

Geneva, January 23rd, 1939.

LEAGUE OF NATIONS

**COMMITTEE FOR THE STUDY OF THE LEGAL STATUS OF WOMEN**

**REPORT ON THE PROGRESS OF THE ENQUIRY**  
(adopted on January 10th, 1939)

At the close of its second session, the Committee feels it convenient that it should report to the Council on the progress of its work.<sup>1</sup>

*Origin and Method of the Enquiry.*

In September 1937, the Assembly decided that the League should publish a comprehensive survey of "the legal status enjoyed by women in the various countries of the world as the result of the provisions of national law and the application of those provisions" (resolution of September 30th, 1937). The compilation of the survey was to be carried out by "the competent scientific institutes". The Assembly itself requested the International Institute for the Unification of Private Law at Rome to undertake the part of the survey which relates to civil law. For public law and criminal law, it was suggested that recourse should be had to the International Institute of Public Law at Paris and the International Bureau for the Unification of Penal Law. It was contemplated that other appropriate scientific bodies might also take part in the work.

The Assembly's resolution directed that the task of determining the scope of the survey, arranging for its compilation and approving the results for publication should be entrusted to a small expert committee set up by the Council. The present Committee was appointed for the purpose by the Council on January 28th, 1938.<sup>2</sup>

The Assembly contemplated that the Committee would obtain the co-operation of the women's international organisations. It was owing to the efforts of these organisations that the League was led to discuss the status of women, and they had already placed a mass of information on the subject before the Assembly.

*Scope of the Survey.*

The Assembly has refrained from fixing any limits for the survey and has left it to the Committee to make it as "comprehensive" as possible.<sup>3</sup> This fundamental question of the scope of the survey can only receive a complete solution as experience of the progress of the work shows what is actually practicable. It need hardly be said that the Assembly cannot have contemplated an encyclopædic statement of all the points of difference between the legal status of men and women throughout the world. A work of such a character, which would involve a detailed analysis of the civil, constitutional and administrative, and criminal law of every country, would take a very long time to produce and fill a very large number of volumes.

<sup>1</sup> An account of the circumstances in which the League decided to make the enquiry which has been entrusted to the Committee and of the proceedings at its first session is given on pages 178-181 of the Report on the Work of the League, 1937/38, Part I (document A.6.1938 : General 1938/4).

<sup>2</sup> The Committee consists of the following members : Professor H. C. GUTTERIDGE, K.C. (United Kingdom), Professor of Comparative Law in the University of Cambridge (Chairman); Mme. Paul BASTID (France), Professor in the Faculty of Law of the University of Lyons; M. DE RUELLE (Belgium), Legal Adviser of the Belgian Ministry for Foreign Affairs, member of the Permanent Court of Arbitration; Mme. Anka GODJEVAC (Yugoslavia), Doctor of Law, Technical Adviser of the Yugoslav Delegation at the Codification Conference (1930); Mlle. Kerstin HESSELGREN (Sweden), Member of the Second Chamber of the Riksdag, Rapporteur on the Status of Women to the First Committee of the Assembly (1937); Miss Dorothy KENYON (United States of America), Doctor of Law; M. Paul SEBESTYÉN (Hungary), Counsellor of Section, Chief of the International Treaties Section at the Ministry for Foreign Affairs.

<sup>3</sup> The Assembly's resolution excluded detailed treatment of questions of nationality and "the question of conditions of employment", which, by its resolution of September 27th, 1935, the Assembly had recognised to fall within the sphere of the International Labour Organisation. The International Labour Office has already published on the latter subject a very complete and interesting study entitled "Le Statut légal des Travailleuses" (Etudes et Documents, Série I (Travail des femmes et des enfants), No. 4). The English edition of this book will appear shortly under the title: "The Law and Women's Work : A Contribution to the Study of the Status of Women". The Committee has had the assistance of a representative of the Labour Office in discussing the delimitation of its sphere from that of the Office.

The amount of detail which can be included in the survey and the extent to which the "application" of the law can be dealt with are not suitable matters for discussion in the present report, but two important questions of "scope" should be mentioned.

In the first place, the Committee does not feel able to take responsibility for planning or directing the compilation for primitive races of a survey such as is contemplated by the Assembly's resolution.

This decision does not, of course, in any way prejudice the question whether such a study should be made by the League.

In the second place, the institutes mentioned above have informed the Committee that they are not equipped to deal with Mohammedan law in its various forms, Hindu law and other traditional legal systems of India, or generally with law which is not of the Western type. The Committee is endeavouring to find a method of overcoming this difficulty.

There is, of course, no question of omitting Oriental countries as such.

#### *Work of the Scientific Institutes.*

The Committee is glad to report that the three institutes above mentioned have very willingly undertaken to deal with the branches of law of the Western type for which they are respectively equipped. At its second session, it has been able to examine the work already done with the representatives of the institutes and reach agreement with them on many important questions both of method and of principle.

#### *Co-operation with the Women's International Organisations.*

A most satisfactory feature of the Committee's work is the help which it is receiving from the women's international organisations. It has to thank them not merely for the efficient arrangements which they are making to supply information which supplements or acts as a check upon that directly available to the scientific institutes, but also for their readiness to understand and make allowance for the difficulties which technical and practical considerations sometimes place in the way of meeting their wishes as to the contents of the survey. The Committee has held two meetings with the representatives of the organisations, at which it has explained the measures it is taking and discussed the suggestions made by the organisations and the way in which they could best assist it in its work.

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