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REPORT OF THE FIFTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES TO THE COMMISSION ON HUMAN RIGHTS

New York, 22 September to 10 October 1952

Rapporteur: Mr. Arturo Meneses-Pallares

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CHAPTER I

ORGANIZATION OF THE FIFTH SESSION OF THE SUB-COMMISSION

1. The fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities opened on Monday, 22 September 1952, at the Headquarters of the United Nations, New York. The Sub-Commission held 24 meetings and terminated its work on 10 October 1952.

2. The following members of the Sub-Commission, or alternates, attended:

<u>Chairman:</u>	<u>Mr. H.C.L. Roy</u>	(Haiti)
<u>Vice-Chairman:</u>	<u>Mr. R. Shafaq</u>	(Iran)
<u>Rapporteur:</u>	<u>Mr. A. Meneses-Pallares</u>	(Ecuador)
<u>Members:</u>	Mr. J. Daniels	(United States of America)
	Mr. E. Ekstrand	(Sweden)
	Mr. K.P. Fengsen ^{1/}	(Alternate) (China)
	Mr. P.Y. Tsao	(Alternate) (China)
	Mr. A.A. Fomin	(Alternate) (Union of Soviet Socialist Republics)
	Mr. R. Eiscocks	(Alternate) (United Kingdom)
	Mr. J. Nisot	(Belgium)
	Mr. J. Winiewicz	(Poland)
	Mr. M.R. Masani	(India)

3. Mr. G. Amanrich attended the session as an observer of the French Government.

4. The following representatives of specialized agencies were present at the session:

Mrs. Myrdal)	United Nations Educational, Scientific
Mr. Arnaldo)	and Cultural Organization
Mr. Madhavi)	
Mr. Dawson)	International Labour Organization

5. The following authorized representatives from non-governmental organizations were present as observers:

CATEGORY A

Miss Sender)	International Confederation of Free
Mr. Leary)	Trade Unions
Miss Kahn	World Federation of Trade Unions

^{1/} See paragraph 8 of this Report.

CATEGORY B AND REGISTER

Mr. Lewin	Agudas Israel World Organization
Mrs. Aieta	Catholic International Union for Social Service
Mr. Moskowitz	Consultative Council of Jewish Organizations
Mr. Bernstein)	Co-ordinating Board of Jewish Organizations
Mr. Janmer)	
Mr. Halperin)	
Mr. Longarzo	International Conference of Catholic Charities
Miss Robb	International Federation of University Women
Mr. Beer	International League for the Rights of Man
Mr. Karbach	World Jewish Congress
Mrs. Polstein	World Union for Progressive Judaism
Miss Gartlan)	World Union of Catholic Women's Organizations
Miss Zizzamia)	

6. Written statements relating to the work of the Sub-Commission were submitted, in accordance with paragraphs 28 and 29 of resolution 288 B (X) of the Economic and Social Council, by the following non-governmental organizations:

I. Category A

World Federation of Trade Unions (E/CN.4/Sub.2/NGO/5)

II. Category B

(a) Consultative Council of Jewish Organizations (E/CN.4/Sub.2/NGO/3)

(b) World Jewish Congress (E/CN.4/Sub.2/NGO/4)

(c) The Co-ordinating Board of Jewish Organizations (E/CN.4/Sub.2/NGO/6)

7. In accordance with rule 75 of the rules of procedure of functional commissions of the Economic and Social Council, the Sub-Commission granted hearings at various meetings of the session to the following non-governmental organizations:

in category A consultative status: International Confederation of Free Trade Unions (Miss Sender), and World Federation of Trade Unions (Miss E. Kahn);

in category B consultative status: Agudas Israel World Organization (Mr. Lewin), Consultative Council of Jewish Organizations (Mr. Moskowitz), Co-ordinating Board of Jewish Organizations (Mr. Janmer), International League for the Rights of Man (Mr. Beer), and World Jewish Congress (Mr. Karbach).

8. At its 84th meeting, the Sub-Commission elected Mr. Roy as Chairman and Mr. Shafaq as Vice-Chairman. It re-elected Mr. Meneses-Pallares as Rapporteur.

9. On opening the session, the Acting Chairman, Mr. Masani, informed the Sub-Commission that Mr. Spanien, who had been a Member of the Sub-Commission, had been killed on 7 September in an automobile accident. He paid tribute to Mr. Spanien as a great jurist, a true humanitarian, and one of the most distinguished members of the French bar; and requested the French observer to convey through his Delegation the Sub-Commission's expression of sympathy to Mr. Spanien's family. Mr. Georges-Picot, Assistant Secretary-General of the Departments of Social and Economic Affairs, associated himself with the tribute to Mr. Spanien and to his work and expressed his sympathy, on behalf of the Secretary-General, to the French Delegation and to Mr. Spanien's family. At the invitation of the Acting Chairman, the members of the Sub-Commission observed a minute's silence in memory of Mr. Spanien. Mr. Amanrich, the French observer, thanked the Acting Chairman for the tribute to Mr. Spanien, and stated that he would transmit the Sub-Commission's condolences to his Government and to Mr. Spanien's family.

10. Before the session opened, three members of the Sub-Commission, Mr. Chang, Mr. Borisov, and Miss Monroe, informed the Secretary-General that they were unable to attend and that, in accordance with rule 70 of the rules of procedure of functional commissions, they appointed as alternates Mr. Fengsen, Mr. Fomin, and Mr. Hiscocks respectively. Due to the illness of Mr. Fengsen, which occurred shortly after the session opened, Mr. Chang appointed Mr. Tsao as his alternate for the remainder of the session under the same rule of procedure. Mr. C. Black acted as alternate for Mr. Daniels, and Mr. E. Kulaga as alternate for Mr. Winiewicz, at various meetings of the Sub-Commission.

11. At the 84th meeting of the Sub-Commission, Mr. Fomin proposed the adoption by the Sub-Commission of the following draft resolution (E/CN.4/Sub.2/148):

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Decides:

1. To exclude the representative of the Kuomintang group from the Sub-Commission on Prevention of Discrimination and Protection of Minorities;
2. To invite an expert from China recommended by the Central People's Government of the People's Republic of China to take part in the work of the Sub-Commission."

The Acting Chairman recalled that on two previous occasions a proposal along similar lines had been rejected by the Sub-Commission, which had based its decision on the fact that its Members were experts, not representatives of governments; and further on the lack of competence of the Sub-Commission to change its membership. He therefore ruled the proposal out of order. Mr. Fomin challenged the Acting Chairman's ruling. When put to the vote, the Acting Chairman's ruling was upheld by 8 votes to 2, the Acting Chairman himself abstaining.

12. Mr. Guillaume Georges-Picot, Assistant Secretary-General of the Departments of Social and Economic Affairs, represented the Secretary-General at the 84th meeting of the Sub-Commission. Thereafter the Secretary-General was represented by Messrs. John P. Humphrey and Egon Schwelb, Director and Deputy Director respectively of the Division of Human Rights. Mr. Edward Lawson acted as Secretary of the Sub-Commission.

13. The expression of the views of the Members of the Sub-Commission is contained in the summary records of its meetings (E/CN.4/Sub.2/SR.84 to 107).

CHAPTER II

ADOPTION OF THE AGENDA

Item 2 of the Agenda

14. At its 84th meeting, the Sub-Commission considered the provisional agenda (E/CN.4/Sub.2/142) drawn up by the Secretary-General in consultation with the Chairman of the Sub-Commission, in accordance with rules 5 to 9 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council. Mr. Ekstrand suggested that an item, "Other Business," should be added. He withdrew his proposal, however, on the assurance that if necessary the agenda could be amended later in the session under rule 10.

15. The provisional agenda was then adopted unanimously by the Sub-Commission as its agenda for the fifth session, as follows:

1. Election of officers.
2. Adoption of the agenda.
3. Invitation to the Commission on the Status of Women.
4. Communications relating to prevention of discrimination and protection of minorities.
5. Action to be taken under resolution 443 (XIV) of 26 June 1952 of the Economic and Social Council.
6. Adoption of the report of the Sub-Commission to the Commission on Human Rights.

CHAPTER III

INVITATION TO THE COMMISSION ON THE STATUS OF WOMEN

Item 3 of the Agenda

16. At its 84th meeting, the Sub-Commission decided unanimously to invite the Commission on the Status of Women to send a representative to participate in its deliberations when items relating to discriminations based on sex were to be discussed, in accordance with Part A (5) of resolution 48 (IV) of the Economic and Social Council. Subsequently, the Commission on the Status of Women was represented by Miss U. Manas (Cuba), who participated in the work of the Sub-Commission.

CHAPTER IV

COMMUNICATIONS RELATING TO PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Item 4 of the Agenda

17. At its 105th meeting, which was held in private, the Sub-Commission received the confidential list of communications dealing with discrimination and minorities received by the United Nations (document Sub.2/Communications List No.2); and observations from governments concerning communications listed therein (HR/Communications Nos.19 and 23). The Sub-Commission had already received a non-confidential list of communications (E/CN.4/Sub.2/CR/4), dealing with the principles involved in prevention of discrimination and protection of minorities. All of the above lists of communications had been prepared by the Secretary-General in accordance with resolutions 75 (V), 116 A (VI), and 275 B (X) of the Economic and Social Council.

18. The lists of communications dealt with communications received during the period 11 August 1951 to 18 September 1952. A total of 65 communications were received, two of which contained in the non-confidential list, dealt with the principles involved in the prevention of discrimination and protection of minorities. Of the 63 communications summarized in the confidential list, 32 alleged discriminations on grounds of race, 17 on grounds of national origin, 8 on grounds of religion and the remaining 6 on a variety of grounds not falling within the above categories. Five of the above-mentioned communications concerned groups of persons who intimated that they desire a measure of differential treatment in order to preserve basic characteristics as a recognized minority.^{1/}

^{1/} The data contained in this paragraph were furnished to the Sub-Commission by the United Nations Secretariat. The Sub-Commission has merely reproduced them as they stand for information. Neither the Secretariat nor the Sub-Commission expresses any opinion regarding the accuracy of the facts alleged by the communications referred to or regarding the validity of the conclusions which the authors of these communications draw from these alleged facts.

CHAPTER V

ACTION TAKEN BY THE SUB-COMMISSION UNDER RESOLUTION 443 (XIV) OF 26 JUNE 1952 OF THE ECONOMIC AND SOCIAL COUNCIL

Item 5 of the Agenda

A. GENERAL

19. The Sub-Commission considered, from its 84th to its 106th meetings, the problem of action to be taken under resolution 443 (XIV) of 26 June 1952 of the Economic and Social Council.
20. In dealing with this item, the Sub-Commission first held a general debate, then examined in detail the various proposals submitted by its Members. The general debate was directed to the Report submitted by the Secretary-General under Council resolution 414 B II (XIII), on the future work of the United Nations in the fields of prevention of discrimination and protection of minorities (E/2229), and in particular to the suggestions presented by the Secretary-General in Part III of that Report, as well as to proposals submitted by various Members of the Sub-Commission.
21. The Sub-Commission had before it the following additional memoranda prepared by the Secretary-General:
 1. Summary of action taken by the Commission on Human Rights at its eighth session relating to recommendations of the Sub-Commission and other matters in the fields of prevention of discrimination and protection of minorities (E/CN.4/Sub.2/143);
 2. Descriptive list of research projects and action programmes on discrimination and minority problems initiated or being planned by United Nations organs, bodies, and specialized agencies (E/CN.4/Sub.2/144), prepared by the Secretary-General in accordance with resolution 443 (XIV) of the Economic and Social Council;
 3. Activities of the United Nations in the fields of prevention of discrimination and protection of minorities (E/CN.4/Sub.2/145);
 4. Programmes and activities of UNESCO in the fields of prevention of

discrimination and protection of minorities (E/CN.4/Sub.2/146);

5. Priority programmes in the economic and social fields (E/CN.4/Sub.2/147).

22. The expression of the views of the members of the Sub-Commission and the explanation of their votes will be found in the appropriate Summary Records (E/CN.4/Sub.2/SR.84 to 104, and 106).

23. In order to facilitate the work of the Sub-Commission, its officers classified all of the proposals submitted by Members into three categories, as follows:

1. A procedural proposal.
2. Proposals relating to past activities of the Sub-Commission.
3. Proposals relating to future work.

This classification has been utilized in the preparation of the present Chapter.

B. PROCEDURAL PROPOSAL

24. At its 90th meeting the Sub-Commission considered a proposal submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.16), that the Commission on Human Rights be requested to convene for attendance at the relevant part of its ninth session a member of the Sub-Commission whom the latter would select as its spokesman for this purpose. Amendments to the preamble of this proposal, suggested by Mr. Fomin and Mr. Nisot, were accepted by Mr. Hiscocks. The proposal, thus amended, was further considered at the 92nd meeting of the Sub-Commission, when a financial estimate prepared by the Secretary-General (E/CN.4/Sub.2/L.16/Add.1) was available, at which time it was adopted unanimously as follows:

Resolution on Liaison with the Commission on Human Rights ^{1/}

The Sub-Commission on Prevention of Discrimination and
Protection of Minorities,

Considering that the Economic and Social Council has invited the

^{1/} A draft resolution on this subject, for consideration and adoption by the Commission on Human Rights, appears in Annex I of this Report as Draft Resolution A. A summary of its financial implications appears in Annex III of this Report (Section I).

Commission Human Rights to consider at its ninth session the Reports of the Sub-Commission on its fourth (1951) and fifth (1952) sessions,

Considering that the Commission has not yet given full consideration to the third (1950) Report of the Sub-Commission,

Considering that all three Reports contain a number of proposals adopted by the Sub-Commission with a view to improving the present lot of persons who are victims of discrimination, and of minorities desiring protection of their special characteristics,

Desiring to avoid further delay by improving liaison between the Commission and the Sub-Commission,

Requests the Commission Human Rights to convene for attendance at the relevant part of its ninth session, the Member of the Sub-Commission whom the latter selects as its spokesman for this purpose.

25. At its 104th meeting the Sub-Commission decided that, if the Commission on Human Rights invited it to be represented at the Commission's ninth session, the Chairman of the Sub-Commission would be its spokesman for that purpose. It was understood that if the Chairman was prevented from attending the Commission's session, he would consult with the Vice-Chairman and the Rapporteur in order to decide upon an alternative spokesman.

C. PROPOSALS RELATING TO PAST ACTIVITIES OF THE SUB-COMMISSION

26. At its 90th meeting, the Sub-Commission considered a proposal submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.17), that the Commission on Human Rights be requested either to approve the "Draft Definition of Minorities for Purposes of Protection by the United Nations" as it now stands (E/CN.4/641, Annex I, draft resolution II), or after amendment as it thinks fit. At its 91st meeting, the Sub-Commission decided to deal with the question referred to in the proposal by expressing in this Report its concern that, since an approved definition of minorities is a requirement for further action to ensure the protection of minorities, the Commission on Human Rights should, at its next session, record its precise views on the "Definition Minorities for Purposes of Protection by the United Nations" submitted by the Sub-Commission.

27. At its 91st meeting, the Sub-Commission began its consideration of another proposal submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.18), concerning the draft resolution on "Interim Measures for the Protection of Minorities," which the Sub-Commission had submitted to the Commission on Human Rights in the Report of its fourth session (E/CN.4/641, Annex I, draft resolution III). An amendment to Mr. Hiscocks' proposal was submitted by Mr. Fomin (E/CN.4/Sub.2/L.32). After the Sub-Commission had examined Mr. Hiscocks' proposal and Mr. Fomin's amendment, Mr. Hiscocks revised the text of his proposal (E/CN.4/Sub.2/L.18/Rev.1).

28. Mr. Hiscocks' proposal was further considered at the 92nd to 95th meetings of the Sub-Commission. In view of the fact that the Sub-Commission's draft resolution on "Interim Measures for the Protection of Minorities" had not yet been considered by the Commission on Human Rights, the Sub-Commission decided to draw the attention of the Commission to the fact that Mr. Hiscocks' proposal had been examined, but that the Sub-Commission had not considered it appropriate to vote specifically on it or on Mr. Fomin's amendment to it. The Sub-Commission was induced to adopt this attitude by its regard for methodical procedure. It decided to avail itself, in this Report, of the further opportunity of re-affirming its conviction that the question of the use of minority languages in courts and schools is of the utmost importance, and calls for the particular and constant attention of the Commission on Human Rights. It further decided to include the full text of Mr. Hiscocks' revised proposal in Annex II of this Report, together with the amendment to the original proposal submitted by Mr. Fomin (see Annex II, Section A).

29. The Sub-Commission next considered a series of four proposals, submitted by Mr. Shafaq, based upon decisions which the Sub-Commission had taken at its fourth session but on which it had not at that time submitted draft resolutions for action by the Commission on Human Rights.

30. The first of these proposals, on collection of provisions on non-discrimination to be used as a body of precedents whenever necessary (E/CN.4/Sub.2/L.21), was based upon a suggestion along the same lines contained in the Report of the Sub-Commission's fourth session (E/CN.4/641, p.30), amended in accordance with certain comments on it submitted by the Secretary-General in his Report to

the Council (E/2229, pp. 19-20). The proposal was considered by the Sub-Commission at its 91st meeting, at which time Mr. Shafaq accepted verbal amendments suggested by Mr. Ekstrand. The Sub-Commission decided, by 8 votes to none, with 2 abstentions, to request the Commission on Human Rights to recommend to the Economic and Social Council the adoption of a draft resolution on collection of anti-discrimination provisions, the text of which appears in Annex I of this Report as Draft Resolution B.

31. The second proposal presented by Mr. Shafaq, on inclusion of provisions aimed at protection of minorities in instruments establishing new States, or new boundary lines between States (E/CN.4/Sub.2/L.22), was based on a suggestion along the same lines contained in the Report of the Sub-Commission's fourth session (E/CN.4/641, p.29), amended in accordance with certain comments on it submitted by the Secretary-General in his report to the Council (E/2229, p.21). The proposal was considered by the Sub-Commission at its 93rd meeting, at which time the Sub-Commission decided, by 9 votes to none, with no abstentions, to request the Commission on Human Rights to recommend to the Economic and Social Council the adoption of a draft resolution on protection of newly-created minorities, which appears in Annex I of this Report as Draft Resolution C. Mr. Meneses-Pallares was given the right to explain his vote in the Sub-Commission's Report, as follows: "I voted in favour of the resolution with the understanding that the instruments referred to, whereby new boundary lines may be established between States, should conform to international law and the principles of justice."

32. The third proposal presented by Mr. Shafaq, on drafting of model clauses for inclusion in international instruments in order to safeguard minority rights (E/CN.4/Sub.2/L.23) was considered at the Sub-Commission's 93rd meeting.

Amendments suggested verbally by Mr. Nisot and Mr. Ekstrand were accepted by Mr. Shafaq. The Sub-Commission decided, by 8 votes to none, with 2 abstentions, to request the Commission on Human Rights to recommend to the Economic and Social Council the adoption of a draft resolution on collection of provisions on protection of minorities, which appears in Annex I of this Report as Draft Resolution D.

33. The fourth proposal presented by Mr. Shafaq, on review by Member States

of their legislation and administrative practices with a view to abolishing discrimination and protecting minorities (E/CN.4/Sub.2/L.35), was based upon a suggestion along the same lines contained in the Report of the Sub-Commission's fourth session (E/CN.4/641, p.29). The proposal was considered by the Sub-Commission at its 98th meeting, at which time it decided, by 6 votes to none, with 5 abstentions, to request the Commission on Human Rights to recommend to the Economic and Social Council the adoption of a draft resolution on abolition of discriminatory measures, which appears in Annex I of this Report as Draft Resolution E.

34. Some Members explained that although agreeing with the substance of Mr. Shafaq's proposal they would not support it because they did not feel the Sub-Commission was justified in adopting a text which merely reiterated, without strengthening, its previous suggestion.

35. A proposal by Mr. Meneses-Pallares, calling for a survey of the various positive measures which States have undertaken to protect the ethnic, religious, and linguistic traditions and characteristics of such minorities as may exist within their jurisdiction (E/CN.4/Sub.2/L.36), was not considered in detail by the Sub-Commission, in accordance with the wishes of its mover. It was consequently withdrawn by Mr. Meneses-Pallares and its substance incorporated in the revised proposal on future work which he submitted jointly with Messrs. Masani and Shafaq (E/CN.4/Sub.2/L.14/Rev.1).

36. A proposal submitted jointly by Mr. Shafaq and Mr. Meneses-Pallares, on inclusion in international instruments to which States are parties of adequate safeguards against discrimination (E/CN.4/Sub.2/L.37) was considered at the 98th meeting of the Sub-Commission. This proposal was based upon a suggestion along the same lines contained in the Report of the Sub-Commission's fourth session (E/CN.4/Sub.2/641, p.29). Its text will be found in Annex III of this Report (Section B).

37. In examining this proposal, some Members of the Sub-Commission enquired whether it was necessary to adopt for a second time a decision which had been taken unanimously by the Sub-Commission at its fourth session. Mr. Shafaq explained that at its fourth session the Sub-Commission had indeed adopted the substance of his proposal, but had put it forward only as a "suggestion" to the

Economic and Social Council. For this reason the Sub-Commission had not included a corresponding draft resolution in Annex A of the Report of its fourth session, where draft resolutions for consideration and adoption by the Commission on Human Rights were to be found.

38. Mr. Daniels endorsed the proposal in principle and suggested that it might be improved by an amendment (see underlined portion, Annex II, Section B).

39. Mr. Nisot suggested that no decision should be taken on the joint proposal. His suggestion was adopted by the Sub-Commission by 5 votes to 2, with 4 abstentions. In this connexion Mr. Fomin requested that it should be explicitly stated in this Report that Mr. Nisot's suggestion was adopted because the joint proposal repeated a suggestion which had already been made at the previous session of the Sub-Commission.

D. PROPOSALS RELATING TO PROGRAMME OF WORK

(a) General debate

40. With respect to the problem of the programme of work of the United Nations in the fields of prevention of discrimination and protection of minorities, the Sub-Commission first held a general debate, based primarily upon the suggestions put forward by the Secretary-General in his Report to the Council (E/2229) and the proposals submitted by various Members of the Sub-Commission.

(b) Programme of Work of the Sub-Commission

41. The first proposal relating to the programme of work of the Sub-Commission was submitted jointly by Messrs. Masani, Meneses-Pallares and Shafaq (E/CN.4/Sub.2/L.14), and called in particular for studies of certain forms of discrimination. A second proposal on this subject was submitted by Mr. Fomin (E/CN.4/Sub.2/L.15/Rev.1). The Sub-Commission decided to consider the two proposals simultaneously. It first held a general debate on the problem of the Sub-Commission's programme of work, then proceeded to a detailed examination of the two relevant proposals and the various amendments thereto. The Sub-Commission dealt with these matters at its 93rd, 95th, 96th, 102nd, and 106th meetings.

42. At the Sub-Commission's 96th meeting, Mr. Daniels presented an amendment

(E/CN.4/Sub.2/L.40) to the joint proposal. Later he revised this amendment (E/CN.4/Sub.2/L.41). Subsequently, the sponsors of the joint proposal revised their original text to take into account the suggestions put forward in the proposal submitted by Mr. Fomin and the amendment submitted by Mr. Daniels. The revised joint proposal was circulated to the Sub-Commission (E/CN.4/Sub.2/L.14/Rev.1). Mr. Daniels then submitted an amendment to the revised joint proposal (E/CN.4/Sub.2/L.41/Rev.1).

43. Because Mr. Fomin felt that the revised joint proposal did not completely include the substantive measures envisaged in his proposal (E/CN.4/Sub.2/L.15/Rev.1), he requested that his proposal be voted upon first. At the 102nd meeting of the Sub-Commission, amendments to paragraphs 1 and 2 of the operative part of Mr. Fomin's draft resolution were submitted by Mr. Roy (E/CN.4/Sub.2/L.43) and Mr. Nisot (E/CN.4/Sub.2/L.42) respectively. Mr. Roy's amendment to operative paragraph 1 was adopted by 7 votes to 0, with 4 abstentions. Mr. Nisot's amendment to operative paragraph 2 was adopted by 2 votes to none, with 8 abstentions. Mr. Fomin's proposal, thus amended, was rejected by 6 votes to 5. The texts of Mr. Fomin's original proposal and of the two amendments, appear in Annex II of this Report (Section C).

44. Discussion of the programme of work of the Sub-Commission was resumed at the 104th and 106th meetings of the Sub-Commission. In the course of the 106th meeting, the Sub-Commission suspended its activities for one hour in order to allow the sponsors of the revised joint proposal to consult with Mr. Daniels, Mr. Hiscocks, and Mr. Winiewicz in the interests of achieving a single proposal on which a vote could be taken. When the meeting was resumed, it was announced that they had reached a large measure of agreement on a common text, but that on certain specific points it would be necessary to take votes.

45. The first vote was taken on the suggestion of Mr. Daniels that the preamble of the revised joint proposal should make reference only to resolution 443 (XIV) of the Economic and Social Council. This suggestion was rejected by 6 votes to 3, with 2 abstentions.

46. The second vote was taken on the proposal by Mr. Winiewicz to reword the first two items of the list of projected studies as follows:

1. "discrimination in the social field, including education, culture and health"; and
2. "discrimination in the economic field, including employment and occupation".

This proposal was rejected by 7 votes to 3, with 1 abstention.

47. The third vote was taken on a proposal, made by Mr. Winiewicz, to add to the operative part of the resolution the following paragraph:

"Decides that at its sixth session, the Sub-Commission shall discuss and suggest measures to be taken for the cessation of all forms of propaganda for racial and national exclusiveness, hatred or contempt."

This proposal was rejected by 8 votes to 2, with 1 abstention. An alternative text, based on a resolution adopted by the Sub-Commission at its fourth session (E/CN.4/641, p.54), was put forward by Mr. Masani as follows:

"Decides that at its sixth session, the Sub-Commission shall discuss and suggest measures to be taken for the cessation of any advocacy of national, racial, or religious hostility that constitutes an incitement to violence."

This alternative text was adopted by 7 votes to 1, with 3 abstentions.

48. Other amendments, suggested verbally in the course of the examination of the revised joint proposal, were accepted by Messrs. Masani, Meneses-Pallares, and Shafaq. The Secretary-General submitted an estimate of the financial implications of the revised joint proposal (E/CN.4/Sub.2/L.14/Rev.1/Add.1). The revised joint proposal, as amended, was put to the vote as a whole and was adopted by 9 votes to 2, with no abstentions, as follows:

Resolution on Programme of Work of the Sub-Commission ^{1/}
The Sub-Commission on Prevention of Discrimination and
Protection of Minorities

Bearing in mind that the General Assembly declared in its resolution 103

1/ A draft resolution on this subject, for consideration and adoption by the Commission on Human Rights, appears in Annex I of this Report as Draft Resolution F. A summary of its financial implications appears in Annex III of this Report (Section II).

(I) that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination, and called on Governments and responsible authorities to take the most prompt and energetic steps to that end;

Recalling also resolution 217 C (III) of the General Assembly, on the fate of minorities;

Noting resolution 532 B (VI) of the General Assembly and resolution 443 (XIV) of the Economic and Social Council, both on the future work of the United Nations in the fields of prevention of discrimination and protection of minorities;

Noting further resolution 451 (XIV) of the Economic and Social Council, on priority programmes in the economic and social fields;

Adopts the following resolutions, and

Requests the Commission on Human Rights to approve the programme of work contained therein:

A

PREVENTION OF DISCRIMINATION

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering it to be its urgent duty to suggest recommendations on concrete measures for a speedy extirpation of discrimination;

Considering that in order to pave the way for the elaboration of such recommendations, with respect to discrimination and minorities problems, objective studies of actual conditions in the various parts of the world should be undertaken;

Decides that among the measures to combat discrimination that it will study, with a view to recommending further action to be taken by the Commission on Human Rights and the Economic and Social Council, will be those in the fields of education, employment and occupation, political rights, religious rights and practices, residence and movement, immigration and

travel, the right to choose a spouse, and the enjoyment of family rights;

Also decides that at its sixth session, the Sub-Commission shall discuss and suggest measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to violence;

Further decides to initiate the study of discrimination in the field of education immediately, and for this purpose, to appoint a Special Rapporteur;

Appoints Mr. 1/ as a Special Rapporteur in connexion with the study of discrimination in the field of education;

Directs the Special Rapporteur to formulate a provisional plan of work;

Requests the Commission on Human Rights to recommend that the Economic and Social Council arrange:

- (a) for co-operation with the Special Rapporteur on the part of UNESCO and other appropriate specialized agencies, and national and international non-governmental organizations;
- (b) for such expenses as may be involved in the implementation of this plan;

Plans to consider at its sixth session an interim report of the Special Rapporteur, which shall be circulated to Members of the Sub-Commission not less than six weeks before the commencement of its sixth session, and which may include, inter alia:

- (a) a formal statement of his proposals for a plan of work;
- (b) any relevant information relating to his plan of work received from governments, specialized agencies, or national or international non-governmental organizations;
- (c) summaries of any other relevant material he may consider pertinent to the question under study; and
- (d) such further proposals for concrete recommendations concerning practical action on the part of the Sub-Commission as he may be in a position to make;

1/ See paragraph 49 of this Report.

Places on the provisional agenda of its sixth session the following item:

"Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation."

Requests the Secretary-General, in collaboration with the International Labour Office, to prepare and submit to the sixth session of the Sub-Commission suggestions concerning the procedure to be followed in the preparation of the study of discrimination in the field of employment and occupation.

B

PROTECTION OF MINORITIES

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that it should study, as a matter of equal priority, measures for the protection of all minority rights through legislative measures, judicial decisions, and administrative practices;

Decides to study at its sixth session the variety and scope of the above-mentioned problems, with a view to:

- (a) recommending action that it may be desirable for the Council to take for the protection of minorities;
- (b) collecting existing measures on the protection of minorities which may be given publicity in order to promote higher standards in this field; and
- (c) drafting legislative and administrative proposals that may be made available to governments desiring to take action in this field;

Requests the Secretary-General to compile, analyze, and circulate to the Members of the Sub-Commission, not later than sixty days before its sixth session, information received from governments, specialized agencies, and national or international non-governmental organizations in regard to legislation, judicial decisions, administrative practices, and other measures related to the above-mentioned problems that has been submitted to

the United Nations by Member Governments, including especially information in:

- (a) Responses to resolution 303 F (XI) of the Council;
- (b) Reports submitted to the Secretary-General pursuant to Article 73 (e) of the Charter, with regard to non-self-governing territories;
- (c) Replies to the Questionnaire submitted pursuant to Article 88 of the Charter, with regard to Trust Territories; and
- (d) The Yearbook on Human Rights;

Suggests that in compiling this information, the Secretary-General organize this material under substantive headings, including among these headings all means for the protection of, and practices in regard to, the protection of minorities;

Decides that the Sub-Commission will study the information compiled by the Secretary-General in draft form and when it completes its study, will request the Secretary-General to issue it as a Sub-Commission document.

C

SIXTH SESSION OF THE SUB-COMMISSION

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that prevention of discrimination and protection of minorities are of equal importance;

Considering further that full examination of each subject by the Sub-Commission at its sixth session will require at least one week;

Noting that the Economic and Social Council has provided in its calendar of conferences for 1953 (E/2308) for a session of the Sub-Commission of only two weeks;

Requests the Commission on Human Rights to recommend that the Council arrange for extension of the scheduled 1953 session to three weeks, in order that adequate time may be available for consideration of the questions of prevention of discrimination and protection of minorities, and other items."

49. At its 107th meeting, the Sub-Commission appointed Mr. Masani as Special

Rapporteur in connexion with the study of discrimination in the field of education.

50. At the same meeting, the Sub-Commission requested the Secretary-General to take all necessary measures to arrange for a session of the Sub-Commission to be convened in 1953.

51. Mr. Hiscocks expressed his regret that he was unable to vote for the Resolution on Programme of Work, as he had been prepared to support the greater part of it. Although the sponsors of the revised joint proposal and the sponsors of the amendment to it had agreed to omit sections (b) and (c) from the first operative paragraph of Part B of the resolution, the Sub-Commission had voted to include these sections. Mr. Hiscocks did not consider that the Sub-Commission should itself display discrimination by paying special attention to the problem of minorities in certain parts of the world. Its reputation would suffer unless its studies on the matter were strictly objective. The information provided voluntarily by governments under Article 73 (e) and Article 88 of the Charter was easily available, but this did not make it more significant than information about other parts of the world which it was more difficult to obtain.

52. Mr. Nisot stated that he had voted against the Resolution on the Programme of Work, in particular for the following reason:

"The examination of the information envisaged in Article 73 (e) of the Charter and of the reports envisaged in Article 88 has been entrusted by the General Assembly on the one hand, and by the Charter on the other hand, to these organs established for this purpose and which are, for the information on non-self-governing territories, a Special Committee, and for the reports on Trust Territories, the Trusteeship Council. This specific conferment of competence upon the organs mentioned above precludes the Sub-Commission from examining this information and these reports. Nevertheless, such examination and discussions have been made possible by the inclusion in the resolution of sub-paragraphs (b) and (c) in the third paragraph of Part B."

53. Mr. Winiewicz requested that the following statement appear in this report:

"I approached the discussion on the future work of the Sub-Commission

in such a spirit of co-operation that a unanimous decision could have been taken.

"For the same reasons I voted for the above resolution in spite of many reservations to the final draft as ultimately passed by the Sub-Commission.

"Having voted for the resolution I should like to have the following of my major reservations recorded in respect to the text:

"1. The scope of the work of the Sub-Commission for the coming sessions has been narrowed as far as discrimination in the social and economic fields is concerned. I hope that our parent body will correct it.

"2. I find the wording of the clause dealing with the fight against propaganda of racial and national exclusiveness, hatred and contempt, insufficient. I hope that our parent body will also strengthen the directives for our future work in this respect."

(c) Proposals relating to public information

54. Three members of the Sub-Commission submitted proposals relating to public information. Mr. Hiscocks (E/CN.4/Sub.2/L.24) proposed that the Secretary-General be requested to produce and circulate widely a popular booklet describing in broad outlines the achievements, plans, and objectives of the Sub-Commission. Mr. Ekstrand (E/CN.4/Sub.2/L.25) proposed that the Secretary-General be requested to analyze the information received under resolution 303 F (XI) of the Economic and Social Council and to publish this analysis, together with all the relevant information furnished by Governments, in the form of a printed booklet. Mr. Meneses-Pallares (E/CN.4/Sub.2/L.27) proposed that the Secretary-General be requested to prepare, publish, and circulate as widely as possible a pamphlet describing the research projects and action programmes on discrimination and minority problems initiated or being planned by United Nations organs, bodies, and specialized agencies.

55. The three related proposals were considered at the 97th meeting of the Sub-Commission. At the suggestion of various members of the Sub-Commission,

Mr. Hiscocks made certain revisions in his proposal, which was examined first. An amendment suggested orally by Mr. Nisot was rejected by 6 votes to 3, with no abstentions. The revised text of Mr. Hiscocks' proposal, on publication of a booklet on the work of the Sub-Commission, was then adopted by 7 votes to none, with 3 abstentions, and appears in Annex I of this Report as Draft Resolution G.

56. Mr. Ekstrand's proposal, on publication of information received from governments, was adopted unanimously after he had altered its form in order to present it as a draft resolution for consideration and adoption by the Commission on Human Rights. It appears in Annex I of this Report as Draft Resolution H.

57. Mr. Meneses-Pallares made a textual addition to his proposal, on publication of a pamphlet on the work of the United Nations in the fields of prevention of discrimination and protection of minorities. In this revised form the proposal was adopted by 8 votes to none, with 2 abstentions. It appears in Annex I of this Report as Draft Resolution I.

(d) Other proposals

58. The Sub-Commission considered, at its 98th and 99th meetings, a proposal submitted by Mr. Shafaq, on erroneous views which have contributed to discriminatory and hostile treatment directed against certain religious groups, and also to inter-religious hostility and tensions in general (E/CN.4/Sub.2/L.19). Amendments suggested orally by various members of the Sub-Commission were accepted by Mr. Shafaq, and his proposal as revised, was adopted by 9 votes to none, with 2 abstentions. It appears in Annex I of this Report as Draft Resolution J.

59. At its 97th meeting the Sub-Commission considered a proposal on technical assistance in the fields of prevention of discrimination and protection of minorities, submitted by Mr. Masani (E/CN.4/Sub.2/L.20). In this connexion, the Sub-Commission recalled a statement which had been made at its 88th meeting by a representative of the Legal Department of the United Nations, to the effect that in view of restrictions presently contained in the existing resolutions relating to technical assistance, the situations in which expert advice could be given to Governments in those fields was limited and that a new resolution would therefore have to be adopted by the General Assembly if it were desired to increase the

range of situations in which requests for expert advice in those fields could be met. Mr. Masani accepted suggestions made by other members of the Sub-Commission for textual changes and for the deletion of one sentence of his proposal. The revised proposal was adopted by 8 votes to none, with 2 abstentions, and appears in Annex I of this Report as Draft Resolution K.

60. At its 99th meeting the Sub-Commission examined a proposal submitted by Mr. Meneses-Pallares (E/CN.4/Sub.2/L.28), on discriminatory practices in the field of migration. At its 101st meeting Mr. Meneses-Pallares circulated a revised text of this proposal (E/CN.4/Sub.2/L.28/Rev.1). After having heard statements by various members of the Sub-Commission, it was agreed, upon request of Mr. Fomin, that further consideration of the proposal be postponed until a jointly-sponsored text, embodying amendments proposed by Mr. Roy, could be submitted. This text (E/CN.4/Sub.2/L.28/Rev.2), was examined at the 103rd meeting of the Sub-Commission but was withdrawn by its co-sponsors, Mr. Meneses-Pallares and Mr. Roy, when objection was raised to it on grounds that it dealt with the substance of the covenants on human rights, a question which was not on the agenda of the fifth session of the Sub-Commission. A vote was thereupon taken on the first revision of Mr. Meneses-Pallares' proposal (E/CN.4/Sub.2/L.28/Rev.1). This proposal was rejected by 6 votes to 4, with no abstentions. The text of this proposal appears in Annex II of this Report (Section D).

61. At its 100th meeting the Sub-Commission considered a proposal submitted by Mr. Meneses-Pallares, on co-operation of non-governmental organizations (E/CN.4/Sub.2/L.29/Rev.1). Mr. Meneses-Pallares accepted suggestions for textual changes put forward verbally by other Members of the Sub-Commission and by the Representative of UNESCO. His proposal, thus amended, was adopted by 9 votes to none, with 1 abstention, and appears in Annex I of this Report as Draft Resolution L.

62. At its 100th meeting the Sub-Commission considered a proposal on the work of UNESCO, also submitted by Mr. Meneses-Pallares (E/CN.4/Sub.2/L.30). After a general discussion of this proposal Mr. Winiewicz suggested that a separate vote on an operative paragraph whereby the Commission on Human Rights was asked to recommend that the Economic and Social Council extend to UNESCO "the expression

of its highest appreciation for the work it has developed in these fields (prevention of discrimination and protection of minorities)." Other members of the Sub-Commission expressed themselves as being opposed to the use of these particular words and suggested various possible rewordings. At the request of these members, Mr. Meneses-Pallares agreed to withdraw the paragraph in question. He stated, however, that he personally felt that UNESCO deserved tribute for its efforts in these fields. In the light of the discussion which had taken place, Mr. Meneses-Pallares made certain further textual changes in the proposal, and it was then adopted by 8 votes to none, with 2 abstentions. The amended proposal appears in Annex I of this Report as Draft Resolution M.

63. At its 103rd meeting the Sub-Commission considered a proposal on creation of the office of Attorney-General for Human Rights (E/CN.4/Sub.2/L.33), submitted by Mr. Masani. In the light of the debate which took place on this proposal, its author amended it by deleting the first paragraph and revising the second. The revised proposal was rejected by 4 votes to 4, with 2 abstentions. It appears in Annex II of this Report (Section E).

CHAPTER VI

ADOPTION OF THE REPORT OF THE SUB-COMMISSION TO THE COMMISSION ON HUMAN RIGHTS

Item 6 of the Agenda

64. For the convenience of the Commission on Human Rights, the Sub-Commission appends to this Report, in Annex I, the draft resolutions which it submits to the Commission for consideration and adoption. It also appends to this Report, in Annex II, the proposals submitted to it by various Members, which were not adopted.^{1/}

65. At its 107th meeting the Sub-Commission adopted this Report of its Fifth Session to the Commission on Human Rights by 10 votes to none, with no abstentions.

66. Mr. Fomin requested that the following statement appear in this Report:

"Although he had voted for the approval of the Sub-Commission's Report as a whole, he could not fully support all the decisions adopted by the Sub-Commission at its fifth session. In particular, he considered it a material defect that the programme of work made no mention of general economic and social matters, but merely referred to isolated economic and social questions. In addition, the recommendations in the resolution concerning the preparation of measures for the extirpation of all incitement to national, racial and religious hostility were too vaguely formulated. He reserved the right of amending the resolution in the Commission on Human Rights, through the USSR Representative on that Commission. It should also be pointed out that if the appointment of the Special Rapporteur provided for in that resolution was not confirmed, the United Nations Secretariat would have to carry out the work of preparing all the necessary material for the next session of the Sub-Commission."

^{1/} The Secretariat has appended to this Report, in Annex III, a summary of the financial implications of the decisions adopted by the Sub-Commission at its fifth session.

ANNEX I

DRAFT RESOLUTIONS SUBMITTED TO THE COMMISSION ON HUMAN RIGHTS
FOR CONSIDERATION AND ADOPTION

A. Procedural Question

A.

Representation of the Sub-Commission at the Ninth Session
of the Commission on Human Rights 1/

The Commission on Human Rights,

Decides to consider at the second part of its ninth session the Reports of the fourth (E/CN.4/641) and fifth (E/CN.4/669) sessions of the Sub-Commission, and such parts of the report of the third session (E/CN.4/358) as have not yet been given full consideration;

Further decides, in order to improve liaison between the Commission and the Sub-Commission, to convene for attendance at the second part of its ninth session and Chairman of the Sub-Commission, whom the Sub-Commission has selected as its spokesman for this purpose.

B. Draft Resolutions relating to past activities of the Sub-Commission

B.

Collection of Anti-Discrimination Provisions^{2/}

The Commission on Human Rights,

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council,

Noting that anti-discrimination provisions have been included in various instruments prepared by or under the auspices of the United Nations such as trusteeship agreements, constitutions, and statutes;

1/ This draft resolution is based on the Resolution on Liaison with the Commission on Human Rights, adopted by the Sub-Commission (see paragraph 24 of this Report). Its financial implications are summarized in Annex III of this Report (Section I).

2/ See paragraph 30 of this Report.

Considering it desirable that existing anti-discrimination clauses should be made available as precedents for the convenience of organs or authorities having to formulate similar provisions, whether or not under the auspices of the United Nations,

Requests the Secretary-General to arrange for all anti-discrimination provisions formulated under the League of Nations system or by organs of, or under the auspices of, the United Nations, to be collected, made available, and kept up to date, to serve as a body of suitable precedents for use when constitutional or statutory provisions are to be elaborated, particularly in the case of new States.

C.

Protection of Newly-Created Minorities ^{1/}

The Commission on Human Rights,

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Recommends that in the preparation of any international treaties, decisions of international organs, or other acts which establish new States, or new boundary lines between States, special attention should be paid to the protection of any minority which may be created thereby.

D.

Collection of Provisions on Protection of Minorities ^{2/}

The Commission on Human Rights,

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

In view of the importance of possessing the fullest possible documentation on the subject,

Requests the Secretary-General to arrange for as complete as possible

^{1/} See paragraph 31 of this Report.

^{2/} See paragraph 32 of this Report.

a collection of provisions for the protection of minorities to be made available, and kept up to date, to serve as a body of suitable precedents for use in the drafting of clauses to be included in international instruments which deal with the protection of minority rights, notably in cases when minority rights are to be safeguarded in newly-established States, but also in cases when minorities are to be protected following upon the establishment of new boundary lines between States.

E.

Abolition of Discriminatory Measures^{1/}

The Commission on Human Rights,

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Having noted resolution 323 (IV) of the General Assembly and resolution 127 (VI) of the Trusteeship Council, on social advancement in trust territories;

Considering that the prevention of discrimination in metropolitan territories, and in non-self-governing territories other than those encompassed by the trusteeship system, is as important as the prevention of discrimination in trust territories;

Considering further that in certain countries or territories minorities may exist which require protection otherwise than by implementation of the principle of non-discrimination;

Recommends to governments of States Members of the United Nations that they review their national legislation and administrative practices with a view to abolishing all measures of discrimination that may exist in countries and territories under their jurisdiction, and of taking effective measures for the protection of minorities, if any, in those countries and territories.

^{1/} See paragraph 33 of this Report.

C. Draft resolutions on future work

F.

Programme of Work of the Sub-Commission ^{1/}

The Commission on Human Rights,

Noting the Resolution on Programme of Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/669, paragraph 48);

Approves the programme of work contained therein;

Recommends to the Economic and Social Council that:

- (a) it arrange for co-operation with the Special Rapporteur appointed in connexion with the study of discrimination in the field of education on the part of UNESCO and other appropriate specialized agencies, and national and international non-governmental organizations; and
- (b) it note the financial implications of this programme of work.

G.

Publication of a Booklet on the Work of the Sub-Commission ^{2/}

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Considering that the Sub-Commission on Prevention of Discrimination and Protection of Minorities is the only body in the United Nations whose sole duty it is to promote the elimination of discrimination and the protection of minorities,

Recognizing that the best method of achieving this purpose is through the education of world public opinion on the subject,

^{1/} This draft resolution is based on the Resolution on Programme of Work of the Sub-Commission (see paragraph 48 of this Report). Its financial implications are summarized in Annex III of this Report (Section II).

^{2/} See paragraph 55 of this Report. With respect to the possible financial implications of this draft resolution, see Annex III, Section III.

Considering that victims of discrimination and members of minority groups have the right to know what the Sub-Commission has accomplished and is planning on their behalf,

Considering that the most important studies carried out on its own initiative, such as "The Main Types and Causes of Discrimination" (E/CN.4/Sub.2/40/Rev.1) and "Definition and Classification of Minorities" (E/CN.4/Sub.2/85) have only been available to and suitable for a limited public,

Requests the Secretary-General to produce a popular booklet describing in broad outlines the achievement, plans, and objectives of the Sub-Commission, and to give it the widest possible circulation, especially amongst educational institutions.

H.

Publication of Information Received from Governments ^{1/}

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Recalling that at the suggestion of the Sub-Commission on Prevention of Discrimination and Protection of Minorities it invited Governments, Members and non-members of the United Nations, to provide the United Nations with certain information relating to the prevention of discrimination and the protection of minorities within their jurisdiction (resolution 303 F (XI) of 9 August 1950),

Noting that many Governments of States Members and non-members of the United Nations have complied with this request and have transmitted to the United Nations very valuable information,

Recalling that an analysis of the information then available was presented to the fourth session of the Sub-Commission (E/CN.4/Sub.2/122),

Considering that the important material thus collected should be made

^{1/} See paragraph 56 of this Report. With respect to the possible financial implications of this draft resolution, see Annex III, Section III.

accessible to a wider public,

Requests the Secretary-General:

- (a) To bring the analysis up to date; and
- (b) To publish the revised analysis, together with all the relevant information furnished by governments, in the form of a printed booklet, presented in a way to be intelligible and useful for the general public.

I.

Publication of a Pamphlet on the Work of the United Nations
in the Fields of Prevention of Discrimination
and Protection of Minorities 1/

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Having noted the descriptive list of research projects and action programmes on discrimination and minority problems initiated or being planned by United Nations organs, bodies, and specialized agencies (E/CN.4/Sub.2/144), and the reports on the activities of the United Nations in the fields of prevention of discrimination and protection of minorities (E/CN.4/Sub.2/128 and 145);

Considering that the material contained, or referred to, in this descriptive list and these reports should be given the widest possible circulation, in order that everyone may know what the United Nations organs, bodies, and specialized agencies have done, are doing, and plan to do in the fields of prevention of discrimination and protection of minorities;

Requests the Secretary-General to prepare, publish in printed form, and circulate as widely as possible a pamphlet setting forth this material in scientifically accurate, but popular form.

1/ See paragraph 57 of this Report. With respect to the possible financial implications of this draft resolution, see Annex III, Section III.

J.

Studies of Erroneous Views Concerning Religion^{1/}

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Considering that superstition and ignorance are at the root of certain erroneous views which have contributed to discriminatory and hostile treatment directed against certain religious groups, and also to inter-religious hostility and tensions in general,

Invites UNESCO to consider the possibility of including in its programme of future work:

- (a) a thorough study of the existence and background of such erroneous views; and
- (b) preparation, on the basis of this study, of a series of suggestions explaining and clarifying the misrepresentations, misinterpretations, and misunderstandings of any religion by the adherents of any other religion, and emphasizing the dignity of the various religions of mankind.

K.

Technical Assistance in the Fields of Prevention
of Discrimination and Protection of Minorities^{2/}

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Recommends

- (a) to the organizations participating in the technical assistance and other programmes providing aid or advice at the request of Member States,

^{1/} See paragraph 58 of this Report.

^{2/} See paragraph 59 of this Report. See also Annex III, Section IV.

that they give sympathetic consideration to the requests which governments may submit for such technical assistance in connexion with measures aimed at the eradication of prejudice or discrimination or at the protection of minorities;

(b) to the General Assembly, the adoption of a resolution authorizing the Secretary-General to render, at the request of Members of the United Nations, expert technical advice and other services in order to assist these Members of the United Nations in the eradication of prejudice or discrimination or in the protection of minorities;

(c) that the services to be so authorized should include, but need not be restricted to, technical expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery, and also extend to educational programmes designed to combat prejudice and discrimination.

L.

Co-operation of Non-Governmental Organizations^{1/}

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Noting that a number of non-governmental organizations, including organizations in consultative status with the Council, are actively engaged in activities designed to eradicate prejudice and discrimination,

Considering however that unco-ordinated action in this field is conducive to duplication, and furthermore that certain important aspects of the work may be overlooked,

Considering further that some organizations having as their objective the promotion of social progress generally might well be encouraged to devote a larger proportion of their resources to the vital problem of eradicating

^{1/} See paragraph 61 of this Report.

prejudice and discrimination,

Appeals to non-governmental organizations active in the field of eradicating prejudice and discrimination, or having as their objective the promotion of social progress generally:

- (i) to devote as large a proportion of their resources as possible to activities designed to eradicate prejudice and discrimination; and
- (ii) to co-ordinate their endeavours in this work;

Requests the Secretary-General, in collaboration with competent specialized agencies, to consult the non-governmental organizations in consultative relationship with the Economic and Social Council or the specialized agency concerned, in order to determine if it would be advisable to convene them in periodic conferences in order that they may:

- (i) exchange views concerning the most effective means of combatting discrimination;
- (ii) Co-ordinate their endeavours in this work if they find it desirable and feasible; and
- (iii) consider the possibility of establishing common objectives and programmes;

Further requests the Secretary-General, after consultation with the non-governmental organizations and the specialized agencies concerned, to report to the Council on the advisability of convening such conferences in accordance with resolution 479 (V) of the General Assembly.

M.

Reports on the Relevant Work of UNESCO ^{1/}

The Commission on Human Rights

Recommends to the Economic and Social Council the adoption of the following draft resolution:

The Economic and Social Council

Recalling its resolutions 116 (VI), 303 G (XI), and 443 (XIV), by which

^{1/} See paragraph 62 of this Report.

it has called for collaboration between the United Nations and UNESCO, and has requested UNESCO, as a matter of high priority, to continue its studies in educational activities designed to eradicate prejudice and discrimination;

Considering that one of the purposes of UNESCO under its Constitution is to promote collaboration among the nations through education, science and culture in order to further universal respect for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language, or religion, by the Charter of the United Nations, and that the protection of culture is one of the main means of achieving this purpose;

Considering that UNESCO, among its fundamental programmes, is engaged in an active campaign designed to assure the dissemination of scientific data and of the conclusions of modern thinking on the problems of race, in respect not only to biology and genetics, but also to sociology, psychology, cultural traditions, economic theories and the attitude of certain religions towards these problems;

Considering that the Economic and Social Council in resolution 443 (XIV) of 26 June 1952 invited UNESCO, as a matter of high priority, to continue its studies and work on educational methods and projects best designed to overcome prejudice and discriminatory attitudes and measures, and to report thereon to the Council in 1953;

Invites UNESCO to devote each year a Special Report to a review of its activities designed to eradicate prejudice and discrimination and to protect minorities.

ANNEX II

PROPOSALS SUBMITTED TO, BUT NOT ADOPTED BY, THE SUB-COMMISSION

A.

1. Professor Hiscocks: revised draft resolution No.3^{1/}
(E/CN.4/Sub.2/L.18/Rev.1)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that at its second session it adopted a draft resolution recommending that certain facilities be provided for minorities in order to enable them to maintain their cultural heritage (E/CN.4/Sub.2/78 Annex, draft resolution V.),

Considering that at its third session it recommended that, as interim measures to be taken for the protection of minorities, the General Assembly adopt, and so place the full weight of its authority behind this draft resolution (E/CN.4/Sub.2/117 Annex, draft resolution V),

Considering that at its fourth session it amended this draft resolution in the light of the suggestions put forward by the Ad Hoc Committee on the Prevention of Discrimination and Protection of Minorities established by the Commission on Human Rights at its sixth session (E/CN.4/Sub.2/140 Annex I, draft resolution III),

Considering further that the Sub-Commission at its third and fourth sessions^{2/} expressed the opinion that the most effective means of securing the protection of minorities would be the inclusion in the International Covenant on Human Rights of an article, the text of which is reproduced in Annex II, Section II, of the report of the Sub-Commission on its fourth session, and in Annex II, A III (3) of the report of the Commission on Human Rights on its eighth session;^{3/}

^{1/} See paragraph 28 of this Report.

^{2/} E/CN.4/358, paragraph 47, Resolution E, and E/CN.4/641, Annex II, II.

^{3/} "Persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

1. Reaffirms these recommendations made to the Commission on Human Rights at previous sessions and regrets the delay by the United Nations in recognizing the basic language rights of minorities; and
2. Recommends that the Commission proceed with the least possible delay with the submission through the Economic and Social Council to the General Assembly of the draft resolution entitled "Interim measures to be taken for the protection of minorities" referred to in paragraph 3 above and concerning the right of members of minorities to use their language in judicial procedure and have their language taught in State supported schools;
3. Recommends further to the Commission on Human Rights that in addition to the general provision concerning the rights of persons belonging to ethnic, religious or linguistic minorities, proposed in Annex II, II of the report of the fourth session,^{1/} it also includes in the draft Covenant on Human Rights:
 - (a) A provision ensuring the right of members of minorities to use their language in judicial procedure; and
 - (b) A provision ensuring the right of members of minorities to have their language taught in State supported schools.

2. Expert from the Union of Soviet Socialist Republics:
amendment to the draft resolution submitted by the
expert from the United Kingdom (E/CN.4/Sub.2/L.18)
(E/CN.4/Sub.2/L.32)

1. Preamble: Delete the first, second and third paragraphs.
2. Operative part: Amend the operative paragraph as follows:

"Regrets deeply that the United Nations has delayed recognition of the basic language rights of minorities, and recommends that the Commission on Human Rights include in the draft Covenant on Economic, Social and Cultural Rights a provision to the effect that the State should ensure to national minorities the right to use their native tongue and to possess their national schools, libraries, museums and other cultural and educational institutions, and in the draft Covenant on Civil and Political Rights a provision to the effect that any accused person who is not familiar with the State language must be given free of charge an opportunity to acquaint himself with all the documents in the case, with the assistance of an interpreter and should be entitled to address the court in his own language."

^{1/} See footnote 3 preceding page.

B.

Dr. Shafaq and Mr. Meneses-Pallares: draft resolution on the inclusion in international instruments to which States are parties of adequate safeguards against discrimination ^{1/}
(E/CN.4/Sub.2/L.37)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Requests the Commission on Human Rights to recommend to the Economic and Social Council the adoption of the following draft resolution:

"The Economic and Social Council

Recommends to all States Members of the United Nations that they incorporate, in any appropriate international instrument (formulated by them)^{2/} to which they become parties, adequate safeguards against violation of the principle of non-discrimination as set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights."

C.

1. Expert from USSR: draft resolution^{3/}
(E/CN.4/Sub.2/L.15/Rev.1)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Requests the Commission on Human Rights to recommend the Economic and Social Council to adopt the following draft resolution:

The Economic and Social Council

Bearing in mind that the General Assembly declared in its resolution 103 (I) the need for putting an immediate end to religious and so-called racial persecution and discrimination, and called on the Governments and responsible authorities to take the most prompt and energetic steps to that end,

Noting that hitherto this General Assembly resolution has not yet been implemented and that in a number of States Members of the United Nations various types of discrimination on grounds of race, nationality, colour, language and religion contrary to the Charter of the United Nations are still taking place;

^{1/} See paragraph 36 of this Report.

^{2/} Amendment suggested by Mr. Daniels.

^{3/} See paragraph 43 of this Report.

Considering it to be the Council's urgent duty to take the necessary steps to promote the extirpation of such discrimination;

Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare in 1953-54 concrete recommendations on measures to be taken for promoting:

1. The extirpation in all States Members of the United Nations of discrimination on the grounds of race, colour, national origin, language or religion in political, economic, social, cultural and educational fields;
2. The cessation of all forms of propaganda for racial and national exclusiveness, hatred or contempt.

2. Mr. Nisot: Amendment to document E/CN.4/Sub.2/L.15/Rev.1
(E/CN.4/Sub.2/L.42)

Add the following passage to paragraph 2 of the operative part:

"..., even if this propaganda is carried on by governments through their delegates to the United Nations."

3. Mr. Roy: Amendment to document E/CN.4/Sub.2/L.15/Rev.1
(E/CN.4/Sub.2/L.43)

In operative paragraph 1, delete the words "national origin, language, or religion" and substitute the following:

"sex, language, religion, political or other opinion, national or social origin, property, birth or other status,"

D.

Mr. Meneses-Pallares: revised draft resolution on
discriminatory practices in the field of migration^{1/}
(E/CN.4/Sub.2/L.28/Rev.1)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Requests the Commission on Human Rights to recommend to the Economic and Social Council the adoption of the following draft resolution:

^{1/} See paragraph 60 of this Report.

The Economic and Social Council

Considering that the increasing development of migrational movements resulting in particular from widespread post-war displacement of persons makes it necessary to take adequate measures in order to facilitate the access of immigrants and to give them proper protection in the country of settlement;

Considering that the principle of non-discrimination is not respected everywhere in matters of immigration, and in regard to immigrants;

Recommends to governments of States Members and non-members of the United Nations that they review their national legislation and administrative practices with a view to abolishing all measures of discrimination that may exist in the field of migration.

E.

Mr. Masani: draft resolution on creation of the
office of Attorney-General for Human Rights 1/
(E/CN.4/Sub.2/L.33)

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Expresses its view that, as part of the general implementation of the international covenants on human rights, the creation of the office of Attorney-General for Human Rights will be helpful in making more effective the work of the United Nations in the fields of prevention of discrimination and protection of minorities.

1/ See paragraph 63 of this Report.

ANNEX III

FINANCIAL IMPLICATIONS OF DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTH SESSION 1/

Introduction

In the course of its fifth session the Sub-Commission took note of several tentative estimates of the financial implications of proposals which it had under consideration. These estimates may be summarized as follows:

I.

Financial Implications of the Sub-Commission's "Resolution on Liaison with the Commission on Human Rights" (see paragraph 24 of this Report) and of the Corresponding Draft Resolution A contained in Annex I of this Report:

On the assumption that the session is held at Headquarters and the duration of the relevant part of the session is approximately three weeks the cost is estimated at \$1,625 as per details given below:

Per diem: \$25 per day for 25 days	\$ 625
Travel	<u>1,000</u>
Total	<u>\$1,625</u>

If it should be decided that this session should be held in Geneva, this estimate would be reduced slightly as per details given below:

Per diem: \$20 per day for 25 days	\$ 500
Travel	<u>1,000</u>
Total	<u>\$1,500</u>

The cost of this representation would be in addition to the amount estimated for the meeting of the Human Rights Commission being submitted for 1953.

Travel costs have been estimated in round figures, and would of course be reduced or increased depending upon the distance between the home of the representative and the place of the Commission's session. Per diem costs would be reduced if the presence of the representative is required for less than three weeks.

1/ Prepared by the Secretariat after the close of the session.

II.

Financial Implications of the Sub-Commission's "Resolution on Programme of Work" (see paragraph 48 of this Report) and of the Corresponding Draft Resolution F contained in Annex I of this Report:

A.

PREVENTION OF DISCRIMINATION

Honorarium to be paid to Special Rapporteur	\$1,000	
Travel expenses in connexion with any necessary consultations between the Special Rapporteur and the United Nations Secretariat:		
Per diem: \$25 per day for 10 days	\$ 250	
Travel	<u>1,000</u>	1,250
Travel expenses in connexion with any necessary consultations between the Special Rapporteur and interested international Organizations (e.g. UNESCO)		
Per diem: \$20 per day for 10 days	\$ 200	
Travel	<u>1,000</u>	
		<u>1,200</u>
TOTAL ...		<u>\$3,450</u>

Travel costs have been estimated in round figures and would of course be reduced or increased depending upon the distance between the home of the Special Rapporteur and the point where consultations with the United Nations Secretariat or other interested international Organizations (e.g. UNESCO) take place.

It is assumed that the consultations referred to above will be undertaken primarily through correspondence, and to the extent that such consultations can be completed by this method, the costs involved may be reduced.

B.

PROTECTION OF MINORITIES

This work could be absorbed by the existing establishment.

C.

SIXTH SESSION OF THE SUB-COMMISSION

The Economic and Social Council, at its 14th session, included a two-week session of the Sub-Commission in its calendar of Conferences for 1953, subject to a further decision to be taken by the Council.

If the proposal to extend the duration of this session from two to three weeks were adopted the cost of the session would be raised from \$13,500 to \$15,600, an increase of \$2,100 to cover subsistence of 12 members at \$25 per day per member for 7 days.

III.

Financial Implications of the Sub-Commission's Draft Resolutions G, H, and I

No tentative estimates of the financial implications of Draft Resolutions G, H, and I of the Sub-Commission, relating to public information, were submitted to the Sub-Commission by the Secretary-General in the expectation that it would be possible to meet the printing costs which they might entail from the normal printing appropriation.

IV.

Financial Implications of the Sub-Commission's Draft Resolution K

See statement of the Representative of the Legal Department of the United Nations Secretariat in paragraph 59 of this Report.
