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COMMISSION ON THE STATUS OF WOMEN

Twenty-sixth Session

SUMMARY RECORD OF THE 638TH MEETING

held at the Palais des Nations, Geneva,  
on Friday, 17 September 1976, at 10.45 a.m.

Chairman: Mrs. GONZALEZ de CUADROS (Colombia)

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INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN:

(a) DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN  
(E/CN.6/574, 591 and Add.1; E/CN.6/L.676, 677 and 678; E/CN.6/NGO.259)  
(agenda item 3) (continued)

1. Mrs. ATHANASAKOS (United States of America) reported that the Working Group had completed the drafting of sub-paragraphs (a) to (d) of article 2 of the draft convention and would begin drafting sub-paragraphs (e) to (g) on Monday, 20 September.
2. The CHAIRMAN drew the Commission's attention to paragraph 15 of the first part and section A (paragraph 1) of the third part of document E/CN.6/594, which indicated that the Commission must complete the preparation of the draft convention at the current session. She pointed out that the establishment of working groups composed of representatives of the various geographical and linguistic groups would unquestionably help to speed up the work.
3. She invited the Commission to consider the text of the draft amendments to article 5, paragraph 2, submitted by Cuba (E/CN.6/L.676), Belgium and France (E/CN.6/L.677) and the United States of America (E/CN.6/L.678).
4. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) noted that the amendment submitted by the United States, which referred to fatherhood, was out of context in article 5, which dealt essentially with the education of public opinion, the protection of motherhood and the responsibilities of society in that regard. The same comments applied to the draft amendment submitted by Belgium and France. Only the draft amendment by Cuba, as amended by certain delegations, held out possibilities of compromise. However, the original wording of article 5 was genuinely international in character, and her delegation preferred that text.
5. Mrs. ATHANASAKOS (United States of America) recalled that although her delegation had accepted the Mexican amendment, it had been originally in favour of the amended alternative text of article 5. As far as the draft amendment by Cuba was concerned, it seemed opportune to invoke rule 45 of the rules of procedure.
6. The CHAIRMAN pointed out that the first part of article 5 had been accepted by consensus on the previous day and that it was not possible to revert to it. In order to satisfy certain delegations, notes might be added to the text of the convention.
7. Mrs. ATHANASAKOS (United States of America) felt that it would be better not to add anything to the text which had already been adopted for article 5, and that the text being considered for insertion in article 5 might appear elsewhere in the convention.
8. Mrs. COCKCROFT (United Kingdom) said that a decision had been taken by consensus that article 5 should contain a second paragraph. If the text proposed by Cuba could not be adopted by consensus, it might be put to the vote.
9. Mrs. HIRLEMANN (France) said that her delegation had submitted an amendment because it considered the Cuban text to be unacceptable. On the other hand, it would not object if the second part of article 5 was simply deleted.

10. Mrs. GUEYE (Senegal) said that it was her understanding that delegations had agreed by consensus to consider the second part of article 5, in order to insert a clause in the article on the protection of motherhood. She felt, like the United Kingdom representative, that the discussion should be continued in order to try to reach agreement on the basis of the draft amendment submitted by Cuba.
11. Mrs. VELIS DIAZ DE VILLALVILLA (Cuba) noted that some delegations appeared to overlook the fact that the original text of article 5 had contained two parts. The first part had been amended, following the proposal by Mexico. There remained the second part, to which the draft amendment by Cuba related. It was therefore not a question of adding a paragraph to article 5 but rather of amending the second part of the original text.
12. Mrs. SALYO (Indonesia) said that her delegation would have preferred article 5 to have a single paragraph, but that it had felt that it should not oppose the will of the majority of the Commission, which had seemed to want to have a second paragraph.
13. Mrs. COENE (Belgium) endorsed the comments by France, which reflected her country's original position.
14. Miss TYABJI (India) felt, like the United Kingdom, that the best course would be to ascertain which delegations could accept the Cuban draft amendment.
15. The CHAIRMAN announced that she would request the Commission to decide in favour or against the addition of a second paragraph to the paragraph of article 5 already adopted.
16. Mrs. HIRLEMANN (France) said that, if the question was put in such a way, it would be difficult for her to take a position.
17. Mrs. LAMINA (Madagascar) felt that the draft amendment by Belgium and France was unacceptable, and proposed that the Cuban amendment should be adopted by consensus.
18. Mrs. CARLSSON (Sweden) felt that the text proposed was very important, but agreed with the United States representative that it would be better to insert it elsewhere in the draft convention.
19. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) felt that the problem had been improperly stated. The part of article 5 which was under discussion was already in existence. It had been drawn up by a working group and studied by Governments, the majority of which had approved the draft article 5. The Commission had decided that both parts of article 5 should appear in the draft Convention. Accordingly, the point at issue was no longer whether it was desirable or not for article 5 to have a second part, but which of the three draft amendments which had been submitted was the best. Since the majority of the Commission seemed to prefer the draft amendment by Cuba, that text should be adopted in order to complete consideration of article 5.

20. Mrs. HUSSEIN (Egypt) proposed that the draft amendment submitted by Cuba should be amended to read, "Suitable family education should include a proper understanding of motherhood as a social function and the recognition of the common responsibility of both men and women in the upbringing of children".
21. Mrs. ATHANASAKOS (United States of America) withdrew her draft amendment. She then pointed out that the paragraph under discussion was totally unrelated to the preceding one and should be brought nearer to paragraph 12, 13 or 16.
22. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics), speaking on a point of order, requested the closure of the debate and a vote on the draft amendment by Cuba, in accordance with rule 48 of the rules of procedure.
23. Miss ST. CLAIR (Secretary of the Commission) read out rule 48 of the rules of procedure.
24. The CHAIRMAN put the closure of the debate to the vote.
25. The Commission decided to close the debate by 19 votes to none, with 5 abstentions.
26. Mrs. VELIS DIAZ DE VILLALVILLA (Cuba) said that she could accept the amendment to her text by the Egyptian delegation.
27. The CHAIRMAN put the draft amendment by Cuba, as modified by Egypt, to the vote.
28. The draft amendment by Cuba, as modified by Egypt, was adopted by 23 votes to none, with 2 abstentions.

#### Article 6

29. Miss BRASDEFER (Mexico) proposed that article 6, which touched upon an issue which was too specific and which had been dealt with in a more general way in article 2, should be deleted. If the Commission decided to retain that article, mention should also be made of civil law, commercial law and administrative law.
30. Mrs. CADIEUX (Canada) said that, although she had no objection to the content of article 6, she supported the Mexican proposal to delete that article, which overlapped with article 2.
31. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) felt that the proposal to delete that article was incompatible with the objective pursued by the Commission. The Commission could not draft a convention purporting to eliminate discrimination against women without seeking to ensure that discriminatory laws were repealed.
32. Mrs. HUSSEIN (Egypt) supported by Miss TYABJI (India) and Mrs. GUEYE (Senegal), recalled article 7 of the Declaration on the Elimination of Discrimination against Women which provided that "All provisions of penal codes which constitute discrimination against women shall be repealed". Rules of a discriminatory nature abounded in penal codes in particular and for that reason she shared the views of the Soviet delegation.

33. Miss BRASDEFER (Mexico) explained that she did not object to the provisions of article 6 but that they merely reiterated an idea expressed more generally in article 2, in which States undertook to remove from their legislation any measures discriminatory to women.

34. Mrs. SALYO (Indonesia), supported by Mrs. MAKA (Guinea) and Begum FARIDI (Pakistan), said that she would prefer article 6 to be retained and that the other spheres of legislation alluded to by the Mexican representative would be covered by other articles in the draft convention.

35. Miss BRASDEFER (Mexico) said that since most delegations favoured the retention of article 6, her delegation withdrew its proposal. However, it wished to make reservations with regard to that article, for the reasons it had already adduced.

36. Mrs. RAWALT (United States of America) felt that it was wise to retain that article and said that in recent years in the United States, for example, the discriminatory clauses in penal codes had been removed, particularly those which prescribed more severe penalties for women for the same offence.

37. Mrs. BOKOR (Hungary) felt that article 6 should be retained since, like article 7, it dealt with a particular aspect of discrimination. In view of the situation prevailing in the world, it was important not to delete that article.

38. The CHAIRMAN said that, if there were no objections, she would take it that the Commission adopted article 6 by consensus.

39. It was so decided.

#### Article 7

40. Mrs. COENE (Belgium) proposed that article 7 should be supplemented by the addition of the phrase "and attacks on the physical integrity of women", as proposed in the Belgian text appearing in document E/CN.6/591/Add.1. It was true that while most countries disavowed and punished such practices, they nevertheless continued to form part of custom and tradition.

41. Begum FARIDI (Pakistan) said that she would prefer the original text of article 7. The Belgian amendment addressed itself to a further aspect of the problem, but it was not the only one. Accordingly, it was preferable to keep to the basic text.

42. Mrs. MOLLER (Denmark) noted that the text of article 7 was not very clear. In order to bring it more into line with the World Plan of Action, she proposed that it should be worded to read: "States Parties agree to take all appropriate measures, including legislation, to combat prostitution and the illicit traffic in women".

43. Miss TYABJI (India) supported the Danish proposal.

44. Mrs. HUSSEIN (Egypt) supported by Begum FARIDI (Pakistan) felt that the insertion of the term "illicit" made the text more confused, since the traffic in women could in no event be considered as licit. Her delegation preferred article 7 as it appeared in the draft convention.
45. Miss TYABJI (India), supported by Mrs. MAKA (Guinea), said that in view of the previous statements, she supported the original text of article 7.
46. Mrs. SALYO (Indonesia), supported by Mrs. GUEYE (Senegal), noted that no delegation had supported the amendment proposed by the Belgian delegation.
47. Mrs. COENNE (Belgium) withdrew the amendment to article 7 submitted by her delegation.
48. Mrs. MOLLER (Denmark) said that the sole objective of her amendment had been to bring the text of article 7 into line with that of the Declaration of Mexico, but that she withdrew it in view of the preceding statements.
49. The CHAIRMAN said that if there was no objection, she would take it that the Commission approved article 7 of the draft convention by consensus.
50. It was so decided.
51. The CHAIRMAN invited the Commission to consider article 8.
52. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said that she wished first of all to recall that members of the Commission had repeatedly stressed the need to examine article 4 without delay. Furthermore, it was clear from the comments of governments that that article was of great importance for the protection of women in various activities in which account should be taken of their physiological differences, as provided in several ILO Conventions. She therefore requested that the Commission should proceed immediately to consider article 4.
53. Mrs. ATHANASAKOS (United States of America), speaking on a point of order, recalled that when the Commission had begun to consider article 4, her delegation had informed members that it would submit amendments to article 11 and that those amendments were connected with article 4. It had therefore proposed that the Commission should consider that article at the same time as article 11 and its proposal had been accepted.
54. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that she did not recall a decision by the Commission to consider article 4 in conjunction with article 11. In her delegation's view, article 4 should be examined under the chapter relating to general provisions, whereas article 11 concerned a very specific field, that of employment. In principle, it was essential to recognize, starting with the chapter containing general provisions, that motherhood was a social function. She recalled that the Commission had just adopted under article 5 a Cuban amendment designed to propagate that concept. It would therefore be illogical not to examine article 4 at the present stage.

55. Mrs. BRUCE (Assistant Director, Centre for Social Development and Humanitarian Affairs) said that the decision taken by the Commission concerning the time when article 4 should be examined was not entirely clear. However, by studying it within the framework of the chapter relating to social and economic rights, the Committee would in no way prejudice the place ultimately to be given to that article in the convention.

56. The CHAIRMAN said that if there was no objection, she would take it that the Commission decided to proceed to consider article 8 of the draft convention.

It was so decided.

### Article 8

57. Mr. EHSASSI (Iran) suggested, in order to make the text more precise, that paragraph (c) should be deleted and paragraph (a) amended to read, "To vote in all elections and all public referendums and be eligible for election to all publicly elected bodies".

58. Mrs. LAMINA (Madagascar), Mrs. BOKOR-SZEGO (Hungary) and Begum FARIDI (Pakistan) said that they were in favour of the original text of article 8.

59. Miss TYABJI (India) said that she too was in favour of the original text, but suggested the replacement, at the end of paragraph (b), of the words "at the national and local levels" by "at all levels", since in India there was also the state level.

60. Mrs. CADIEUX (Canada) said that article 8 was acceptable to Canada, but suggested the addition, at the end of paragraph (d), of the phrase "concerned with the public and political life of the country", since, if that paragraph applied to private clubs whose membership consisted solely of men or of women that would be tantamount to a violation of the right of freedom of association.

61. Mrs. COCKCROFT (United Kingdom), Mrs. COENE (Belgium) and Miss TYABJI (India), supported the comments of the Canadian representative.

62. Miss GONZALEZ MARTINEZ (Mexico) said that she had no difficulty whatsoever in accepting article 8, the provisions of which were already applied in Mexico, but she suggested a few drafting amendments intended to bring the text more into line with that of Mexican national legislation: in paragraph (a), the word "elegida" in the Spanish text should be replaced by the word "electa" and the paragraph should be redrafted to read: "To vote in all elections and be eligible for election to all publicly elected offices; paragraph (b) should be redrafted to read: "To participate in the formulation of government policy and the administration thereof and to exercise all public functions at the national and local levels;".

63. Mrs. BOKOR-SZEGO (Hungary) suggested that, since paragraphs (a) and (b) were taken from the Convention on the Political Rights of Women, the text of article 8 should be brought into line with that of the Convention in question.

64. The CHAIRMAN pointed out that the modifications suggested by the representative of Mexico were concerned more with the form than the substance of the article.

65. Miss GONZALEZ MARTINEZ (Mexico) proposed that the present text of paragraph (b) and the amendment which she had suggested to that paragraph should be combined to read, "To participate in the formulation of government policy and the administration thereof; to hold public office and to exercise all public functions at national and local levels."
66. Mr. EHSASSI (Iran) said that the Commission was not obliged to reproduce the entire text of existing conventions, but that he would not press his amendment.
67. The CHAIRMAN, commenting that the Indian proposal had not been supported and that the amendments proposed by Mexico to paragraph (a) were of a drafting nature only, said that if there was no objection, she would take it that the Committee approved article 3 by consensus, with the modifications made by Mexico to paragraph (b) and by Canada to paragraph (d).
68. It was so decided.

#### Article 9

69. Mrs. ATHANASAKOS (United States of America) said that she supported paragraph 1 of article 9, which reproduced article 5 of the Declaration on the Elimination of Discrimination against Women, and proposed the deletion of paragraph 2 of that article as well as the alternative text of paragraph 2, since they were contrary to her country's legislation and had no connexion with discrimination based on sex. The content of paragraph 2 and of the alternative text should therefore be the subject of a separate convention on immigration and nationality.
70. Mrs. BOKOR-SZEGO (Hungary) said that she was in favour of the original text of article 9 (paragraphs 1 and 2); it was entirely in accordance with the Convention on the Nationality of Married Women which Hungary, like many countries, had ratified.
71. Mrs. HIRLEMAIN (France) said that her delegation could accept paragraph 1 of article 9. However, the present wording of paragraph 2 still gave rise to some doubt; the acquisition of French nationality by declaration was fundamentally different in French law from acquisition by naturalization. The latter presupposed not only an expression of intent but also a decision by the public authority, which was sovereign and had discretionary powers. In so far as paragraph 2 of the draft convention gave the word "naturalization" the same meaning as in French law, it could be accepted. However, her delegation would be unable to take a position on the matter until that meaning had been made clear.
72. Mrs. HOERZ (German Democratic Republic) supported the original text of article 9 for the reason given by the representative of Hungary.
73. On the other hand, the alternative text which concerned not only the rights of women but also the rights of men and which was at variance with the fundamental objective of the convention - the protection of the rights of women - was unacceptable, with the exception of paragraph 3, which could be incorporated in article 9.
74. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said that she was also in favour of the original text of article 9 and opposed to that of the alternative text of paragraph 2.



75. Mrs. CADIEUX (Canada) thought that paragraph 1 of article 9 was acceptable, with a few amendments: in the third line the word "woman" should be replaced by the word "person", in the fourth line the word "husband" should be replaced by the word "spouse", with the corresponding changes elsewhere in the sentence.
76. On the other hand, paragraph 2 of that article was unacceptable, since any preferential treatment in favour of women was a form of discrimination. The new Canadian legislation on citizenship, which had been approved by the Canadian Parliament on 16 July 1976 and was to enter into force shortly, made the conditions for acquisition of Canadian citizenship identical for all Canadians, whether men or women, married or single.
77. Mrs. CARLSSON (Sweden) said that she shared the view of the Canadian representative, but that the alternative text of paragraph 2 of article 9 would be acceptable for Sweden.
78. Miss GONZALEZ MARTINEZ (Mexico) endorsed the comments of the Swedish representative.
79. The text of the alternative text of article 9, paragraph 2, was an improvement over that of the corresponding article of the Convention on the Nationality of Married Women, 1957, since it was more comprehensive and reflected the legislative reforms which countries had carried out over the past two decades as a result of the efforts of the Commission and of other movements militating for the advancement of the status of women.
80. Mrs. SALYO (Indonesia) said that she was in favour of article 9, paragraph 1.
81. With regard to paragraph 2, her delegation preferred the alternative text, since it granted the same rights to the husband and to the wife.
82. If articles couched in too specific terms created difficulties for some delegations, her delegation would have no objection to the Commission's considering only articles which were acceptable to all.
83. Mrs. BRUCE (Assistant Director, Centre for Social Development and Humanitarian Affairs) said that paragraph 1 of article 9 reproduced the content of article 1 and article 2 of the Convention on the Nationality of Married Women and that the alternative text of paragraph 2 of article 1 was based on article 5 of that Convention but made it applicable equally to men and women.

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The meeting rose at 1 p.m.