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COMMISSION ON THE STATUS OF WOMEN

Resumed twenty-sixth Session

SUMMARY RECORD OF THE 660th MEETING

held at the Palais des Nations, Geneva,
on Monday, 6 December 1976, at 10.45 a.m.

Chairman:

Mrs. BOKOR-SZEGO

(Hungary)

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OPENING OF THE RESUMED TWENTY-SIXTH SESSION

1. The CHAIRMAN welcomed the members of the Commission to its resumed twenty-sixth session, and noted that it had already completed consideration of all the substantive articles of the draft convention on the elimination of discrimination against women, apart from article 4 and the articles which would appear in the final provisions.

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

(a) DRAFT CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN E/CN.6/591 and Add.1; E/CN.6/681/Add.1, L.688 (continued)

Article 4

2. Mrs. COCKCROFT (United Kingdom) drew the Commission's attention to paragraph 15 of document E/CN.6/L.681/Add.1 which contained a modified version of article 4 submitted by her delegation; if that text proved unacceptable, her delegation would be obliged to make a substantial number of reservations with respect to articles in the substantive sections of the convention.
3. Mrs. HUSSEIN (Egypt) suggested that, before taking up article 4, the Commission should consider the text of article 13 which it had adopted earlier. That article concerned protection and contained a number of ideas which were reflected in the new United Kingdom proposal.
4. Mrs. COCKCROFT (United Kingdom) said that her delegation was quite prepared to consider paragraphs 4 and 13 together.
5. Ms. HENDSCH (United States of America) introduced her delegation's amended version of article 4 (E/CN.6/L.688) which might offer a solution to the problem of establishing de facto equality for women in advance of de jure equality.
6. Mrs. HUSSEIN (Egypt) felt that, although the United States amendment was comprehensive and clear, the best course might be to try to improve the original draft text of article 4.
7. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) pointed out that, as the text of article 13 had already been adopted, the Commission could no longer incorporate any new substantive elements into it. Although her delegation had previously expressed support for the original wording of article 4 as set forth in annex III to document E/CN.6/591, it felt that the Commission should give serious consideration to the new version proposed by the United Kingdom. Indeed, the original article 4(1) on special temporary conditions was covered by the new article 4(1) proposed by the United Kingdom, the original article 4(2) on the promotion of the welfare of mothers was covered by the new article 4(3), and the new article 4(2) introduced a fresh and practical element which should be taken into account.

8. Mrs. DEVAUD (France) recalled that her delegation had suggested the deletion of article 4 because, in its view, it was somewhat curious that one of the introductory articles of the draft convention on the elimination of all forms of discrimination against women appeared to sanction a form of discrimination. However, her delegation would be prepared to agree to the adoption of special temporary measures provided that they would really be temporary and would subsequently be replaced by true equality. Accordingly, her delegation could accept the United States amendment if the word "and" after "discriminatory" were replaced by "but" and if the adjective "permanent" were inserted before the word "maintenance".

9. In conclusion, her delegation considered that the question of the protection of mothers and future mothers was covered in many other conventions, and that the draft convention under discussion should concentrate on the elimination of discrimination against women rather than on matters connected with the family.

10. Mrs. FREDGARD (Sweden) said that her delegation supported the amended text submitted by the United States delegation. It felt that special measures for pregnant women and mothers were adequately covered by article 12 which had already been adopted by the Commission.

11. Miss TYABJI (India) said that while it was true that the measures alluded to by the Swedish delegation had been covered in other parts of the draft convention, article 4 was meaningful only if it specified the various types of discrimination that would be tolerated. It was therefore important to retain a brief reference to those exceptions which would be dealt with in other parts of the draft convention. Although the United Kingdom amendment was well-advised, paragraph 1 would be improved still further by the addition of the words used in the United States amendment, namely, "and should in no way entail, as a consequence, the maintenance of unequal or separate standards and should be discontinued when the objectives of equality of opportunity and treatment have been achieved".

12. Ms. LORANGER (Canada) said that her delegation supported the amended version of paragraph 4 proposed by the United States delegation as it considered that the draft convention should contain a provision on temporary special measures which could be discontinued at a later stage. It was of the view that the other provisions contained in the United Kingdom amendment were covered by articles 11 and 13. However, she pointed out that article 12 had been deleted at the Commission's 648th meeting.

13. Mrs. HUSSEIN (Egypt) said that the United States amended version of article 4 was particularly worthy of consideration because it was comprehensive and brief and did not conflict with or duplicate articles in the draft convention.

14. The CHAIRMAN, speaking as the representative of Hungary, said that from a legal point of view, the draft convention consisted of several clearly defined and separate parts; for example, it contained general provisions which related to the convention as a whole and special sections relating to social and economic rights, political rights, and so on. She had some misgivings about inserting an article such as that proposed by the United States delegation among the general provisions, and preferred the United Kingdom version.

15. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) said that her delegation wished to reaffirm the views it had expressed on article 4 during the first part of the session. However, in a spirit of co-operation, it was prepared to consider amendments to that article, but felt it was important to bear in mind that article 4 corresponded to article 10, paragraph 3, of the Declaration on the Elimination of Discrimination against Women.

16. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics), noting that article 4 formed part of the "General provisions" at the beginning of the draft convention, said she failed to see why a provision embodied in a later section of the draft convention relating to a specific question could not be mentioned in that general section.

17. Reference had been made to the relevant ILO conventions; in her opinion, to omit equivalent provisions from the draft convention would be to fail to face up to the responsibilities arising out of those conventions.

18. It should be possible to achieve a compromise by merging the United States amendment concerning the discontinuance of temporary measures once equality had been achieved with paragraph 2 of the United Kingdom amendment. It was also essential to include a reference to the concept of motherhood, which was of fundamental importance for society as a whole.

19. Mrs. MØLLER (Denmark) expressed the view that the discussion should be based on the text of article 4 as contained in document E/CN.6/591 and proposed that the words "and men" should be inserted after the word "women" in paragraph 1 of that text. Paragraph 2 should be deleted because the question of special protection for women was dealt with elsewhere. For the same reason, her delegation was unable to endorse paragraphs 2 and 3 of the United Kingdom amendment.

20. The amendment proposed by the United States delegation embodied a number of important principles which should, in the opinion of her delegation, be incorporated in article 4. It might therefore serve as a basis for a compromise text.

21. Miss TYABJI (India) felt that the first section of the convention should contain general provisions which would be spelt out in detail in subsequent sections. She therefore failed to understand how the United Kingdom amendment could give rise to objections because its provisions were taken up later on in the convention. In her opinion, the Commission should adopt paragraphs 2 and 3 of the United Kingdom amendment in conjunction with the United States amendment.

22. Mrs. DEVAUD (France) said she wished to make it perfectly clear that her delegation supported the protection of mothers. She was unable to endorse the observations made by the representative of Hungary; article 4, which formed part of the "General provisions", did not deal with a specific question.

23. The United States amendment, which was not specifically concerned with the protection of the family, was acceptable to her delegation because it was based on the assumption that discrimination could be eliminated gradually. It might give rise to changes in the law, but not to specific measures on the protection of the family, which were the subject of article 13.

24. Ms. LORANGER (Canada) endorsed the French representative's observations. Her delegation supported the United States amendment because it recognized that women had not yet achieved equality with men in certain sectors and considered that specific measures were necessary until such equality was achieved; that had nothing to do with the protection of motherhood. She agreed that article 4 was a general provision and should be placed at the beginning of the draft convention.

25. Ms. HENDSCH (United States of America), referring to her delegation's amendment, considered that the early provisions of the draft convention should be of a very general nature and should contain a statement of affirmative action in respect of differences which existed between men and women at the present time. It was unable to support paragraphs 2 and 3 of the United Kingdom amendment because they were inconsistent with legislation in the United States. It was, however, in a position to support the amendment proposed by the French delegation.

26. Mrs. GUEYE (Senegal) questioned the advisability of the amendment proposed by the delegation of Denmark. Her delegation agreed with previous speakers who had suggested that the Commission should adopt the United Kingdom amendment together with the United States amendment. It would, however, request that the words "due to their physical nature" should be deleted from the third paragraph of the United Kingdom amendment; that point was implicit.

27. Mrs. HUSSEIN (Egypt) observed that the idea reflected in the United States amendment was not as comprehensive as that contained in the original text and the United Kingdom amendment. Having heard that it would be legally acceptable for the "General provisions" to cover specific points made later in the draft convention, her delegation was prepared to support the United Kingdom amendment.

28. Mrs. COCKCROFT (United Kingdom) said it was important to remember that, as the title stated, the draft convention related specifically to the elimination of discrimination against women.

29. On the question of reverse discrimination, she observed that certain laws on the protection of women had already been enacted and that they must be maintained.

30. Her delegation was pleased to note that its amendment had proved to be legally acceptable and would willingly take account of the amendments proposed by the delegations of India and Senegal.

31. Mrs. GONZALEZ de CUADROS (Colombia) said that, in the opinion of her delegation, the United States amendment had a number of desirable features in that it would eliminate specific protection for mothers and enable special protection for women to be discontinued when equality had been attained. It was, therefore, in general acceptable to her delegation.

32. Referring to the United Kingdom amendment, she noted that paragraph 3 contained a reference to the physical nature of women; that point was related to motherhood and covered in article 13.

33. Mrs. CORNE (Belgium) said that her delegation supported the protection of mothers and indeed, parents. It associated itself with the observations made by the delegations of Canada and France and endorsed the United States amendment.

34. The CHAIRMAN suggested that all interested delegations should hold informal consultations in order to agree on a text for adoption at the following meeting.

35. It was so decided.

QUESTION OF UNITED NATIONS CONFERENCE REGISTRATION FORMS

36. Ms. LORANGER (Canada) said that she wished to voice a protest concerning the final sentence of the United Nations conference registration form which participants were requested to complete. In that sentence, participants were requested to state whether they were accompanied by their wife: could the wording not be amended to cover a situation in which a participant was accompanied by her husband?

37. Miss ST. CLAIRE (Secretary of the Commission), **noting** that the same question had been raised by a representative during the first part of the session, explained that the Secretariat was using up its stock of old forms. In the new forms, the wording would be amended to meet the wishes of the representative of Canada.

The meeting rose at 12.05 p.m.