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COMMISSION ON THE STATUS OF WOMEN

Twenty-sixth Session

SUMMARY RECORD OF THE 640th MEETING

held at the Palais des Nations, Geneva,
on Monday, 20 September 1976, at 10.45 a.m.

Chairman: Mrs. GONZALEZ de CUADROS (Colombia)
later: Mrs. COCKCROFT (United Kingdom)

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INTERNATIONAL INSTRUMENTS RELATING TO THE STATUS OF WOMEN (agenda item 3) (continued)

(a) DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
(E/CN.6/574, 591 and Add.1; E/CN.6/NGO/259) (continued)

Article 9 (continued)

1. Mrs. COENE (Belgium) supported the amendment submitted by the Canadian delegation at the 638th meeting to replace the word "woman" in the third line of paragraph 1 by "person", and the word "husband" in the fourth line by "spouse". She also proposed that the beginning of that paragraph should be amended to read: "States Parties shall grant the spouses the same rights to acquire ...".
2. Her delegation was in favour of the alternative text of paragraph 2 of article 9; it was aware that that text departed from the Convention on the Nationality of Married Women, but the Convention dated from 1957, whereas the alternative text reflected changes in attitudes and the progress made since then.
3. Referring to the arguments advanced during the discussion by several delegations that certain draft articles were not in line with their national legislation, she pointed out that the elaboration of an international convention was precisely one of the means of achieving progress in law and national legislation, and that the work in which the Commission was engaged would have little meaning if the future convention had to be compatible in every respect with existing legislation - in other words, if the results of the Commission's efforts were to constitute the lowest common denominator.
4. Mrs. MOLLER said that, although she could accept paragraph 1 of article 9, she was opposed to the original text of paragraph 2, which granted special privileges to married women with respect to naturalization procedures whereas men and women should enjoy equal treatment before the law.
5. Her delegation would also be able to accept the alternative text of paragraph 2, on the understanding of course that the article could be applied in such a way that a State party remained entitled to require the fulfilment of certain other conditions, such as good conduct, ability to support oneself, payment of tax, command of the national language, etc.
6. Paragraph 3 of the alternative text was also acceptable, but its present wording might give rise to difficulties of interpretation. That paragraph should not be construed in such a way as to give parents having different nationalities complete power of discretion over the nationality of their children, as the question of nationality was governed by the law of the State. The desired objective was to guarantee the right of any child not to be stateless rather than to enable the mother to transmit her nationality to her children. Her delegation would therefore like the paragraph to be drafted more clearly.

7. Mrs. ATHANASAKOS (United States of America) said she supported paragraph 1, but was opposed to paragraph 2 which granted special treatment to women and which dealt with an immigration problem rather than discrimination against women. She therefore proposed the complete deletion of paragraph 2, namely, both the original and alternative texts. The two paragraphs of the alternative text were admittedly based on the Convention on the Nationality of Married Women, but the United States had amended and broadened its immigration legislation and those two paragraphs would create difficulties for it.
8. Miss GONZALEZ MARTINEZ (Mexico) recalled that her delegation supported paragraph 1 of article 9 and the wording of the alternative text of paragraph 2 of that article (see E/CN.6/SR.638). It was also in favour of paragraph 3 of the alternative text, which was in line with the legislative reform carried out by Mexico on the subject.
9. Mrs. CARLSSON (Sweden) said she could accept paragraph 1 of article 9 and, for paragraph 2, the wording of the alternative text. With regard to paragraph 3 of the alternative text, the question was currently under study in Sweden and in the Council of Europe, and her delegation would be unable to reach a decision until the outcome of those deliberations was known; it therefore proposed the deletion of that paragraph.
10. Begum FARIDI (Pakistan) said she supported the original text of article 9.
11. Miss DEVAUD (France) said she accepted paragraph 1 of article 9, which tallied perfectly with the provisions of French law, but could not agree to the present wording of paragraph 2. Indeed, although the request for acquisition of nationality mentioned in that paragraph was in general almost automatically granted by the French Government, it could be refused in certain cases, as where the alien was the subject of an expulsion order or had been convicted of certain crimes; those two cases were not covered by the phrase "in the interests of national security or public policy". Her delegation would therefore have to enter reservations concerning that paragraph unless the phrase in question was modified to read: "the grant of such nationality shall be subject to limitations as may be imposed in the interests of national security, public policy or certain provisions of a penal or administrative nature taken in respect of the applicant".
12. Mrs. MAKA (Guinea) said she was unable to take a position on article 9, as the question of the right of nationality was currently the subject of reforms in Guinea.
13. Mrs. VENEZI-COSMETATOS (Greece) said that she could accept paragraphs 1 and 2 of the original text of article 9, which was in conformity with Greek law, but not paragraph 3 of the alternative text.

14. Miss TYABJI (India) said that paragraphs 1 and 2 of the original text of article 9 and paragraph 2 (b) of the alternative text were acceptable; however she was opposed to paragraphs 2 (a) and 3 of the alternative text.
15. The CHAIRMAN said it was her understanding that paragraph 1 of the original text of article 9, as amended by Belgium and Canada, met with general approval. If there was no objection, she would take it that the paragraph was approved by consensus.
16. It was so decided.
17. The CHAIRMAN said it was her understanding that the majority of members were in favour of the wording of the alternative text of paragraph 2.
18. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) supported the alternative text of article 9, paragraph 2, in its entirety.
19. Mrs. COCKCROFT (United Kingdom) said that she could not take a position on paragraphs 2 and 3 of the alternative text because the question was under study in the United Kingdom and within the Community.
20. Mrs. SALYO (Indonesia) observed that there were differences of opinion concerning paragraph 2, and thought that the discussion should be continued in an endeavour to reconcile views before putting that paragraph to the vote. It might be possible to reach a consensus if the last clause of paragraph 2 (a) were drafted in stronger terms.
21. Mrs. BOKOR-SZEGO (Hungary) wondered whether the idea which the representative of France wished to introduce into paragraph 2 was not already implicit in the very broad concept of the interests of national security and public order.
22. Mrs. DEVAUD (France) said that even if that were the case, it was better to be explicit.
23. Mrs. BRUCE (Assistant Director, Centre for Social Development and Humanitarian Affairs), replying to a question from Mrs. BOKOR-SZEGO (Hungary), said that the statement "the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy" reproduced the wording of the Convention on the Nationality of Married Women (article 3, paragraph 1).
24. The CHAIRMAN invited members of the Commission to vote on the various proposals before it.
25. The French amendment was adopted by 2 votes to none, with 19 abstentions.
26. Paragraph 2(a) of the alternative text, as amended, was adopted by 5 votes to 2, with 16 abstentions.
27. Paragraph 2(b) of the alternative text was adopted by 13 votes to none, with 9 abstentions.

28. Mrs. COENE (Belgium) proposed that paragraph 3 of the alternative text should be amended to read: "States Parties undertake to grant women the same right as men to transmit their own nationality to their children".

29. The CHAIRMAN pointed out that the amendment was simply a matter of drafting.

30. Paragraph 3 of the alternative text was adopted by 10 votes to 3, with 9 abstentions.

31. Mrs. COENE (Belgium) said she had inadvertently voted against paragraph 3, and asked that her affirmative vote should be recorded.

32. Miss ST. CLAIRE (Secretary of the Commission) said that the statement by the representative of Belgium would be duly reflected in the summary record of the meeting but that, in the United Nations, once a vote was announced, it could not be changed.

Article 10

33. Miss Cockcroft (United Kingdom) took the Chair.

34. The CHAIRMAN, speaking as representative of the United Kingdom, pointed out that a full stop should be placed after the words "the respect for human rights and fundamental freedoms" in the first sentence of article 10. The sub-paragraphs would then be introduced by the words "In particular, each State Party shall ensure".

35. Mrs. COENE (Belgium) read out the draft amendments proposed by the Belgian delegation and contained in document E/CN.6/591/Add.1.

36. Mrs. DEVAUD (France) proposed that article 10 should be considered paragraph by paragraph.

37. Miss TYABJI (India) said that her delegation could accept the amendments proposed by Belgium up to and including paragraph (e).

38. Mrs. MØLLER (Denmark) said that her delegation was in favour of the original text but wished to amend paragraph (e).

39. BEGUM FARIDI (Pakistan) said that she would have to refrain from participating in the discussion if the Commission decided to consider the text proposed by Belgium as it departed from the one that had been accepted by the Pakistani Government.

40. Mrs. ATHANASAKOS (United States of America) thought that the words "married or unmarried" in the first paragraph should be deleted as the preceding word "women" covered both.

41. Mrs. SALYO (Indonesia) said that her delegation accepted the original text of article 10. She drew the attention of the United States delegation to the fact that, in Indonesia, young married women were unable to attend secondary school.

42. Mrs. ATHANASAKOS (United States of America) withdrew the amendment she had suggested.
43. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that her delegation was in favour of the original text of article 10, and felt that drafting details should be left to the Secretariat.
44. The CHAIRMAN said that if there was no objection, she would take it that the Commission wished to adopt the original text of the introductory paragraph of article 10, with the amendment proposed by the United Kingdom.
45. The introductory paragraph of article 10, as amended, was adopted.
- Sub-paragraph (a)
46. Mrs. DEVAUD (France) felt that the sub-paragraph had been drafted in a way which was neither sufficiently clear nor particularly logical. Provision should be made for the equal right of children of both sexes to pre-school education. It should be specified that the sub-paragraph referred to educational institutions, not only of all categories, but also of all levels. Finally, provision should be made for equal access to genuine vocational training for young people of both sexes.
47. Mrs. JANJIC (Observer for the ILO) said that vocational education, referred to in article 10, should not be separated from vocational training, mentioned in sub-paragraph (d) of article 11. In some countries, that training was provided as part of technical education, and in others through apprenticeship. It would therefore be appropriate to insert the substance of sub-paragraph (d) of article 11, into sub-paragraph (a) after "vocational, technical and professional schools", particularly because education was preparation for employment.
48. Miss ZAHARAN (Observer for UNESCO) said that UNESCO too considered vocational training to be part of education. The relationship between education, training and employment was a fundamental concept for UNESCO as well as for the ILO. It would be appropriate to reflect that concept in article 10.
49. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) felt that the concept of professional training should appear both in article 10 and in article 11.
50. Mrs. DEVAUD (France) said that she would like to make a proposal which might satisfy the misgivings which had just been voiced. Sub-paragraph (a) of article 10 might be worded to read, "(a) The equal right of children of both sexes to pre-school education; equal conditions of access and study in educational institutions of all levels and all categories, in rural as well as in urban areas, including universities, vocational, technical and professional schools; equal access for young people of both sexes to real professional training".
51. Miss ZAHARAN (Observer for UNESCO) and Mrs. JANJIC (Observer for the ILO) felt the text proposed by France to be acceptable.

52. Mrs. HUSSEIN (Egypt) would have preferred the reference to pre-school education to come after the reference to educational institutions of all levels and of all categories. Moreover, to refer only to access by young people to professional training appeared to exclude the other age groups. Finally, it would be better to avoid, before the phrase "vocational training" adjectives such as "genuine" or "real" which implied an over-subjective value judgement. It would suffice merely to insert the words "at all levels" after "institutions" and to invert the order in which the establishments were listed.

53. Mrs. FOUCART-FLOOR (Belgium) regretted that the amendments proposed by her delegation concerning career guidance and degrees had not been retained. Her delegation could accept the amendments proposed by France but felt, like the Egyptian representative, that access to vocational training must be a matter of concern to all men and all women and not merely young people. She would be able to submit a draft modified amendment with the assistance of the French representative.

54. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that she was surprised that the French draft amendment appeared to exclude general education from the instruction given to young people and to provide for vocational training only, which was an over-restrictive conception.

55. Mrs. DEVAUD (France) pointed out that vocational, technical and professional schools imparted a general education and not merely vocational training.

56. The CHAIRMAN proposed that the Commission should take up sub-paragraph (b) of article 10 and sub-paragraph (b) of the Belgian amendment so as to allow Belgium and France time to modify their draft amendment to sub-paragraph (a).

57. It was so decided.

Sub-paragraph (b)

58. Mrs. ATHANASAKOS (United States of America) proposed that the words "the same choice of curricula, the same examinations" should be replaced by "equal access to curricula and examinations" in the original text of sub-paragraph (e) as well as in the text of the Belgian amendment.

59. Mrs. FOUCART-FLOOR (Belgium) accepted that proposal.

60. Mrs. SALYO (Indonesia) did not think the Belgium amendment was really necessary and said that she would prefer the Commission to retain the original text.

61. The CHAIRMAN invited the Commission to vote on the amendment by Belgium to sub-paragraph (b), as amended by the United States of America.

62. The amendment by Belgium was rejected by 9 votes to 6, with 6 abstentions.

63. The CHAIRMAN invited the Commission to vote on sub-paragraph (b) of the original text of the draft convention, with the amendment proposed by the United States of America.

64. Sub-paragraph (b), as amended, was adopted by 24 votes to none, with 2 abstentions.

Sub-paragraph (c) of the Belgian amendment (E/CN.6/591/Add.1)

65. The CHAIRMAN invited the Commission to consider sub-paragraph (c) of the amendment submitted by Belgium.

66. Mrs. ATHANASAKOS (United States of America) said that she was not sure of the precise meaning of the phrase "the identical nature of family roles".

67. Mrs. HUSSEIN (Egypt) said that she had some difficulty in accepting sub-paragraph (c) proposed by Belgium, because she felt that the language in which it was drafted was not suitable for a legal instrument.

68. Mrs. BOKOR-SZEGO (Hungary) felt that the idea on which the Belgian proposal was based was already reflected in article 5 of the draft convention.

69. Mrs. FOUCART-FLOOR (Belgium) said that her proposal was aimed at guaranteeing a form of co-education based on identical curricula, to avoid the traditional education which offered a stereotyped image of the role of men and women.

70. Mrs. ESFANDIARI (Iran) recognized the importance of co-education, but found it difficult to accept the idea of the "identical nature of family roles."

71. Mrs. DEVAUD (France) endorsed the Belgian proposal, since she believed it necessary to eliminate the stereotyped image of the role of men and women by co-education and appropriate school curricula. In order to facilitate the adoption of the proposal, the wording of which appeared to give rise to some difficulties for certain delegations, she proposed the following text: "The speedy achievement of co-education in order to eliminate any stereotyped concept of masculine and feminine roles at all levels and in all forms of education."

72. Mrs. FOUCART-FLOOR (Belgium) accepted the sub-amendment submitted by France.

73. Mrs. BOKOR-SZEGO (Hungary) endorsed the French text, which seemed to her to be completely in line with the general provisions of article 5.

74. Mrs. ATHANASAKOS (United States of America) felt that the wording proposed by France was very restrictive, since it seemed to infer that co-education was the only way of eliminating the stereotyped image of masculine and feminine roles. She felt that it would be better that "stress be given to early or career education of children in order to eliminate sex-stereotyped roles and images".

75. Mrs. ZAHRAN (Observer for UNESCO) agreed with the United States representative that the impression that co-education could eliminate sex-stereotyped images should be avoided.

76. Mrs. HUSSEIN (Egypt) said that she had some difficulty with the United States amendment, since the concept of the career education of children seemed to her to be unclear.

77. Mrs. VELIS DIAZ DE VILLALVILLA (Cuba) said that she shared the misgivings of the Egyptian representative with respect to the United States amendment and personally preferred the Belgian text modified by France, which specified that the speedy achievement of co-education must take place "at all levels and in all forms of education". That idea was not reflected in the amendment by the United States.

78. Mrs. CARLSSON (Sweden) said that she could accept the United States amendment, provided it contained the words "at all levels", but she would be equally prepared to accept the Belgian amendment.

79. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) noted that the United States amendment did not mention co-education, which was, however, extremely important. She therefore preferred the Belgian amendment modified by France.

80. Mrs. TYABJI (India) said that she too preferred the Belgian text, which she proposed should be amended as follows: "The speedy achievement of co-education which would also help to eliminate any stereotyped image of masculine and feminine roles at all levels and in all forms of education".

81. Mrs. FOUCART-FLOOR (Belgium) accepted the sub-amendment proposed by India.

82. Mrs. ATHANASAKOS (United States of America) withdrew her suggestions.

83. Sub-paragraph (c) proposed by Belgium (E/CN.6/591/Add.1), as orally amended by India, was adopted by consensus.

Sub-paragraphs (c) of the original text (E/CN.6/591) and (d) of the Belgian amendment (E/CN.6/591/Add.1)

84. The CHAIRMAN invited the Commission to take a decision on sub-paragraph (c) of the draft articles which was reproduced in full in sub-paragraph (d) of the Belgian amendment (E/CN.6/591/Add.1).

85. Sub-paragraph (c) of the draft convention was adopted by consensus.

Sub-paragraphs (d) of the original text and (e) of the Belgian amendment

86. The CHAIRMAN invited the Commission to consider sub-paragraph (d) of the draft articles and sub-paragraph (e) of the Belgian amendment.

87. Mrs. DEVAUD (France) supported the Belgian amendment, since she considered it necessary to draw attention in the Convention to the considerable gap between male and female literacy in the world. A sentence dealing with adult vocational training should perhaps be inserted in that sub-paragraph, if the Commission decided not to refer to it in sub-paragraph (a).

88. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said that she could not accept the Belgian amendment, since there was no knowledge gap between men and women in her country.

89. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that there was no knowledge gap between men and women in the Soviet Union either, but pointed out that such a gap might exist elsewhere and that the Convention must be universal in character.

90. Mrs. MAKI (Guinea) supported the Belgian amendment for the reasons adduced by the French representative. There was indeed a considerable gap between the education of women and that of men in the countries of the Third World.

91. Mrs. SALYO (Indonesia) also subscribed to the Belgian proposal, since she felt that it would be useful to indicate why women should enjoy equal opportunities for access to programmes of continuing education.

92. Mrs. HUSSEIN (Egypt) did not think that the sole objective of continuing education should be to reduce the knowledge gap between men and women.

93. Mrs. FOUCART-FLOOR (Belgium) proposed the insertion of the word "particularly" before the words "with a view", to meet the point raised by the representative of Egypt.

94. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) regretted that Belgium had amended its original text, which had stressed in a more satisfactory way the need to reduce as speedily as possible the knowledge gap between men and women.

95. Mrs. ZAHKAN (Observer for UNESCO) recalled that UNESCO organized functional literacy programmes for adults, which taught men and women to read and write while imparting certain practical knowledge in order to help them in their work or in their daily lives. Accordingly, she proposed that the word "functional" should be inserted before the words "literacy programmes".

96. Mrs. ESFANDIARI (Iran) supported the proposal by the Observer for UNESCO, since functional literacy programmes for adults were organized in her country.

97. Begum FARIDI (Pakistan) supported the proposal by the Observer for UNESCO for the reasons adduced by the representative of Iran.

98. Mrs. FOUCART-FLOOR (Belgium) accepted the sub-amendment proposed by the Observer for UNESCO.

99. Sub-paragraph (e) proposed by Belgium (E/CN.4/591/Rev.1), as amended, was adopted unanimously.