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COMMISSION ON THE STATUS OF WOMEN

Resumed twenty-sixth Session

SUMMARY RECORD OF THE 662ND MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 7 December 1976, at 10.15 a.m.

Chairman: Mrs. GONZALEZ de CUADROS (Colombia)

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

DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (continued):

Article 21 (E/CN.6/591, E/CN.6/L.700) (continued)

1. Mrs. BOKOR-SZEGO (Hungary) said that her delegation favoured the original text of article 21 (E/CN.6/591, p. 121) and was unable to support the Belgian amendment (E/CN.6/L.700). For years, attempts had been made to abolish the Commission on the Status of Women, but it should be borne in mind that the World Conference of the International Women's Year held in Mexico City in 1975 had adopted a resolution calling on the Economic and Social Council to maintain the Commission.
2. Observing that it might be useful to know the precise terms of reference of the Commission, she requested the Secretariat to read out the relevant paragraph of Economic and Social Council resolution 11 (II) under the terms of which the Commission had been established. She further requested that the Office of Legal Affairs at Headquarters should be asked to state whether, in its opinion, the Commission was competent, under its terms of reference, to monitor implementation of the Convention. If it was, adoption of the Belgian amendment would impair the Commission's own mandate.
3. Miss TYABJI (India) said that her Government agreed with the Indonesian and Portuguese delegations, among others, which had expressed the view that establishment of the Committee proposed in the Belgian amendment was unnecessary and too costly; the tasks to be entrusted to the Committee could be performed by the Commission. As to the argument that the members of the proposed Committee would serve in their personal capacity, it was India's practice always to send private persons to serve on the Commission. She suggested that other countries should be encouraged to do the same.
4. Ms. HENDSCH (United States of America) said that the terms of reference of the Commission on the Status of Women did not appear to conflict with the provisions of the Belgian amendment to article 21. She asked the Secretariat to explain in what way the proposal for the establishment of a Committee on the Convention differed from the provisions of article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination.
5. Mrs. VENEZI-COSMETATOS (Greece) said that her delegation supported the Belgian amendment. The Commission had a very full agenda and in all probability would be unable to give proper consideration to the reports that would be submitted under the terms of article 21.

6. Referring to the two alternative texts of article 21 given on pages 122 and 123 of document E/CN.6/591, she said that the first alternative did not provide for the establishment of a reporting system, whereas the second did. Was it the intention of the Secretariat that the two alternative texts should be combined?

7. Ms. FREDGARD (Sweden), referring to the comments made by the Hungarian representative, said that there was no question of abolishing the Commission. Indeed, the Commission would be kept very busy implementing the Programme for the United Nations Decade for Women and the World Plan of Action for the implementation of the objectives of the International Women's Year. Her delegation, which considered that the machinery to control implementation of the Convention should be as strong as possible, could, therefore, support the first alternative text of article 21 and the Belgian amendment.

8. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that the procedure for monitoring implementation of the Convention proposed in the original text of article 21 appeared to be reliable and simple. It would also be efficient because the Economic and Social Council and the specialized agencies had considerable experience in acting in accordance with the provisions of the United Nations Charter.

9. The Working Group established to prepare new draft instruments of international law to eliminate discrimination against women had, by an absolute majority, rejected a proposal similar to that put forward by the Belgian delegation. Similarly, the majority of Governments that had commented on the draft convention had supported the text of article 21 as drafted by the Secretariat. It would be unwise of the Commission to disregard the views of the Working Group and of Governments.

10. She agreed with those speakers who had said that adoption of the Belgian amendment would undermine the Commission's mandate. On the other hand, she disagreed with the arguments adduced by the Swedish representative in favour of the Belgian amendment; unless the Commission was given the task of monitoring implementation of the Convention, it might go empty-handed to the world conference scheduled for 1980. Moreover, her delegation did not consider that the cause of women would be advanced by a committee composed of experts serving in their personal capacity. What reason was there for thinking that such a committee would be better able to discharge the task of monitoring implementation of the Convention than the Commission, which was composed of government representatives? As to the similarity between the first alternative text of article 21 and articles 8 and 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, members of the Commission should bear in mind that that Convention had a very special place in the overall system of United Nations conventions. Moreover, a period of nine years had elapsed since its adoption. In more recent United Nations conventions, the task of controlling implementation was entrusted to existing United Nations bodies. The Commission should follow that practice; there was no need to establish a new committee to monitor implementation of the Convention.

11. In conclusion, she said that her delegation was unable to support the Belgian amendment, and appealed to members to make every effort to prepare a text that would be acceptable to all delegations.
12. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs), in response to the Hungarian representative's request, read out the first paragraph of section 1 of Economic and Social Council resolution 11 (II) under which the Commission had been established; its terms of reference had not been changed since.
13. Referring to the question raised by the United States representative, she said that paragraph 1 of the first alternative text of article 21 reproduced almost exactly the provisions of article 8, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. The only differences were that paragraph 1 of article 8 of the Convention mentioned a number of experts whereas the first alternative text did not, and that the first alternative text included a phrase to the effect that the experts elected to the Committee should preferably be members of the Commission on the Status of Women. Paragraphs 2 to 6 of the first alternative text were identical with paragraphs 2 to 6 of the International Convention on the Elimination of All Forms of Racial Discrimination.
14. The Belgian amendment (E/CN.6/L.700) suggested that the Committee should be composed of 12 experts; it omitted the phrase "preferably members of the Commission on the Status of Women" but stated that the experts should be of recognized competence in the field of the status of women and possess legal experience.
15. She noted that the way in which the two alternative articles were presented in the Secretariat working paper might lead to confusion. It appeared that the two texts had been offered as alternatives to the original text of article 21. The first alternative concerned the establishment of a committee, the second the reports which would be submitted to that committee. There were elements in the second alternative which the Commission might wish to consider regardless whether a committee was established. If the first alternative was adopted the committee would not have anything to do. It would seem, therefore, that it would be necessary either to take the two alternatives together or to adopt the original text.
16. Mrs. BOKOR-SZEGO (Hungary), referring to the second sentence of the Commission's terms of reference as read out by the Deputy Director of the Centre for Social Development and Humanitarian Affairs, noted that the Commission was called upon to make recommendations to the Economic and Social Council on urgent problems requiring immediate attention in the field of women's rights. She reiterated her request that the Office of Legal Affairs should be asked to state whether there was a clear difference between the Commission's terms of reference and those of the proposed committee.

17. Begum FARIDI (Pakistan) said she failed to understand why, if a committee was established, it should not report to the Commission. Why should it report directly to the Economic and Social Council? In any case, the question had already been put to Governments, which had transmitted their replies to the Secretary-General. Members should be given time to reconsider and, if possible, reconcile their positions on the matter.
18. Mr. LEHMANN (Denmark) said that there were precedents for establishing ad hoc committees, which had been set up, for instance, by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He agreed with the USSR representative that a system whereby reports were submitted to the Economic and Social Council would be as reliable as one under which they were submitted to an ad hoc committee. In the case of the committee under discussion, however, efficiency should be the guiding criterion and there seemed little doubt that a special committee would be the type of organ that could ensure, in the most efficient manner, that the provisions of the convention were implemented. It should be noted that the proposed committee's task would simply be to help to ensure that the substantive provisions of the convention were implemented. For instance, if a State encountered difficulty in implementing a provision it could ask the ad hoc committee for model laws. From the point of view of efficiency, therefore, an ad hoc committee would be preferable to the Commission, the members of which would not necessarily all accede to the convention and which was more policy-oriented than the convention. The various arguments presented by the representative of the Soviet Union had been advanced during the discussions leading to the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination. Nevertheless, those taking part in the discussions had opted for a special committee and had also adopted a system of special inter-State communications and an individual complaints procedure.
19. In conclusion, he suggested that the Commission should give very serious consideration to the Belgian amendment.
20. Miss TYABJI (India) suggested that there was a considerable difference between racial discrimination and discrimination against women. In racial discrimination there were two parties who had to be brought together. All Governments were, however, committed to the principles of the convention; what was necessary was to find means of putting those principles into practice. In the case of the convention, it was not so much a question of adopting laws as of ensuring that existing laws were implemented. She wondered whether a small committee of 12 members would be in a position to know what was happening throughout the world in the matter of implementation of the convention.
21. Mrs. COENE (Belgium) pointed out that her delegation's amendment made only a minor modification to paragraph 1 of the first alternative text of article 21.

22. Her delegation opposed the abolition of the Commission, which played an essentially political role. It had accordingly proposed the establishment of an independent body of experts to supervise the implementation of the convention, which was a legal instrument. Such a body was, in fact, essential if the convention was to be viable. The role of the Commission should remain unchanged and, once it had completed its work of drafting the convention, it should turn to some of the many other spheres of activity covered by its very general terms of reference.

23. The convention would be applicable only to those States which ratified it, and its implementation would be monitored only by experts from those States. Although the delegations represented in the Commission would encourage their Governments to ratify the convention, there was no guarantee that all of them would do so. It was true that her delegation's amendment entailed the establishment of yet another committee, but even if it was decided that the Commission should be responsible for supervising the implementation of the convention, the Commission would itself find it necessary to establish an ad hoc committee to examine the reports from ratifying States. In no circumstances could her delegation's amendment be interpreted as undermining the competence of the Commission.

24. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) considered that the Danish representative's observations were contradictory: on the one hand, he maintained that the committee on the convention should be established to assist the Commission, and on the other he intimated that some degree of preference should be accorded to the new committee. The members of the Commission should be given a clear idea of the hierarchical relationship between the two bodies.

25. Nothing had been said about the financial implications of the establishment of a new committee or the frequency of its meetings, and no decision could be taken until all aspects of the proposal were made perfectly clear.

26. The Commission had already expressed support for the idea of strengthening the secretariat in connexion with the Second Development Decade. It must not, however, endorse the continual expansion of the secretariat. Funds were necessary for its work, but they should be used not to pay officials but for the direct promotion of the cause of women throughout the world. The establishment of a new committee at the present stage would be most inadvisable; it would be preferable to wait and see how many States ratified the convention and then to consider what action was necessary.

27. Ms. HENDSCH (United States of America) said that her delegation supported the Belgian amendment and the views expressed by the delegations of Denmark and Sweden. The Commission must face up to reality: it was no longer a small body, and had established a large number of programmes, objectives and interim committees, convened conferences, and made the entire United Nations system more conscious of the views of women. Unless more elements of the United Nations system were associated with the work the Commission was doing, it would not succeed in attaining its objectives. It could not retain for itself alone responsibility for all matters relating to the elimination of discrimination against women, for in that case its sessions would last at least six weeks.

28. The expertise of the States members of the Commission was not limited to that of the representatives attending the current session. In each country there were many experts on a wide range of matters relating to the status of women, and such experts could well suggest new problem areas. In her own country, there was great interest in women's problems and her Government would certainly be able to delegate experts on those problems to participate in the Commission's work.

29. The real problem faced by the Commission was whether it was willing to expand its activities and associate more experts with its constantly expanding activities, or whether it insisted on maintaining a narrow perspective. In the opinion of her delegation, the Commission should intensify efforts to eliminate discrimination against women and to increase the efficiency of its work.

30. Ms. FREDGARD (Sweden) said that her delegation whole-heartedly supported the views expressed by the delegations of Belgium and Denmark. Referring to the USSR delegation's observations concerning the 1980 Conference, her delegation considered that there was no cause for concern.

31. It did not see why the proposed committee should not report to the Commission, which would then have all the information it desired. The expenditure entailed by the new committee would not be inordinate and the necessary resources would be available.

32. In conclusion, she pointed out that the control machinery proposed by Belgium was identical with that established in connexion with a number of conventions.

33. Mr. MICHEEL (German Democratic Republic) said that his delegation supported the views expressed by the delegations of India and the USSR concerning the proposed committee which, in his delegation's opinion, was unnecessary. For practical purposes, however, it would be helpful if the Secretariat could explain the financial implications of the establishment of that committee.

34. Mrs. HUSSEIN (Egypt) noted that the Commission would seem to be in agreement on the need for efficiency in supervising the implementation of the convention and on the fact that such supervision would have financial implications. It would therefore be useful to know the difference in the cost of establishing a new committee and that of strengthening the Secretariat, should it be decided that the Commission was to monitor the implementation of the convention. Her delegation agreed with the views expressed by the USSR delegation concerning the dangers of duplication, but hoped that there would be no question of abolishing the Commission. Any action the Commission took must be aimed at strengthening the implementation of the convention.
35. The proposed committee would be democratic, in that the States parties to the convention would be represented on it. The weakness of the proposal lay in the uncertainty concerning the relationship between the new committee and the Commission. However, the Commission should realize that it could not be the only body concerned with the supervision of the implementation of the convention, and that it needed assistance.
36. Begum FARIDI (Pakistan) endorsed the observations made by the representative of Egypt. It would, however, be premature to decide at the present stage what machinery should be established.
37. Mrs. GUEYE (Senegal) considered that an analogy should not be drawn between racial discrimination and apartheid, on the one hand, and discrimination against women, on the other. The former were temporary phenomena which existed in a relatively limited area, whereas the latter had consistently occurred on a world-wide basis.
38. On the general question of the Commission's future role, she considered that the Commission should expand its activities without, however, overloading its agenda. Before a decision was taken on the establishment of the new committee, its relationship with the Commission should be made clear and all aspects of its work thoroughly examined.
39. Mr. LEHMANN (Denmark) pointed out that, in his previous statement, he had been referring to the whole of the Belgian amendment to article 21 as set forth in document E/CN.6/591/Add.1. In his opinion, the proposed committee would be the most appropriate body to supervise the implementation of the convention because primary responsibility for such implementation must remain with the States parties. No link should be established between the proposed committee and a body which comprised non-parties. That did not mean, however, that a report submitted by the new committee to the Third Committee of the General Assembly could not be transmitted to the Commission for information or consideration.
40. Miss ST. CLAIRE (Secretary of the Commission), referring to the question of the financial implications of the establishment of the proposed committee, drew attention to paragraph 6 of the first alternative text of article 21, and explained that the travel and subsistence of the members of the committee would not be charged to the United Nations budget. Demands would, however, be made on the Secretariat by the committee's meetings and its documentation.



41. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs) said that, regardless whether a new committee was established, extra work would be created for the Secretariat in the form of reports from Governments. The cost to the United Nations would not be substantially different in either case, the frequency of submission of reports being the determining factor. Some of those reports were extremely voluminous and had to be translated into all the official languages.

42. In the second alternative text of that article, it was proposed that reports should be submitted within one year after the entry into force of the convention, and thereafter every two years. If that text was adopted, the greater frequency of reports would result in extra expenditure. Again, in accordance with the second alternative text, the committee would report annually through the Secretary-General to the General Assembly - a procedure which would also entail additional expenditure. In that connexion, she noted that the programme budget for 1978-1979 contained preliminary estimates of staff requirements and that little progress was, in fact, being made in increasing staff resources for the Commission.

43. If the Commission wished, the Secretariat could attempt to estimate the expenditure entailed by the adoption of, first, the original text of article 21 and secondly, the second alternative text.

44. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) supported the observations made by the representative of Pakistan; more time was necessary before a decision could be taken. It was still far from clear whether the Belgian proposal would entail the recruitment of experts by the Secretariat or whether the proposed committee was to meet in parallel with the Commission. The Belgian delegation should explain clearly all the implications of its proposal. How could the Commission establish a new United Nations body without any financial support? It should exercise a measure of restraint and realize that special machinery existed for the establishment of new bodies which had financial implications. Extremely careful consideration should be given to the establishment of the new committee, preferably at a subsequent session. The Commission already had an overloaded agenda and was acting with undue haste.

45. Her delegation suggested that delegations which had submitted proposals should withdraw them and reconsider the question as a whole, giving due consideration to all of its aspects. In that way a well-conceived proposal could be submitted to the Commission, which would then be able to hold a practical discussion on it.

46. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs) said she wished to reassure the representative of the USSR that she had expressed no preference for any of the alternative proposals before the Commission. The Secretariat would at all times be guided by the texts of the proposals before the Commission in trying to estimate costs.

47. The implementation of the original text of article 21, paragraph 2, as set forth in document E/CN.6/591, would have financial implications, because the reports submitted by States parties would have to be translated. The implementation of the first and second alternative texts would also have financial implications resulting from the processing of documentation. If the second alternative was adopted, reports would be submitted more frequently and the financial implications would be greater. The Secretariat would try to make precise estimates based on the various texts at present before the Commission.

48. Mrs. COCKCROFT (United Kingdom) said that her delegation supported the Belgian proposal, as amended, but suggested that it should incorporate paragraph 1 of the original article 21; her delegation agreed that reports should be submitted every four years. Moreover, article 21, paragraph 6, as set forth in document E/CN.6/591/Add.1, should specify that the expenses of the members of the committee should be apportioned equally between them.

49. Ms. HENDSCH (United States of America) reiterated her delegation's view that the basic question before the Commission was whether it should expand the scope of its activities or continue to operate within a narrow perspective. It wished to draw attention to the Commission's heavy programme of work and the fact that the Secretariat staff had not been increased. In its opinion, the assistance of a special body of experts was essential to the success of the convention.

50. Miss LORANGER (Canada) said that her delegation supported the Belgian amendment and agreed with the argument adduced by the Danish delegation that the convention should have its own implementation machinery. The Commission was not necessarily the best body to monitor implementation as it had its own specific and important responsibilities which it should continue to fulfil. Her delegation believed it would be more appropriate for States parties to the convention to appoint their own committee to monitor its implementation. The United Nations had only recently begun to establish effective machinery for the protection of human rights, and her delegation considered that every opportunity should be taken to expand the channels of communication that had been opened up to promote all aspects of human rights. She agreed with the United States delegation that it was important for more and more people to become associated with work connected with the status of women. The Commission would, of course, have to consider the question of financial implications which should not, however, be excessive; the establishment of a small group of experts would not be a very great price to pay for the implementation of the convention.

51. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) noted that the first part of the Belgian amendment referred to the establishment of a committee and then to the election of its members by States parties. The creation of a body parallel to the Commission would presumably mean that the members of the committee had the same status as those of the Commission. It was apparently intended that the States parties should pay the expenses of the experts who attended meetings of the committee, although it was the usual practice in the United Nations for such expenditures to be met from the United Nations regular budget; her delegation would like some clarification on that point.
52. Mrs. JANJIC (International Labour Organisation) said that the ILO had considerable experience in monitoring compliance with its conventions. The reports that States parties to ILO conventions were required to submit regularly on compliance were examined by the ILO secretariat and then submitted to a committee of experts, appointed by the ILO, which met once a year. The committee compiled a report which was then submitted to the General Conference. However, the ILO secretariat had to do a great deal of preparatory analytical work for the session of the committee of experts to enable it to decide whether the legal provisions of the 130 or so ILO conventions were being observed in practice.
53. Mr. SALEEM (Pakistan) expressed misgivings with regard to the Belgian amendment. The proliferation of committees of experts usually resulted in duplication and overlapping of work; moreover, experts who served in a personal capacity were open to pressure and might show bias, and the end result was not what had originally been intended. He also had misgivings concerning the wisdom of trying to create an organ whose work would parallel that of the Commission on Human Rights, an all-encompassing body whose activities surely also included improving the status of women. The aim of the convention was to ensure the exercise of certain rights previously denied to women, and as governments were in agreement with the principle of non-discrimination and committed to enhancing the status of women, there was no need to create a watch-dog body. In the view of his delegation, the Commission should rather encourage governments to take action on a national basis by the creation of national commissions, which could submit reports to the secretariat, thus enabling it to report to the Commission.
54. Miss LORANGER (Canada), noting that the Pakistan representative had said that governments were committed to improving the status of women, pointed out that, although they were also committed to the cause of human rights, violations of human rights were studied and examined under various conventions. She also observed that the Committee recently set up to monitor the application of the Covenant on Civil and Political Rights was composed of 18 members, all male, with no expertise in questions relating to the status of women. One of the reasons why it was important for the Commission and a committee to supervise the application of the convention was that a certain expertise was required in order to ensure that governments respected the obligations they had assumed in connexion with the status of women.
55. Mrs. COENE (Belgium) stressed that the amendment to article 21, for which some members apparently considered her delegation solely responsible, was, in fact, the text agreed upon by the Working Party in 1974. Her delegation had merely expanded that part which dealt with the competence of the experts and had couched it in more general terms.

56. Mr. LEHMANN (Denmark) said there appeared to be agreement that States parties which ratified the convention should report on the various measures they took to give effect to its provisions. The first problem was whether those reports should be sent to the Secretary-General for transmission to the Economic and Social Council, to the Commission on the Status of Women or to the committee on the convention on the elimination of discrimination against women. If it was agreed that they should be sent to the committee, the next problem was to whom it should submit its own report; his delegation felt that it should be submitted to the Secretary-General for transmission to the Commission on the Status of Women. Other delegations had different views, but it seemed likely that a solution acceptable to all could be found. He therefore proposed that the Commission should suspend its discussion of article 21, reflect on the question and revert to it the following day, when it might be possible to prepare a consolidated text satisfactory to all delegations.

57. Miss TYABJI (India) agreed with the representative of Pakistan that governments should be encouraged to set up national commissions to deal with questions relating to the status of women. Such action would fit in with the Commission's efforts on behalf of the Programme for the Decade, and reports on the status of women from those national commissions could be submitted to a committee drawn from the membership of the Commission on the Status of Women.

58. Mrs. TALLAWY (Egypt) said that, although her delegation was against the unnecessary proliferation of United Nations bodies, it was committed to improving the status of women. Unless their status was improved, they would be unable to contribute effectively to the development of their countries, either socially or economically. Accordingly, her delegation would support the establishment of a body to ensure implementation of the convention.

59. Mr. VALLARTA (Mexico) said that his delegation supported the idea of establishing a committee of experts appointed by States parties to the convention. However, it would not go along with the proposal if the Belgian amendment was interpreted as meaning that persons not designated by their governments as candidates could be appointed to the Committee.

60. The CHAIRMAN suggested that, in the light of the Danish representative's proposal, the Commission should suspend its discussion of article 21 until the following day, when the Secretariat statement on financial implications would also be available.

61. It was so decided.

The meeting rose at 12.50 p.m.