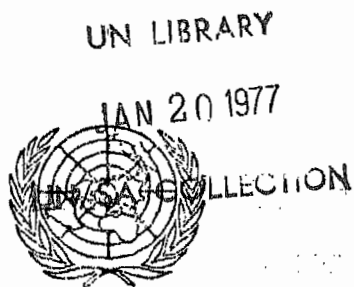


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.6/SR.674
16 December 1976

Original: ENGLISH

COMMISSION ON THE STATUS OF WOMEN
Resumed Twenty-sixth Session
SUMMARY RECORD OF THE 674th MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 15 December 1976, at 10.10 a.m.

Chairman: Mrs. GONZALEZ de CUADROS (Colombia)

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end of the session.

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/L.718) (continued)

1. Mrs. COENE (Belgium), referring to draft article 21 bis (E/CN.6/L.718) which her delegation had proposed at the previous meeting, said that the Commission was in danger of becoming unduly modest in its demands concerning the most important part of the convention, namely, its implementation. In the opinion of her delegation, the convention should be a binding international instrument which would effectively protect the rights of women. Her delegation would, however have no objection to the incorporation of its proposal in the convention in the form of an optional additional protocol. Such a course would meet the wishes of certain countries which were not yet able to comply with all the obligations provided for, and it would enable those countries that wished to provide effective protection for their nationals to do so. Precedents for the procedures proposed by her delegation were to be found in other United Nations conventions. Her delegation was simply asking that States should undertake to examine the possibility of establishing implementation procedures which, in its opinion, would be more effective than those already established.
2. Mr. EHSASSI (Iran) said that the Belgian proposal caused considerable difficulties for his delegation, which did not see how the Commission could ensure that States parties examined the possibility of establishing the procedures provided for in the amendment. Since the proposal added nothing to what had already been agreed on, his delegation wished to suggest that it should be withdrawn.
3. Miss TYABJI (India) said that, since the meaning and purpose of draft article 21 bis were far from clear, her delegation was unable to endorse it.
4. Mrs. BOKOR-SZEGO (Hungary) said that her delegation opposed the Belgian proposal for general and juridical reasons. Noting the Belgian delegation's reference to similar procedures in other United Nations conventions, she observed that the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Elimination of All Forms of Racial Discrimination were very different from the draft convention on the elimination of discrimination against women. Whereas apartheid and racial discrimination were very serious international crimes committed by certain States, discrimination against women was an area in which all States had already begun to co-operate. Consequently, it would be inadvisable to refer in the draft convention to the procedures provided for in the Belgian text.
5. The Iranian delegation had already mentioned the juridical reasons for her delegation's opposition to the Belgian text. Her delegation did not understand how, once the convention had entered into force, the States parties could hold consultations within the Commission. Moreover, after its entry into force, States would no longer be able to revise the text of the convention. If they wanted to revise it, they must address a request to the Secretary-General, as provided for in the convention itself. In her opinion, therefore, the text had no legal basis.

6. Mrs. TALLAWY (Egypt) said that the Belgian text caused her delegation many difficulties, the most important of which related to the inconsistency between a provision under which States parties would undertake to examine the possibility of establishing procedures for the implementation of the convention and the recently adopted provision establishing the ad hoc group.
7. The phrase "enabling States Parties and their nationals to address themselves to the ad hoc Group" also caused her delegation considerable misgivings. That procedure presumably covered complaints by individuals and complaints by one State against another and was, in her opinion, inappropriate. As regards complaints by one State against another, it was true that the procedure proposed by Belgium had been established under other conventions. The present draft convention, should, however, be considered in a different light: discrimination against women was not an intentional crime but was closely related to the general process of economic and social development. Each country accorded a different degree of priority to the elimination of discrimination against women within the context of its over-all development and it would be inappropriate to allow one State to lodge a complaint against another. The ad hoc group was certainly not intended as an international court; its role was to examine the reports submitted by Governments and to assist those Governments in implementing the convention.
8. For all those reasons, her delegation hoped that the Belgian delegation would not press its proposal; if it was incorporated in the convention, it would constitute a major obstacle to ratification.
9. Mrs. HIRLEMANN (France) said that her delegation endorsed draft article 21 bis as proposed by the Belgian delegation.
10. Mrs. COCKCROFT (United Kingdom) said that her delegation supported the Belgian delegation's proposal, and pointed out that the draft article provided only for the possibility of establishing the procedures in question. She also drew attention to the similarity between what was proposed in the Belgian text and the procedures established in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, under which States and individuals could submit petitions directly to the Committee on the Elimination of Racial Discrimination. Her delegation considered that that procedure was worthy of study and could see no objection to it.
11. The ad hoc group established under article 21 of the draft convention would consider only reports from States parties on the implementation of the convention. The Belgian proposal went further and asked States parties subsequently to consider the possibility of enabling States and individuals to address themselves directly to the ad hoc group, possibly in accordance with a procedure similar to that established in article 14 of the Convention on the Elimination of All Forms of Racial Discrimination.
12. Begum FARIDI (Pakistan) endorsed the Egyptian representative's observations concerning draft article 21 bis. It was never intended that the convention should establish a court of judgement; its purpose was to enable women in less-developed countries to attain the level reached by those in the more developed countries. Her delegation was therefore completely unable to endorse the Belgian proposal.

13. Miss TYAJBI (India) considered it inappropriate that the convention should include a provision covering possible future action. Did some countries believe that others were insincere in their desire to improve the lot of women? Did they even doubt the sincerity of the Commission in wishing to improve the status of women? The Governments of all countries were most anxious to promote the condition of women; indeed, they realized that that step was essential for over-all development. The purpose of the convention was to help States parties, not to punish them.
14. Mr. VAN DUYSE (Belgium) said that, although his delegation's proposal was a very modest one, it was ambitious to the extent that it was intended to ensure that the procedures established in the convention did not fall short of those established under other conventions. The convention on the elimination of discrimination against women should meet a sociological need by ensuring that all persons were aware of its purpose and by inspiring society to a greater effort. His delegation was prepared to include the proposal as an additional protocol and indeed was open to other suggestions.
15. Mr. VALLARTA (Mexico) expressed regret that the Belgian proposal had been submitted at such a late stage, as it was impossible for some delegations to obtain instructions from their Governments.
16. His delegation was concerned about the legal aspect of the proposal. If the Commission subsequently wished to establish procedures under which States parties could address themselves to the ad hoc group, it would have to submit a resolution to that effect for adoption by the Economic and Social Council or the General Assembly. In the opinion of his delegation, however, any modification of the terms of reference of the ad hoc group must be provided for in the convention itself. His delegation was prepared to accept an optional procedure, such as that provided for in article 14 of the Convention on the Elimination of All Forms of Racial Discrimination. Although it was not in a position to support the Belgian proposal, it would not oppose it.
17. Mr. MICHEEL (German Democratic Republic) considered that adoption of the Belgian proposal might endanger article 21, which had been adopted after lengthy and difficult discussions. His delegation therefore opposed the proposal and urged the Belgian delegation to withdraw it.
18. Mr. TSCHERNING (Sweden) supported the Belgian proposal, which represented an important means of increasing the effectiveness of the convention. It should be borne in mind that the proposal simply called for examination of the possibility of establishing the implementation procedures it referred to. The point of the proposal was that that possibility should be thoroughly examined.
19. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) expressed regret that the Belgian proposal had been submitted at a late stage in the drafting of the convention. Since the proposal was inconsistent with article 21, under which certain powers had already been conferred on the ad hoc group, and for the reasons stated by many delegations, her delegation wished to suggest that the Belgian proposal should be withdrawn.

20. Mr. NASIER (Indonesia) agreed with the Indian representative that the proposal was unnecessary. States parties should be given an opportunity to implement the convention with the guidance of the Commission.
21. Mrs. HUTAR (United States of America) said that her delegation supported the Belgian proposal. As the representative of the United Kingdom had pointed out, the provisions of article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination provided a precedent for the proposed procedure. It was important that the Commission and its ad hoc Group should not only be responsive to written reports from States parties but also accessible to any States parties and their nationals who might wish to address themselves to the ad hoc Group. Establishment of the proposed procedure could accelerate the process of eliminating discrimination against women.
22. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said that, for the reasons already given by a number of representatives, her delegation was unable to support the Belgian proposal.
23. Mr. VAN DUYSE (Belgium) said that his delegation was unable to accede to the wishes of those members who had requested that it withdraw its proposal.
24. Ms. THOMPSON-TRENOH (Togo) said that she in no way doubted the sincerity of the Belgian delegation in putting forward its proposal. The conferences and discussions held during the International Women's Year had made it clear that the situation of women in the developed countries was by no means perfect. She feared, however, that her Government would find it difficult to vote in favour of the text. All developing countries were anxious to improve the status of women, but various factors, mainly of an economic nature, prevented them from doing as much for women as they would wish. In Togo, for instance, the Government had, two years previously, nationalized the phosphate industry with the intention of using profits to improve the welfare of the entire population. The idea had been that if women could spend less time on work and more on improving their standards of literacy, they themselves and the population as a whole would benefit. It had been decided, therefore, that tracks should be built and new wells dug with a view to easing the burden on women. Unfortunately, the price of phosphate had fallen, with the result that no segment of the population had benefited from the welfare programme. Clearly, countries with a precarious economy would be reluctant to endorse a proposal under which women would have the privilege of addressing themselves to an ad hoc Group. Therefore, although the Belgian proposal was tempting, she would be unable to vote in favour of it.
25. Miss TYABJI (India) reiterated her opinion that, unless it was assumed that the Commission would not be up to the task of supervising implementation of the convention, the proposal was irrelevant and unnecessary.
26. Mr. LEHMANN (Denmark) said that, in the opinion of his delegation, the implementation system in all conventions should be as strong and effective as possible. The text proposed by the Belgian delegation should be seen as a means of strengthening the implementation system established for the convention. It was, however, formulated in such a way that it was not binding on States parties. It might therefore have been more correct to submit the proposal in the form of a draft resolution. Nevertheless, his delegation supported the principle embodied in the Belgian text.

27. Mrs. GUEYE (Senegal) suggested that, unless the Belgian delegation was prepared to consider the Danish representative's suggestion that the proposal should be submitted in the form of a draft resolution, the draft text should be put to the vote immediately.
28. Mrs. COENE (Belgium) agreed that the proposal should be put to the vote.
29. Princess FURACHATRA (Thailand) said that she failed to understand the purpose of the Belgian proposal, which gave the impression that the Commission was not to be trusted to do its work properly.
30. The CHAIRMAN put to the vote the Belgian proposal for a draft article to be inserted after article 21 (E/CN.6/L.718).
31. The proposal was rejected by 11 votes to 8, with 3 abstentions.
32. Mr. LEHMANN (Denmark), observing that earlier in the session he had suggested that the final provisions of the Convention should be restructured and brought into line with the pattern of the Vienna Convention on the Law of Treaties and other conventions on human rights, said that he had prepared a document for the Style Committee. He would be happy to attend the meetings of that Committee as an observer if its members so wished.
33. The CHAIRMAN thanked the representative of Denmark for his paper. The Style Committee would welcome his presence at their meeting as an observer.
34. Mrs. JANJIC (International Labour Organisation) reminded members that they had decided to add the words "if they provide for more extensive rights for women" at the end of paragraph 2 of article 16 of the convention. At its fifty-seventh session, the Economic and Social Council, after examining the annual report of the Administrative Committee on Co-ordination for 1973-1974 (E/5488), had endorsed a recommendation made by that Committee in section V of its report to the effect that no provision should be adopted in the United Nations family of organizations which might lead to a conflict of interpretation. The words added to paragraph 2 of article 16 could well lead to a conflict of interpretation. For instance, was the prohibition on night work to be regarded as a more, or a less, extensive right for women? It was also possible to deduce from the words added that the convention under discussion could prejudice any conventions of other international organizations that provided for less extensive rights for women. She hoped, therefore, that the members of the Commission would agree to allow the Style Committee, possibly with the assistance of the Legal Officer, to bring the provisions of paragraph 2 of article 16 into line with the principle adopted by the Economic and Social Council at its fifty-seventh session. If the Commission was unable to do as she had suggested, the ILO would have to bring the matter to the attention of the Economic and Social Council.
35. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that the Commission would not have time to revert to articles it had already adopted. The task of the Style Committee was to improve the language of articles; in no case could it change their substance. In her view, the point raised by the ILO representative could be mentioned in the Commission's report or in the summary record of the meeting. The convention would be submitted to the Economic and Social Council which would, if it so wished, amend the article.

36. Mr. EHSASSI (Iran) said that the Commission should give serious thought to the point raised by the ILO representative, and suggested that the Style Committee might be asked to try to improve the text of article 16 of the Convention.

37. The CHAIRMAN affirmed that the task of the Style Committee was to revise the language, not the substance, of articles.

THE UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE, 1976-1985:
(agenda item 4) (continued)

(d) PREPARATORY WORK FOR THE 1980 CONFERENCE (E/CN.6/L.717) (continued)

38. Mr. EHSASSI (Iran) introduced draft resolution E/CN.6/L.717 on behalf of its co-sponsors. Many delegations had stressed the need to start the preparatory work for the 1980 conference as soon as possible, and he hoped that the draft resolution would meet their wishes.

39. Miss ST. CLAIRE (Secretary of the Commission) said that the operative paragraphs of the draft resolution had originally been included in draft resolution E/CN.6/L.695. When that draft resolution had been considered she had given a preliminary estimate of the financial implications of the establishment of an ad hoc committee. She had since received confirmation from New York that that estimate would remain unchanged. If two sessions of the ad hoc committee were envisaged, however, the total expenditure involved, namely, \$32,660, would have to be doubled.

40. Mrs. COCKCROFT (United Kingdom) proposed that the following sentence should be added to the end of paragraph 1: "This committee shall meet immediately before the 1978 and 1980 sessions of the Commission on the Status of Women." In that way the travel costs of the members of the ad hoc committee could be reduced.

41. Miss ST. CLAIRE (Secretary of the Commission) pointed out that the dates on which the ad hoc committee would meet would be decided by the Economic and Social Council when it drew up the calendar of conferences at its 1977 summer session. Accordingly, she was unable to say whether it would be possible for the ad hoc committee to meet immediately before the Commission's 1978 and 1980 sessions.

42. Mrs. HIRLEMANN (France) said that her delegation had some problems with regard to the budgetary aspects of establishing an ad hoc committee, and felt that the Commission should ensure that the expenditure involved was kept to the minimum. A single session might suffice to work out the administrative and other arrangements for the conference and would reduce the costs of the committee by half.

43. Mr. EHSASSI (Iran) said that the co-sponsors of the draft resolution did not object in principle to the amendment proposed by the United Kingdom representative, as it might well result in savings. However, in the light of the comments by the Secretary of the Commission, they wished to suggest that that amendment should be rephrased to read: "The ad hoc committee shall meet, if possible, immediately before the 1978 and 1980 sessions of the Commission on the Status of Women."

44. Mrs. COCKCROFT (United Kingdom) said that her delegation could accept that wording.
45. Mrs. HIRLEMANN (France) asked what the situation would be if the committee was unable to meet at those times.
46. Miss ST. CLAIRE (Secretary of the Commission) said that the Economic and Social Council was just as anxious as Member States to reduce expenses and was sure that it would do its best to take account of the Commission's wishes as to when the ad hoc committee should meet.
47. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) considered that the ad hoc committee should not concern itself with purely administrative arrangements, which should be left to the Secretariat. It should deal with the substance and content of the conference and with questions such as the preparation of major documents for discussion and possible adoption at the conference. Her delegation did not object to the establishment of an ad hoc committee on the understanding that the expenditure incurred would be kept to the minimum. Her delegation felt that a decision to convene a meeting of the ad hoc committee in 1977 would be premature and undesirable, and that the position would be much clearer by 1978. It might even be better to defer the decision on how often the ad hoc committee should meet.
48. Ms. AHRLAND (Sweden) said that her delegation was still of the view that the Commission itself should act as the preparatory committee for the conference, but would not oppose the establishment of an ad hoc committee if such was the desire of the majority of the members of the Commission.
49. Mr. EHSASSI (Iran) said he believed that when the co-sponsors of the draft resolution had used the term "administrative arrangements", they had had in mind matters such as the duration of the conference, the number of committees or special committees which the conference might need, the maximum length of statements and other important questions which should be considered by the ad hoc committee. Referring to the question whether the meetings of the committee should be held before or after the Commission's sessions, he said it was his understanding that the co-sponsors felt that the committee should meet before the Commission's session because it would be too late to embark upon the preparatory work only at the next session of the Commission. They had considered that when the Commission met in 1978 it should have before it at least a preliminary report by the ad hoc committee on the preparations for the conference.
50. Mrs. COYNE (Belgium) said that her delegation agreed with the view expressed by the Swedish representative. The preparatory work for the 1980 conference was surely part and parcel of the creative role of programming which had been assumed by the Commission.
51. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that if the text of paragraph 1 could be amended to refer to organizational rather than administrative arrangements, her delegation would have no further problems in that regard. Her delegation also considered that it might be possible for the ad hoc committee to meet during the Commission's next session.

52. Mr. EHSASSI (Iran) agreed that the text of paragraph 1 should be amended to read "organizational arrangements". However, his delegation still believed that the ad hoc committee should be convened before the Commission's next session. As the Commission always had a particularly heavy agenda and was often obliged to defer consideration of a number of items, he did not think it would be able to discuss substantive aspects of the 1980 conference in 1978 unless the ad hoc committee met before in order to prepare a working paper for it.
53. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs), drew the Commission's attention to the United Kingdom amendment as modified by the Iranian delegation, and said that if the Commission intended that the ad hoc committee should meet only in 1978 and 1980 the Secretary-General might have difficulty in complying with the request made in paragraph 2; it would mean that before the programme for the first half of the decade was in operation the Commission would have to turn its attention to arrangements for the second half of the Decade. Did the Commission really wish to state categorically that the ad hoc committee should meet only twice? The Secretariat might well need some guidance from it in 1979.
54. Mr. EHSASSI (Iran) said the point raised by the Deputy Director was, of course, very valid. However, he did not really believe that there would be any problem if it was found necessary to convene the ad hoc committee in 1979. Moreover, when the Commission had considered the report of the ad hoc committee in 1978, it would be in a better position to decide whether an additional session was required in 1979. Accordingly, he felt that the Commission could proceed on the basis of the text before it and decide at its next session whether additional sessions of the ad hoc committee were necessary.
55. Mrs. HUTAR (United States of America) said that, in view of the Deputy Director's statement and her delegation's earlier suggestion that three sessions of the ad hoc committee should be scheduled prior to the conference, she wished to propose the addition of the following sentence at the end of paragraph 1: "Additional meetings of the committee shall be held if deemed necessary".
56. Mrs. HIRLEMANN (France) said that if the United States amendment was accepted by the co-sponsors she would request a separate vote on it as she was unable to commit her Government to an increase in the number of meetings.
57. Mrs. DAHLERUP (Denmark) said that she supported the United States amendment.
58. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that her delegation was unable to support the United States amendment. She understood the concern of the United States representative but felt that the Commission could take a decision in the matter in 1978. There was also the question of financial implications.
59. Mr. EHSASSI (Iran) said that, in order to meet the point made by the Deputy Director, he wished to suggest the deletion of the words "in 1978" in paragraph 2. That would make it easier for the Secretariat to prepare the document for consideration by the ad hoc committee.

60. With regard to the United States amendment, he said it would always be possible for the Commission to decide whether additional meetings of the ad hoc committee were necessary. However, if the Commission wished to include a reference to the matter in the draft resolution, he would propose the following text: 'If the Commission on the Status of Women finds it necessary, an additional meeting of the ad hoc committee will be held in 1979'.

61. Mrs. FUTAR (United States of America) said that her delegation withdrew its amendment in favour of the Iranian representative's proposal.

62. Ms. AHRLAND (Sweden) said that, as it was uncertain how many additional meetings the ad hoc committee would require, the proposal tended to limit the ad hoc committee's freedom of action. Nevertheless, her delegation was prepared to accept the Iranian proposal.

63. The CHAIRMAN said that if she heard no objections she would take it that the Commission decided to adopt the draft resolution (E/CN.6/L.717).

64. It was so decided.

65. Mrs. HIRLEMANN (France) said that her delegation reserved its position with regard to an excessive number of meetings of the ad hoc committee, which would entail considerable expenditure.

66. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that she too wished to reserve the position of her delegation, which had not objected to the adoption of the draft resolution on the understanding that the new body would not give rise to additional expenditure.

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

(a) IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. (E/CN.6/606) (continued)

67. Begum FARIDI (Pakistan) drew attention to the Declaration contained in document E/CN.6/606 which represented the culmination of group action by millions of women in her country.

68. The National Organizing and Co-ordinating Committee for Women's Activities in Pakistan had made a detailed study not only of the activities of the Commission but also of the convention, and the various resolutions and conventions of the ILO, and considered that the Declaration would be of great importance until the convention entered into force. The National Committee had felt that an infrastructure had to be prepared by many countries and was of the view that the wide-ranging Declaration constituted part of that infrastructure; she recalled that it had already been accepted by the Secretary-General of the United Nations. In addition to the points mentioned in the convention, it also covered administrative matters. Referring to the last article of the Declaration, she said that before any new legislation could be introduced, the population had to be conditioned to accept the idea of change; that was why a week of women's activities had been organized prior to the adoption of the Declaration in her country.

69. Mr. EHSASSI (Iran) said that his delegation considered the Declaration submitted by the representative of Pakistan to be of great importance and could support it.
70. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said that she had personally taken part in meetings held in Pakistan on the status of women and had observed that considerable interest was shown by women in measures taken on their behalf.
71. She noted that women in the USSR had enjoyed equal rights with men since the October Revolution and that they occupied responsible posts in government bodies. However, her Government was trying to improve conditions for women even further. A special all-Union commission had recently been set up to consider the question of improving the living conditions of women and similar commissions had also been created in the various Union republics.
72. Mrs. HUTAR (United States of America) commended the Pakistan representative on the Declaration, which appeared to cover all topics of concern to women. In her view, it would be of great value in Pakistan's efforts to improve the status of women.
73. Miss TYABJI (India) congratulated the Pakistan representative on the Declaration which was of considerable relevance to her own country.
74. Mrs. HUSSEIN (Egypt) congratulated the Pakistan representative on the efforts made to provide her country with a sound basis for guiding women in their efforts to attain their rights. She would bring the Declaration to the notice of her own Government.

The meeting rose at 12.50 p.m.