thought that the representative of Nigeria had been too hasty in withdrawing the proposal regarding article 6, paragraph 1 (c), as that paragraph could easily be deleted without harming the text. However, she could not support the deletion of paragraph 2 (c) of the article, because she thought it would considerably weaken the text.

25. Mrs. SIPILA (Finland) did not think that the amendment of the Democratic Republic of the Congo should be included in the draft Declaration. With regard to the amendments proposed to article 6, paragraph 1 (c), she preferred the original wording, which, moreover, corresponded to the wording of article 13 of the Universal Declaration of Human Rights. However, the amendment to paragraph 2 (a) proposed by Norway represented an improvement and she would vote for it, but not for the amendments proposed by India.

26. Mr. PAOLINI (France) said that his delegation supported the amendments of Norway and Dahomey, which were drafting changes and did not affect the substance.

27. The amendment of the Democratic Republic of the Congo was extremely important, because it underlined the difficulties which article 6 raised for those countries whose legal systems were based on the guiding principles of Roman or Moslem law—difficulties which were compounded in the case of countries which had taken the Napoleonic Code as a model. His delegation strongly supported that amendment and thought that other delegations could not object to its adoption, since it reproduced almost word for word a statement made in article 16 of the Universal Declaration of Human Rights.

28. He appealed to the representatives of Peru, Nigeria, Senegal and India to withdraw their amendments in favour of the one proposed by the Democratic Republic of the Congo, which basically met the wishes they had expressed.

29. Mr. JATIVA (Ecuador) said that, if a separate vote was taken on the words "married or unmarried" in paragraph 1, his delegation would vote in favour of them, since they would help to give the document under consideration the desired general and universal

character. However, Ecuador for its part had no difficulty in supporting the original wording of the paragraph, since it was in accordance with Ecuadorian legislation, and in particular with the Constitution, which stated in article 29 that marriage was to be based on the free consent of the contracting parties and on the basic equality of the spouses.

30. Mr. ABOUL-NASR (United Arab Republic) stressed that his delegation's objections to article 6 should not be construed as opposition to its provisions but as criticism of some of its references and its excessive detail, which was creating difficulties for some delegations; for example, in his country the right to freedom of movement was guaranteed, but not by civil law. If the Peruvian representative had maintained his amendment, he would have supported it, since, by satisfying certain countries, it would make the Declaration more universal. With regard to the amendment of the Democratic Republic of the Congo, he associated himself with the French representative's remarks and fully supported it. He also supported the Dahomean amendment. His delegation was not convinced that the Norwegian proposal added anything new and preferred the original wording of paragraph 2 (a).

31. Mr. RIOS (Panama) supported the amendments submitted by Guatemala, Norway and the Democratic Republic of the Congo. Article 6, together with article 9, was one of the basic articles in the draft Declaration. With regard to paragraph 2 (c), he thought that the wording "parents shall have equal rights and duties in matters relating to their children" was too categorical and should be subject to some qualification. There could not be equality if, for instance, one of the spouses was a drug addict or an alcoholic. Circumstances of that kind were the subject of special provisions in national laws relating to the custody and care of children when a marriage was dissolved; a qualifying phrase, such as "other things being equal", should therefore be inserted in the principle expressed in sub-paragraph (c), in order to cover such eventualities.

32. Mr. TEKLE (Ethiopia) said that his delegation supported paragraph 3 of article 6, as it would help to prevent discrimination against women. He also supported the Dahomean and Norwegian amendments, which improved the original text, and the amendment submitted by the Democratic Republic of the Congo.

33. Mrs. HARRIS (United States of America) said that she would be prepared to accept the Dahomean amendment (A/C.3/L.1451 and Corr.1), provided that the word "législation" in the original French was to be understood in the widest possible sense.

34. The amendment submitted by the Democratic Republic of the Congo (A/C.3/L.1450/Rev.1) seemed to suggest that some incompatibility existed between the protection of the rights of women and the unity of the family. But, if that were the case, article 6 of the draft would be inconsistent with the sixth preambular paragraph. Her delegation attached great importance to the welfare and unity of the family as the basic unit of society, and did not believe that any such incompatibility existed. On the contrary it thought that, if women were regarded as independent

adults, as the draft Declaration suggested, the family would be strengthened. For that reason she was opposed to the amendment submitted by the Democratic Republic of the Congo.

35. The amendment to paragraph 2, sub-paragraph (b), submitted by Nigeria and Senegal was out of place in that sub-paragraph, as it was irrelevant to the question of legal capacity. With regard to the amendments to paragraph 3 of the article, relating to child marriage and the betrothal of young girls before puberty, she thought that the original wording of the paragraph should not be weakened, and would oppose the amendments submitted by Guatemala (A/C.3/L.1445/Rev.1) and India (A/C.3/L.1455). It did not seem that the Norwegian amendment (A/C.3/L.1446) added anything of importance, and she thought that the original text should be kept.

36. Mr. BEAULIEU (Haiti) said that his country, whose laws were also based on the Napoleonic Code, was faced with the same difficulties as those described by the representative of France. He therefore had no alternative but to vote for the amendment submitted by the Democratic Republic of the Congo.

37. Mrs. HLALELE (Lesotho) said that, although some of the provisions of article 6 had no place in her country at the present time, her delegation supported the original wording of the article. Implementation of the article could only be achieved by the gradual education of the people. She believed in social progress, step by step, and did not think it was possible to impose laws contrary to the people's wishes. She was glad that the delegations of Nigeria and Senegal had withdrawn their amendment to paragraph 1 (c) on the right to freedom of movement, which could only be understood as the right to enter or leave a country. Lastly, her delegation fully agreed with the views expressed by the representatives of Ghana and Mauritania.

38. Mr. PAREJA (Peru) said that he would not insist on a separate vote on the words "married or unmarried", as the amendment submitted by the Democratic Republic of the Congo met his objections to the original wording of the article.

39. Mrs. RAJAGOPALAN (India) thought that the amendment submitted by the Democratic Republic of the Congo would not affect the principle of the equality of men and women, and her delegation would therefore support it. She would also support the Norwegian amendment and the amendment submitted by Nigeria and Senegal to paragraph 2 (b) of article 6. Her delegation wished to withdraw its amendments to the article.

40. Mr. A. A. MOHAMMED (Nigeria) agreed that the amendment proposed by the Democratic Republic of the Congo was one of the best which had been submitted; and, in response to the French representative's appeal, he would not insist on the amendment submitted by his own delegation and that of Senegal if the amendment by the Democratic Republic of the Congo was adopted.

41. Mr. LAVALLE (Guatemala), referring to the amendment proposed by Nigeria and Senegal, said

that his delegation thought that the original wording of paragraph 2 (c) should be retained.

42. With regard to paragraph 3 of article 6, his delegation believed that a provision banning child marriage was out of place in the draft. A law permitting children to marry at a very early age would be unjust; but it would not involve any discrimination, as it would apply equally to both sexes. Furthermore, the concept of "child" was vague and was defined differently in the legislation of different countries. The advantages of keeping the Declaration as short as possible were another reason for deleting the paragraph.

43. His delegation fully supported the Norwegian amendment, since the proposed wording would not confer any rights on women but would affirm the equality of rights of men and women alike.

44. Mrs. HARMAN (Israel), referring to the amendment submitted by the Democratic Republic of the Congo, said that a woman's responsibilities in regard to her family should not be linked to her status in civil law. Her delegation was in favour of retaining the words "married or unmarried". The additional wording proposed by the Democratic Republic of the Congo would be more appropriate in paragraph 2 (c)

of article 6; and, if the sponsor would accept that change in the amendment, she would vote for it, as she recognized its value. If not, she would be obliged to abstain. Regarding the Dahomean amendment, she agreed with the view expressed by the United States representative. Her delegation would abstain on the Guatemalan amendment but would vote for the Norwegian amendment.

45. Mr. SANCHEZ GAVITO (Mexico), referring to the Dahomean amendment, said that his delegation also thought that the words "with regard to the law" were unsatisfactory, not for semantic reasons but because existing laws might not be applied. He suggested that the Guatemalan amendment should be put to the vote first, followed by the Dahomean amendment. With regard to the amendment submitted by the Democratic Republic of the Congo, he disagreed with the Peruvian representative, because the proposed wording might be used as an escape clause; his delegation would therefore abstain from voting on the amendment. Lastly, his delegation supported the Norwegian amendment, which represented an improvement on the original text.

*The meeting rose at 6.5 p.m.*