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CONTENTS

	Page
<i>Agenda item 53:</i>	
<i>Draft Declaration on the Elimination of Discrimination against Women (continued)</i>	
<i>General debate (continued)</i>	27

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)

GENERAL DEBATE (continued)

1. Mrs. CHAPMAN (Ivory Coast) said that the draft Declaration before the Committee (A/6678 and Corr.1, annex I) should mainly benefit women in the developing countries, which would not be possible if their education was not suited to the society in which they lived. Her delegation therefore agreed with the representative of Morocco that article 9 of the draft Declaration was very important for the developing countries and should occupy a prominent place in the Declaration. Her delegation would like article 9 to come after article 2. It would become article 3 and the present article 3 would become article 4. Then would come the present article 10, which would become article 5, and the remaining articles would be renumbered accordingly.

2. Article 9 (e) should be kept, because "access to educational information to help in ensuring the health and well-being of families" meant a knowledge of health, child-raising and domestic science, which was of capital importance for women in developing countries and closely dependent on literacy. In most developing countries, moreover, a woman civil servant whose husband worked was deprived of the right to dependency allowances because she was not the head of the family. The delegation of the Ivory Coast therefore considered that article 10 (d) should be kept in its present form.

3. Since independence the Ivory Coast had taken all kinds of measures to promote the emancipation of women. The Civil Code had been revised some years previously in accordance with the country's situation and needs. Ivory Coast women now had in actual practice the same rights as men in all spheres.

4. Mrs. JIMENEZ MARTINEZ (Cuba) said that before 1959, the year which saw the liberation of the Cuban people, equality between men and women had existed in theory under the 1940 Constitution, but that in

practice there had been discrimination against women, a result of the economic and social structure typical of an exploited country. Women had been the victims of various prejudices and access to education, science, technology and industry had in practice been denied to them. Poor women had been the worst off, being illiterate and often only able to alleviate their poverty by working as domestic servants. Middle-class women had been in a better position and had got some education, although very few had entered university. In the imperialist enterprises the situation had been still more discriminatory. Women could only hold posts up to a certain level, whatever their ability, and if black they had only been taken on to clean the floor.

5. Since the triumph of the Revolution, women had taken their rightful place and were helping to build a communist Cuba. Over 150,000 women had been taken into the labour force, producing goods and providing services as teachers, nurses and technicians and in industry and agriculture. Although only a few years had passed since the Revolution, many institutions had been set up to benefit the family and free women from various domestic tasks so that they could play a full part in the labour force. In the field of defence, women had been enlisted on a mass scale, from the organization of the first militia units until the present day. As Commander Fidel Castro had said, in Cuba the Revolution's most revolutionary achievement was the change it had brought into the lives of women, amounting to a revolution within the Revolution.

6. With regard to the draft Declaration, her delegation thought that the word "abolish" in article 2 was not the best term and that the first part of the article might be amended to read as follows: "All appropriate measures shall be taken to eradicate existing customs and abolish laws, regulations . . .". On articles 4 and 10, her delegation thought that the rights in question should all be listed together in article 10, paragraph 1, which was fuller than article 4, since it referred to married and unmarried women, an aspect not taken into account in article 4. In article 5, the word "automatically" might be replaced by the expression "in any way". The removal of discriminatory penal provisions against women as in article 7 should not exclude provision for reduced criminal liability because of pregnancy and the following words should therefore be added to the article: "without prejudice to the possibility of reduced criminal liability because of pregnancy".

7. Mr. FOUM (United Republic of Tanzania) considered that the draft Declaration on the Elimination of Discrimination against Women was an important step towards remedying a social evil. Tanzania had

always wanted all kinds of inequality to be eliminated from society and women in Tanzania now not only had the same social status as men, but were urged to join with them in creating a new social order. That was the only way of rectifying the shortcomings and removing the scars left on Tanzanian society by decades of colonial rule and of eliminating all vestiges of discrimination and exploitation of women.

8. His delegation agreed with the suggestion by the representative of the United Arab Republic that a reference to the International Covenants on Human Rights should be inserted in the fourth paragraph of the preamble. With regard to article 2, his delegation, believing in the historical development of society, did not consider that customs could be abolished. It therefore supported the comments made by the representatives of the United Arab Republic and Nigeria; since the Byelorussian delegation had made a suggestion at the previous meeting which was in line with Tanzania's viewpoint, it would not dwell on the subject. With regard to article 6, he was in favour of deleting paragraph 1 (c). The concept of the right to freedom of movement was out of place here and was dealt with better in other legal instruments.

9. His delegations also agreed with the arguments put forward against articles 7 and 8 of the draft Declaration. In particular, article 8 belonged to the field of human rights in general and not to the particular sphere of discrimination against women.

10. On article 9 he agreed with the representative of Morocco that education was a fundamental aspect of the elimination of the discrimination against women. He therefore supported the suggestion that the article should be given importance and high priority.

11. In article 10, paragraph 1 (d) was ambiguous. If by "family allowances" was meant the sums that married women received from their husbands, that was a detail which was, to say the least, unnecessary in the Declaration. Such allowances, moreover, could even be an incentive for married women to stay at home and leave the man to act as breadwinner, a situation which would undoubtedly be discriminatory for married women. His delegation hoped that the debate would clarify that paragraph. Finally, it did not consider that a long debate was necessary and suggested that the Committee should take up consideration of the individual articles.

12. Mrs. MENGOME (Gabon) said that in her country, as in many other countries in Africa and elsewhere, women had long been subject to discrimination. Until quite recently the situation had been that dowries had become a means of trade for the parents of the bride, who had been offered like a piece of merchandise to the highest bidder. Women had thus lost their dignity as human beings, their freedom and their right to live a happy life in society. Men had had all the rights, and if a woman had chosen to get divorced, she had lost everything—children, household goods, even her clothing—and the situation had been even worse if she had had the misfortune to lose her husband. Since independence in 1960, the Government of Gabon had freed women from their yoke, placing them on an equal footing with men. In 1962 a presidential decree had abolished dowries. Two women had had seats in the

National Assembly since the first session, while others were members of municipal councils and had opened all doors to other members of their sex in the social, cultural and political fields.

13. Pursuing the same policy on the international level, Gabon had just ratified the Convention on the Political Rights of Women. Women exercised their freedom by participating in all activities. They worked for the Government and for private employers, in accordance with their ability and with equal pay for equal work, and even showed their courage and civic devotion by serving as parachutists and members of the police force.

14. Finally, it must be said that things were not yet perfect and that in the desire to improve the situation further, her delegation supported the draft Declaration submitted by the Commission on the Status of Women and would vote for any text which would help to safeguard women's rights, and in particular to eliminate discrimination against them.

15. Mr. LAVALLE (Guatemala) said that it had been realized in his country for many years that the granting of the same rights to women as to men was not only morally imperative but was also a necessary condition for the complete and efficient utilization of the country's human resources. The constitutional and legislative provisions of Guatemala tended in many ways to place women on a footing of complete equality with men. With regard to family law, Guatemala followed a modern policy of granting to the wife the same rights as to the husband. Although the husband, as in most countries, had somewhat more authority with regard to the administration of the common property, the wife was protected against possible abuses on the part of the husband by various provisions of Guatemalan law. The law of his country also provided for equality of rights between husband and wife in regard to the care of the children and parental authority. Such similarity between Guatemalan law and the principles of the draft Declaration explained why his delegation had no hesitation in giving its support to the draft in general terms. The draft was, however, open to improvements.

16. Article 1, as at present drafted, had the disadvantage of prohibiting the granting of greater rights to women than to men, so that, according to a strict interpretation, the provision, for example, of the Guatemalan Constitution prohibiting capital punishment for women but not for men could be regarded as violating article 1 of the draft Declaration in its present form. For that reason, the words "denying or limiting as it does equal rights between men and women" should be replaced by the words: "by failing to grant to women rights at least equivalent to those of men". With regard to article 6, paragraph 1 (c), he felt that the draft must not state that any particular right was being granted but rather that women had the same rights as men. His delegation could therefore accept that paragraph if it provided that women must have the same right to freedom of movement as men and if it was demonstrated that that provision would be useful in view of the fact that in some parts of the world women did not have the same right to freedom of movement as did men.

17. Article 6, paragraph 3, was, almost in its entirety, out of place in the text under consideration, since it actually did not refer to discrimination against women but rather to principles affecting both sexes equally. Furthermore, the substance of that paragraph was dealt with in the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Article 7 should be eliminated because it repeated what was already said in the first paragraph of article 2. If particularly serious discrimination against women did exist in the penal codes of some countries, the words "especially penal laws" could be inserted in the first paragraph of article 2 between the word "laws" and the word "customs". While his delegation was not unaware of the pernicious character of prostitution, that unfortunate social phenomenon had no bearing on discrimination against women; his delegation accordingly considered that article 8 should be eliminated. As it was not the function of the Declaration to grant rights but rather to set forth equal rights, the wording of article 10, paragraph 1 (c), might be improved by the insertion of the words "enjoy, on the same conditions as men," between the words "the right to" and the word "leave".

18. It might be appropriate for the draft Declaration to include the prohibition embodied in the Constitution of Guatemala with regard to discrimination in employment as between married and single women. That principle might be included in an additional paragraph 3 in article 10 in the following form: "Any distinction between married and single women in regard to employment shall be prohibited".

19. His delegation could not lend its support to the main objections which had been made against some provisions of the Declaration. It did not think it necessary to replace the term "abolish" in article 2 because, although customs could not be abolished with the same ease as laws, they could be eliminated gradually if appropriate measures were taken. It did not, on the other hand, consider that there was any duplication between the provision just mentioned and the provisions of article 6, for the precise purpose of the latter article was to elaborate on the provision of article 2 by indicating the specific means for abolishing the customs referred to. His delegation was unable to endorse the Peruvian representative's objection to article 6, paragraph 1 (a). The existence of the community of property in marriage was in no way contradictory to the provision in question; the community was not imposed on a woman inasmuch as she could contract marriage on the stipulation that there would not be any community of property. Since, on the other hand, such a community would not be absolute unless there was an express stipulation to that effect, it would never be able, against the wishes of the wife, to absorb all the property acquired by her during the marriage.

20. M. GUERMAZI (Tunisia) said that the draft Declaration was the fruit of arduous labour and, in addition, represented a synthesis of a substantial number of compromises. It would therefore be desirable to avoid raising once again problems which had already been debated. His delegation considered the draft to be complete and acceptable and would like it to be approved in its present form. It accordingly

rejected any amendments relating to the substance of the draft. With regard to its form, it merely proposed that in article 2 the words "all appropriate measures shall be taken to abolish existing laws, customs, regulations and practices..." should be replaced by the following: "all appropriate measures shall be taken by Governments to abolish existing laws and regulations and to modify customs and practices...".

21. He considered it somewhat premature at that stage of the discussion to enumerate the changes that might be made in the formulation of the articles of the draft, and he suggested that the Committee should embark on the separate consideration of each article as soon as possible.

22. Mr. VERMEYLEN (Belgium) believed that the text of the draft Declaration ought to be changed with the object of condensing it and restoring to it its full incisive force. If that was not done, the result would be acceptance with reservations, whereas it would not be difficult to agree on the principles.

23. There was some confusion about the scope of the preamble, which gave an impression of insisting that countries should modify their laws—a provision which would be out of place in that part of the instrument and which, moreover, repeated what was said in article 2. He therefore proposed that articles 1 and 2 should be combined with the preamble so as to form a brief, clear and precise text.

24. In the second place, common sense and fidelity to the spirit of the draft must be the governing factors in its implementation. In that regard he cited the right of women to exercise public functions, as set out in article 4, and pointed out that in his country women could not enlist in the armed forces. It was reasonable to hope that the approval of the draft Declaration could not be interpreted in Belgium as a recognition of the right of women to enter the armed forces. He would appreciate it if the representative of Guatemala would clarify his stand on article 6, paragraph 1 (a). In Belgium, the spouses were free to establish the property régime of their choice, and it was obvious that approval of the draft Declaration could not be interpreted as a lessening of that right.

25. He stressed how important it was for the draft Declaration to be approved without reservations and formally proposed that the officers of the Committee should undertake the task of condensing the text. They would be able, after hearing the views of the various delegations, to improve the text, to summarize it and to condense the principles embodied in it so as to give them their full value. That would all depend on how the text was drafted, and the drafting must be precise, brief and incisive.

26. Mr. SIRI (El Salvador) gave an account of the various measures, both practical and legislative, which had been taken in his country for the protection of women's rights and for the purpose of guaranteeing to women equality of treatment with men.

27. He then turned to the articles of the draft Declaration and said that he would vote in favour of article 1 on the understanding that absolute equality of rights as between men and women would not entail impairment of basic rights which were exclusively the

prerogative of women by reason of their sex, as was the case with the various rights inherent in motherhood. With regard to article 2, he was opposed to the use of the word "abolish" as applied to "customs", especially as specific reference was made in the following article to the changing of customs by means of education. He likewise objected to the use of the word "abolition" in article 3. While there was nothing in articles 4 and 5 to which he objected, there were some passages in article 6 which caused him some concern. Although he had no basic objection to article 7, he considered that it might better be omitted. Article 8 seemed to be out of place in the context of the Declaration. He regarded article 9 as very important and agreed with the Moroccan representative that it should come at the beginning of the draft Declaration. He had the same opinion with regard to article 10, and had no objections concerning article 11.

28. He concluded by expressing the view that approval of the draft Declaration on the Elimination of Discrimination against Women would be followed by a Convention specifically dealing with that matter.

29. Mr. IRURETA (Chile) thought it would be useful to sum up the various opinions which had been expressed in the Committee itself as in the Economic and Social Council and the General Assembly, both during the present debate and at previous sessions.

30. The purpose of the Declaration was to assist Governments in their efforts to promote the protection of women's rights. It was also to increase the number of ratifications and accessions to instruments relating to women's rights drawn up by the United Nations and the specialized agencies and to ensure that such instruments were given full effect. The draft should lay down general principles alone; it should not go into matters of detail. It was useless to enunciate impracticable ideals; the point was to define the aspirations of women in the modern world. The Declaration should not proclaim the absolute equality of treatment of men and women, since they fulfilled different functions in society; indeed it should be made clear that women, in view of their specific physiological characteristics, were entitled to receive protection in certain respects. In areas in which equality was essential, however, it should be given a realistic and practical, not purely theoretical, meaning. The draft should give due consideration to motherhood, and to women's place in the family and the home. It should also proclaim the common responsibility of both spouses in family matters. Lastly, it should be clear that the Declaration was not a list of women's demands but a means of ensuring the protection of women's rights, and every effort should be made to see that its text was simple and concise.

31. To the extent that the draft followed those principles it would effectively serve the purposes intended. So far as concerned the present text of the draft, the Chilean delegation would undoubtedly have certain reservations to make with regard to article 6; while the interpretation of that article raised no problems in so far as it applied to single women, it was open to some questions in the case of married women. In addition the draft, as the representative of Uruguay had pointed out at the 1468th meeting, lacked a refer-

ence to night work and certain types of work from which women should be excluded; his delegation intended to submit a joint amendment on that point with the delegations of Uruguay, Ecuador and some other Latin American countries.

32. Mr. AKYAMAC (Turkey) said that his delegation had explained its views on the draft Declaration at the previous session. The Declaration, in his view, should be limited to indicating the guiding principles applicable with regard to discrimination against women, leaving it to the countries concerned to take any necessary practical action.

33. The Turkish delegation agreed with the Belgian representative that the text of the draft Declaration should be condensed and made more concise. The provisions of the Declaration corresponded almost entirely to the practices prevailing in Turkey. Referring specifically to article 6, paragraph 1 (a), he said that in the case of married women Turkish law provided for separation of goods, unless the spouses decided by mutual accord to establish community of goods. The Turkish delegation would raise no objection to the approval of article 6 provided that that freedom of choice was preserved. As to the right of free movement referred to in article 6, paragraph 1 (c), he agreed with the comments made by a number of delegations to the effect that the meaning of that paragraph was unclear, but would have no objection to voting in favour.

34. As the provisions of article 10, paragraph 1 (a), were to some extent incompatible with the pertinent Turkish laws, under which a woman was entitled to work only with her husband's consent, he would abstain in the vote on that sub-paragraph.

35. Mr. OZGUR (Cyprus) said that the draft Declaration, the provisions of which raised no problems in connexion with Cypriot law, would be a document of universal value. So far as concerned the objections raised in connexion with the reference to the abolition of customs, he felt that such action could not be requested of Governments. However, that part of the article in question could be divided in two, separating off the reference to customs. Article 8 should be deleted or amended, since in its present form it had absolutely no relation to discrimination against women.

36. Mrs. UMA PANDEY (Nepal) said that the draft Declaration should represent the highest ideals to which the nations of the world could aspire. It was therefore important that it should include the detailed provisions of article 6; it was essential to guarantee the right of free movement referred to in that article. As to the conflicting views expressed on whether the word "abolish" should be used with reference to customs, she agreed that it was difficult to abolish some customs, but the time had come for the international community to make it clear that some ancient traditions were incompatible with the interests of mankind and should be ended. Article 7 complemented the provisions of the preceding article, and should therefore not be deleted.

37. She agreed with the representatives of Morocco and Iraq as to the fundamental nature of the rights of education and economic independence; but political rights and the equality before the law of men and

women were no less vital. She therefore wished to stress the importance of articles 9 and 10. It had been suggested that paragraph 2 of article 10, relating to maternity, should be dropped; but she regarded that subject as one which should be dealt with no less than sickness. Motherhood was not in any way a privilege, for in her role as mother a woman contributed not only to domestic happiness but to the happiness of the society in which she lived. The provision in question should be therefore retained in the draft as it stood.

38. Mrs. HARMAN (Israel) said that under the Constitution of Israel all citizens enjoyed full equality of treatment, irrespective of sex, in work as in every other sphere. While she agreed with other delegations as to the importance of education for women's progress, the subject raised many problems, for education was a long and difficult process of adaptation to the varying conditions of modern society. She also agreed with several representatives that popular customs and traditions could not be changed overnight. Any laws enacted in such matters must be accompanied by the establishment of adequate social and public health services.

39. She supported the appeal of the Singapore delegation for more action and less discussion; less attention to the theoretical aspects of the draft and more emphasis on the practical measures which alone, in the last analysis, could bring about the total emancipation of women.

40. The question whether priority should be given to education or to political rights was not one of great importance in many countries; what mattered was what use was made of rights once they were granted. It was a fact that women themselves sometimes jeopardized their own status by not making use of the privileges granted them. As to the actual text of the draft, she had no objection to a reference being included in the fourth preambular paragraph to the International Covenants on Human Rights and other instruments, nor to the retention in article 2 of the word "abolish" in connexion with laws and regulations and its replacement by the word "change" in connexion with customs. She also agreed to the suggestion for the deletion of article 7; but she felt that article 8 should be retained. Article 10, paragraph 1 (d), should be redrafted to ensure that family allowances were actually used for the benefit of the children. Her delegation agreed, in principle, that article 10, paragraph 2, should be included in the final text of the draft. The physiological differences between male and female could not be abolished by legislative fiat, and the fact of motherhood should not cause discrimination against women or interrupt their careers. Her delegation had no objection to the articles being rearranged to give greater priority to articles 9 and 10.

41. Begum ISA (Pakistan) said that the draft Declaration on the Elimination of Discrimination against Women, which represented many years of hard work, had now been submitted to the Committee. It was excellent and embodied a broad consensus of opinion of the Commission on the Status of Women. Already considerable progress had been made throughout the world in the emancipation of women although it had not been the same in all regions nor had it taken place

at the desired speed. However, to assert that only modern times had seen the achievement of freedom and progress by women would be to deny an historical truth; women in many civilizations and cultures throughout the world had enjoyed liberty and legal rights both in ancient and medieval times. In the opinion of certain countries, the draft did not go far enough but for an even greater number its scope was excessive. It was necessary to conciliate both those positions: it would be regrettable to approve a document which could only be applied by a few countries.

42. Her delegation fully supported the text of articles 1 to 5. In Pakistan men and women enjoyed equal rights and opportunities and various articles of its Constitution guaranteed many of the rights referred to in the draft. Furthermore, the Government and parastatal institutions were making every effort to educate public opinion with a view to getting rid of ancient taboos. However, the fact that her delegation supported those articles did not mean that the Committee should ignore certain amendments suggested by various delegations. She agreed with some of the previous speakers that certain provisions of article 6 were incompatible with the civil codes and customs of many countries. Paragraph 2 (b), which provided that women should have equal rights with men during marriage and after its dissolution, required some clarification. Moreover, it was difficult for her to accept paragraph 2 (c) because she did not understand the meaning of the words "equal rights and duties". She wondered whether it included the economic responsibility for educating the children. If it did, such an inclusion would prejudice the privileged position of women in that respect in the majority of countries.

43. With regard to article 8, she wondered whether it was really necessary to exhort countries to adopt appropriate measures to combat all forms of traffic in women and exploitation of prostitution, since, as far as she knew, there was no nation in the world that permitted such practices. The remaining provisions appeared to her to be acceptable except that the text of article 10 should be clarified. The Committee should examine the text in a realistic and practical manner.

44. Miss HART (New Zealand) said that the draft Declaration was broadly acceptable to her delegation as it stood. She could support proposals directed at clarifying or simplifying the text as long as they did not weaken it.

45. Article 2, which invited Governments to embody the principle of equality of rights for women "in the constitution or equivalent law", presented countries like New Zealand with a formal difficulty because they did not have written constitutions. The phrase "or equivalent law" had been inserted in article 2 (a) in order to take into account certain countries which had written constitutions but which dealt with human rights in separate laws. That expression made no allowance for certain countries, like New Zealand, which were subject to common law. Although those countries accepted the principle of sub-paragraph (a), they could not technically comply with it. The problem could be solved by slightly broadening the scope of the paragraph in the following way: "The principle of equality of rights shall, where appropriate, be embodied in the constitution and, in any case, shall be guaranteed by

law". That wording did not change the basic meaning of the article and so the New Zealand delegation hoped that it would be sympathetically considered by the Committee.

46. Her delegation had some reservations about the wisdom of article 10, paragraph 2, which concerned paid maternity leave and the guarantee of returning to former employment, because it gave rise to important practical problems in certain countries. Very often, when a woman took maternity leave, her employer was compelled to recruit replacement staff. Such staff in turn acquired rights which could not be disregarded. Furthermore, as the representative of Iraq had pointed out at the 1468th meeting, such a guarantee might prejudice the employment possibilities of women by placing them in what could be considered an unduly privileged position. Moreover, article 10,

paragraph 2, went substantially beyond the pertinent recommendation of the ILO, approved in 1965, concerning the employment of women with family responsibilities. Her delegation admitted that there was a certain divergence of opinion on that point and would welcome a formulation which would be generally acceptable, perhaps along the lines suggested by the United Kingdom representative at the previous meeting.

47. Mr. LAVALLE (Guatemala) said, in reply to the question put by the representative of Belgium, that article 6, paragraph 1 (a) was perfectly in accord with his country's legislation on the property of married persons and that legislation followed the trend of the majority of legal systems. Hence, that sub-paragraph was acceptable to his delegation.

The meeting rose at 6.5 p.m.