



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Third session

SUMMARY RECORD OF THE 32nd MEETING

Held at Headquarters, New York,
on Thursday, 29 March 1984, at 10 a.m.

Chairperson: Ms. IDER

later: Ms. ILIC

CONTENTS

Consideration of reports and information submitted by States parties under
article 18 of the Convention

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER
ARTICLE 18 OF THE CONVENTION (continued)

Hungary (CEDAW/C/5/Add.3) (continued)

1. Ms. EL-FETOUH said that the examples given in the Hungarian report of specific laws to be applied in implementation of the Convention should have been supplemented by an explanation of exactly how they ensured that the Convention was respected. The statistics on working women and women representatives to legislative bodies were revealing and welcome.
2. In the context of the implementation of articles 1 to 6, the Hungarian report referred to severe sanctions which were applied in cases of violation of the Constitution's prohibition of discrimination. She wondered whether that meant that discrimination against women was a crime, and if so, what penalties were provided under Hungarian law.
3. According to the report, and in implementation of article 7 of the Convention, article 68 (2) of the Hungarian Constitution provided that citizens could present proposals of public interest to political and social organizations. She asked whether the political and social organizations referred to were specific political parties or governmental bodies and whether citizens had to be active members of a party before they could submit proposals, or could do so simply by virtue of being Hungarian citizens.
4. In describing Act III of 1966, the report indicated that women played an important role in trade unions, which were the largest of all mass organizations in Hungary. She asked whether trade unions had a legislative function, and if so, whether it paralleled or substituted for the work of regional and national legislative organs.
5. The National Council of Hungarian Women initiated the adoption of new laws and monitored their implementation. Was the Council the only body empowered to perform those tasks?
6. Article 19 (2) of Act II of 1967 on the Labour Code provided that when similar conditions prevailed, pregnant women and mothers with small children enjoyed preference in respect of employment. She asked if that meant that they would be chosen over a woman who was not pregnant or a man who might apply for the same job.
7. With regard to the implementation of article 16, the report noted that the legislation in force provided that husband and wife were duty-bound to support each other. She inquired what form that support was intended to take, whether it was absolutely obligatory, and what measures were applied if it was not provided. She also inquired about the results and background of the review of the role played by women schoolteachers and whether they taught in secondary as well as primary schools.

8. Mr. NORDENFELT said that the underlying concept expressed in the report, namely, that it was necessary to create the economic, political, social and cultural conditions for women's enjoyment of equal rights in public life, work and the family reflected an understanding of the fact that it was practically impossible to achieve equality in working life without equality in private life. He requested clarification of the concept of protection of women and asked what steps the Government took to ensure not only that women enjoyed equality in the workplace but also that men enjoyed equality in the home. Referring to the legislation implementing the Labour Code, which provided that women and minors should not be assigned to work liable to be injurious to them, he pointed out that potentially injurious work should not be assigned to men either. He would appreciate examples of the types of work harmful to health and physical integrity listed in the annex to Decree No. 6/1982.
9. Although the figures on the representation of women in Parliament, local and county councils and trade unions were impressive, he would welcome similar statistics concerning the number of women working in various professions and the levels at which they were employed; for example, how many held managerial posts?
10. Ms. CARON said it was refreshing to hear that the Hungarian Government was striving to fill the gaps in legislation for the protection of women. Referring to the figures on the representation of women in various governmental and trade union bodies, she asked how many women held leadership posts such as those of minister and superior court judge and how many headed educational institutions. She would welcome clarification of women's "traditionally" important role in trade unions.
11. It would be useful to have information on whether women had free access to abortion and to know what were the penalties for prostitution. Since the report noted that women could use their husband's name or their own, she asked whether children used their father's name, mother's name, or a combination of both.
12. Ms. REGENT-LECHOWICZ said that the report revealed that progress had been made in eliminating discrimination against women and that Hungarian legislation was in conformity with the Convention. The representative of Hungary had stressed that the economy could not function without women workers but that there was a trend towards the "feminization" of some professions, especially teaching. That phenomenon was not confined to Hungary alone and she wondered what was being done to reverse that trend and to diversify the professional orientation of young women.
13. According to the report, the age of retirement was 55, but she wondered whether a woman could continue to work after reaching that age if she so desired? Had a part-time work system been introduced? What were the present and past roles of Hungarian women in the struggle for peace and disarmament, and what part did Hungarian women's organizations play in international activities?
14. Ms. PEYTICHEVA said that the report described the basic measures and institutions which guaranteed the civil, political, social, economic and cultural

(Ms. Peytcheva)

rights of women. Her conversations with Hungarian leaders and women from various social strata had convinced her that concern for the multifaceted development of women was an integral part of State policy and that the principle of equality was not only guaranteed by the Constitution but was a reality in all walks of life. In fact, the basic provisions of the Convention had been applied even before its ratification.

15. She had been particularly impressed by the special measures described in the report designed to allow parents to combine their family obligations with work and participation in social life. Hungary's positive experience in that field could serve as an example to other States.

16. Since 79 per cent of women of working age were employed, she asked what percentage of children aged 3 to 6 attended pre-school institutions and whether the demand for enrolment in such institutions had been fully met. Noting that the child-care allowance was paid until a child reached the age of 3, she asked whether parents received any monthly child-care allowance to supplement their salaries after the child had reached that age and if so, what percentage of their salaries the allowance represented. Finally, she asked what provision was made for the care of children whose parents had been divorced.

17. Mr. SOMOGUI (Hungary) said that his Government would present its replies to the Committee's questions at a later meeting.

18. Mr. Somogui (Hungary) withdrew.

Initial report of the Philippines (CEDAW/C/5/Add.6)

19. At the invitation of the Chairperson, Mr. Moreno-Salcedo (Philippines) took a place at the Committee table.

20. Mr. MORENO-SALCEDO (Philippines), introducing the initial report of the Philippines, said that the report had been prepared by the National Commission on the Role of Filipino Women, which had been entrusted with the task of accelerating the integration of women as the equal partners of men in the process of developing the Philippines. The Commission, which was made up of women and men who were recognized leaders in their respective fields, co-ordinated its work with all governmental organizations and private-sector bodies with a view to promoting the advancement of women. Even after submitting the report now before the Committee, the Commission had continued to monitor the activities of agencies and private entities that had failed to participate in the first study with a view to achieving complete implementation of the Convention.

21. After providing background information on the Philippines, its people and the status and role of Philippine women, he said that the latter had attained a literacy rate of 82.8 per cent in 1980. Although the level of their representation was still very low in some areas, they were active in all professional fields.

(Mr. Moreno-Salcedo, Philippines)

22. The rights of Philippine women were safeguarded by the legislation and the Constitution of the Philippines. He wished in particular to draw attention to sections 6, 7 and 4 of the Constitution and to point out that section 4 recognized that the rearing of children was a joint responsibility of the parents.
23. Article 135 of the new Labour Code prohibited discrimination against women in employment. Article 136 of the Code safeguarded the right of both prospective and existing female employees to get married, and article 137 safeguarded the benefits for female employees provided under the relevant chapter and the rights of pregnant women and women on maternity leave and after their return to work.
24. Under the Civil Code, a Philippine woman's consent to marriage must be freely given. She retained ownership of the property that she brought in to the marriage, of property acquired by lucrative title and by right of redemption and of property that was purchased exclusively with her money. Her equal right to conjugal property was respected. In fact, it was the custom at all social levels, for the wife to be the keeper of the purse.
25. New laws had been adopted and implemented and others had been or were in the process of being amended in order to remove provisions that tended to discriminate against women. The Constitution now specifically provided that a Philippine woman should retain her citizenship upon marriage to an alien, unless she was deemed under the law to have renounced her citizenship by her act or omission. Moreover, she could now transmit her citizenship to her children, without the latter being required to opt for Philippine citizenship upon reaching their majority.
26. A number of labour laws had been amended in order to guarantee equal opportunity for men and women: the period of maternity leave with pay had been reduced to two weeks before and four weeks after normal delivery or abortion; maternity leave privileges had been limited to the first four confinements in keeping with the Government's comprehensive family planning programme; women were prohibited from working from 10 p.m. to 6 a.m. in industrial establishments and from midnight to 6 a.m. in commercial firms; in agricultural undertakings, women could not be required to work without a rest period of not less than nine consecutive hours. The latest amendment was that maternity leave with pay should be financed jointly by the employer and the social security system. Moreover, in the private sector there had been a move to grant men paternity leave, particularly in the cities.
27. The Civil Code provision depriving a widow of parental authority over her children upon remarriage, unless her deceased husband had clearly willed that she could remarry and retain authority over them, had been repealed. That action was in keeping with the efforts being made to repeal or amend laws that were discriminatory to women described on pages 7-11 of the report.
28. Since men still outnumbered women in managerial and higher positions, the President of the Philippines had issued Letter of Instruction 974, which sought to integrate women fully into national development through their appointment to decision-making bodies at both the governmental and private sector levels.

(Mr. Moreno-Salcedo, Philippines)

Implementation of that presidential directive was being closely monitored by the National Commission.

29. In an endeavour to promote participation by rural women and the urban poor in the national development effort, the National Commission had launched a special project whose main objective was to integrate women, men and young people into economic, social and cultural development through co-ordination of government and organized private efforts. The aim was to encourage women to become self-reliant through cottage industries, food production and vocational training.

30. Research, seminars and workshops were being conducted continuously by a number of organizations with a view to eliminating prejudices against women and the stereotyping of the roles of women. Some of the programmes started by the Ministry of Education, Culture and Sports specifically for that purpose were outlined on pages 12 to 13 of the report.

31. Despite a major effort to enhance further the status and role of Philippine women, the Civil Code still contained provisions that were discriminatory to women, particularly those concerning family law, and there was still a need to eliminate both de jure and de facto discrimination against women in the Philippines.

32. Ms. ILIC said that it would be desirable to place a document containing the information just provided orally by the representative of the Philippines in the file on the Philippines. She noted that it had not been possible for the Government of the Philippines to comply with the general guidelines regarding the form and contents of reports.

33. She was impressed by the number of proposed amendments to the legislation of the Philippines but felt in the case of Parliament Bill No. 1135, which dealt with the crime of rape under certain circumstances, that the proposed penalty was rather drastic. She would therefore appreciate further information on that matter.

34. Ms. BERNARD said that she supported the suggestion made by Ms. Ilic that the information provided orally by the representative of the Philippines should be placed in the file on the Philippines, as well as the remark made by Ms. Ilic concerning the form and content of the report.

35. She would be interested to know what measures were being taken to encourage women to fill high-level posts. She also wished to know whether boys and girls had equal opportunities in the education system and whether there was equal pay for equal work in the Philippines. It would be useful to know whether women had equal access to the courts when their marriages broke down, what the arrangements were for the custody of children and maintenance after divorce and whether there were family courts. Furthermore, she wondered whether prostitution was a problem in the Philippines and, if so, what steps were being taken to eliminate it. She would also like to know whether abortion was prohibited under the legislation of the Philippines and, if not, under what circumstances abortions could be obtained. Lastly, she wished to know whether cases of discrimination against women could be brought before the courts.

36. Ms. SALEMA said that it would be useful to have further information concerning the measures being taken in the private sector to eliminate discrimination against women and concerning the activities of the National Women's Congress. Moreover, she would be interested to know whether the parliamentary bills referred to on pages 7 to 10 of the report were likely to be amended prior to adoption. She also wondered what the situation was regarding prostitution in the Philippines and what legal or practical measures had been adopted in that connection.

37. Ms. SMITH said that the report of the Philippines contained a number of general statements about the equality of women which might have been more fully documented; the report also contained far more examples of research on the status of women in the Philippines than of legislation to improve that status. Furthermore, while the activities listed in the report demonstrated the seriousness of the Philippine Government in implementing the Convention, it was unfortunate that so few of the competent government agencies had responded to the questionnaire which formed the basis of the report.

38. She wished to know more about the National Commission on the Role of Filipino Women: was it empowered to take action to promote equality, and, if not, what body was so empowered? She also wished to know what progress was being made in the review of the Civil Code and the amending of other legislation in order to eliminate provisions discriminatory to women. In that connection, examples of old laws currently under revision might be provided. With regard to article 7 of the Convention, she asked if women and men enjoyed the same voting rights and what the required voting age was.

39. Although the report indicated that new laws governing the employment of women had eliminated discrimination in that area in the Philippines, she wondered if that was the case in practice. She also wished to know what recourse was available to a woman who had been the victim of discrimination in seeking employment.

40. In connection with article 13, she asked what rights women in the Philippines had to obtain bank loans, mortgages, etc. In the area of family legislation, she thought that more information should be provided about divorce, particularly with regard to the rights of both spouses with regard to child custody, property and alimony.

41. Ms. MUKAYIRANGA commended the Government of the Philippines for the wide range of measures and activities which it had initiated since 1981 to implement the Convention. Unfortunately, the report which the Government had submitted to the Committee contained a number of gaps. For example, excerpts of relevant provisions of the Constitution and the Labor Code might have been provided. Existing laws which discriminated against women and the obstacles faced by the National Commission on the Role of Filipino Women should also have been identified.

42. Commenting on the specific activities undertaken to implement specific articles of the Convention, she drew attention to the scholarship programmes aimed at encouraging girls to enrol in traditionally male-dominated courses. Specific information on the implementation of that programme, such as the number of girls

(Ms. Mukayiranga)

enrolled in such courses and the number of scholarships which had been awarded, would be desirable. It would also be useful to know how many women currently held key positions under the Merit Promotion Plan designed to implement article 7. Another action programme had been designed with a view to "encouraging parents to permit girls to continue studies beyond primary levels"; she asked what form such encouragement took. Finally, the representative of the Philippines had noted that his country was composed of many islands; she therefore wished to know whether the remotest islands were equipped with infrastructures that would enable women to enjoy the benefits of progress.

43. Ms. GUAN MINGIAN said that the background information just given by the representative of the Philippines provided new insight into his Government's achievements in implementing the Convention. She was particularly impressed by the representation of women in the Philippine foreign service. While she shared the view that the format utilized in the preparation of the initial report of the Philippines was difficult to follow, she felt the report showed that the Philippine Government had taken a serious approach to the implementation of the Convention and would, it was to be hoped, improve its record with time.

44. She was somewhat puzzled as to how the National Five Year Development Plan for 1983-1987 had managed to classify women workers together with disabled workers and workers who were minors, and wanted to know what measures had been taken to remedy such discriminatory treatment. The National Commission on the Role of Filipino Women appeared to be a very important body, and more information about it would be useful. She specifically wished to know how it differed from other Government bodies and what relationship it bore to other women's organizations in the Philippines.

45. At the Asian regional preparatory meeting for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women currently being held at Tokyo, prostitution had been cited as a serious problem in the Asian region, particularly in the Philippines. She therefore wished to know the attitude of the Philippine Government towards that problem and what measures it planned to take to solve it.

46. Ms. BIRYUKOVA said that, while many research studies were mentioned in the report, little information was provided about what was really being done to ensure equality for Philippine women. It appeared from the report that many laws perpetuated women's traditional inequality vis à vis men. The report also failed to state whether the principle of equality was enshrined in the Constitution of the Philippines or in any other national legislation and to outline any specific measures to implement articles 2, 3 and 4 of the Convention; at best, draft legislation was being considered rather than enacted. Despite some progress, the number of women holding various posts in the Government remained insignificant. She wished to know whether women's political rights were the same as men's.

47. In the social sphere, it appeared that greater efforts were required to raise the educational level of Philippine women and to provide them with vocational

(Ms. Biryukova)

training. She asked whether, as stipulated in article 10 of the Convention, any programmes had been organized for girls and women who had left school prematurely. The report made no mention of legislative measures aimed at preventing discrimination in employment; on the contrary, the report indicated that women would be the first to be dismissed from their jobs, which was a gross violation of article 11 of the Convention. Women worked extremely long hours, for wages lower than those paid to men. She wished to know what machinery, if any, had been established to monitor instances of discrimination in employment.

48. The Philippines had done little to implement article 13 of the Convention, as the two measures listed in the report applied only to that small minority of Philippine women who were permanently employed. Despite its importance, article 15 of the Convention was not even mentioned in the Philippine report. She asked why the Philippine Government, in drawing up its development plan for 1983-1987 after having ratified the Convention in 1981, had placed women workers in the same category as minors and the disabled. She also pointed out that the report made no mention of women's equality when it came to freedom to choose a spouse and other family matters covered by article 16 of the Convention.

49. In conclusion, the format of the report of the Philippines prevented the Committee from obtaining a full picture of the status of women and their rights in that country, without which the Committee could not fully assess the significance of the measures taken to improve that situation.

50. Mr. NORDENFELT inquired whether the introductory statement by the representative of the Philippines could be made available to the Committee for its consideration. He agreed that the format of the report of the Philippines made it somewhat difficult to grasp the information contained in the report. However, the Government of the Philippines had prepared its report before the adoption of guidelines for use by State parties preparing their reports.

51. The report before the Committee showed that the Philippines was undertaking an ambitious programme to eliminate discrimination against women, and it was to be hoped that more detailed information on the results of that programme would be provided in subsequent reports.

52. He commended the Ministry of Justice for its Action Programme carried out in implementation of article 7 of the Convention and suggested that it might conduct a similar programme in the context of article 15 of the Convention. The Action Programme carried out by the Central Bank to implement article 13 was also praiseworthy.

53. Article 11 of the Convention provided for the enactment of special legislation to protect women under certain circumstances; ironically, such legislation might occasionally have an effect opposite to the one intended. For example, articles 130 and 131 of the Labor Code, which prohibited women from working at night, had severely limited women's employment opportunities in the Philippines and were therefore being repealed by Parliamentary Bill No. 353. It was all the more

(Mr. Nordenfelt)

surprising to see that the Government of the Philippines was now sponsoring a law granting menstruation leave to female employees, since such a law was also quite likely to put women at a disadvantage in the labour market. He wished to know whether the bill which would permit night work for women had entered into force and what effect that change had made. He also wondered whether the provisions regarding night work applied to all professions or only to certain specific professions.

54. He asked whether anything had been done to facilitate the participation of women in the traditionally male sectors of the labour market, such as industry or commerce. He noted in that connection that the report did mention (p. 12) two promising programmes, one to reform the elementary school curriculum so as to emphasize attitudes and values that would eliminate prejudice and stereotyping of roles, and the other to provide scholarships to encourage girls to enroll in traditionally male-dominated courses. It was not clear if the proposed Parliamentary Bill No. 602 fixing the minimum age for marriage at 18 years (p. 9 of the report) applied to both men and women.

55. In connection with the implementation of article 7 of the Convention, the report (p. 16, para. 9) gave figures on the participation of women in political and public office: he asked whether there was any stipulation that a fixed proportion of public officials had to be women, or did the figures given merely reflect the existing situation.

56. In connection with the implementation of article 11 of the Convention, he noted the services providing guidance and counselling on employment and educational opportunities and on ways of reconciling home and job responsibilities (p. 29, para. 1 (c), of the report). He asked if both men and women were counselled on the latter problem and whether there were any other programmes that sought to promote a sense of shared responsibility both at work and at home. Although it was striking, for instance, that men were required by law to turn their salaries over to their wives, he personally did not regard that as a great step towards equality; a sharing of responsibility for the economy of the home would be preferable. He asked, lastly, for clarification regarding the promotions prescribed by the Civil Service Commission (p. 31 of the report); it was not clear what the figures were meant to illustrate. Also, the report did not state whether all the promotions listed under March to December 1982 had been of women.

57. Mrs. Ider resumed the Chair.

58. Ms. REGENT-LECHOWICZ felt that the oral introduction by the Philippine representative might have painted too optimistic a picture. It was difficult, both from the report and the introduction to understand precisely what the situation was in the Philippines with regard to discrimination against women. The report - drafted, it was true, before the guidelines had been issued - none the less had not even complied with the indications on the submission of reports given in article 18 of the Convention: it provided no information on the laws in force in the country or any other Government regulations, and, more particularly, it supplied no legislative texts of any kind. The success or failure of the programmes discussed was not assessed in the report.

(Ms. Regent-Lechowicz)

59. The report said nothing about the participation of women in political life. In that connection, she asked whether the Philippines had ratified the International Covenant on Civil and Political Rights.

60. She would welcome information on the electoral laws in the Philippines, including the establishment of lists of candidates for public office, eligibility requirements, the number of women who stood for office and the social groups to which they belonged.

61. The report indicated (p. 7) that the Civil Code was being reviewed with a view to eliminating provisions discriminatory to women. In what ways did those provisions affect family life and why had the Government been unable thus far to eliminate those provisions? Further information was needed regarding the social infrastructure of the country and the current legislation governing marriage, parental rights, inheritance rights and the situation of illegitimate children. She also wondered what steps the Government had taken to facilitate the life of working mothers, and whether the retirement age was different for women and men. On the subject of education, she asked what percentage of school-age children did not attend school or had dropped out of school.

62. The Philippines was a developing country, with most of its people engaged in agriculture, and she wondered if there was a special programme for female agricultural workers, who had a much harder life than their urban counterparts. Also, what percentage of women were unemployed?

63. Ms. OESER said that the oral introduction by the Philippine representative had been helpful because the report was more a programme of goals than an actual account of the existing situation. Even though only one third of the Government agencies dealing with women had responded to the Philippine Government's questionnaire, she wondered whether any results could be reported on the programmes contained in the annex to the report; and whether the Government had done anything to elicit responses from the remaining agencies, especially those at lower levels.

64. She asked whether international conventions, once adopted, automatically became part of the internal law of the Philippines or whether there was a special mechanism for affecting their incorporation. There was a rule in many countries that the most recent law enacted superseded any earlier contradictory laws; and if that rule applied in the Philippines, any legal provisions discriminating against women should automatically become null and void.

65. The information provided on page 2 of the report was unclear. It would be helpful to have a few examples of the laws discriminating against women which remained on the statute books, and what that meant in practice. She also did not understand what it meant to "identify gaps between de jure and de facto discrimination against women".

66. Was there a particular problem with minority women or was the status of women the same all over the country?

(Ms. Oeser)

67. The information provided in the annex was difficult to understand. What was actually meant by paragraph 13 on page 11 of the report and what was the current status of the activities relating to the very important issue of women's role in peace negotiations?

68. Despite the questions still outstanding on the basic problems of women in the Philippines, it was clear that the Government was striving to meet its obligations under the Convention.

69. Ms. CARON observed that some very impressive measures had already been taken by the Philippine Government that would improve the status of women in the country. However, there was much existing discrimination and even discriminatory laws. She asked what was keeping the Government from eliminating those laws immediately.

70. With regard to the implementation of articles 2 and 3 of the Convention, she wondered whether Parliamentary Bill No. 613 (p. 10 of the report) was still in force and what its basis was. Should not its provisions extend to widowers as well as widows?

71. She also wished to know whether women had the same legal property rights as men, whether they kept their own names when they married and what name the children assumed, whether women could enter into contracts and manage and dispose of property without the intervention of their husbands, and whether a single person could adopt a child and under what conditions.

The meeting rose at 1.10 p.m.