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Seventh Session

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held at the Palais des Nations, Geneva,  
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Present:

Chairman: Mr. MALIK (Lebanon)

Members:

Australia	Mr. WHITLAM
Chile	Mr. SANTA CRUZ
China	Mr. YU
Denmark	Mr. SØRENSEN
Egypt	AZMI Bey
France	Mr. CASSIN
Greece	Mr. EUSTATHIADES
Guatemala	Mr. DUPONT-WILLEMEN
India	Mrs. MEHTA
Pakistan	Mr. WAHEED
Sweden	Mrs. ROSSEL
Ukrainian Soviet Socialist Republic	Mr. KOVALENKO
Union of Soviet Socialist Republics	Mr. MOROSOV
United Kingdom of Great Britain and Northern Ireland	Miss BOWIE
United States of America	Mrs. ROOSEVELT
Uruguay	Mr. CIASULLO
Yugoslavia	Mr. JEVREMOVIĆ

Representatives of specialized agencies:

International Labour Organisation	Mr. PICKFORD
United Nations Educational, Scientific and Cultural Organization	Mr. THOMAS Mr. HAVET Mr. BAMLATE

Representatives of non-governmental organizations:Category A

International Confederation of Free Trade Unions	Miss SENDER Mr. PATTEET
International Federation of Christian Trade Unions	Mr. EGGERMANN
Inter-Parliamentary Union	Mr. ROBINET de CLERY

Category B and Register

Caritas Internationalis	Mr. PETERKIN
Carnegie Endowment for International Peace	Mrs. CARTER
Catholic International Union for Social Service	Mrs. SCHRADER
Commission of the Churches on International Affairs	Mr. NOLDE
International Council of Women	Mrs. CARTER
International Federation of Business and Professional Women	Miss TOMLINSON
International Federation of University Women	Mrs. ROBB
International League for the Rights of Man	Mr. BALDWIN Mr. de MADAY
International Union for Child Welfare	Mrs. SMALL
International Union of Catholic Women's Leagues	Miss ARCHINARD
Liaison Committee of Women's International Organizations	Mrs. ROBB
Women's International League for Peace and Freedom	Miss BAER
World Jewish Congress	Mr. BIENENFELD
World's Young Women's Christian Association	Miss ROBERTS

Secretariat:

Mr. Humphrey	Representing the Secretary-General
Mr. Das	Secretary to the Commission

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION  
(item 3 of the agenda):

- (b) Inclusion in the Covenant on Human Rights of provisions concerning economic, social and cultural rights:
1. Special provisions concerning Women and Children (E/CN.4/582, E/CN.4/586, E/CN.4/587, E/CN.4/588, E/CN.4/AC.14/2/Add.3) (resumed from the 222nd meeting)

The CHAIRMAN, inviting the Commission to resume its discussion on the provisions concerning women and children, said that the joint proposal submitted by the representatives of France, Guatemala and Yugoslavia was to be found in document E/CN.4/586. He himself as representative of the Lebanon would be pleased to sponsor the suggestion put forward by the representative of the International Labour Organisation at the 222nd meeting, which had been circulated as document E/CN.4/587, and to which there was an amendment submitted by the Danish delegation (E/CN.4/588). The Commission also had before it the United States proposal (E/CN.4/582), and that of the Soviet Union representative (E/CN.4/AC.14/2/Add 3, section V). He hoped the Commission would be able to take a decision quickly, as the subject had already been fully discussed.

Mr. DUPONT-WILLEMEN (Guatemala) did not wish to start a fresh discussion. He would merely suggest certain amendments to the joint proposal in document E/CN.4/586, designed to meet the wishes of those who supported the suggestions of the International Labour Organisation.

The words "for maternity and motherhood", which appeared in the text suggested by the International Labour Organisation, and which should be interpreted as including the whole period of pregnancy, might be substituted for the words "during pregnancy and while nursing their offspring" in paragraph 1, which certain persons might consider rather too indelicate for inclusion in the Covenant. In paragraph 2, the words "children and young persons", also taken from the text suggested by the International Labour Organisation, might be substituted for the word "minors".

With regard to voting procedure, he felt that the phrase "without prejudice to the right of women to the same working conditions as men" might be voted on separately, in order to enable members of the Commission who were opposed to a repetition of that principle to express their views.

Miss BOWIE (United Kingdom) said that inclusion of the phrase "without prejudice to the right of women to the same working conditions as men" was not only unnecessary, but wrong, since it suggested that there was some disadvantage in employing women. Furthermore, it had the effect of limiting protection to industrial workers only, whereas she considered that it should be extended to all women, including housewives. In the United Kingdom, for example, special medical care and financial assistance was offered during maternity to all women without distinction. She would therefore be unable to vote for those words.

She regretted that the Guatemalan representative should have accepted the suggestion that there was anything uncouth about the phrase "during pregnancy and while nursing their offspring", which was an appropriate expression and exactly conveyed the intention of the provision. Furthermore, it was a great deal more precise than the phrase "for maternity and motherhood", since no term could be set to the period of motherhood. Was a woman to receive special protection all her life just because she had children?

She also opposed the proposal that the words "children and young persons" should be substituted for the word "minors", since children should not be required to work at all. Furthermore, the legal definition of children varied from country to country, which was likely to introduce an additional complication.

She suggested that the phrase "likely to hamper their development" would be made more satisfactory if amplified by the insertion of the word "normal" before the word "development", since the wording as it stood lent itself to too broad an interpretation.

Turning to the Danish amendment (E/CN.4/588) to the International Labour Organisation's suggestion, she said she could not support it because it implied prejudice against illegitimate children. No suggestion should be allowed of

possible penalization of children born out of wedlock. The provision was intended to ensure the protection of all children as such, without any qualification whatever.

The CHAIRMAN observed that the Danish amendment derived directly from Article 25(2) of the Universal Declaration of Human Rights, but recalled that the inclusion of those words in that Article had been strongly opposed by the United Kingdom representative.

Mr. SÖRENSEN (Denmark) sympathized with the views of the United Kingdom representative on his amendment, but unfortunately they were not widely held. The intention of his amendment was not to raise the question of the status of illegitimate children, but merely to ensure that protection was extended to them as well as to legitimate children. He had especially in mind those countries where illegitimate children might be at a disadvantage. The adoption of his amendment would serve, it was to be hoped, to improve the situation in that respect. If it were in order to do so, he would also move his amendment to the joint proposal, where it could be inserted after the words "children and young persons;" in paragraph 2.

Mrs. ROOSEVELT (United States of America) supported the suggestion that a separate vote be taken on the phrase "without prejudice to the right of women to the same working conditions as men," in the joint proposal. She could not support that phrase, because she believed the provision under consideration should deal exclusively with the protection of women and children, and should not mention working conditions. If that phrase were deleted, she would be prepared to withdraw the United States proposal (E/CN.4/582). She was in favour of the expression "for maternity and motherhood", which she considered preferable to the expression "during pregnancy and while nursing their offspring". She would not however be able to vote in favour of the Danish amendment, which pre-supposed that discrimination existed against illegitimate children.

The CHAIRMAN assured the United States representative that the joint proposal would be put to the vote in several parts.

Mr. SANTA CRUZ (Chile) was in favour of the joint proposal. The words "without prejudice to the right of women to the same working conditions as men" should be retained, in order to give expression in the Covenant to the Commission's view that women should enjoy complete equality of rights with men. During the final examination of the draft Universal Declaration of Human Rights at the third session of the General Assembly, most delegations had thought it advisable not to stop short at a general statement of that principle, but to re-affirm it.

He did not agree with the United Kingdom representative that the words in question would have the effect of restricting equality between the sexes exclusively to industrial workers. All women had a right to special protection.

He agreed with the United Kingdom representative, however, that the words "during pregnancy and while nursing their offspring" were preferable to the alternative wording suggested by the Guatemalan representative. International instruments were already in existence according women protection during pregnancy and the post-natal period. The original wording was clear and not, like the other, open to misinterpretation.

For the reasons he had given in connexion with a similar amendment submitted during the third session of the General Assembly, he would vote for the Danish amendment (E/CN.4/588). Provision ought to be made for equal rights for children, whether born in or out of wedlock. Certain countries did not recognize such equality of rights, and the views of the United Nations and the States Parties to the Covenant on the point should therefore be made clear.

Lastly, it had been proposed that the words "children and young persons" should replace the word "minors". The United Kingdom representative was against that substitution. He himself would be well content with the new wording, because the terms "children" and "young persons" had been precisely defined in the Civil Code of Chile, which was based on the French Civil Code. If, however, that expression did not fit in so easily with the codes of other countries, he was prepared to accept some other phraseology.

Mr. MOROSOV (Union of Soviet Socialist Republics) expressed his anxiety lest the Commission refrain from including a provision ensuring to women the right

to the same working conditions and to the same pay as men. The article already adopted on conditions of work was not couched in sufficiently strong terms for the purpose, and the matter was vital, because in many countries, of all the various forms of wage discrimination, for example, those based on colour or citizenship, that practised against women was the most widespread and odious. Women frequently received considerably lower pay for doing the same work as men. The United States Government, in its reply concerning the implementation of recommendations on economic and social matters (E/963/Add.7) had stated that only nine States had legislated on the basis of the principle of equal pay for women teachers. If the express instructions of the General Assembly in resolution 421 (V) that the Covenant should include "... an explicit recognition of equality of men and women ..." were to be carried out, it was incumbent upon the Commission to draft a specific and binding provision on the subject.

He hoped that he would not again be laying himself open to a charge of attacking the United Kingdom representative if he reminded her of the question he had asked at the 222nd meeting, namely, whether the reply given by her Government in document E/963/Add.13, dated 17 August, 1948, still held good. It would be recalled that in that document the United Kingdom Government had stated that although it recognized the general principle of equal pay for equal work, it was not, for financial reasons, at that time in a position to give it effect.

No substantive objections could be raised to the general principles enunciated in the joint proposal, but it laid no definite obligations on governments to take effective steps to put those principles into practice. It was not to be expected that the adoption of the joint proposal would have any real practical consequences. It would simply enable governments, while paying lip-service to the principle of equal pay, to evade implementation on various grounds, such as, for instance, that women worked only during the day, whereas men could be employed at night as well. For the foregoing reasons, and in view of the fact that the protection of children would be dealt with in connexion with the draft Declaration of the Rights of the Child under item 7 of the agenda, he would abstain from voting on the joint proposal.

If the principle of equal pay was to be applied (and no one had attempted to deny its validity), he could see no reason why the Soviet Union proposal, which left no loopholes for evasion, should not be adopted.

Mrs. RÖSSEL (Sweden) shared the views expressed by the United Kingdom and United States representatives with regard to the first phrase of paragraph 1 of the joint proposal; she would vote against it, because it was not desirable to convey the impression that full recognition was not already being given to the principle of equality between men and women. She opposed the Guatemalan proposal that the words "during pregnancy and while nursing their offspring" should be replaced by the words "for maternity and motherhood", since the original wording was more precise, and specified that the protection would be extended to mothers for a limited period only. She also preferred the original wording of paragraph 2. She would vote against the Danish amendment, which would detract from the value of the text as it stood.

Mr. DUPONT-WILLEMEN (Guatemala) said that he had agreed to introduce, at the end of paragraph 1 of the joint proposal, the wording of the text submitted by the International Labour Organisation in a spirit of compromise, and in the hope of winning the support of a larger majority. But since that result was unlikely to materialize he would revert to the original text, as given in document E/CN.4/586.

Mr. CASSIN (France) thought that the objections raised to the first part of paragraph 1 were invalid, since the Commission should seek to avoid only justified charges that it repeated certain provisions too often and so tended to weaken their value. In the present case, when the Commission was preparing a text granting special protection to women as mothers, it was essential to stress the normal principle of equality; what was more, members of the Commission could not disregard the wishes of the General Assembly.

He preferred the expression "maternity and motherhood" to the original wording of the joint proposal because, as was made clear in the Universal Declaration of Human Rights, it was the mother who required special protection. Hence, that protection should not be limited to pregnancy and the nursing period. In France, it extended far beyond those states, so that, for example, women civil servants with a certain number of children were entitled to special leave.

So far as concerned the protection of children, he would point out that the provisions governing nonage varied from country to country, in accordance with what was regarded as physical maturity. For example, the age at which young

people matured was not the same in hot countries as in cold ones. It would therefore probably be easier to reach agreement on the term "adolescence", particularly in connexion with industrial legislation.

In conclusion, he would not oppose the Danish amendment, since he considered that children were entitled to the same protection whatever the circumstances attending their birth. It would not be amiss to specify such equality, because it was already mentioned in a provision of the Universal Declaration of Human Rights.

Mr. SANTA CRUZ (Chile) thought it illogical to consider the Soviet Union proposal on the one hand, and the joint proposal on the other, as providing possible alternative solutions to the same problem, since they prescribed entirely different provisions. Indeed, both might even be adopted, since they were not incompatible. While the former was a re-affirmation of the principle of equality between women and men in the matter of working conditions, including equal pay for equal work, the latter proposed the incorporation of the provisions of article 25 (2) of the Universal Declaration of Human Rights concerning the special protection to be accorded to motherhood and childhood. He suggested that the Chairman might rule that adoption of the joint proposal would not preclude the Soviet Union delegation from putting forward its text as a separate draft article.

The CHAIRMAN agreed that the joint proposal and that of the Soviet Union delegation were not incompatible. Should the Commission adopt the latter, it would not be precluded from later adopting the joint proposal as a separate article.

Mr. EUSTATHIADES (Greece) thought that, since a general provisions was to be devoted to equality between men and women, the Commission might, without limiting such equality to the field of work, merely refer to the provisions of the articles relating to equality between men and women. In other words, it could adopt some such formula as: "The States Parties to this Covenant recognize that without prejudice to the provisions of Articles ....., motherhood is entitled to special care and assistance".

With regard to paragraph 2 of the joint proposal, he preferred the expression "children and adolescents".

As to the Danish amendment, he recognized that it was generally agreed that any discrimination in the social protection accorded to children, whether born in or out of wedlock, should be eradicated, but he thought that for psychological reasons pertinent in the case of certain countries, it would be preferable not to include the phrase in question in the Covenant. While there were truths that should be stated, there were others that were best left understood.

The CHAIRMAN said that unless the authors of the joint proposal were prepared to accept the Greek amendment, it would have to be put to the vote separately.

Mr. JEVREMOVIĆ (Yugoslavia) agreed that the joint proposal and that of the Soviet Union delegation were complementary, not mutually exclusive. He would vote in favour of both, because he believed that, if it was to carry out the instructions of the General Assembly, the Commission must draft a provision recognizing in clear and unequivocal terms the right of women to equality of treatment with men.

The words "for maternity and motherhood", which had been proposed as an amendment to the joint text, should be put to the vote separately. He himself preferred the original wording. He had no objection to the Danish amendment, as he considered that the inclusion of the words in question would be justifiable, since illegitimate children were penalized in one way or another in a number of countries.

Mrs. ROOSEVELT (United States of America) said that she would vote against the inclusion of the words "without prejudice to the right of women to the same working conditions as men" in the joint proposal for the additional reason that the subject of equal pay for equal work had been adequately covered in the provision already adopted by the Commission. The phrase was not only repetitious, but also weakened the remainder of the provision by apparent recognition of the possibility of discrimination against women. She would not oppose the rest of paragraph 1) although it should be pointed out that motherhood did not cease with weaning. The Guatemalan amendment therefore considerably widened the scope of the provision. She also preferred the more precise terms "children and young persons" to "minors". She did not view the Danish amendment with particular favour, but if it was felt that, in view of the conditions obtaining in some countries, such a statement was necessary, she would not oppose it.

Mr. MOROSOV (Union of Soviet Socialist Republics) agreed that there was no incompatibility between his text and the joint proposal, but considered that the general principle enunciated in the opening words of paragraph 1) of the latter would only carry weight if there was a separate provision on the right of women to equal working conditions and to equal pay for equal work, as proposed in his own text.

He assumed that he must abandon all hope of obtaining an answer from the United Kingdom representative to the question he had put at the 222nd meeting, and which he had repeated earlier at the present meeting. Of course, it was open to any representative to refuse to answer a question.

Mr. SANTA CRUZ (Chile) said that he was still unconvinced by the arguments of the United States representative to the effect that the fact that the Commission had already adopted a general provision concerning equal rights for men and women in the field of employment rendered a re-statement of that principle of equality unnecessary. His own feeling was that the provisions of paragraph 7 (in Section E) of General Assembly resolution 421(V), whereby the Commission was

required "to include in the Covenant economic, social and cultural rights and an explicit recognition of equality of men and women in related rights, as set forth in the Charter of the United Nations", should be strictly applied.

What was troubling him was that the Commission might take decisions on economic, social and cultural rights without first giving due consideration to that paragraph of the General Assembly resolution, and as a result, later find itself precluded from complying with the instructions given to it by the General Assembly. In those circumstances, he proposed that consideration of the Soviet Union proposal be deferred for the time being. The Commission, he submitted, should first decide as to how it would "explicitly" recognize the equality of men and women. Should it do so in the preamble to the Covenant, or in a general article, or in the articles relating to economic, social and cultural rights? That, in his view, was a question which ought to be solved at the very outset.

The CHAIRMAN asked whether the Chilean representative was proposing that further consideration of the Soviet Union proposal be deferred until all the provisions on social, economic, and cultural rights had been disposed of. He himself thought that, in view of the advanced stage the discussion had reached, it might be more profitable to deal with the Soviet Union proposal at the present stage.

Mr. SANTA CRUZ (Chile) pointed out that several members of the Commission had announced their intention of voting against the Soviet Union proposal on the ground that its provisions should properly be included in the preamble to the Covenant. Others had announced their intention of voting against it on the ground that a general provision stipulating the equality of men and women had already been adopted. Yet others would vote against it on the grounds that the equality of men and women should be recognized in special provisions. That being so, he was apprehensive lest the principle of equality of men and women in respect of economic, social and cultural rights be rejected for reasons which were divergent and mutually exclusive.

If, on the other hand, the Commission were to begin by considering how it intended to implement the provisions of paragraph 7 of General Assembly resolution 421(V), it was on the cards that it might adopt a decision rendering the Soviet Union proposal unnecessary.

Mr. MOROSOV (Union of Soviet Socialist Republics) thanked those representatives who had supported the Soviet Union proposal; he felt, however, that views had crystallised to such an extent that deferment of the discussion would serve no useful purpose.

The CHAIRMAN pointed out that the Soviet Union text referred solely to equality between men and women in their work, and that even if that text were adopted another article, containing further provisions concerning women and children, could easily be drafted. Furthermore, mention of the instructions given to the Commission by the General Assembly could be made in the preamble to the Covenant, or at the end of the substantive articles thereof.

He intended to vote for the Soviet Union text in his capacity as representative of Lebanon.

He asked whether the Chilean representative wanted a vote to be taken on his proposal that further discussion of the Soviet Union text be deferred.

Mr. SANTA CRUZ (Chile), recognizing the soundness of the Chairman's arguments, withdrew his proposal.

Mr. CASSIN (France) did not consider that there was any legal incompatibility between the Soviet Union proposal and the joint proposal, but he did think that a reasonable attitude was called for. The same provision could hardly be repeated four times in the Covenant.

The Commission had in fact already established the principle of non-discrimination in article 1 of the Covenant. Furthermore, at its previous meeting, it had adopted a provision relating to equal pay for equal work as between men and women. The Soviet Union proposal constituted the third presentation of the same idea, and, if it were adopted, he (Mr. Cassin) would have to decline to be the author of a fourth, which could only divest it of all efficacy.

The advantage of the joint proposal was that, although it complied with the terms of the General Assembly resolution, it did not upset the balance of the Covenant. For his own part, he would be ready, when the drafting of the Covenant was complete, to support a draft resolution to the effect that the Commission, having in article 1 of the Covenant ruled out the possibility of any discrimination with regard to women, and having in a second article stated the principle of equal pay for men and women, and having finally re-stated such equality in an article concerning specific provisions with regard to women and children, considered that it had fulfilled the task entrusted to it by the General Assembly.

But, if, by re-stating the principle of equality between men and women ad nauseam, the Commission gave the impression that in its view the provisions of article 1 would prove ineffective, other classes of persons might justifiably entertain misgivings as to the practical value of that general prohibition against discrimination based on other grounds, such as race, colour, language or religion. Hence, if the Commission wished to be logical, it would have to recite all the terms of the general prohibition in each article dealing with a specific right.

For those reasons, if the Soviet Union proposal were adopted, he would not support the first part of paragraph 1 of the joint proposal, because that phrase, although not at variance with the Soviet Union proposal, would be rendered valueless by its adoption. If, on the other hand, the Soviet Union proposal were rejected, his objection would fall, and he would vote accordingly.

He shared the view of the United States representative that the expression "for maternity and motherhood" was the best of those before the Commission, because it covered both the period of pregnancy and that of nursing, as well as any other benefits which might accrue to mothers in certain countries on other grounds. In conclusion, he expressed the desire that the Commission should adopt a special provision relating to the protection of children and young persons.

The CHAIRMAN pointed out that the General Assembly had instructed the Commission to devise a precise definition of the concept of equality of rights between men and women. The French representative was therefore urging that

explicit mention of equality between men and women should be made in paragraph 1 of the joint proposal (E/CN.4/586); on the other hand, the representatives of the United Kingdom and the United States of America had both opposed the inclusion of any such reference. If the latter prevailed, the Commission would have failed to carry out the instructions of the General Assembly.

Mr. WHITLAM (Australia) objected to the restrictive sense conferred on the provisions of the joint proposal by the use of the phrase "without prejudice to the right of women to the same working conditions as men", which omitted to mention many other spheres in which women were discriminated against. He would therefore vote against that proposal.

With regard to paragraph 1 thereof, he preferred the Chairman's version. Both the original and the amended versions were open to a variety of interpretations, but the expression "maternity and motherhood" appeared in the Universal Declaration of Human Rights. Moreover, a relatively restrictive construction was normally placed on the word "motherhood", which did not cover the general status of the mother in the family.

He also proposed that in paragraph 2 of the joint proposal the word "minors" should be replaced by the words "children and young persons", as the word "minors" referred more particularly to the legal status of persons under age.

He opposed the Danish amendment on the ground that the article was already sufficiently clear without a specific reference to legitimacy; moreover, the issue of legitimacy was even more particularly a legal one.

Mr. YU (China) stated that his delegation would vote against the Soviet Union proposal as too detailed, and, in certain parts, superfluous.

His delegation was also opposed to the introductory phrase of paragraph 1 of the joint proposal. Its adoption might well impair the right of women to equal pay for equal work. He supported the Chairman's suggestion that the words "for maternity and motherhood" be used.

He also intended to vote against the Danish amendment, for reasons identical with those already made clear by several representatives.

The CHAIRMAN requested the Commission to vote on the Soviet Union proposal.

Mrs. ROOSEVELT (United States of America) said that she intended to vote against the Soviet Union text, and also against the introductory phrase of paragraph 1 of the joint proposal.

The Soviet Union text referred only to "women at work". But equality between men and women did not consist solely of equality in working conditions; discrimination against women existed in many other spheres of activity. She would, however, be in favour of including in the general provisions of the Covenant a clause making specific reference to the equality of women with men.

Miss BOWIE (United Kingdom) stated that she, too, would vote against the Soviet Union text and the introductory phrase of paragraph 1 of the joint proposal. The substance of those texts appeared elsewhere in the draft Covenant, as well as in the Universal Declaration of Human Rights and the Charter of the United Nations. The reiteration of the principle of non-discrimination between men and women in specific contexts might well give rise to the suspicion that the general principle of equality between men and women stated in the Covenant did not command universal application. That general principle was recognized in her own country; the fact that she, a woman, was representing her Government at the meeting of the Commission on Human Rights was sufficient proof thereof.

She recognized that the term "motherhood" had been used in the Universal Declaration but she recalled a statement made in the discussion in the General Assembly, in which it had been suggested that the sponsors of the word "motherhood" had had in mind a special status for women throughout their lives; that was contrary to the very idea of equality of status. She therefore preferred the wording used in the joint text.

AZMI Bey (Egypt) said that he would vote for the Soviet Union proposal, but would abstain on the Danish amendment, because his country's legislation did not admit of illegitimacy.

Mr. KOVALENKO (Ukrainian Soviet Socialist Republic) said that he would vote in favour of the Soviet Union text.

The representatives who opposed the Soviet Union text had often asserted that their countries had taken a leading part in the defence of women's rights; but the legislation in their countries, and especially that of the United Kingdom and the United States of America, did not recognize the principle of equality between men and women. The United Kingdom representative had herself admitted that that was true of her country. The position taken by the United Kingdom and United States representatives constituted, in his opinion, an attack on the rights of women.

Mr. SANTA CRUZ (Chile) again recalled that General Assembly resolution 421(V) required the Commission to include "an explicit recognition of equality for men and women in respect of economic, social and cultural rights". He felt that the wording of article 1 of the Covenant did not adequately comply with that instruction, and that the same was true of the provisions adopted by the Commission at the preceding meeting with regard to equal pay for equal work for everyone. In his opinion, those provisions did not amount to explicit recognition of the equality of men and women with regard to economic, social and cultural rights.

As he was not certain that the Commission would subsequently adopt a general provision to remedy that defect, he would vote for the Soviet Union proposal, as he wanted the Commission to recognize explicitly the equality of men and women in respect of at least one of the most important rights which the General Assembly resolution had in view. If the Soviet Union proposal were adopted, he would agree to the deletion of the corresponding clause from the joint proposal.

Finally, he must record his view that, in adopting the wording of the article on equal pay for equal work, the Commission had missed its best opportunity of giving full effect to the directives given in the General Assembly resolution.

Miss BOWIE (United Kingdom), intervening on a point of order, pointed out that the Ukrainian representative had, perhaps owing to faulty interpretation, misunderstood her statement. She had in fact said that in her country the equality of women was recognized.

Mrs. MEHTA (India), in explanation of her vote, stated that the article already adopted, reading "Everyone has the right to equal pay for equal work", dealt with all the matters referred to in the Soviet Union text. Moreover, the specific mention of men and women in the present context might obscure the fact that the word "everyone" used in other articles referred to both men and women. She would there-

She was opposed to the joint proposal for the same reasons. The adoption of an article prescribing special protection for women would be inconsistent with the principle of equality already established.

She intended to vote for the suggestion submitted by the International Labour Organisation (E/CN.4/587), which was simple, explicit and clear, and provided for the protection of maternity and motherhood rather than for the protection of women.

Mr. WAHEED (Pakistan) stated that he intended to vote against paragraph 1 of the joint proposal and against the Soviet Union text. The problems they related to were dealt with elsewhere. He would also vote against the Danish amendment since the question of legitimacy was irrelevant to the issues under consideration.

The CHAIRMAN put to the vote the draft article concerning women and children submitted by the Soviet Union (E/CN.4/AC.14/2.Add.3, Section E, page 3).

The Soviet Union draft was rejected by 10 votes to 7 with 1 abstention.

The CHAIRMAN asked the Greek representative to withdraw his amendment to the preamble, and the first phrase of paragraph 1, of the draft article submitted jointly by the French, Guatemalan and Yugoslav delegations (E/CN.4/586), as the amendment had found no support in the Commission.

The Greek representative having agreed to withdraw his amendment, a vote was taken on the part in question of the joint proposal.

9 votes having been cast for the text in question and 9 against, the text was declared rejected.

A vote was then taken on the preamble and paragraph 1 of the joint proposal as amended by the foregoing decision.

The preamble and paragraph 1, as amended, were adopted by 12 votes to none with 6 abstentions.

As adopted, they read:

"The States parties to this Covenant recognise that:

1) Special protection should be accorded to maternity and motherhood".

A vote was then taken on the first part of paragraph 2 of the joint proposal, as amended.

The first part of paragraph 2, as amended, was adopted by 15 votes to none with 3 abstentions.

As adopted it reads:

"Special measures of protection shall be taken on behalf of children and young persons".

The CHAIRMAN then put to the vote the Danish amendment (E/CN.4/588).

The Danish amendment was rejected by 7 votes to 6 with 4 abstentions.

A vote was then taken on the second part of paragraph 2 of the joint proposal, which read as follows:

"and that in particular they should not be required to do work likely to hamper their normal development",

the sponsors having agreed to the insertion of the word "normal" before the word "development".

The second part of paragraph 2, as amended, was adopted by 16 votes to none with 2 abstentions.

The CHAIRMAN then put to the vote the draft article concerning women and children submitted jointly by the French Guatemalan and Yugoslav delegations (E/CN.4/586), as amended, as a whole.

The joint proposal, as a whole and as amended, was adopted by 16 votes to none with 2 abstentions.

The CHAIRMAN, speaking as representative of Lebanon, said, in explanation of his vote, that he regretted that, despite the explicit instructions from the General Assembly, no specific mention of equality of

rights between women and men in the economic, social and cultural fields had been adopted for insertion in the draft Covenant. He was pleased to hear that the United States delegation was prepared to include some mention of those rights in the general clauses of the draft Covenant, and himself reserved the right to submit a similar text at a later stage for the Commission's consideration.

Mr. JEVREMOVIC (Yugoslavia) also considered that the instructions of the General Assembly had not been carried out, and reserved the right to revert to the matter at a later stage.

Equality of status between women and men was not an academic issue, but one of fundamental practical importance. He had voted both for the Soviet Union text and for the joint proposal as a matter of principle.

He deplored the tendency of certain delegations to vote strictly in accordance with the demands of the legislation existing in their respective countries. The task of the Commission was to improve the lot of humanity in general, and to protect the rights of all. If the Commission intended to confine itself to giving its blessing to existing legislation, the outlook for human rights was grim indeed.

Mr. CIASULLO (Uruguay) stated that he had voted for the Soviet Union text because he considered it absolutely necessary to make specific mention in the Covenant of the idea embodied in that proposal. He hoped that the Chairman would afford the Commission a further opportunity of taking a decision on that issue.

He had also voted for the Danish amendment and, regretting that it had been rejected, expressed the hope that it would be possible to give expression to the equality of rights of children, whether born in wedlock or not, in another article of the Covenant.

The CHAIRMAN, replying to Mrs. ROOSEVELT (United States of America), stated that proposals for new articles in the section dealing with economic, social and cultural rights and amendments to the general clauses must be

submitted to the Secretariat by that evening at the latest, in accordance with the decision taken at the 222nd meeting.

Mr. SANTA CRUZ (Chile) pointed out that too strict adherence to that decision would cause considerable inconvenience to those members of the Commission who wished to submit proposals relating to the general clause. It would be quite impossible to decide on the form of such a clause until the Commission had taken its decisions on provisions concerning each of the economic, social and cultural rights.

The CHAIRMAN stated that the Commission was free to make such a distinction if it so wished. He hoped, however, that a dead-line would be fixed.

Replying to Mr. MOROZOV (Union of Soviet Socialist Republics), he stated that the final date for the submission of amendments applied only to amendments to articles falling under item 3 (b) of the agenda; the decision did not affect the submission of amendments to the articles to be discussed under items 3 (a) and 3 (c).

Mr. WHITLAM (Australia) supported the Chilean representative's remarks. He felt that it might be desirable to allow certain exceptions to the rule.

Mr. CASSIN (France) shared the views of the Chilean and Australian representatives. With regard to the duration of the present session, he wished to emphasize that it would be quite impossible for him to attend beyond the date of closure fixed by the Economic and Social Council.

The CHAIRMAN ruled that proposals for amendments to the general clauses would be acceptable until the evening of Saturday, 5 May, but that amendments concerning other items must be submitted that same evening (3 May).

2. Special Provisions on the Right of Association and the Right to Strike (E/CN.4/591, E/CN.4/AC.14/2/Add.4)

The CHAIRMAN reminded the Commission that the proposal contained in document E/CN.4/591 replaced the United States proposal in document E/CN.4/AC.14/Add.4.

Mrs. MEHTA (India) pointed out that the right of association was already recognized in article 16 of the draft Covenant and in Article 20 of the Universal Declaration of Human Rights. She failed to see why specific reference to trade union rights should be made in a Covenant designed to outline the fundamental rights of all.

Mr. SANTA CRUZ (Chile) said that, so far as he was concerned, there was no difficulty in recognizing trade union rights, because the United Nations had already proclaimed, as fundamental rights, the right of association and the right to form and to join trade unions in the Universal Declaration. Those were fundamental rights, relating to which the Commission should insert in the Covenant specific provisions not only in respect of the individual, but also in respect of the community, because they would remain ineffective unless the State recognized them and guaranteed their observance.

The same was true of the right to strike.

The CHAIRMAN pointed out that the formula used in the revised United States proposal (E/CN.4/591), namely, "the States parties to the Covenant recognize the right of everyone to form and join trade unions for the protection of his interests", was open to interpretation as an individual right.

Azmi BEY (Egypt) submitted a revised form of his original proposal, which, he thought, would prove the shortest and most concise text. He had omitted the preamble of his original proposal (E/CN.4/AC.14/2/Add.4, para.5), and amended the beginning of his text to incorporate the formal wording already agreed upon by the Commission, namely: "The States Parties to this Covenant undertake to ....."

He had not wished to go into detail. In his opinion, the main point was to ensure to both male and female workers the free exercise of their trade union rights. He referred to "trade union rights" in the plural, because there were several of them, although he was not listing them, so as not to provoke controversy. He had not mentioned the right to strike, because it was not universally recognized as such. Many countries had regulations relating to strikes which implicitly recognized striking per se, but not the right to strike. In other countries certain categories of workers, for example, State officials, were forbidden to strike. For those reasons he had thought it better to include the right to strike among trade union rights without specifically mentioning it, leaving signatory States to decide as to how it should be recognized.

The words "all hired workers" should be interpreted as including women. Finally, the words "in the local, regional and international spheres" were intended to permit of the formation of local trade unions, and their subsequent association in regional unions and, if need be, in international or world federations.

He thought that, although his proposal was very concise, it was nevertheless of very wide scope.

Mr. SORENSEN (Denmark) recalled that at a previous discussion the representative of the International Labour Organisation had pointed out that the right of association was already recognized in paragraph 1 of Article 16 of the draft Covenant, and had felt that a specific reference to the right to form and join trade unions would be prejudicial to the general conception of human rights. Other forms of association, such as co-operative societies, were equally worthy of mention, and it would be unjust to single out the right to form and join trade unions. The principle that undue repetition of a right tended to deprive it of all force applied also to the case under discussion.

However, paragraph 2 of Article 16 of the draft Covenant placed certain

limitations on the right of association. The Commission had in any case to consider the function of trade unions, and might well deal with that question within the framework of the larger question of the right of association.

He therefore proposed that the preamble to the revised United States proposal (E/CN.4/591) should be amended to read as follows:

"The States parties to the Covenant recognize the right of everyone, by forming and joining trade unions, to protect his interests..."

The CHAIRMAN pointed out that if separate implementation machinery was set up for the second part of the Covenant, the mere mention in that second part of the rights contained in the first part might not be sufficient to bring the latter within the scope of the new system of implementation. The Commission would have to bear that problem in mind.

The meeting rose at 1 p.m.