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COMMISSION ON THE STATUS OF WOMEN

Resumed twenty-sixth Session

SUMMARY RECORD OF THE 663rd MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 7 December 1976, at 3 p.m.

Chairman: Mrs. GONZALEZ de CUADROS (Colombia)

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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 and Add.1/Corr.1; E/CN.6/L.699) (continued)

Article 22

1. Mrs. COCKCROFT (United Kingdom) felt that the number of ratifications required for the entry into force of an international convention should not be too low and suggested that it might be fixed at 27 (as in the case of the International Convention on the Elimination of All Forms of Racial Discrimination) or, better still, at 35 (as in the case of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights).
2. Mrs. BOKOR-SZEGO (Hungary) observed that, because of the high number of ratifications required, it had taken ten years for the two International Covenants to enter into force.
3. Practice varied considerably: the Slavery Convention had entered into force after only two ratifications, and the Convention on the Prevention and Punishment of the Crime of Genocide after 20 ratifications.
4. While she had no firm views regarding the figure to be set, she felt that it should be low, so that the Convention would enter into force as soon as possible.
5. Mrs. DEVAUD (France) considered that a requirement of 27 ratifications was too high.
6. Ms. LORANGER (Canada) said that, while the number of ratifications would not be too high, it should not be too low either. It had to be sufficiently representative for the Convention to carry some weight.
7. Mrs. ROUHI (Iran), Rapporteur, speaking on behalf of her delegation, said that 20 ratifications would be a reasonable figure.
8. Mr. LEHMANN (Denmark) said he too felt that the number of ratifications should be representative. It should be about 30.
9. Miss TYABJI (India) and Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) felt that the Convention would easily command 20 to 25 ratifications, in view of the way in which it had already been welcomed by Governments.
10. Ms. HENDSCH (United States of America) said that the number of ratifications should be 30 to 40.
11. The CHAIRMAN noted that the majority favoured 20 ratifications. If there were no objections, she would take it that article 22 was adopted by consensus, and that the word "twentieth" would be inserted in the appropriate place in each paragraph.
12. It was so decided.

Article 23

13. Mrs. BOKOR-SZEGO (Hungary), observed that subparagraph (c) was redundant because article 20, concerning denunciation, had been deleted. She proposed that the subparagraph should be deleted.

14. It was so decided.

15. The CHAIRMAN said that, if there were no objections, she would take it that article 23, as amended, was adopted by consensus.

16. It was so decided.

Article 24

17. Mrs. BOKOR-SZEGO (Hungary) asked whether, in practice, duly certified copies were addressed to States after signature or after ratification of a convention. If they were sent after ratification, the second sentence of article 24 should be amended to read: "... shall be transmitted to the Governments of the ratifying and acceding States".

18. Mr. LEHMANN (Denmark) proposed the wording employed in the International Covenants and in the International Convention on the Elimination of All Forms of Racial Discrimination. The second sentence in article 24 should be redrafted to read: "Duly certified copies of this Convention shall be transmitted to the Governments of all States referred to in article ... [article concerning signature]".

19. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs) said that the proposal by the representative of Denmark seemed to be in keeping with the usual practice. Article 77 (b) of the Vienna Convention on the Law of Treaties specified that the functions of a depositary comprised "preparing certified copies of the original text and preparing any further text of the treaty in such additional languages as may be required by the treaty and transmitting them to the parties and to the States entitled to become parties to the treaty".

20. Mrs. BOKOR-SZEGO (Hungary) said that the formula proposed by the representative of Denmark might cause difficulties for the Secretary-General in the case of entities not universally recognized as States. A legal opinion was needed on that point.

21. Mrs. OSCHINSKY (Belgium) felt that duly certified copies should be sent to States signing the Convention, thereby including States acceding to it. In that way, there would be no problem concerning the recognition of States.

22. Mr. LEHMANN (Denmark) said that there were many advantages in sending the text of the Convention to all States entitled to become parties to the Convention, more particularly as a means of publicizing it as widely as possible. The first thing that a State wanted when it was thinking of signing or acceding to a Convention was the authentic text of the instrument.

23. As for the problem mentioned by the representative of Hungary regarding the disputed status of an entity as a State, the answer lay in the provisions of the Vienna Convention on the Law of Treaties, which specified that the depositary should bring the question to the attention of the signatory States and the contracting States.
24. Mrs. BOKOR-SZEGO (Hungary) asked what form was used in the Convention on International Liability for Damage Caused by Space Objects.
25. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs) replied that article XXIV of the Convention on International Liability for Damage Caused by Space Objects stated: "1. This Convention shall be open to all States for signature. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time", and article XXVIII that "This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States".
26. Mrs. BOKOR SZEGO (Hungary) said that article 24 should be retained in its present form. The formulation was almost exactly the same as article XXVIII of the Convention on International Liability for Damage Caused by Space Objects and would make it possible to avoid any difficulties regarding the recognition of States.
27. Mrs. TALLAWY (Egypt) asked the Legal Adviser whether the provisions of article 24 might not refer to: "Governments mentioned in article 18". Article 18, adopted the day before, spoke of "all States".
28. Mr. RATON (Legal Adviser) replied that if the formula used in article 18, namely "all States", was chosen, problems would arise for the Secretary-General regarding entities which some considered as States, but which others did not. The Secretary-General would then have to seek the authorization of the General Assembly in order to transmit copies of the Convention to those entities.
29. Mr. LEHMANN (Denmark) said that it would be preferable to adopt article 18 in its present form, for the proposed changes seemed to create as many problems as they solved.
30. Ms. LORANGER (Canada) asked whether the second sentence of article 18 meant that non-signatory States could not request duly certified copies.

31. Mr. RATON (Legal Adviser) replied that it did. However, it would be necessary to ascertain the practice followed at Headquarters in cases of that kind.
32. Miss TYABJI (India) thought that non-signatories could receive copies, not duly certified but simply authenticated copies.
33. Mr. RATON (Legal Adviser) pointed out that the printed texts of treaties and conventions were considered as authentic, although they sometimes contained errors. Duly certified copies did not contain any errors. It was always possible to send a printed copy to anybody, even an individual.
34. Mrs. TALLAWY (Egypt) felt that if article 24 referred to "all States", it could be taken to mean States Members of the United Nations. If a non-member State requested a duly certified copy, the procedures laid down in the Vienna Convention on Law of Treaties could be followed, and the Secretary-General could request authorization from the General Assembly.
35. Mr. RATON (Legal Adviser) said that the formula "all States" covered more than the States Members of the United Nations. The Commission had a choice: to maintain the present wording of article 24 or to insert the formula "all States", in which case problems would arise for the Secretary-General, who would have to consult the General Assembly.
36. The CHAIRMAN said it was clear from the replies of the Legal Adviser that the present formulation was the most convenient. Delegations did not appear to want to create the problems he had referred to. Therefore, she suggested that, having consulted the Legal Adviser, the Commission should, by consensus, adopt article 24, as set out in document E/CN.6/591, annex III.
37. It was so decided.

Provision on reservations

38. Mrs. COCKCROFT (United Kingdom) said that the text of the draft Convention did not contain any provisions on reservations. Therefore the relevant provisions of the Vienna Convention on the Law of Treaties, particularly those of article 19, would presumably apply. It was stipulated in the Vienna Convention that reservations which were not against the object and purpose of the instrument could be accepted.
39. Mr. RATON (Legal Adviser) confirmed that, in the absence of a clause on reservations, the pertinent provisions of the Vienna Convention, particularly those in articles 1, and 21, would apply. However, interpretation of the Vienna Convention in this regard was still not very clear, particularly concerning the meaning of "incompatible with the object and purpose of the Convention". He asked if it might not be possible in the present instance to use as a basis the precise formulation in article 20 of the International Convention on the Elimination of All Forms of Racial Discrimination. That article allowed reservations, but on a limited scale, and stated precisely what was allowed.

40. Mrs. BOKOR-SZEGO (Hungary) expressed the view that, although the Vienna Convention on the Law of Treaties had not yet come into force, the spirit of that text and the practice already followed as a result of it could be used as a basis. In particular, it suggested that reservations not incompatible with the object and purpose of the present Convention should not be forbidden. She was thinking particularly of the interests of certain Third-World countries which would perhaps have temporary difficulties in implementing the Convention. They would be able to submit reservations on certain aspects of social and economic rights until they were in a position to withdraw them, again, on condition that those reservations were not incompatible with the object and purpose of the Convention. Moreover, such a practice was already established for conventions with no provisions on reservations, for example, codification conventions.

41. Mrs. HUTAR (United States of America) requested the Legal Adviser to give some examples of the language of treaties on reservations.

42. Mr. RATON (Legal Adviser) replied that it was a vast subject and he would have to do some research before answering. However, he reiterated that the International Convention on the Elimination of All Forms of Racial Discrimination contained a precise text on the subject and read out the three paragraphs of article 20 of that Convention. He drew attention to paragraph 2, which stipulated that a reservation would be considered "incompatible with the object and purpose" of the Convention and as having "the effect of paralysing the operation of any one of the organs set up by the Convention" in one clearly defined case: "if at least two-thirds of the States parties to the Convention raise objections". In his opinion it would be preferable to take a clear text like that as a basis, for then the Secretary-General would know how to deal with reservations.

43. Mrs. OSCHINSKY (Belgium) thought it would be better to take article 20 of the International Convention on the Elimination of All Forms of Racial Discrimination as a basis, as suggested by the Legal Adviser, than the spirit of the Vienna Convention, as suggested by the representative of Hungary, since the spirit of the latter Convention regarding reservations had yet to be clarified.

44. Mr. LEHMANN (Denmark) said he shared the Legal Adviser's view. The Vienna Convention had a weak point in that respect, in the sense that there was no provision on incompatibility with the object and purpose of the instrument. It was preferable to take the relevant provisions of the Convention on racial discrimination as a basis. He had drafted a text along those lines which he was ready to submit.

45. Mrs. BOKOR-SZEGO (Hungary) said she concurred with those views but thought that, before trying to add wording based on article 20 of the Convention on racial discrimination to a provision on machinery for control, it would be preferable to adopt article 21 of the draft Convention.

46. Mr. LEHMANN (Denmark) explained that he had drafted a text with almost the exact wording of article 20 of the Convention on racial discrimination, including reference to a committee if one were set up. Noting the comment made by the representative of Hungary, he suggested that the text be distributed the next day and examined simultaneously with that of article 21.

47. The CHAIRMAN proposed that, in the light of the proposals which had been made, the Commission should wait until it had finished with article 21 before adopting a final text on reservations, which would become article 25. Articles 21 and 25 could therefore be considered the next day.

48. It was so decided.

Preamble

49. The CHAIRMAN, in reply to a question from Mrs. COENE (Belgium), recalled that during the first part of the session, in September, provision had been made for the establishment of a Drafting Committee to put the text of the draft Convention in appropriate legal language. The Committee was to have a limited number of members, appointed by the geographical groups and representing the various official languages. Consultations would be held with a view to establishing the Committee without delay and she would make an announcement on the subject the next day.

50. Mrs. HUSSEIN (Egypt) pointed out that the title of the draft Convention differed in document E/CN.6/591 and Addendum 1 to the same document.

51. For the preamble, the text shown in document E/CN.6/591 and the alternative were basically the same; the Belgian proposal in document E/CN.6/591/Add.1 was well drafted and seemed to offer a good compromise.

52. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs) reminded the Commission that in September it had opted for the title "Convention on the Elimination of All Forms of Discrimination against Women".

53. Mrs. HIRLEMANN (France) stated that she favoured the Belgian text in document E/CN.6/591/Add.1, which, for the most part, covered the essence of the preamble and the alternative version in document E/CN.6/591 (annex III); it was also shorter.

54. Begum Tazeen FARIDI (Pakistan) expressed the view that the preamble should be looked at in conjunction with the changes made in the Convention.

55. The CHAIRMAN concurred that delegations would have to submit now proposals to harmonize the text of the preamble with that of the Convention, but said that this could be done at a later stage. For the present it would be preferable to study the various versions before the Commission.

56. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) made the point that the text of the preamble was very long and that there were three versions. Delegations should study and compare those texts, but it was difficult to do that during the meeting. It would therefore be better to close the meeting and give delegations time to study the matter more fully and form an opinion on the various versions. The Commission would then be in a position to start examining the preamble at its next meeting.

57. Miss TYABJI (India) said that her delegation supported the Belgian text but that she intended to propose the inclusion of a paragraph to take up the idea contained in the third paragraph of the original text.

58. Mrs. COENE (Belgium) quoted, for the guidance of delegations, the paragraphs of the original text and of the alternative version which also appeared in the Belgian text.

59. The first paragraph of the Belgian text corresponded to the first two paragraphs of the original text and the alternative version.

60. The second paragraph corresponded to the fifth paragraph of the original text and the second paragraph of the alternative version.

61. The third paragraph corresponded to the sixth paragraph of the original text, for which there was no equivalent in the alternative version.

62. The fourth paragraph took up the ideas contained in the ninth and tenth paragraphs of the original text and in the third paragraph of the alternative version.

63. The fifth paragraph corresponded to the eighth paragraph of the original text and took up the ideas expressed in the fourth paragraph of the alternative version.

64. The sixth paragraph expressed the idea in the seventh paragraph of the original text.

65. The seventh paragraph had no equivalent in the original text, but corresponded to the seventh paragraph of the alternative version.

66. The eighth paragraph reproduced the fourth paragraph of the original text and the idea in the sixth paragraph of the alternative version.
67. The ninth paragraph corresponded more or less to the twelfth paragraph of the original text, but had no equivalent in the alternative version.
68. Mrs. TALLAWY (Egypt) proposed that the preamble be studied paragraph by paragraph. She noted with satisfaction that the preamble was short; it was not only shorter than the preamble of certain conventions, but also of certain resolutions.
69. Mrs. HIRLEMANN (France) said she considered that the Belgian text offered an excellent compromise and it would be better to take that text as a basis for study.
70. Mr. LEHMANN (Denmark) agreed that the preamble might be studied paragraph by paragraph, on the basis of the Belgian text. Delegations wishing to make amendments could always do so during consideration of the text.
71. Mrs. HUTAR (United States of America) said she approved of such a working method and thought the Commission should proceed immediately to consider the preamble. All delegations present had received the relevant documents long ago and had had plenty of time to study them.
72. Miss TYABJI (India) agreed that the Commission could begin looking at the preamble immediately. The details provided by Belgium would make it easier to compare the various texts.
73. Mrs. BOKOR-SZEGO (Hungary) pointed out that a number of delegations had language problems. In her opinion it would be better to defer consideration of the preamble until the next meeting so that delegations could study the texts and better appreciate the differences between the various versions proposed.
74. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics), in reply to a question from the CHAIRMAN, made it clear that she had made a formal proposal to adjourn consideration of the preamble and close the meeting. She did not object in principle to the Belgian proposal, but would like more time to study it.
75. The CHAIRMAN said that, in accordance with the rules of procedure, she would put the USSR proposal to the vote.
76. The proposal was rejected by 11 votes to 5, with 6 abstentions.

77. Mr. LEHMANN (Denmark) wondered whether the Commission could not content itself with considering a few paragraphs at the present meeting, in order to take into account the concern expressed by the Soviet Union representative. It could continue with its examination of the preamble at the next meeting after article 21 had been considered.

78. Mrs. HUTAR (United States of America) said that her delegation was deeply concerned about the financial implications of the present resumed session. The Commission should pursue its work and finish it at the proper time. The Belgian text was largely a reproduction of the original text and the alternative, so the task before them was not very difficult.

79. The CHAIRMAN suggested, in view of the proposals which had been made, that the preamble should be considered paragraph by paragraph, with the Belgian text in document E/CN.6/591/Add.1 as the point of departure.

80. It was so decided.

First, second and third paragraphs of the preamble

81. The first, second and third paragraphs of the preamble were adopted.

Fourth paragraph

82. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) proposed that the words "men and women" should be replaced by the words "women and men".

83. Mrs. HUSSEIN (Egypt), Miss TYABJI (India) and Mrs. COENE (Belgium) supported the Soviet amendment.

84. The fourth paragraph, as amended, was adopted.

Fifth paragraph

85. Mrs. ROMANOVICH (Byelorussian Soviet Socialist Republic) proposed that the words "in various parts of the world" should be replaced by the words "in a number of parts of the world" or "in many parts of the world".

86. Ms. FREDGARD (Sweden) said she would prefer "in all parts of the world". The Mexico Conference had proved that discrimination was to be found everywhere. That was an indisputable fact.

87. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) pointed out that the documents of the Mexico Conference stated that there was discrimination in many parts of the world. That wording, which also appeared in other articles of the Convention, would be acceptable. The fact that there was no discrimination against women in some countries should be taken into account.

88. Mr. VALLARTA (Mexico) agreed with the remarks made by the Swedish representative. While it was often imagined that discrimination against women was a corollary to underdevelopment, nevertheless it was generally realized that much still remained to be done in that respect in the developed countries. The wording should be "in all parts of the world" or "in all countries of the world".
89. Ms. VENEZI-COSMETATOS (Greece) thought that the retention of the word "considerable" in the paragraph would weaken the idea of discrimination rather than strengthen it.
90. Begum Tazeen FARIDI (Pakistan) thought that a consensus would be easier to reach if it was simply said that there was considerable discrimination against women, without introducing the political notion of country or area.
91. Mrs. HUTAR (United States of America) supported the suggestion made by the representative of Pakistan.
92. Miss TYABJI (India) agreed with the Mexican representative that women were discriminated against in all parts of the world, but, for the reason given by the representative of Pakistan, she thought it would be preferable simply to state that it existed and to delete the words "in various parts of the world".
93. Mrs. HIRLEMANN (France) suggested the formula "there continues to exist considerable discrimination against women in the world".
94. Ms. FREDGARD (Sweden) thought that as women were discriminated against throughout the world it was preferable, unless it was intended to state that explicitly, to delete the words "in various parts of the world".
95. Mrs. COCKCROFT (United Kingdom) supported the suggestion made by the representative of Pakistan and proposed the following text: "Concerned, however, that despite those various instruments extensive discrimination against women continues to exist".
96. Paragraph 5, thus amended, was adopted.
97. Miss TYABJI (India) proposed that a new paragraph should be inserted after the fifth preambular paragraph as follows: "Concerned particularly that the scientific and technical revolution had broadened the possibilities for the use of labour and the improvement of skills, but without benefiting women to the same extent as men".
98. Mrs. HUTAR (United States of America) and Mrs. COENE (Belgium) supported that proposal.

99. Mr. MICHEEL (German Democratic Republic) said he was entirely in favour of the new paragraph, and proposed the addition of the words "and the process of national liberation" after the words "scientific and technical revolution".
100. Miss TYABJI (India) willingly agreed to that modification.
101. Mrs. HUTAR (United States of America) and Mrs. HIRLEMANN (France) preferred the original text of the amendment on the grounds that the relation between the scientific and technical revolution and the process of national liberation was rather farfetched.
102. Mrs. COCKCROFT (United Kingdom) suggested that the Indian amendment should be modified as follows: "Concerned particularly that scientific and technological progress has increased employment possibilities and improvement of skills, but without benefiting women to the same extent as men".
103. Miss TYABJI (India) said she agreed with the wording proposed by the United Kingdom representative, but would like the amendment by the representative of the German Democratic Republic to be retained. The process of national liberation had undoubtedly increased possibilities of employment and should be mentioned unless it was to be referred to in another paragraph.
104. Mr. VALLARTA (Mexico) was of the opinion that the terms "revolution" and "national liberation" should be included in the new paragraph. However, if some delegations had reservations about them, their misgivings might be dispelled if those terms were replaced by the notion of "scientific, technical and social progress", as social progress was inseparable from national liberation.
105. Mrs. HUSSEIN (Egypt) said that the process of national liberation had undoubtedly been favourable to women. It should therefore be mentioned in a less negative paragraph than the one under consideration.
106. Miss TYABJI (India) suggested that the words "national liberation" should be replaced by the idea of "increased independence".
107. The CHAIRMAN suggested that the meeting should be adjourned to allow delegations to consult on the paragraph.
108. The meeting was adjourned at 5.45 p.m. and resumed at 5.55 p.m.
109. Mr. SNOXELL (United Kingdom) submitted to the Commission a new version of the paragraph proposed by the Indian representative. The text represented a compromise. He read out the new text, worded as follows: "Concerned particularly that scientific and technological progress has in general improved the potential for employment and the development of new skills, but without benefiting women to the same extent as men".

110. Ms. LORANGER (Canada) asked about the amendment proposed by the representative of the German Democratic Republic.

111. Mr. MICHEEL (German Democratic Republic) replied that he had accepted the new text proposed by the United Kingdom representative on the understanding that his own amendment would appear in another paragraph.

112. The CHAIRMAN said she would take it that the new paragraph was adopted.

113. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) said she strongly objected to that decision, which had been taken too hastily. The Secretariat had not noticed that her delegation had asked for the floor. She therefore considered that the new paragraph had not been adopted and requested that the text should be circulated to delegations in writing, in accordance with rule 51 of the rules of procedure.

114. The CHAIRMAN said that the United Kingdom representative had read out the proposed paragraph so that everyone could take note of it.

115. Mrs. NIKOLAEVA (Union of Soviet Socialist Republics) insisted that the text should be submitted in writing. It did not make changes in form only but was a completely new version. She pointed out that she had asked for the floor before a decision had been taken on the amendment. Obviously the Secretariat had not realized that she wished to speak. The adoption of the new paragraph in the circumstances would be a breach of the rules of procedure.

116. The CHAIRMAN said she took it that the representative of the Soviet Union called her decision in question. In accordance with rule 44 of its rules of procedure, the Commission should therefore indicate whether it wished to confirm or revoke the decision.

117. Mrs. TALLAWY (Egypt), seconded by Mrs. BOKOR-SZEGO (Hungary), speaking on a point of order, thought it would be preferable to defer the decision on the new paragraph until the following day and to adopt the text by consensus. She proposed that the meeting should rise.

118. The CHAIRMAN put that proposal to the vote.

119. The proposal was adopted by 17 votes to none, with three abstentions.

120. Mrs. BRUCE (Deputy Director, Centre for Social Development and Humanitarian Affairs) said that to avoid difficulties it would be best for all amendments to be submitted in writing in future.

121. Miss St. CLAIRE (Secretary of the Commission) regretted that she had not noticed that a representative had raised her hand. She asked delegations to be good enough, if it were by chance to happen again, to indicate clearly a second time that they wished to take the floor.

The meeting rose at 6.20 p.m.