



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Second session

SUMMARY RECORD OF THE 16th MEETING

Held at Headquarters, New York,
on Friday, 5 August 1983, at 10.30 a.m.

Chairperson: Ms. IDER

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The meeting was called to order at 10.50 a.m.

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

Initial report of the Ukrainian Soviet Socialist Republic (CEDAW/C/5/Add.11)

1. At the invitation of the Chairperson, Ms. Shevchenko (Ukrainian Soviet Socialist Republic) took a place at the Committee table.

2. Ms. SHEVCHENKO (Ukrainian Soviet Socialist Republic) said that the Ukrainian SSR was a sovereign Soviet socialist State which of its own free will had associated with other Soviet Republics to form the Union of Soviet Socialist Republics. The Ukraine had its own Constitution, which took into account the specific features of the Republic. According to article 74 of the USSR Constitution and article 71 of the Ukrainian Constitution, the laws of the USSR applied in the territory of the Ukraine; however, the Republic enacted its own legislation. The legislation of the Ukraine and that of the USSR were based on the same principles, the most important of which was the unity of the political and social system.

3. The concern to ensure the effective equality and continuous advancement of women was an integral part of the social policy of a socialist State. Although the struggle to achieve women's equality dated back to the eighteenth century, when the French revolutionaries had demanded equality for women in the Declaration on the rights of women, it was only as a result of the Great October Socialist Revolution that the principle of equality of the sexes had come to be applied for the first time in history. That Revolution had been responsible for a radical break with the former notions of the social role of women and for the elimination of the shameful prejudices which had prevailed with respect to the place of women in the family and society.

4. Women in the Ukraine were given ample opportunity for creative activity and the development of their talents and skills, which enabled them to work in many occupations previously barred to them and had facilitated their active participation in the administration of the State. The exploitation of man by man and inequality between men and women were concepts alien to a socialist society, which by its very nature allowed of no discrimination against women. The principle of equality of the sexes was expressly laid down in the Constitution of the Ukraine and equality between men and women in the exercise of rights in all areas of life in the country was guaranteed by a broad spectrum of legislative, economic and social measures. The policies of the Party and the Government for the advancement of women were unswerving. Those policies had been further developed since the Twenty-sixth Congress of the Communist Party of the Ukraine, which had adopted a social development programme for 1981-1985 and for the period ending in 1990. That programme gave priority to the establishment of favourable conditions enabling women to combine their work with social and political activity and with motherhood. The legislation of the Republic had been altered to reflect that

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programme. A noteworthy example of the changes was the decree of 24 January 1983 by which the Presidium of the Supreme Soviet of the Ukraine had introduced amendments and additions to the Labour Code in order to provide new benefits to mothers.

5. Women in the Ukraine were able to exercise their rights in all areas of life and to participate actively in the State organs, the administration of justice and the trade union bodies. Women constituted approximately 36 per cent of the deputies of the Supreme Soviet of the Ukraine, more than half of the deputies of the local soviets, more than 30 per cent of the people's judges and more than one third of the members of the Supreme Tribunal and the Arbitration Committee of the Council of Ministers of the Republic. The proportion of women in the trade union bodies varied between 46 per cent and 65 per cent.

6. Universal intermediate education was a reality in the Republic. More than two thirds of the women workers had received intermediate and tertiary education. Moreover, the average level of education of the women was slightly higher than that of the men. In the period 1975-1980, 1,180,000 Ukrainian women had raised their level of education. There had been a considerable increase in the number of women attending the various educational establishments. In the academic year 1981/82, women had constituted 58.8 per cent of the total number of students and 87.6 per cent of the students in institutes specialized in legal and economic education.

7. The success of public education and the absence of any form of discrimination against women where access to education was concerned had enabled women to increase their participation in various occupations. Currently, 40 per cent of the scientific workers, more than 50 per cent of the economic specialists, almost half of the industrial engineers and two thirds of the doctors were women. Many of the administrative posts in enterprises, institutes, collective farms, State farms and social organizations were held by women.

8. Ukrainian women enjoyed the same civil and family rights as Ukrainian men. A factor which had helped to a great extent to ensure the equality of women in that regard had been the adoption of measures to guarantee their equality of rights in obtaining housing. At its most recent session, held in June 1983, the Supreme Soviet of the Ukraine had adopted the Housing Code, which contained provisions reaffirming equality between men and women with respect to the signing of leases. That right was underpinned by the extensive programmes for the construction of dwellings which were being carried out in the Republic. Over the past 10 years the housing conditions of 16 million people, or approximately one third of the population, had improved. Another measure directly influencing the application of the principle of equality between the sexes had been the law adopted by the Supreme Soviet of the USSR concerning work co-operatives and their role in the administration of enterprises, institutions and bodies. The new law enhanced the role of work co-operatives by, inter alia, entrusting them with the task of formulating and implementing measures designed to improve the working conditions of women workers so as to increase protection for mothers and children.

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9. The relevant standing committee of the Supreme Soviet of the Ukraine played a major role in the monitoring of the observance of legislation to protect women in matters relating to work, social life and motherhood. There were similar committees at the regional level. The standing committee had the power to sponsor legislative proposals concerning health, culture and social life, and recently it had investigated the working conditions of women in various industrial sectors and had formulated appropriate recommendations. It had also studied the medical care provided to children and adolescents and, as a result, had proposed the establishment of a centre to provide mother and child care and another centre for the protection of children and adolescents. Those recommendations had been taken into account in the preparation of the Republic's development plan for 1983.

10. Clearly, the success of all those measures depended on a climate of peace. The Ukrainian people, having lost 5 million persons in the Second World War, felt threatened by the danger of a conflagration which could annihilate mankind. Accordingly, Ukrainian women had joined with all the progressive forces of the world in advocating the consolidation of peace and the promotion of good-neighbourliness between States. The Government of the Ukraine would do all in its power to encourage international co-operation with a view to improving the situation of women in accordance with the Convention.

11. Ms. SMITH said that the Ukrainian Constitution guaranteed the rights of women by creating conditions to enable them to combine work with motherhood. When a country had made so much progress with regard to equality between men and women, its aim should be to guarantee the creation of conditions to enable both parents to combine work with the upbringing of children.

12. According to the report, the body dealing with the observance of women's rights was the Committee on the Problems of Women's Life and Labour and the Protection of Mother and Child, which operated under the auspices of the Supreme Soviet of the Ukrainian SSR. She was interested to learn whether women suffering any kind of discrimination could appeal to that committee for redress and what other forms of redress would be available to them.

13. She was also interested to learn what type of legal assistance was offered to women wishing to initiate legal proceedings, whether such assistance was free of charge and whether women were informed of their rights. With regard to article 8 of the Convention, she inquired how many women were employed in the country's foreign service. She also wished to know about the conditions governing the custody of children after a divorce. She inquired whether the Ukrainian Government believed that it had managed to eliminate the traditional prejudices and practices based on the stereotyped functions of men and women. By constantly referring to conditions enabling women to combine work with motherhood, instead of referring to the role of both parents in the work-place and in the upbringing of children, the report gave the impression that the Government actually encouraged that type of stereotyped approach.

14. Mr. NORDENFELT said that he was pleased to note from the report the priority which the Ukrainian SSR accorded to education, vocational training and labour legislation. Admittedly, some parts of the report referred to opportunities for women to combine work with motherhood, which might give the impression that there was a stereotyped approach to the role of women. However, the legislation mentioned in the report appeared to guarantee full equality of men and women. In practice that would mean that fathers too were allowed to combine work obligations with the upbringing of children. The reporting State should clarify what policy it followed in that respect. Inasmuch as both parents still retained parental authority when a marriage was dissolved, he would be interested to learn how the problem of child custody was solved in practice. With regard to the participation of women in legislative organs, he asked what type of bills were sponsored by women. He also wished to know what proportion of Ukrainian women participated in international agencies, whether they were members of their secretariats and at what level they functioned. He would be interested to learn what type of services were provided by the family and marriage advice centres referred to in the report. He asked whether the trial period provided for in labour contracts was applied equally to men and women and why there were differences in the treatment of men and women in respect of pensions and the marriageable age.

15. Ms. MUKAYIRANGA asked how the Constitution guaranteed in practice the enjoyment of the rights referred to in the international instruments, whether an appeal could be made to the courts if one of those rights was violated, and what type of redress was available to victims. With regard to the eradication of harmful customs in family relationships, she requested clarification about the nature of pre-school education in terms of the elimination of discriminatory elements. She also wished to know about property rights at marriage and about the legal regulations governing family relationships.

16. Ms. DE REGO DA COSTA SALEMA MOURA RIBEIRO said that the report gave full details on the constitutional and legal system of the Ukrainian SSR. With respect to article 46 of the Constitution, governing participation in the management of the affairs of the State and society, she inquired how that provision was applied and whether legislation was subject to public review before or after its adoption by the relevant political organs. As to the Law on Citizenship, she wished to know what happened when one spouse wished to acquire the citizenship of the other and whether the couple had free choice in the matter.

17. The report referred to a system of merit scholarships for students who scored outstanding marks. That system could create dangerous competition among students. It reflected capitalist values that were incompatible with the humanistic values proclaimed in the report. Presumably the honorary title of "Mother-Heroine" was intended to promote motherhood. She would be grateful for more information on that question. As to fixed-term contracts, inasmuch as it was stated that unemployment was non-existent in the Ukrainian SSR, she would be interested to learn what happened to employees with short-term contracts. She also wished to know what were the limitations to the right to own personal property referred to in article 10 of the Civil Code. She asked under what legal circumstances a divorce could be granted by a court.

18. Ms. CARON said that the report submitted by the Ukrainian SSR was comprehensive and clear. It made particularly important points regarding the family, the final eradication of harmful customs of the past, measures governing nationality and action against prostitution and the traffic in women. It was stated in the report that education was free and financed by the State. More precise details should be given concerning the criteria for financing education or providing it free of charge to specific types of students. It would also be useful to specify on the basis of which criteria the title of "Mother-Heroine" was conferred. As to the labour legislation upholding the principle of remuneration according to the quality of work, she was interested to learn how the principle of equal pay for work of equal value was guaranteed. Since each spouse was entitled to choose a surname on marriage, presumably, on the birth of a child, either spouse could give his or her surname to the child. It was not clear whether, after a divorce, that child would keep the surname initially given. She would welcome more information on abortion and adoption, and wished to know whether paternity leave was granted.

19. Ms. PEYTCHEVA said the report on the status of women in the Ukrainian SSR showed that the country had been applying the major provisions of the Convention even before it had ratified it. Inasmuch as the family was the subject of special attention, she inquired whether there were any provisions governing the care and upbringing of the children of separated parents.

20. Ms. GONZALEZ MARTINEZ said that, while the Ukrainian report had its distinctive characteristics, she found it somewhat similar in content to the reports submitted by the Soviet Union and the Byelorussian SSR. Like other members of the Committee, she would welcome more information on the combination of motherhood and work, on child custody after a divorce, on the reasons for the difference in the marriageable age, on the choice of a surname, on the conditions governing abortion, and on the adoption of children by unmarried persons.

21. Although the report was comprehensive, it could have given more details regarding the total female population and the number of women in the work-force, in heavy and light industries, in the armed forces, in the forces of law and order, in education, in the sciences, in research, in the health sector and in the area of armaments. Information should also be given on the number of women at the various educational levels. In that connection, it was stated in the report that 100 per cent of children received primary education and 99.9 per cent secondary education. The reason for the difference of 0.1 per cent was not clear. With respect to the measures to enable workers to become part-time students and their entitlement to a one-day reduction in the work-week, she was interested to learn how many working women were pursuing their studies and at what level. She also wished to know whether there were women studying at specialist secondary and tertiary educational institutions which offered correspondence courses. She inquired about the conditions governing the conferment of honorable titles to promote motherhood.

22. She asked whether there was not overprotection of women in the Ukrainian SSR, a situation which would constitute in the final analysis a form of self-discrimination. She also asked whether men were entitled to a widower's pension

(Ms. Gonzalez Martinez)

and whether the qualifying age was higher for men than for women. She wished to have more detailed information on the right to privileged pension status in the case of mothers of many children, whether born in or out of wedlock, and including adopted children. It would also be interesting to know whether the rights enjoyed by couples within the marriage contract also existed for de facto unions and whether the children born out of wedlock had the same rights as those born in wedlock. It would be interesting to know the reason for the differentiation between the sexes in respect of the pension received by blind workers. Lastly, she asked what penalties were imposed on enterprises which denied work to pregnant women or reduced their pay.

23. Ms. ILIC congratulated the representative of the Ukrainian SSR on the report which she had introduced. She asked whether the setting up in 1976, under the auspices of the Supreme Soviet of the Ukrainian SSR, of the Committee on the Problems of Women's Life and Labour and the Protection of Mother and Child had been inspired by the 1975 World Conference of the International Women's Year, and wished to know what its current activities were with respect to ensuring enjoyment of women's rights. She also asked whether the trial period for establishing the suitability of women employees for a prospective post also applied to men.

24. Ms. CORTES, joining previous speakers in congratulating the Government of the Ukrainian SSR on its report, asked what happened when the trial period for work was not completed successfully by the employee. She also asked whether the reference to occupations, operations and industries which were unsuitable for the female constitution did not contain vestiges of a stereotype.

25. She wished to know how the citizenship of a child was determined in cases where one of the parents was not a Soviet citizen and the child was born abroad, if the parents could not reach agreement on their child's citizenship.

26. If each of the parents decided to make use of the right to retain his or her surname, how was the child's surname determined? She noted that the honorary titles of "Mother-Heroine", the order "Glory of Motherhood" and the "Maternity Medal" appeared to encourage childbearing, and she asked whether that was in line with a government population policy. She also asked whether there was family planning and wished to know the extent to which means of contraception and abortion were available. Finally, she asked whether the right to select one's place of residence included the right to choose to live beyond the State frontiers.

27. With regard to recognition of authors' rights in respect of those who did creative work, it would be interesting to know whether such work was considered as having been carried out in their own free time or whether it was regarded as a contribution to the State. She also wished to know what happened to authors' rights when the property was divided between the spouses in the case of divorce.

28. Ms. PATIÑO DE MARTINEZ asked what the penalties were for the offence of hindering the free exercise of the rights of women, and whether there still existed centres of procuring and prostitution in the country. Furthermore, referring to the incentives for motherhood such as the order "Glory of Motherhood" and the

(Ms. Patiño de Martinez)

"Mother-Heroine" award, she asked whether account had been taken of the problem of food shortages in certain parts of the world. Lastly, she asked which of the parents retained custody of minor children in the case of divorce and what factors - for example, morals, age or physical and mental state - were taken into account.

29. Ms. MACEDO DE SHEPPARD said that the report showed that, in the Ukrainian SSR equality between men and women had been achieved in practice. She found it curious that the report referred to State support for some students when education was free in the Ukrainian SSR. She wished to know in what cases labour legislation stipulated longer annual leave for certain categories of workers and on what basis certain occupations were included in those categories. She also wished to know the minimum working age. According to the report, legislation provided for additional leave for members of voluntary people's militia patrols. She asked whether that did not establish a privilege for certain sectors and whether such a provision was advantageous to women in particular. She asked whether the ban on work that was heavy, harmful or performed underground did not overprotect women and she requested clarification of what was meant by the term "average earnings" which appeared in the report where it stated that, "if a woman cannot carry out her usual work duties because of pregnancy, she must be moved to lighter duties for the duration of pregnancy, retaining her average earnings from the previous duties".

30. The Marriage and Family Code of the Ukrainian SSR established, as conditions for marriage, mutual consent and a minimum age of 17 for women and 18 for men. It laid down that if those requirements were contravened, a special kind of legal sanction was applied: the marriage was declared to be invalid. There was a need to specify under what other conditions a marriage could be declared invalid. With regard to the right to inheritance, she asked whether inherited property was also divided into equal parts in the case of the dissolution of a marriage. In Uruguay, such property was considered to be personal property and was not subject to division.

31. Ms. SHEVCHENKO thanked the members of the Committee for the interest they had shown in the report of the Ukrainian SSR. Since many of the questions asked required detailed replies, she requested to be allowed to respond to them later, at a time suitable to the Committee.

OTHER MATTERS

32. Ms. GONZALEZ MARTINEZ inquired whether the reports requested from the specialized agencies in accordance with the Convention and the Committee's rules of procedure had been received, and whether invitations to participate in the Committee's debates had been sent to the specialized agencies. Perhaps the representative of ILO attending the current meeting could address the Committee on that agency's possible participation, or perhaps the representative of the Secretary-General could indicate whether any word had been received from UNESCO, WHO or FAO. Their work was so important for women throughout the world.

33. Ms. SELLAMI-MESLEM (Representative of the Secretary-General) said that when the members of the Committee had been convened for the current session, all the specialized agencies had also received a notification together with the reports received from States parties. Only ILO and UNESCO had accepted the invitation to attend. ILO had supplied a detailed report on the implementation of the articles of the Convention which fell within the scope of its activities. Although the Secretariat had not been authorized to circulate the report as an official document, it had been translated into the various languages and was available to those members of the Committee who wished to consult it. It should be noted that article 22 of the Convention clearly stated that "the Committee may invite the specialized agencies". Before the representative of ILO spoke about her organization's role in considering how the Convention was being implemented, she would have to be authorized by the Chairperson and the members of the Committee to take part in the discussion. Similarly, the Bureau and the members of the Committee would have to determine how the relevant specialized agencies could contribute to consideration of the implementation of certain articles of the Convention.

34. Ms. PEYTCHEVA, speaking on a point of order, said that, according to article 22 of the Convention and rules 51 and 52 of the Committee's rules of procedure, it was clear that the specialized agencies could participate in the Committee's work only when the Committee itself, not the Secretariat, requested them to submit reports on the implementation of the Convention in their spheres of competence. To date, the Committee had taken no decision to request any agency to submit such reports, and the item was not on the agenda adopted at the beginning of the session. Since the representatives of several specialized agencies were attending the current meeting, she felt that due account had been taken of the provisions of article 22 of the Convention and rule 52 of the rules of procedure. In that regard, she objected to giving the floor to the representative of ILO at the current meeting, since there was no provision for that eventuality in the rules governing the representation of the specialized agencies.

35. Ms. OESER and Mr. NORDENFELT requested information on the practice of other committees with similar rules of procedure.

36. The CHAIRPERSON suggested that the Committee should take the matter up the following week.

37. Ms. GONZALEZ MARTINEZ said that when the Committee's rules of procedure had been adopted, it had been explicitly stated that the specialized agencies would have the right to be represented at the Committee's meetings. She therefore requested that, at the afternoon meeting, the Committee should decide when the representatives of the specialized agencies would be invited to submit their reports. The relevant documents should be circulated in the mean time.

38. Ms. CARON said that she would prefer to take up the matter immediately and not postpone its consideration to the following week.

39. The CHAIRPERSON said that the requests made by members would be taken into account.

(The Chairperson)

40. On behalf of the Committee, she welcomed Ms. Ester Veliz de Villalvilla, the Cuban expert. She invited her to explain what had prevented her from attending the Committee's first meetings.

41. Ms. VELIZ de VILLALVILLA said she was sorry that she had not been able to participate in the Committee's work on previous days. Regrettably, the United States Government had not granted her an entry visa to the country until Wednesday, 3 August, although the application had been made on 19 July, within the time-limit set by the United States Government. She had completed all the relevant formalities and had been assisted in her endeavours by the Office of the UNDP Permanent Representative in Havana, who had repeatedly approached the United States Interests Section in Cuba to explain why she had to travel to New York. The Mission of Cuba to the United Nations had also taken up the case with the Mission of the United States. Although the latter Mission had stated that the visa had been granted and a telex sent to the Interests Section in Havana, the Section had responded that it had no word from Washington. She was grateful to her colleagues on the Committee for their solidarity and concern over her absence. She also appreciated the Bureau's efforts.

42. The CHAIRPERSON said that the Committee should clearly state its position with regard to the fulfilment by the United States Government of its obligations under the agreements concluded with the United Nations. As requested by Ms. Mukayiranga at an earlier meeting, the Legal Counsel had been asked to supply the Committee with more detailed information on the relevant obligations of the United States Government.

43. Ms. GONZALEZ MARTINEZ asked that the information supplied by Ms. Veliz de Villalvilla and the relevant clarifications and comments made in the Committee be reflected in the report which the Committee was to submit to the General Assembly.

The meeting rose at 1.05 p.m.