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COMMISSION ON THE STATUS OF WOMEN

Twenty-sixth Session

SUMMARY RECORD OF THE 649th MEETING

held at the Palais des Nations, Geneva,
on Friday, 24 September 1976, at 3.15 p.m.

Chairman: Mrs. GONZALEZ de CUADROS (Colombia)

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TRIBUTE TO THE MEMORY OF Mrs. BERTHA LUTZ

1. The CHAIRMAN announced that she had just received a telegram from the headquarters of the Inter-American Commission of Women informing her of the death of Mrs. Bertha Lutz, representative of Brazil to that Commission. Mrs. Lutz had had an outstanding international career, had contributed greatly to the advancement of women, had been one of the few women to participate in the San Francisco Conference at which the United Nations had been established, and had been instrumental in establishing the Commission on the Status of Women.
2. At the Chairman's invitation, the Commission observed a minute of silence in memory of Mrs. Bertha Lutz.
3. Mrs. SIPIILA (Assistant Secretary-General, Centre for Social Development and Humanitarian Affairs) associated herself with the tribute paid to the memory of Mrs. Lutz and expressed condolences to her family and compatriots.

THE UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE, 1976-1985
(continued)

4. Mrs. SIPIILA (Assistant Secretary-General, Centre for Social Development and Humanitarian Affairs), reverting to the question of the symbol for the Decade, drew attention to the stickers publicizing the Decade which had been distributed in the conference room. Those stickers, as well as jewellery and a scarf bearing the symbol for the Decade, could be ordered by members at reasonable prices.
5. The Secretariat would welcome further ideas on information activities, and she noted in that connexion that the representative of the United Kingdom had agreed to co-ordinate the activities of a working group on publicity. In particular, the Secretariat would like to know whether an International Women's Day should be proclaimed and, if so, on what date it was to be celebrated.

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/L.680; E/CN.6/NGO/259)

Article 13 (continued)

6. The CHAIRMAN drew attention to the two amendments before the Commission, submitted respectively by the USSR and United States delegations.
7. Mrs. HUSSEIN (Egypt) expressed regret that it had not proved possible to agree on a compromise text.
8. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that her delegation was unable to go along with the United States amendment because it expressed ideas that were entirely different from those embodied in her own delegation's text. The United States amendment referred to all workers, male and female, and did not provide

for any specific benefits for women. The USSR amendment, on the other hand, was specifically intended to protect women and children where unfavourable working conditions could result in the birth of children with congenital defects - a situation which imposed a burden on the family concerned and society as a whole, and should if possible be averted at all costs. Her delegation was, however, prepared to hold consultations with a view to drafting a compromise text so as to ensure that as many countries as possible could ratify the convention.

9. Paragraph 1 of her delegation's amendment was based on article 9(4) of the ILO Declaration on Equality of Opportunity and Treatment for Women Workers; paragraph 2 constituted the alternative text contained on page 118 of document E/CN.6/591, as amended by the delegations of France and India. The USSR amendment as a whole read as follows:

"1. States parties shall adopt measures to extend special protection to women for types of work proved to be harmful for them from the standpoint of their social function of reproduction and such measures shall be reviewed and brought up to date periodically in cases where such measures are discriminatory in regard to free choice of employment for women, and in the light of advances in scientific and technical knowledge.

"2. The States Parties shall adopt measures to enable parents, especially women, to combine fulfilment of family parental, especially maternal, obligations with activity in the labour force, in professions and in public life and shall, for that purpose, promote the establishment of child care facilities as needed as a co-operative effort of government, business and industry and other institutions and organizations in the private sector."

10. Mrs. HUTAR (United States of America) read out her delegation's amendment:

"The States Parties shall encourage measures to enable parents to combine fulfilment of family parental obligations with activity in the labour force, in professions and in public life and shall, for that purpose, promote the establishment of child care facilities as needed as a co-operative effort of government, business and industry and other institutions and organizations in the private sector.

"That appropriate measures be taken, including legislation, to ensure the health and safety of all workers, male and female, in their conditions of employment.

"Protective legislation applying to women only should be reviewed in the light of scientific and technological knowledge, and should be revised, repealed or extended to all workers as necessary."

11. The second paragraph of her delegation's amendment should be read in conjunction with the report of the ILO on its activities of special interest to women (E/CN.6/603, para. 11), and the third paragraph drew its inspiration from paragraph 102 of the World Plan of Action.

12. Mrs. COENE (Belgium) suggested that, as article 13 dealt with two quite different ideas, namely, protection and responsibility for children, it might be divided into two.

13. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) disagreed. Mutually consistent provisions should be incorporated in a single article which would serve the interests of women.
14. Mrs. COENE (Belgium) pointed out that, whereas the USSR text for the first paragraph of article 13 related only to women, the second paragraph was concerned with parental obligations; it was important not to confuse the two.
15. Mrs. CADIEUX (Canada) said that her delegation was able to support the United States amendment, but would prefer it limited to the first paragraph up to and including the words "as needed". As the last paragraph of the United States amendment was very similar to the first paragraph of the USSR amendment, however, it should be possible to agree on a compromise text.
16. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said that the principle underlying the United States amendment was unacceptable to her delegation because the Commission had agreed that the title of the convention should refer specifically to the elimination of discrimination against women. Consequently, the provisions of the convention must also relate specifically to the situation of women.
17. There was no contradiction whatever between the USSR amendment and article 9 (4) of the ILO Declaration; if anything the declaration was more progressive than the draft convention.
18. The CHAIRMAN suggested that the meeting should be suspended so that the delegations concerned might try to agree on a compromise text.
19. The meeting was suspended at 4 p.m. and resumed at 4.10 p.m.
20. The CHAIRMAN noted that it had not proved possible to work out a compromise text.
21. Mrs. HOERZ (German Democratic Republic) considered that a vote should be taken only on the USSR amendment and the amendments thereto proposed by the delegations of France and India at the previous meeting.
22. After a procedural discussion in which Mrs. NIKOLAEVA (Union of Soviet Socialist Republics), Mrs. DEVAUD (France), Ms. SANDLUND (Sweden), Mrs. BRUCE (Assistant Director, Centre for Social Development and Humanitarian Affairs) and Mrs. CADIEUX (Canada) took part, the CHAIRMAN invited the Commission to vote on paragraph 2 of the Soviet Union amendment.
23. The Soviet amendment was rejected by 7 votes to 6, with 6 abstentions.
24. The CHAIRMAN invited the Commission to vote on the basic text of the paragraph, namely, the alternative text of paragraph 13 as reproduced in E/CN.6/591.
25. The basic text was adopted by 12 votes to 9, with 8 abstentions.
26. The CHAIRMAN noted that the first paragraph of the United States amendment was identical with the text of article 13 as reproduced in E/CN.6/591, and invited the Commission to vote on the second paragraph of the United States amendment.
27. The second paragraph of the United States amendment was adopted by 10 voted to 4, with 7 abstentions.

28. Mr. EHSASSI (Iran) proposed the deletion of the word "only" in the third paragraph of the United States amendment.
29. Mrs. HUTAR (United States of America) accepted the Iranian proposal.
30. The CHAIRMAN invited the Commission to vote on the third paragraph of the United States amendment.
31. The third paragraph of the United States amendment was adopted by 9 votes to 6, with 6 abstentions.
32. The CHAIRMAN invited the Commission to vote on paragraph 1 of the USSR amendment.
33. The Soviet amendment was adopted by 9 votes to 4, with 8 abstentions.
34. Mrs. DEVAUD (France) said she had considerable misgivings about the votes which had just been taken. The text of article 13, as it now stood, with its duplications and repetitions, was totally incomprehensible. She regretted that, after its protracted discussions, the Commission had arrived at such a text, and hoped that the drafting group would be authorized to revise it drastically.
35. Begum FARIDI (Pakistan) said that her delegation would abstain from the vote on article 13 because in her country a committee was currently considering the questions dealt with in that article, and she would have to await its findings.
36. The CHAIRMAN invited the Commission to vote on article 13 as a whole, as amended.
37. Article 13, as a whole, as amended, was adopted by 10 votes to none, with 11 abstentions.
38. Mrs. COENE (Belgium) said she agreed with the representative of France. The various amendments to the text of the article overlapped in such a way as to make it devoid of sense, and her delegation had therefore abstained in the vote as a whole.
39. Ms. BOKOR-SZEGO (Hungary) said that, although she had voted in favour of parts of the text, she had abstained from the vote on the article as a whole because she felt that it did not make sense from the legal standpoint.
40. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said she was unable to understand why some delegations had been unable to accept the amendments proposed by the Soviet Union. Her delegation maintained the view that the United States amendments which had been adopted did not reflect or express the idea underlying the draft convention. Her delegation's amendments had been aimed at improving job security for women workers, but the United States amendments simply referred to all workers. However, the convention was still in the early stages of elaboration and would have to pass through a number of organs in the United Nations system where she was confident that her delegation's ideas would find understanding.

41. Mrs. VENEZI-COSMETATOS (Greece) associated herself with the previous speakers who considered that the article, in its present form, made no sense at all.
42. Mrs. HERRAN (Colombia) said that her delegation also had doubts about the legality of the text of article 13.
43. Mrs. SALYO (Indonesia) said that her delegation had abstained in the vote on the article as a whole since it had misgivings concerning its legal validity.
44. Miss TYABJI (India) said she hoped the Commission would devote a little time to redrafting the article and making it more logical.
45. Mr. EHSASSI (Iran) said that, although his delegation had voted in favour of the article as a whole, it agreed with the Indian delegation that it could be greatly improved, and hoped that wording acceptable to all would be found when it was discussed in the Economic and Social Council.
46. Mrs. COCKCROFT (United Kingdom) said she agreed with the delegations of India and Iran, but reminded the Commission that a drafting group composed of representatives of each region would consider the draft convention before it was referred to the General Assembly.
47. Mrs. GONZALEZ MARTINEZ (Mexico) said that her delegation regretted that it had been obliged to abstain from the vote on the article as a whole because the general content of the paragraph did not seem to provide an adequate basis, either legally or politically. Moreover, it doubted whether the drafting group could assume responsibility for redrafting such an article, since her delegation understood that the group was competent only to overcome semantic difficulties.
48. Mrs. HUSSEIN (Egypt) said that her delegation's negative vote on certain parts of the paragraph reflected its objection to the orientation, rather than the substance, of the article. Like other delegations, it believed that the duplication in the article was a matter of form, which could easily be remedied, and not a very cogent reason for rejecting the article as a whole.
49. The CHAIRMAN said that the Commission had concluded its discussion of article 13.

Article 14

50. Mrs. HUSSEIN (Egypt) proposed the deletion of the words in square brackets because women who were employed in agriculture, for example, were not necessarily wage-earners. They should, however, benefit from the provisions of the convention.
51. Mrs. DEVAUD (France) supported the Egyptian representative's proposal to delete the words in square brackets. Her delegation was, however, of the opinion that that provision had been better expressed in the article 12 proposed by Belgium in document E/CN.6/591/Add.1.
52. Mrs. CORNE (Belgium) explained that the article 12 proposed by her delegation did not include the words which had been placed in square brackets in the original article 14. The words "and to those who are self-employed" had been tacked on to the end of the first sentence and a second sentence had been added, specifying that the provisions of the preceding articles should apply to all women without exception.

53. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that her delegation could not support the Belgian amendment because article 14 could not apply to women who did not work. In that connexion, she noted that, under the Constitution of her country, people who did not work did not eat.
54. Miss GONZALEZ MARTINEZ (Mexico) said that her delegation could support the Belgian amendment provided that the words "commercial and service enterprises" were added between the words "public and private institutions" and the words "industrial and non-industrial enterprises" in order to take account of the situation of women in her country, many of whom were employed in such enterprises.
55. Miss TYABJI (India) said that her delegation was in favour of the wording of the original article 14.
56. Mrs. DAHLERUP (Denmark) said that, if the Commission decided that article 14 was really necessary, her delegation would prefer the deletion of the words in square brackets and the replacement of the words "to all women without exception" by "all working women".
57. Mrs. HERRAN (Colombia) said that her delegation supported the Belgian amendment with the addition of the words suggested by the Mexican delegation.
58. Mrs. COCKCROFT (United Kingdom) was of the view that the Commission could consider article 14 before taking a decision on article 4.
59. Mrs. GERLO-VAN LOEY (Belgium) said that her delegation could agree to the inclusion of the words suggested by the representative of Mexico. With regard to the view expressed by the representative of the Soviet Union that the article should not apply to all women without exception, she drew attention to the last sentence of the amendment proposed by her delegation, which stated that the provisions of the preceding articles would also apply to women who did not exercise an occupation only in so far as they were affected by those provisions.
60. Mrs. HUSSEIN (Egypt) suggested that the words "women who do not exercise an occupation" in the last sentence of the Belgian amendment should be replaced by the words "women who do not receive wages" in order to show that not all women, particularly in rural areas, who worked actually received wages.
61. Miss TYABJI (India) proposed that, in order to meet the objection raised by the representative of the Soviet Union, the Commission should adopt the Danish representative's suggestion.
62. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that her delegation supported the Indian representative's proposal.
63. Mrs. HUTAR (United States of America) said it was inadvisable for the original article 14 to cover some categories of women and not others.

64. Her delegation also had doubts as to the position of article 14 in the convention, and therefore proposed that it should be amended to read "This convention shall apply to all women without exception" and placed near the end of the convention.
65. Ms. BOKOR-SZEGO (Hungary) said that her delegation did not agree with the United States delegation's proposal.
66. The CHAIRMAN invited the Commission to decide whether to use the Belgian amendment as the basis for its discussion.
67. The Commission decided, by 10 votes to 4, with 5 abstentions, that the Belgian amendment should not be used as a basis for its discussions.
68. The CHAIRMAN said that the Commission would therefore base its discussions on the text of the original article 14.
69. Ms. BOKOR-SZEGO (Hungary) said that the words in square brackets should be deleted in order to ensure that the convention would apply to all women without exception.
70. Mrs. DEVAUD (France), referring to the Danish representative's suggestion, said she was of the opinion that the words "to all women without exception" should be retained so that the convention would take account of the situation of women who had several children and who did not have an opportunity to work outside the home.
71. Mrs. CADIEUX (Canada) said that, as article 14 had been drafted before amendments had been made to articles 11, 12 and 13, any amendments to article 14 would have to take account of those articles. The Commission should therefore decide either to redraft article 14 or to postpone its consideration of that article until a later meeting.
72. Miss TYABJI (India) took the view that the Commission should either decide that article 14 would apply to all women or that consideration of that article should be postponed, as suggested by the representative of Canada.
73. Ms. SANDLUND (Sweden) supported the suggestion to postpone consideration of article 14, which the Commission might subsequently find was quite unnecessary.
74. Mr. ESHASSI (Iran) said he agreed with the representatives of Canada and Sweden that the discussion of article 14 should be deferred until the results of the work on all other articles were available.
75. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) supported the Danish representative's suggestion to delete the words in square brackets and to replace the words "to all women without exception" by "to all working women". She opposed the suggestion made by the representatives of Canada and Sweden to postpone consideration of article 14.
76. Miss TYABJI (India) said that the Commission had wasted a great deal of time on article 14; it should have realized earlier that that article was not even necessary.

77. Ms. SANDLUND (Sweden) supported the view of the representative of India that article 14 was unnecessary. She therefore proposed that the Commission should vote on the deletion of that article.

78. The CHAIRMAN invited the Commission to vote on the Swedish proposal to delete article 14.

79. The Swedish proposal to delete article 14 was adopted by 10 votes to 7, with 2 abstentions.

Additional article

80. The CHAIRMAN said that, if she heard no objection, she would take it that Commission decided not to consider the additional article since it was covered by the provisions of article 11.

81. It was so decided.

The meeting rose at 6.20 p.m.