

COMMISSION ON HUMAN RIGHTS

Fifth session

FIRST REPORT OF THE COMMITTEE ON THE PREVENTION OF DISCRIMINATION
AND THE PROTECTION OF MINORITIES TO THE
COMMISSION ON HUMAN RIGHTS

1. The Committee on the Prevention of Discrimination and the Protection of Minorities, established by the Commission on Human Rights at its eighty-third meeting, met four times on 10 and 11 May, and considered items 4 and 8 of the agenda of the Commission.

2. The following representatives of Member States attended:

<u>Chairman:</u>	<u>Mrs. Franklin D. Roosevelt</u>	<u>United States</u>
<u>Rapporteur:</u>	<u>Mr. Max Soerensen</u>	<u>Denmark</u>
<u>Members:</u>	Mr. P. Y Tsao	China
	Mr. René Cassin	France
	Mrs. Hansa Mehta	India
	Mr. A. P. Pavlov	Union of Soviet Socialist Republics
	Miss Marguerite Bowie	United Kingdom
	Mr. Roberto Fontaina	Uruguay
	Mr. Joza Vilfan	Yugoslavia

3. The expression of the views of the members of the Committee is embodied in the summary records of its meetings (E/CN.4/AC.7/SR.1 to E/CN.4/AC.7/SR.4).

4. In considering item 4(a) of the agenda, the Committee had before it a proposal by the representative of the United States (E/CN.4/171), and an amendment proposed by the representative of France (E/CN.4/175). Verbal amendments to the United States proposal, suggested by the representatives of the United Kingdom and Denmark, were accepted by the representative of the United States and embodied in a revised proposal (E/CN.4/180). The representative of the United States altered this revised proposal to embody the phrase "particularly in the light of the Universal Declaration of Human Rights" contained in the above-mentioned French amendment. The resulting United States proposal was adopted by the Committee by six votes for, none against, and two abstentions, in the following form:

/"That the terms of

"That the terms of reference of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities be clarified and extended in scope to read as follows:

- (a) To undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and
- (b) To perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights."

5. The Committee decided, by five votes for, none against, and three abstentions, to suggest that the Commission on Human Rights ask the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to postpone consideration, until its third session, of questions of implementation of human rights.

6. In considering item 4(b) of the agenda the Committee had before it three proposals by the representative of the United States (E/CN.4/172, E/CN.4/176, and E/CN.4/177); an amendment proposed by the representative of India (E/CN.4/178), and an amendment by the United Kingdom (E/CN.4/179). The term of office of the members of the Sub-Commission was discussed first. The United Kingdom amendment, extending the term of office of all members of the Sub-Commission for a period of three years, was adopted by a vote of six for, none against, and three abstentions. The representative of India accepted the suggestion contained in the United States proposal, that one member instead of two be added to the present membership of the Sub-Commission. Paragraph (a) of the Indian amendment, as amended, was adopted by a vote of six for, one against, and two abstentions. Paragraph (b) of the Indian amendment, as amended, was adopted by a vote of seven for, one against, and one abstention. The revised Indian proposal was adopted as a whole in the following form by a vote of six for, one against and two abstentions:

The Commission on Human Rights

Resolves:

- (a) that the term of office of the present members of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities be extended for a period of three years; and

/(b) that one

- (b) that one additional member be added to the Sub-Commission to make it more representative from the point of view of geographical distribution.

7. Subsequently the method of election of the new member of the Sub-Commission was discussed. A proposal by the representative of Yugoslavia, along the lines of paragraph 2(a) of the United States proposal (contained in E/CN.4/172) was rejected by a vote of three for, four against, and two abstentions. The United States alternative proposal (E/CN.4/176), amended at the suggestion of the representative of China, was adopted by four votes for, none against and five abstentions. The Committee thereby proposed that each member of the Commission on Human Rights nominate, not later than 6 June 1949, one person, either a national or a non-national, who would be available to serve as an additional member of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and to indicate briefly his qualifications. The Committee called to the attention of the Commission on Human Rights the fact that since the election of one additional member of the Sub-Commission would involve financial implications, the recommendation, if adopted, would have to be forwarded to the Economic and Social Council for consideration.

8. After considering item 8 of the agenda, there was general agreement in the Committee to send to the Commission on Human Rights the following recommendation, proposed jointly by the representatives of the United Kingdom and the Union of Soviet Socialist Republics:

- (a) that it should refer to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities the text submitted to the General Assembly by the delegations of Denmark, the Union of Soviet Socialist Republics and Yugoslavia on the subject of minorities, (contained in A/C.3/307/Rev.2) for its consideration in the light of the discussion of this subject by the General Assembly at its third session, by the Commission on Human Rights at its fifth session, and by the latter's Committee on the Prevention of Discrimination and the Protection of Minorities; and
- (b) that it should defer its own consideration of that subject until it has received the report of the Sub-Commission's study.

ANNEX I

DRAFT RESOLUTIONS FOR THE COMMISSION ON HUMAN RIGHTS

The Prevention of Discrimination and
the Protection of Minorities

A.

Terms of Reference of the Sub-Commission

The Commission on Human Rights

Resolves that the terms of reference of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities be clarified and extended in scope to read as follows:

- (a) To undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and
- (b) To perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights.

B.

Term of Office of the Members of the Sub-Commission

The Commission on Human Rights

Resolves:

- (a) to extend the term of office of the present members of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities for a period of three years; and
- (b) to add one additional member to the Sub-Commission to make it more representative from the point of view of geographical distribution.

C.

The Fate of Minorities

The Commission on Human Rights

Resolves:

- (a) to refer to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities the texts submitted to the General Assembly by the delegations of Denmark, the Union of Soviet Socialist Republics and

/Yugoslavia

Yugoslavia on the subject of minorities contained in document A/C.3/307/Rev.2 for its consideration in the light of the discussion of this subject by the General Assembly at its Third Session, by the Commission on Human Rights at its Fifth Session, and by the latter's Committee on the Prevention of Discrimination and the Protection of Minorities; and

- (b) to defer its own consideration of that subject until it has received the report of the Sub-Commission's study.

D.

Priority of Work

The Commission on Human Rights

Requests the Sub-Commission to postpone consideration, until its Third Session, of questions of implementation of human rights.

ANNEX II

Estimate of the Financial Implications of the
First Report of the Committee

Election of one additional member of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, as proposed by the Committee in its first report, would involve the following added costs for each session of the Sub-Commission:

(a) Travel of the new member from the capital of his country to the place of meeting and return (average)	\$ 900.00
(b) Per diem (\$20 per day as an expert serving in his capacity as an individual, for maximum of 31 days)	620.00
Total (approximately)	<u>\$1520.00</u>
