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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES

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

New York, 4 to 29 January 1954

Rapporteur: Mr. José D. Ingles

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I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its sixth session at the Headquarters of the United Nations, New York, from 4 to 29 January 1954.
2. Mr. Hérard Roy, Chairman of the Sub-Commission at its fifth session, opened the sixth session on 4 January 1954 (108th meeting).

B. Representation at the session

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

Mr. Charles D. Ammoun	(Lebanon)
Mr. Mohamed Awad	(Egypt)
Mr. Nikolai Petrovich Emelyanov	(Union of Soviet Socialist Republics)
Mr. Philip Halpern (Alternate)	(United States of America)
Mr. C. Richard Hiscocks	(United Kingdom of Great Britain and Northern Ireland)
Mr. José D. Ingles (Alternate)	(Philippines)
Mr. Eugeniusz Kulaga (Alternate)	(Poland)
Mr. Hérard Roy	(Haiti)
Mr. Hernán Santa Cruz	(Chile)
Mr. Max Sörensen	(Denmark)

4. Before the session opened, three members of the Sub-Commission, Mr. Jorge Bocobo (Philippines), Mrs. Oswald B. Lord (United States of America), and Mr. Joseph Winiewicz (Poland), informed the Secretary-General that they were unable to attend the session and that, in accordance with Rule 70 of the Rules of Procedure of Functional Commissions of the Economic and Social Council, and with the consent of their Governments, they appointed as alternates Mr. José D. Ingles, Mr. Philip Halpern and Mr. Eugeniusz Kulaga respectively. The Secretary-General was in full agreement with these nominations and the alternates, therefore, had during the session the same status as members of the Sub-Commission, including the right to vote.

5. Mr. Santa Cruz was delayed in reaching the Headquarters of the United Nations, and attended the session from its 112th meeting onwards. Mr. Pierre Chatenet (France) was unable to attend the session, and did not appoint an alternate.

6. On opening the session, the Acting Chairman, Mr. Roy, informed the Sub-Commission that Mr. M.R. Masani, a national of India, had been among the twelve persons elected by the Commission on Human Rights at its ninth session as members of the Sub-Commission, subject to the consent of their governments; but that the Secretary-General had been advised by note verbale dated 17 July 1953 that the Government of India regret their inability to approve of the selection of Mr. Masani. He further stated that an item entitled "Membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" had been placed on the provisional agenda of the Commission on Human Rights (E/CN.4/695, Item 8), and that the Commission may wish to elect a replacement for Mr. Masani during its tenth session.

7. The following representatives of specialized agencies were present at various meetings of the session:

International Labour Organisation:

Mr. R.A. Métall, Chief of the ILO Liaison Office with the United Nations

Mr. R.E. Manning, ILO Liaison Office with the United Nations

United National Educational, Scientific and Cultural Organization:

Mr. Otto Klineberg, Head, Division of Applied Social Sciences,
Department of Social Sciences of UNESCO

Mr. Solomon V. Arnaldo, Head of the New York Office of UNESCO

8. The following authorized representatives from non-governmental organizations in consultative relationship with the Economic and Social Council were present as observers:

Category A

International Confederation of Free Trade Unions (Miss Toni Sender and Mr. Martin Wagner); International Federation of Christian Trade Unions (Mr. G. Thormann); Inter-Parliamentary Union (Mr. Boris Mirkine-Guetzévitch); World Federation of Trade Unions (Miss Elinor Kahn); World Federation of United Nations Associations (Mrs. C.B. Fox).

Category B

Agudas Israel World Organization (Mr. Isaac Lewin); Catholic International Union for Social Service (Miss Carmen Giroux and Mrs. A.D. Vergara); Consultative Council of Jewish Organizations (Mr. Moses Moskowitz); International Alliance of Women (Mrs. C. Burnett Mahon, Miss Anne Guthrie, and Miss Ruth Woodswall); International Conference of Catholic Charities (Mr. L.C. Longarzo); International Council of Women (Mrs. Rose P. Parsons); International Federation of University Women (Dr. Janet Robb); International League for the Rights of Man (Mr. Max Beer); Pax Romana (Mr. J.H. Price); World Jewish Congress (Mr. Gerhard Jacoby); World's Alliance of Young Men's Christian Associations (Mr. Owen E. Pence); World's Young Women's Christian Association (Mrs. Constance M. Anderson); World Union for Progressive Judaism (Mr. Ronald L. Ronalds and Mrs. Eleanor S. Polstein); World Union of Catholic Women's Organizations (Miss Catherine Schaefer and Miss Alba Zizzamia).

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International Federation of Women Lawyers (Miss A. Viola Smith and Mrs. Caroline K. Simon).

9. Mr. John P. Humphrey, Acting Principal Director, Department of Social Affairs, and Mr. Egon Schwelb, Deputy Director of the Division of Human Rights, represented the Secretary-General. Mr. Edward Lawson acted as Secretary of the Sub-Commission.

C. Election of officers

10. The Sub-Commission at its 108th meeting elected:

Mr. Max Sørensen (Denmark), Chairman;

Mr. Mohamed Awad (Egypt), Vice Chairman;

Mr. José D. Ingles (Philippines), Rapporteur.

11. The Sub-Commission at its 109th meeting, at the suggestion of Mr. Hiscocks, supported by Mr. Sørensen, unanimously expressed its appreciation for the work of Mr. Roy as Chairman during its fifth session and for his presentation of the report of the Sub-Commission's fifth session to the ninth session of the Commission on Human Rights.

D. Meetings, resolutions and documentation

12. The Sub-Commission held 34 plenary meetings. The views expressed by the members of the Sub-Commission during these meetings are summarized in documents E/CN.4/Sub.2/SR.108-142.

13. In accordance with Rule 75 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, the Sub-Commission granted hearings at various meetings (E/CN.4/Sub.2/SR.112, 113, 115, 118, 121, 126, 127, 134 and 135) to representatives of the following non-governmental organizations:

Category A

International Confederation of Free Trade Unions (Miss Toni Sender); International Federation of Christian Trade Unions (Mr. G. Thormann); World Federation of Trade Unions (Miss Elinor Kahn); World Federation of United Nations Associations (Mrs. C.B. Fox).

Category B

Agudas Israel World Organization (Mr. Isaac Lewin); Consultative Council of Jewish Organizations (Mr. Moses Moskowitz); International League for the Rights of Man (Mr. Max Beer); Pax Romana (Mr. J.H. Price); World Jewish Congress (Mr. Gerhard Jacoby); World Union for Progressive Judaism (Mrs. Eleanor Polstein).

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International Federation of Women Lawyers (Miss A. Viola Smith)

14. Resolutions adopted by the Sub-Commission appear under the subject-matter to which they relate. Draft resolutions for consideration by the Commission on Human Rights are set out in Annex I. Financial implications of decisions of the Sub-Commission, prepared by the Secretariat, will be found in Annex II.

15. Documents before the Sub-Commission at its sixth session are listed in Annex III.

II. AGENDA

Item 2 of the agenda

16. At its 109th meeting, the Sub-Commission considered the provisional agenda (E/CN.4/Sub.2/150), prepared by the Secretary-General in consultation with the Chairman.

17. Mr. Hiscocks submitted a draft proposal (E/CN.4/Sub.2/L.46) for a new agenda item, to be inserted between items 4 and 5 of the provisional agenda.^{1/} He explained that the purpose of the proposal was to permit a general discussion of the procedure to be adopted by the Sub-Commission in carrying out its specialized studies, without committing itself to a uniform method which would be applied in each case. His proposal was supported by several members. Mr. Emelyanov stated that in his opinion the new item appeared to be an attempt to modify in some way the Rules of Procedure of the Sub-Commission as established by the Economic and Social Council. In order to avoid such an interpretation of his proposal, Mr. Hiscocks changed the first word in the proposed new agenda item from "procedure" to "methods". Mr. Emelyanov agreed to the change, and the amended proposal was adopted unanimously by the Sub-Commission.

18. Mr. Halpern proposed that item 11 of the provisional agenda, "Further consideration of the general Work Programme of the Sub-Commission," be divided into two parts, one dealing with the problem of protection of minorities. Such a division, he suggested, was consistent with the division of the Sub-Commission's work programme in two parts, A and B. Accordingly he suggested that an item, "Further consideration of the general work programme of the Sub-Commission relating to the prevention of discrimination" should follow item 5 of the provisional agenda, and an item "Further consideration of the general work programme of the Sub-Commission relating to the protection of minorities" should follow item 7 of the provisional agenda.

^{1/} For the text as adopted see item 5 of the agenda, reproduced below in para. 20.

19. Mr. Halpern's proposal was supported by a majority of the members of the Sub-Commission. Mr. Emelyanov, however, felt that the problems of prevention of discrimination and protection of minorities should be considered as a whole, as they are closely interrelated, and that item 11 of the provisional agenda should be maintained; he pointed out that there was a danger that item 6 of the provisional agenda, "Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation" might lose its independent status if it were placed in a subordinate position under the proposed new item 5. Mr. Halpern stated that he was prepared to amend his proposal, maintaining items 6 and 11 of the provisional agenda as separate items, but revising the wording of item 11 to read, "Further consideration of the future work of the Sub-Commission"; and inserting the two new items which he had proposed. Mr. Emelyanov indicated that such a solution would be acceptable to him, and the proposal, thus amended, was adopted by the Sub-Commission.

20. The Sub-Commission adopted unanimously the following agenda for the sixth session:

1. Election of Officers.
2. Adoption of the Agenda.
3. Invitation to the Commission on the Status of Women (ECOSOC resolution 48 A (IV)).
4. Communications relating to prevention of discrimination and protection of minorities (ECOSOC resolutions 75 (V) as amended, and 116 A (VI)).
5. Methods to be adopted by the Sub-Commission in carrying out its specialized studies: use of rapporteurs, assistance that can be afforded by the Secretary-General, nature of collaboration with specialized agencies and non-governmental organizations.
6. Study of discrimination in the field of education: Interim report of the Special Rapporteur (ECOSOC resolution 502 H (XVI); Part A, Work Programme of the Sub-Commission as amended (E/AC.7/L.175)).
7. Further consideration of the general work programme of the Sub-Commission relating to the prevention of discrimination (ECOSOC resolution 502 H (XVI)).

8. Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation: Suggestions prepared by the Secretary-General in collaboration with the International Labour Office (ECOSOC resolution 502 H (XVI); Part A, Work Programme of the Sub-Commission as amended (E/AC.7/L.175)).
9. Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately (Part A, Work Programme of the Sub-Commission as amended (E/AC.7/L.175)).
10. Further consideration of the general work programme of the Sub-Commission relating to the protection of minorities (ECOSOC resolution 502 H (XVI)).
11. Collection of provisions for the protection of minorities: Draft compilation submitted by the Secretary-General (Report of the ninth session of the Commission on Human Rights, para. 247; Part B, Work Programme of the Sub-Commission as amended (E/AC.7/L.175)).
12. Recommendations to Governments concerning the application of special measures for the protection of minorities; study of the whole question, including definition of the term "minority" for the purpose of such recommendations (ECOSOC resolution 502 B II (XVI); Report of the ninth session of the Commission on Human Rights, para. 245).
13. The question of drafting legislative and administrative proposals that may be made available to Governments desiring to take action in the field of protection of minorities (Part B, para. 1 (c), Work Programme of the Sub-Commission as amended (E/AC.7/L.175)).
14. Further consideration of the future work of the Sub-Commission (ECOSOC resolution 502 H (XVI)).
15. Adoption of the report of the Sub-Commission to the Commission on Human Rights.

III. INVITATION TO THE COMMISSION ON THE STATUS OF WOMEN

Item 3 of the agenda

21. At its 108th 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 discrimination 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. Mañas (Cuba), who participated in the work of the Sub-Commission (E/CN.4/Sub.2/SR.108, 123 and 128).

IV. COMMUNICATIONS RELATING TO PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Item 4 of the agenda

22. At its 110th meeting, which was held in private, the Sub-Commission received the confidential list of communications concerning prevention of discrimination and protection of minorities received by the United Nations from 18 September 1952 to 4 November 1953 (document Sub.2/Communications List No. 3).
23. A total of 3,601 communications were received, of which 3,557 alleged discrimination on grounds of religion, 34 alleged discrimination on grounds of race, 4 alleged discrimination on grounds of national origin and 6 alleged discrimination on other grounds.^{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.

24. The Chairman suggested that it might be considered desirable to establish a committee to examine the communications received. Mr. Emelyanov objected on the grounds that the establishment of a committee might lead to examination of the substance of the various communications, which, in his opinion, was not within the Sub-Commission's competence. Mr. Hiscocks agreed with this point of view and suggested that the Sub-Commission take note of the list of communications submitted by the Secretary-General, and proceed to the next item of its agenda.

25. The Chairman suggested that, as an alternate procedure, the Sub-Commission might wish to follow the procedure which it had adopted at its fifth session, of reproducing in its report, for information purposes, a statistical summary of the communications received which could be prepared by the United Nations Secretariat; together with an explanatory footnote stating that neither the Secretariat nor the Sub-Commission expressed 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 drew from these alleged facts.

26. Mr. Ingles stated that he could agree to such a procedure providing that it would not be construed as altering in any way the previous recommendations which the Sub-Commission had made to the Commission on Human Rights with reference to the handling of communications relating to prevention of discrimination and protection of minorities. Mr. Roy felt that the Sub-Commission should reiterate the opinion which it had expressed at previous sessions, that the Commission on Human Rights should find some means to amend resolution 75 (V) of the Economic and Social Council so that the powers given to the Commission and to the Sub-Commission with respect to the handling of communications would be broadened. Mr. Ammoun felt that the Sub-Commission should not pass another resolution unless it was prepared to make more specific suggestions as to how the powers of the Commission and of the Sub-Commission were to be broadened. Mr. Hiscocks doubted the advisability of the Sub-Commission's embarking on a discussion which would reopen the whole question, the final decision of which was beyond its competence.

27. Mr. Halpern reminded the Sub-Commission that the Commission on Human Rights was going to deal at its next session with certain proposals whereby Expert Advisers would have access to communications on human rights received by the

United Nations in order to take them into account in drawing up specific studies in that field (E/2447, paras. 261-284). He thought that the Sub-Commission might wish to suggest to the Commission that the same authority be extended to special rapporteurs, appointed by the Sub-Commission to study problems of discrimination in various particular fields. Mr Ingles also drew attention to another proposal pending in the Commission on Human Rights, establishing a specific procedure for the examination of communications (E/2447, paras. 285-292).

28. The members did not press their suggestions, but agreed that the rapporteur should draw up a brief summary of the discussion for inclusion in the report.

V. METHODS TO BE ADOPTED BY THE SUB-COMMISSION IN CARRYING OUT ITS SPECIALIZED STUDIES

Item 5 of the agenda

Introduction

29. At its 111th meeting, the Sub-Commission discussed item 5 of its agenda, "Methods to be adopted by the Sub-Commission in carrying out its specialized studies: use of Rapporteurs, assistance that can be afforded by the Secretary-General, nature of collaboration with specialized agencies and non-governmental organizations." The item had been included in the agenda at the Sub-Commission's 109th meeting (see para. 19 above). No documentation relating to the item was submitted to the Sub-Commission.

A. Preliminary views on general problems of method

30. Some members interpreted resolution 502 H (XVI) of the Economic and Social Council as envisaging only two possible alternative procedures: first, studies to be undertaken by the appropriate specialized agencies, and secondly studies to be undertaken by the Sub-Commission itself with the assistance of the Secretary-General and his staff. Other members felt that resolution 502 H (XVI) did not preclude any method of work, and that it was for the Sub-Commission to decide how to undertake the studies in its work programme, under the general directives contained in that resolution.

B. Preliminary views on factual foundations for the Sub-Commission's recommendations

31. It was clear to the members of the Sub-Commission that serious and complete surveys were called for in order to gain the support of public opinion for recommendations drafted by the Sub-Commission. Mr. Awad, in particular, stressed the necessity of fortifying the Sub-Commission's recommendations by an impressive marshalling of incontrovertible facts, in order that the urgent necessity for adopting and implementing such recommendations would be apparent. Mr. Sørensen also felt that the Sub-Commission's recommendations could only be drafted in the light of all the available relevant facts, and that its immediate problem was how to collect and organize such material.

C. Preliminary views on assistance to be afforded by the Secretary-General

32. All members of the Sub-Commission agreed that the Secretary-General could furnish valuable assistance to the Sub-Commission in connexion with its specialized studies, such as supplying information on the relevant work of other organs of the United Nations and of the specialized agencies, and materials submitted to him by governments, specialized agencies, and non-governmental organizations.

33. At the same time, members felt that the Secretary-General should not be requested to undertake functions having political implications in connexion with the proposed studies, as the Secretary-General might find himself somewhat limited by virtue of his official status.

D. Preliminary views on collaboration with specialized agencies and non-governmental organizations

34. Some members of the Sub-Commission felt that the competent specialized agencies and non-governmental organizations could also furnish the Sub-Commission with background material of great importance, pointing out that UNESCO had already been invited by the Economic and Social Council to co-operate in the study of discrimination in education. Others, however, could not fully share this view, in particular because the Sub-Commission did not have the right to negotiate directly with the specialized agencies concerned but could only channel its requests to them through the Commission on Human Rights and the Economic and Social Council.

35. Mr. Hiscocks felt that some non-governmental organizations in consultative status with the Economic and Social Council might prove even more useful to the Sub-Commission than the specialized agencies, at least in connexion with certain of the proposed studies, in part because they are more independent in certain respects and in part because many of them exist mainly for the purpose of combatting prejudice and discrimination. In this connexion Mr. Awad suggested that the Sub-Commission might at some stage consider the possibility of requesting non-governmental organizations to nominate a small group of experts who, acting in their capacity as individuals, might undertake some advance work and submit it for examination by the Sub-Commission.

E. Preliminary views on the use of Rapporteurs

36. A majority of members of the Sub-Commission were of the opinion that because of possible limitations on the contributions which the Secretary-General, the specialized agencies, and the competent non-governmental organizations might make to the Sub-Commission's specialized studies, certain work would have to be done by independent persons in the interval between the Sub-Commission's sessions, and that one possible solution was the designation or employment of a full-time rapporteur.

37. Mr. Hiscocks, in particular, felt that a rapporteur could alone give coherence and vitality to such a report as the Sub-Commission would have to make in order to promote action on the part of governments in the field of its concern. He was further strongly of the opinion that such a rapporteur should be paid, and expressed the hope that an exception might be made to resolution 677 (VII) of the General Assembly, which forbade payment of honoraria to rapporteurs of United Nations bodies, on grounds that the Sub-Commission's Rapporteur would not be a government official but an individual serving in his personal capacity. If not, the Sub-Commission might consider the desirability of requesting the General Assembly, through the proper channels, to reconsider the decision contained in resolution 677 (VII). Other members agreed that the Sub-Commission would hardly be able to perform the functions assigned to it without funds to carry out research.

38. Mr. Halpern, on the other hand, urged the Sub-Commission not to seek, at such an early stage, funds to pay someone else to do the work which the members themselves had been assigned to do. He suggested that the question be put aside, and reviewed at a later stage.

F. Disposition of the agenda item

39. A proposal by Mr. Awad, to adjourn the debate, was adopted by 4 votes in favour, 2 against, and 3 abstentions.

VI. STUDY OF DISCRIMINATION IN EDUCATION

Item 6 of the agenda

Introduction

40. At its 112th to 119th, and 123rd to 126th meetings, the Sub-Commission considered item 6 of its agenda, entitled "Study of discrimination in the field of education: Interim report of the Special Rapporteur".

41. The Sub-Commission had before it the Interim Report (E/CN.4/Sub.2/155) submitted by its Special Rapporteur, Mr. M.R. Masani, in accordance with resolution 502 H (XVI) of 3 August 1953 of the Economic and Social Council and Part A of the Sub-Commission's work programme as amended (E/AC.7/L.175). The Interim Report contained, inter alia, (Chapter III) eight proposals, confined primarily to procedural matters having particular reference to the carrying out of the Sub-Commission's study of discrimination in the field of education. It also contained a summary of the relevant activities of United Nations organs and specialized agencies concerned (Annex I), a collection and analysis of the provisions adopted by various governments containing safeguards against discrimination in education (Annex II), and a bibliography (Annex III).

42. The Special Rapporteur, whose term as a member of the Sub-Commission had expired (see paragraph 6 above) did not take part in the Sub-Commission's work.

A. Appreciation of the work of the Special Rapporteur

43. At its 117th meeting, the Sub-Commission adopted, by 6 votes in favour, 2 against and 1 abstention, a draft resolution (E/CN.4/Sub.2/L.49) submitted by Mr. Hiscocks as follows:

Resolution A

Appreciation of the Work of the Special Rapporteur

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

Having noted the contents of the Interim Report of the Special
Rapporteur on discrimination in education,

Expresses its appreciation of his work as Special Rapporteur, both
in collecting material and in drafting his Interim Report.

B. Procedure followed

44. In examining item 6 of its agenda, the Sub-Commission began its work with a general debate, in which statements on the proposed study of discrimination in education were made by each member present at the session, by the representative of the Secretary-General, by representatives of the ILO and UNESCO, by the representative of the Commission on the Status of Women, and by representatives of various non-governmental organizations. The Sub-Commission then examined a number of questions of a legal, financial, or administrative nature which had been drawn to its attention in the general debate, as well as several questions relating to collaboration between the United Nations and the specialized agencies in carrying out the study. It subsequently turned to a detailed examination of a draft resolution submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.48 and L.48/Rev.1), which was adopted as a basis for discussion. In consequence the Sub-Commission was able, at its 125th meeting, to adopt unanimously the resolution on its specialized study on discrimination in education which appears in paragraph 97 below as resolution B.

C. General debate

45. In the course of the general debate, the Sub-Commission first examined various suggestions relating to the methods of study which it should adopt, although in the discussion of the procedure to be followed some members had expressed the wish that work on the problem should start not from a consideration of methods but from a consideration of the scope of the study. It then gave preliminary consideration to the question of scope.

1. Preliminary consideration of methods to be adopted in studying discrimination in education

46. The Sub-Commission examined in a preliminary way, at its 114th to 116th meetings, the question of methods to be adopted in studying discrimination in education. The views expressed by the members of the Sub-Commission during these meetings are summarized in documents E/CN.4/Sub.2/SR.114-116.

47. In his interim report, the special rapporteur had made a number of proposals with respect to the procedure to be followed in studying discrimination in education (E/CN.4/Sub.2/155, Chapter III, Proposals I, II, III, IV, and VIII), which envisaged, inter alia, the appointment of a special rapporteur.

Various other procedural suggestions were put forward in the course of the debate.

48. Mr. Emelyanov expressed the view that a special rapporteur was not absolutely essential because the Secretary-General of the United Nations could supply the Sub-Commission with all assistance that it might require in the preliminary stages of its study.

49. Mr. Halpern, while agreeing that the Secretariat could be of considerable assistance in the collection and arrangement of materials, suggested that the Sub-Commission consider the desirability of authorizing its Chairman to appoint a committee of three members, on which the Chairman would serve ex officio. Such a committee could be charged with the responsibility of supervising the study between sessions of the Sub-Commission, drafting conclusions and recommendations, and preparing a draft report which would be circulated to the members of the Sub-Commission for study in advance of its seventh session. He cited, as precedents, the work performed by the ad hoc Committee on Forced Labour and the United Nations Commission on the Racial Situation in the Union of South Africa.

50. Messrs. Roy and Santa Cruz, on the other hand, pointed out some of the difficulties which would be involved in the creation of such a committee. It would be tantamount to appointing three rapporteurs to carry out the study, and would require confirmation by the Commission on Human Rights and the Economic and Social Council inasmuch as it changed the procedure already approved by those superior bodies. It would also tend to multiply the difficulties which faced the Sub-Commission in securing adequate financial support for a special rapporteur.

2. Questions of a legal, financial, or administrative nature

51. In the course of discussion of procedural matters, members raised a number of questions of a legal, financial, or administrative nature, on which they requested the opinion of the Secretary-General.

52. Representatives of the Secretary-General replied to questions put to them in the course of the general debate. Their statements are summarized in documents E/CN.4/Sub.2/SR.115, 118, and 119.

53. (a) The question of the continuation of the special rapporteur: The representative of the Secretary-General pointed out that there were two aspects to this question, the first concerning the eligibility of a non-member to serve as a rapporteur, the second relating to the expiration of the special rapporteur's appointment. With regard to the first point, he stated that it has been the accepted practice of United Nations organs to appoint only members as rapporteurs, and, in keeping with this practice, there would appear to be no basis for the Sub-Commission appointing or continuing in office as rapporteur a person who is not a member of the Sub-Commission. With respect to the second point, he indicated that there is the general rule that the appointment of a rapporteur to perform certain functions expires on the completion of these functions, if nothing is said to the contrary in the terms of appointment. In the present case, he pointed out, it appeared that there was nothing to the contrary and it also appeared that the specific task assigned to the special rapporteur, namely, to formulate a provisional plan of work, had already been completed. He added that if his understanding of these points were correct, and in accordance with the Sub-Commission's interpretation, it would be necessary to conclude that the appointment of the special rapporteur had expired, even irrespective of the question of eligibility mentioned above, and it would consequently be necessary for the Sub-Commission to adopt a new resolution in order to appoint a new special rapporteur and to define the new terms of reference. Such a resolution would not require further approval by either the Commission on Human Rights or the Economic and Social Council, since approval for the appointment of a rapporteur was given by the Council in its resolution 502 H (XVI), paragraph 3.

54. (b) The question of expenses which might be incurred by a special rapporteur: At the 118th meeting, a representative of the Secretary-General assured the Sub-Commission that although no honorarium could be envisaged

in view of resolution 677 (VII) of the General Assembly, if a special rapporteur were named, the Secretary-General would request the Advisory Committee to concur in the use of funds to meet the costs of any necessary travel or per diem, and assured the Sub-Commission that the Secretary-General, having considered the history of the case and the strength of the justification, foresaw no difficulty in obtaining the funds needed.

55. (c) The question of establishment of a standing committee of the Sub-Commission: With regard to the proposal to establish a sub-committee, the representative of the Secretary-General indicated that the Sub-Commission clearly had the authority, under Rules 20 and 71 of its Rules of Procedure, to set up sub-committees for its tasks, but that with respect to this question the Sub-Commission would have to take into account resolution 502 H (XVI) of the Council, approving the appointment of a rapporteur in this field. He indicated that the question may arise as to whether the establishment of a sub-committee to perform the tasks which the Council indicated should be performed by a rapporteur was compatible with the Council's resolution, and indicated that the question was not one that could be answered in purely legal terms, as the Sub-Commission would have to decide whether a rapporteur would be able to perform the work in question. At the 119th meeting, a representative of the Secretary-General assured the Sub-Commission that, if it should decide to establish a sub-committee, the Secretary-General would give the required agreement for such a committee to meet between sessions of the Sub-Commission.

56. (d) The question of appointment of experts: In the opinion of the representative of the Secretary-General, it seemed doubtful that a subsidiary organ such as the Sub-Commission would have the authority to appoint expert consultants unless it had been authorized to do so by a principal organ. If such consultants were required, the Sub-Commission might request that the Secretary-General appoint an expert to work on certain designated projects. An expert of this kind would be a Secretariat official, appointed by and responsible to the Secretary-General, although his functions would be described by the Sub-Commission. However, the Secretary-General was satisfied that the appointment of such an expert was not necessary, in the present case, as all services which the expert could render could be furnished by the Secretariat.

57. (e) General statement on the relevant financial provisions: At the 115th meeting, a representative of the Secretary-General outlined the financial situation with respect to the estimated expenses of the special rapporteur. He indicated that no funds had been used in connexion with the work of the special rapporteur in 1953, and no new appropriations for that purpose had been included in the 1954 budget, since no new resolution had been adopted. In his view the Secretary-General could not authorize the necessary appropriations to cover the expenses of a special rapporteur or of a sub-committee, except with the consent of the Advisory Committee which would next meet in April. The majority of members of the Sub-Commission expressed grave concern over this state of affairs and urged that all necessary steps be taken to finance the study of discrimination in education during 1954.

58. (f) The question of forwarding materials relating to discrimination in education to governments concerned: At the same meeting, a representative of the Secretary-General replied to a question which had been put at an earlier meeting by a member of the Sub-Commission, as to whether the Secretary-General would forward to governments concerned, for comments and supplementary data, summaries of materials received from various sources, including non-governmental sources, on the strength only of a request addressed to him by the Sub-Commission. He stated that the Secretary-General, as a matter of policy, would hesitate to perform this task on the strength only of a request addressed to him by the Sub-Commission, and suggested therefore that the Sub-Commission request the Commission on Human Rights to take appropriate action in this regard. At the 125th meeting, the representative of the Secretary-General stated that, subject to the approval mentioned above, the Secretary-General would transmit to governments all documents which the special rapporteur considered relevant to the study.

3. Questions relating to collaboration with specialized agencies and other bodies

59. (a) The question of collaboration with UNESCO: The interim report of the Special Rapporteur (E/CN.4/Sub.2/155, Annex I, Section G, paragraphs 52-56) contained a statement of UNESCO's position as regards the problem of

discrimination in education, as set forth in a decision taken by the Executive Board of UNESCO at its 34th session, in the following terms:

"Pending the General Conference's decision on the part to be taken by UNESCO in the procedure for the implementation of the Covenants on Human Rights, with particular reference to the surveys to be undertaken on the practical application of these rights, the Executive Board considers that, in this particular case, the co-operation afforded by the Director-General should, in the main, take the form of supplying the special rapporteur with all the relevant facts and statistics in the Secretariat's possession, without comment from UNESCO."

60. At the 112th meeting, the representative of UNESCO drew the Sub-Commission's attention to this statement and explained that UNESCO was prepared to supply all the relevant facts and statistics in the possession of its Secretariat, without comment, leaving the political aspects of the study of discrimination in education with the United Nations. He cited a few examples of relevant facts and data already prepared and available, and indicated in particular that UNESCO was prepared to supply:

- (a) a breakdown by race and religion of available school enrolment figures, together with some other relevant data; and
- (b) data on educational opportunities for women which UNESCO supplies annually to the Commission on the Status of Women.

61. At the 117th meeting, the representative of UNESCO gave further information with regard to research under way in UNESCO which might provide certain information relevant to the Sub-Commission's study.

62. At the 124th meeting, the representative of UNESCO stated that the Secretariat of that specialized agency could only accept the responsibility for suggested new research work if this were to be authorized by UNESCO's Executive Board. He added that the Director-General would be ready and willing to present to the session of the UNESCO Executive Board, beginning 1 March 1954, any Sub-Commission request for additional data, provided there were clear and specific indications as to what was required. He therefore

suggested that the new Special Rapporteur might find it advisable to prepare as soon as possible, and to transmit no later than 20 February 1954, such specific requests as he would care to make in this connexion. The supply of such further information, he added, would, of course, be over and beyond the immediate supply of all information already available or obtainable by the UNESCO Secretariat.

63. (b) The question of collaboration with the ILO: At the 115th meeting, the representative of the ILO indicated that that specialized agency stood ready to give the most useful possible further assistance to the Sub-Commission in its study of discrimination in education, in the manner spoken of by the Economic and Social Council in resolution 502 H (XVI). He added that in so doing the ILO would avail itself of the direct and continuing organic contact with non-governmental organizations which is a permanent part of its machinery, in virtue of the tripartite structure of the ILO. He further pointed out that the interest of the Organization in the subject was closely linked with its concern with equality of opportunity of admission to employment, since non-discrimination in admission to employment presupposes equality of opportunity of vocational and technical education in training and, consequently, equality of opportunity to receive the necessary general education leading to admission to education and training for employment.

64. (c) The question of collaboration with other specialized agencies: In the course of the general debate several members mentioned the World Health Organization as a possible source of materials relating to discrimination in medical education, and the Food and Agriculture Organization as a possible source of materials concerning education and training for agricultural employment.

65. (d) The question of collaboration with the Commission on the Status of Women: At the 123rd meeting, the representative of the Commission on the Status of Women drew attention to Section D of Annex II of the interim report of the Special Rapporteur (E/CN.4/Sub.2/155), on the study of discrimination on grounds of sex in the general field of education which had been undertaken by the Commission on the Status of Women in collaboration with UNESCO; and

to Section E of the same Annex, on the study of discrimination in education on grounds of sex in the field of technical and vocational education for women which had been undertaken by that Commission and by the International Labour Organisation. She referred specifically to the future programme of work of the Commission, in which the struggle against discrimination in education on the ground of sex had been given a high priority. She requested the Sub-Commission to take into consideration not only the programme already carried out by the Commission on the Status of Women, but also the fact that the Commission intends to continue and develop its efforts in the field of education of women in accordance with its own terms of reference; and drew the attention of the Sub-Commission to the danger of overlapping and duplication of effort in this field.

4. Preliminary consideration of the scope of the study

66. In his interim report, the Special Rapporteur had made several proposals with respect to the scope of the study of discrimination in education (E/CN.4/Sub.2/155, Chapter III, Proposals V, VI and VII).

67. Members of the Sub-Commission made proposals along the same general lines.

68. (a) Definition of discrimination: It was agreed not to discuss, at such an early stage, the question of the adequacy, with special reference to the study of discrimination in the field of education, of the definition of discrimination previously adopted by the Sub-Commission and approved by the Commission on Human Rights and the Economic and Social Council. It was felt that it might prejudice certain results of the study yet to be undertaken.

69. (b) Grounds of discrimination to be covered in the study: Members were unanimously of the opinion that the study to be undertaken by the Sub-Commission should deal with all grounds of discrimination enumerated in the Universal Declaration of Human Rights.

70. It was agreed, however, that it would be advisable to take into account the studies undertaken, and the conclusions reached, with respect to discrimination, by other bodies of the United Nations and specialized agencies.

71. (c) Geographical scope: It was the consensus of opinion that the study should be undertaken by the Sub-Commission on a global basis, that is, all countries whether Members or not of the United Nations, or UNESCO, should be covered, and dependent territories should not be excluded.

72. (d) De facto as well as de jure study: Mr. Emelyanov stated that there are countries in the world today where there is no discrimination, and where people have even forgotten the concept of discrimination, and that it might not be necessary to study the situation in such countries in great detail.

73. It was nevertheless decided that the de facto as well as the de jure situation should be studied in every country.

74. (e) Educational institutions to be covered: There was general agreement that the study should cover elementary, secondary and university education, including technical and vocational training. No opposition was registered against the view that private as well as public education should be covered.

75. (f) Materials to be included in the study: Mr. Halpern suggested the collection of background information as to the educational facilities and opportunities which are available in practice in each country, and he circulated to the Sub-Commission a number of suggestions relating to the materials to be included in the study (E/CN.4/Sub.2/L.47).

76. Mr. Ammoun stated that the Sub-Commission was not interested in the study of education per se, but only in so far as it may be relevant to the study of discrimination. Members agreed that proper emphasis should be placed on the study of discrimination in education, rather than on a general study of the different systems of education and the educational facilities available in each country.

77. Mr. Awad pointed out that discrimination must not be confused with deficiency in education, or with the provision of inadequate educational facilities, as long as the inadequacies were common to all in a particular country or territory. However, Messrs. Sørensen and Halpern indicated that lack of facilities might lead to discrimination in favour of an economic or social elite. The members agreed that the background facts as to the total facilities available should be considered as bearing upon discrimination.

78. Mr. Ingles drew attention to the existence of separate educational facilities available for different groups, and indicated that while that would not constitute

discrimination if it is in fact desired by the groups concerned, there might be inequality of treatment if there is a disparity in the proportion of State expenditure devoted to each group.

79. Several members agreed that, in addition to statistical data on the enrolment of pupils, information on the qualifications, pay and promotion of teachers, curricula, and limitations on access to the professions, would be valuable in the study contemplated.

80. Mr. Hiscocks thought that while it was open to any member to suggest what materials should be included in the study, the Sub-Commission should not adopt detailed directives, so as not to restrict the discretion of whoever is to be entrusted with the preparatory work. He expressed the hope that all members of the Sub-Commission would place any relevant materials in their possession at the disposal of that person or group.

81. Mr. Santa Cruz was of the opinion that the question could be resolved easily if the Sub-Commission were to instruct the person or group entrusted with the preparatory work to bear in mind the suggestions made by the members of the Sub-Commission.

82. (g) Historical materials: There was a general trend of opinion that historical materials might find a place in the study, but only in so far as they were necessary to indicate general trends and development of legislation and practices with regard to discrimination in education, to point out the factors which have led to discriminatory practices, or to draw attention to conclusions already reached with respect to discrimination by other bodies of the United Nations or by the specialized agencies.

83. (h) Orientation of the study: Stress was laid by several members, particularly Messrs. Halpern and Santa Cruz, on the willingness of many governments to implement the principle of non-discrimination, as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights. One question to be determined, in Mr. Halpern's view, was whether or not governments had developed a "human rights conscience" and were making every possible effort to eliminate discrimination.

84. It was the consensus of opinion that the main purpose of the study would be to enable the Sub-Commission to formulate recommendations for the prevention and eradication of discrimination in the field of education.

5. Target date for completion of the study

85. Several members, at various meetings, expressed the view that the report should be completed well in advance of the Sub-Commission's seventh session. Others, however, pointed out that the wealth of materials required, and the necessity for initiating special surveys with respect to various phases of the study, might unavoidably prevent the rapporteur from concluding his work before the eighth session. The consensus of opinion in the Sub-Commission was that the rapporteur should be directed to proceed with expedition with a view to submitting the report at the seventh session, but that should he fail to complete his work for that date, he should submit a progress report in which he should give an account of the materials assembled, and of the methods adopted or which he intends to adopt in carrying out his work.

6. Statements by representatives of non-governmental organizations.

86. During the general debate, statements relating to the study of discrimination in education were made by the representatives of various non-governmental organizations, as follows: International Confederation of Free Trade Unions (112th meeting); World Federation of Trade Unions (113th meeting); Agudas Israel World Organization (112th meeting); Pax Romana (112th meeting); World Federation of United Nations Associations (112th meeting); World Jewish Congress (115th meeting); and the International Federation of Women Lawyers (118th meeting). The views expressed by the representatives of these organizations are summarized in documents E/CN.4/Sub.2/SR.112, 113, 115 and 118.

D. Detailed examination of the draft resolution of Mr. Hiscocks, on the study of discrimination in education

87. After concluding its general debate on the study of discrimination in education, the Sub-Commission turned to a detailed examination of the draft resolution submitted by Mr. Hiscocks, on the study of discrimination in education (E/CN.4/Sub.2/L.48 and L.48/Rev.1). Mr. Hiscocks introduced the original text of this proposal at the 117th meeting, and explained it paragraph by paragraph. Members of the Sub-Commission suggested amendments, many of which Mr. Hiscocks was able to accept.

88. The main criticism of Mr. Hiscocks' original proposal was that instead of providing that the study would be carried out by a rapporteur, as envisaged in Economic and Social Council resolution 502 H (XVI), it proposed the creation of a standing committee of the Sub-Commission and suggested that the drafting of the report be entrusted to an expert, preferably in the field of comparative education, whose choice would be approved by the Sub-Commission or the standing committee acting on its behalf. Mr. Santa Cruz submitted amendments (E/CN.4/Sub.2/L.52 and L.53), proposing that the work be undertaken by a special rapporteur. Mr. Santa Cruz also submitted an amendment relating to the scope of the study (E/CN.4/Sub.2/L.51).

89. There was a general trend of opinion in favour of the work being entrusted to a special rapporteur, and Mr. Hiscocks withdrew the sections of his draft resolution relating to the creation of a standing committee and the drafting of a report by an expert.

90. At the request of the Chairman, Mr. Hiscocks prepared a revised draft resolution incorporating various amendments proposed by Mr. Santa Cruz (E/CN.4/Sub.2/L.48/Rev.1), which he submitted to the Sub-Commission at its 122nd meeting. The revised draft resolution was considered at the 122nd to 125th meetings of the Sub-Commission, together with amendments thereto submitted in writing by Mr. Ammoun (L.55), Mr. Halpern (L.56, L.58, L.59), and Mr. Santa Cruz (L.57); and orally by other members of the Sub-Commission; and a statement of the financial implications submitted by the Secretary-General (E/CN.4/Sub.2/L.48/Rev.1/Add.1).

E. Adoption of the resolution

91. The resolution on the study of discrimination in education, as adopted, will be found in paragraph 97 below. Its financial implications are set forth in Annex II, which follows this report (Section A). The draft resolution was considered in parts, as follows:

92. Preamble and introductory section: The preamble of the revised draft resolution, together with the introductory section of the first operative paragraph, was adopted unanimously.

93. Part I: After a debate on Part I of the first operative paragraph, on the collection, analysis and verification of material, the Sub-Commission decided to delete sub-paragraph (e)^{1/} by 6 votes in favour, 4 against, and no abstentions. In view of the amendment submitted by Mr. Santa Cruz (L.57), Mr. Hiscocks withdrew one sentence^{2/} of the text of Section I. Section I was adopted unanimously by the Sub-Commission.

94. Part II: A verbal amendment by Mr. Emelyanov to Section II (a)(i) of the draft resolution^{3/} was rejected by 2 votes in favour, 5 against, and 2 abstentions. The amendment to this section submitted by Mr. Halpern (L.58)^{4/}, was adopted unanimously. Section II (a)(ii), (iii), (iv), (v) and (vi) was adopted unanimously, after Mr. Hiscocks had accepted various verbal amendments suggested by members of the Sub-Commission. An amendment to the first sentence of Section II (b)(i), proposed by Mr. Halpern (L.56),^{5/} was adopted by 7 votes in favour, none against, and 3 abstentions, after other amendments, including that of Mr. Ammoun (L.55),^{6/} had been withdrawn. An amendment to the second sentence of Section II (b)(i), submitted by Mr. Ammoun (L.55),^{7/} was rejected by 2 votes in favour, 3 against, and 5 abstentions. The second sentence was then adopted by 5 votes in favour, 3 against, and 2 abstentions. Section II (b)(ii) was adopted by 9 votes in favour, none against, and one abstention.

1/ Sub-paragraph (e) read as follows: "Writings of authorities in the field".

2/ Beginning "Studies should be made, etc."

3/ Mr. Emelyanov proposed the addition, at the beginning of the sentence, of the phrase "Since countries have many and different educational systems, which should all be studied before an opinion is formed about discrimination in the field of education,".

4/ This amendment read as follows: "and with respect to all the grounds of discrimination condemned by the Universal Declaration of Human Rights".

5/ Mr. Halpern's amendment read as follows: "The rapporteur shall proceed with expedition with a view to submitting the report at the seventh session".

6/ Mr. Ammoun proposed to delete the words "if possible".

7/ Mr. Ammoun's amendment read as follows: "Between the words 'should be' and the words 'fail to complete his work', insert the following: 'owing to the difficulties inherent in his task or the time required to collect or study the necessary documentation'".

95. Part III: The first sentence of Part III, on recommendations for action, was adopted unanimously. A new paragraph, proposed by Mr. Santa Cruz (L.57)^{1/}, was adopted unanimously and placed directly after the first sentence of Part III. After Mr. Hiscocks had agreed to certain verbal amendments, the first paragraph of Part III was adopted unanimously. Mr. Halpern proposed an amendment to the second paragraph of Part III (L.59)^{2/}, which he amended in the light of comments made by other members of the Sub-Commission. His revised amendment was adopted unanimously.

96. Adoption of the draft resolution as a whole: The revised draft resolution on the study of discrimination in education, thus amended, was adopted unanimously at the 125th meeting of the Sub-Commission. Messrs. Ammoun, Emelyanov, Halpern, Hiscocks, Kulaga, and Santa Cruz, in explaining their votes, stressed the importance of the decision which the Sub-Commission had taken. Their statements are summarized in document E/CN.4/Sub.2/SR.125.

97. The text of the resolution adopted by the Sub-Commission on 15 January 1954 (E/CN.4/Sub.2/L.61 and Corr.1), is as follows:

1/ Mr. Santa Cruz's amendment read as follows: "Expresses the hope that the governments of Member and non-member States, particularly those whose statistics of education are not available to the United Nations or UNESCO, will lend full assistance in collecting the information which will be required if the report is to be undertaken on a global basis as described in paragraph II (a) (i) of this resolution."

2/ Mr. Halpern's amendment read as follows: "Recommends to the Commission on Human Rights that it request the Secretary-General to forward to the governments concerned all requests for information by the Rapporteur, with the recommendation that the governments respond fully to such requests, and also that it request the Secretary-General to forward to the governments concerned..."

Resolution B^{1/}

Study of discrimination in education

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

Considering the resolution adopted at its fifth session to initiate a study of discrimination in the field of education and considering that this resolution was approved by the Commission on Human Rights at its ninth session and by the Economic and Social Council at its sixteenth session (502 H (XVI)),

Considering also that the Secretary-General and the Specialized Agencies are in a position to provide valuable assistance in collecting, clarifying and summarizing the material required for such a study,

Recalling that the Sub-Commission decided at its fifth session that a special rapporteur should help it prepare this study and for that purpose asked him to submit concrete recommendations concerning practical action on the part of the Sub-Commission; that this decision to appoint a special rapporteur was approved by the Commission on Human Rights at its ninth session and by the Economic and Social Council in resolution 502 H (XVI); and that the special rapporteur thus appointed was unable to complete the preparatory work, which the Sub-Commission considers essential;

Decides that its special study on discrimination in education should be carried out in three stages:

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 statement of the financial implications appears in Annex II, which follows this report (Section A).

- I. Collection, analysis and verification of material;
- II. Production of a report;
- III. Recommendations for action.

I. COLLECTION, ANALYSIS AND VERIFICATION OF MATERIAL

The main sources of material will be the following:

- (a) Governments
- (b) The Secretary-General
- (c) Specialized agencies
- (d) Non-governmental organizations

though the collection of material should not be limited to these sources.

Summaries of material dealing with each country will be prepared and forwarded to the governments concerned for comment and supplementary data.

II. PRODUCTION OF A REPORT

(a) Nature of the report

- (i) It should be undertaken on a global basis and with respect to all the grounds of discrimination condemned by the Universal Declaration of Human Rights, but special attention should be given to instances of discrimination that are typical of general tendencies and instances where discrimination has been successfully overcome.
- (ii) The report should be factual and objective and should deal with the de facto as well as the de jure situation regarding discrimination in education.
- (iii) The report should point out the general trend and development of legislation and practices with regard to discrimination in education, stating whether their tendency

is toward an appreciable elimination or reduction of discrimination, whether they are static, or whether they are retrogressive.

- (iv) The report should also point out the factors which in each instance have led to the discriminatory practices, pointing out those which are economic, social, political, or historic in character and those resulting from a policy evidently intended to originate, maintain or aggravate such practices.
 - (v) The report should be drawn up not only to serve as a basis for the Sub-Commission's recommendations, but also with a view to educating world opinion.
 - (vi) In drawing up the report full advantage should be taken of the conclusions already reached with respect to discrimination by other bodies of the United Nations or by the specialized agencies.
- (b) Method of Production
- (i) A special rapporteur shall draw up a draft report along the lines laid down in paragraph (a), bearing in mind the observations made in the debates by members of the Sub-Commission during its fifth and sixth sessions. The rapporteur shall proceed with expedition with a view to submitting the report at the seventh session.

Should he fail to complete his work for that date, he shall submit a progress report in which he shall give an account of the material assembled and of the methods

adopted or which he intends to adopt in carrying out his work.

- (ii) In addition to the material and information which he is able to collect and which he shall embody in his report in the form of an analysis, the special rapporteur shall include such conclusions and proposals as he may judge proper to enable the Sub-Commission to make recommendations for action.

III. RECOMMENDATIONS FOR ACTION

These shall be made following the adoption of the report by the Sub-Commission.

Expresses the hope that the governments of Member and non-member States, particularly those whose statistics of education are not available to the United Nations, or UNESCO, will lend full assistance in collecting the information which will be required if the report is to be undertaken on a global basis as described in paragraph II(a)(i) of this resolution;

Also expresses the hope that the Secretary-General and the specialized agencies, particularly UNESCO, will continue to furnish to the Sub-Commission and any bodies or persons collaborating in its study in implementation of this and previous resolutions of the Sub-Commission and Economic and Social Council resolution 502 (XVI), every possible assistance;

Recommends to the Commission on Human Rights that it authorize the Secretary-General, if he deems such additional authorization necessary, to forward to the governments concerned all requests for information or for comments by the rapporteur, pursuant to the terms of this resolution.

F. Election of the Special Rapporteur

98. In view of the necessity for selecting a rapporteur to carry out the study envisaged in the resolution on discrimination in education adopted by the Sub-Commission, the Chairman was authorized to consult privately with individual members to find out who would be in a position to undertake the task.

99. At the 126th meeting, the Chairman announced that Mr. Ammoun had agreed to serve. Mr. Ammoun was thereupon unanimously elected Special Rapporteur.

VII. CONSIDERATION OF THE PROCEDURE TO BE FOLLOWED
IN STUDYING DISCRIMINATION IN THE FIELD OF
EMPLOYMENT AND OCCUPATION

Item 8 of the agenda

Introduction

100. The Sub-Commission, at its 120th, 121st, 126th and 128th meetings, examined item 8 of its agenda, "Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation: Suggestions prepared by the Secretary-General in collaboration with the International Labour Office." The item had been placed on its provisional agenda in accordance with resolution 502 H (XVI) of the Economic and Social Council, and Part A of the work programme of the Sub-Commission, as amended (E/AC.7/L.175).

A. Documentation

101. The Sub-Commission had before it an interim report submitted by the Secretary-General entitled "Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation" (E/CN.4/Sub.2/156). The interim report included (a) a letter addressed to the Director-General of the International Labour Office by the Assistant Secretary-General, Departments of Economic Affairs and of Social Affairs, and (b) the reply received from the Deputy Director-General of the International Labour Office.

102. In his letter, the Assistant Secretary-General drew attention to resolution 502 H (XVI) of the Economic and Social Council, and in particular to its operative paragraph 4, in which the Council expressed the belief that future studies which fall within the scope of specialized agencies should normally be carried out by the agency directly concerned. He stated that "The Secretary-General, having been asked to submit to the sixth session of the Sub-Commission suggestions concerning the procedure to be followed in the preparation of the proposed study of discrimination in the field of employment and occupation, would appreciate having the views of your Organization on this question, on which he reserves for the time being his opinion."

103. The Deputy Director-General of the International Labour Office, in reply, stated that "the question of discrimination in the field of employment and occupation falls within the province of the ILO", and added that he was having this matter looked into by the technical services concerned of the Office, and would also inform the Governing Body at its next session of the letter which he had received. He pointed out that the determination of the exact procedure to be followed in the preparation of the proposed study would have to be carefully considered and might take some little time, and added that he would not fail to keep the United Nations fully informed of the procedure which the ILO proposed to follow as soon as he had been able to complete the necessary preliminary investigations.

B. Responsibility of the ILO for the study

104. At the 120th meeting, the representative of the ILO stated that the Organisation was prepared to assume the responsibility for the study of discrimination in employment and occupation envisaged in resolution 502 H (XVI). He added that the study would call for a considerable amount of work and that the International Labour Office, therefore, would have to consult its Governing Body on the best way in which such study might be carried out; such consultation could be undertaken at the session of the Governing Body which would convene in Geneva from 27 February to 15 March 1954. Meanwhile, he said, the International Labour Office itself would examine, in a preliminary fashion, the implications of such a study, in order to present its considered recommendations to the Governing Body.

105. The representative of the ILO drew attention to the fact that governments, workers and employers participate directly in its activities and decisions, assuring that the results would be of a practical nature. He indicated that the Organisation would be prepared to take into account all the suggestions made by members of the Sub-Commission relating to the manner in which the study might be conducted.

C. Collaboration of UNESCO and non-governmental organizations

106. At the 121st meeting, the representative of UNESCO stated that that specialized agency was eager to co-operate with the Sub-Commission in all of its

studies relating to the prevention of discrimination, and that it was prepared to give the Sub-Commission all relevant material in its possession. At the same meeting, statements were made by the representatives of the International Confederation of Free Trade Unions, the World Federation of Trade Unions, and the International Federation of Christian Trade Unions, stressing the importance of the study of discrimination in employment and occupation, and pledging co-operation in carrying it out.

D. General debate

1. Review of history of the study

107. At the 120th meeting, various members reviewed the history of the study in the light of the information contained in the interim report submitted by the Secretary-General. Some members of the Sub-Commission, particularly Messrs. Emelyanov, Hiscocks, and Santa Cruz, complained of what they considered to be a delay in the submission of suggestions as to the procedure to be followed in carrying out this study. Others however pointed out that the apparent delay may have been due to certain special circumstances which had arisen in the International Labour Organisation, and that the study might be facilitated if it were made clear that the Sub-Commission would not expect that Organisation to reach conclusions with respect to discrimination in employment and occupation in particular cases, or to formulate recommendations relating to such cases.

Mr. Awad and Mr. Halpern in particular saw no basis for criticizing the ILO, since it had never been intended that the study itself would be initiated prior to the sixth session of the Sub-Commission. On the contrary, the Sub-Commission should express its gratitude to the ILO for its offer to carry out the study.

108. Messrs. Emelyanov and Kulaga expressed the view that the study of discrimination in employment and occupation should be carried on not only with the co-operation of the ILO, but also with that of other organs of the United Nations, and specialized agencies. The consensus of opinion was that the ILO had special responsibilities in this field, and should therefore be entrusted with the study.

2. Procedure to be adopted in carrying out the study

109. Mr. Ammoun raised the question whether the International Labour Organisation could proceed with the study immediately, or had to wait for further action by the Commission on Human Rights and the Economic and Social Council. The representative of the ILO advised him that there was no cause for delay after the Organisation's Governing Body had decided that the ILO should undertake the work. He saw no reason to expect the ILO to be obliged to postpone action until certain formalities had been complied with.

110. Mr. Ingles pointed out that paragraph 4 of the Economic and Social Council's resolution 502 H(XVI) left it to the Sub-Commission to decide "which of the studies should be undertaken by specialized agencies or other bodies concerned and which directly by the Sub-Commission in collaboration with the Secretary-General." He felt that it was for the Sub-Commission to take a decision on this matter, and to outline the general principles on which the study could be based. He expressed the view that if the Sub-Commission should entrust the study of discrimination in employment and occupation to the International Labour Office, it would in no way be abdicating its own responsibility in this field, as it would retain the power to formulate conclusions and recommendations on the basis of such study. The majority of the members of the Sub-Commission expressed agreement with these views.

3. Scope of the study

111. Some members suggested that the general principles adopted by the Sub-Commission, relating to the scope of the study of discrimination in education, might be applied to the study of discrimination in employment and occupation. Others raised the question whether the Sub-Commission ought to give directives to the ILO with respect to a study which the ILO would itself undertake, particularly since the ILO had done so much work in the field already. The consensus of opinion was that it would be appropriate for the Sub-Commission to prepare directives, or at least suggestions, to serve as a guide in the preparation of the study.

E. Appointment of a drafting committee

112. At the 121st meeting, the Chairman appointed a drafting committee, composed of Messrs. Awad, Ingles and Santa Cruz, to formulate a draft proposal in consultation with other members of the Sub-Commission, reflecting in so far as possible the various points of view which had been expressed in the course of the general debate.

113. At the 122nd meeting, the committee submitted a draft resolution on the Sub-Commission's specialized study on discrimination in employment and occupation (E/CN.4/Sub.2/L.54).

F. Examination of the draft resolution

114. At the 126th meeting, the proposal submitted by the drafting committee (E/CN.4/Sub.2/L.54) was examined in detail. The text of the resolution adopted by the Sub-Commission at its 128th meeting will be found in paragraph 123 below.

115. The draft resolution was considered in parts as follows:

116. Preamble: The preamble of the draft resolution was adopted unanimously.

117. Operative paragraph 1: This paragraph was adopted by 8 votes in favour, none against and 2 abstentions.

118. Operative paragraph 2: Members of the drafting committee agreed to add the clause "with the collaboration of the Secretary-General" at the end of the paragraph. An amendment suggested by Mr. Emelyanov, to add at the end of the paragraph the words "and also with the collaboration of competent organs of the United Nations, other specialized agencies, and the competent non-governmental organizations", was rejected by 2 votes in favour, 6 against, and 2 abstentions. The amended paragraph was adopted unanimously.

119. Operative paragraph 3: This paragraph was adopted unanimously.

120. Operative paragraph 4: Members of the drafting committee agreed to drafting changes, and the paragraph, thus amended, was adopted unanimously.

121. Operative paragraph 5: The members of the drafting committee agreed to drafting changes, and the paragraph, thus amended, was adopted unanimously.

122. Operative paragraph 6: The members of the drafting committee agreed to add the phrase "other specialized agencies, and non-governmental organizations." after the word "Secretary-General," and paragraph 6, thus amended, was adopted unanimously together with paragraph 7.

123. At the 128th meeting of the Sub-Commission, the resolution as a whole (E/CN.4/Sub.2/L.64) was adopted unanimously, as follows:

Resolution C^{1/}

Study of Discrimination in Employment and Occupation

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

Recalling that the item entitled "Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation" had been placed on the agenda of its sixth session in accordance with the work programme adopted by it at its fifth session, approved by the Commission on Human Rights at its ninth session, and noted by the Economic and Social Council in resolution 502 H (XVI);

Recalling further that the Secretary-General was requested, in collaboration with the ILO, 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 this item;

Noting, from the interim report of the Secretary-General (E/CN.4/Sub.2/156), that collaboration between the Secretary-General and the ILO has not yet resulted in the formulation of the suggestions requested by the Sub-Commission;

Noting further, from the statement of the representative of the ILO, that that specialized agency is willing to undertake the study of discrimination in the field of employment and occupation, and that it will pursue this study with the greatest care and expedition;

Having regard to resolution 502 H (XVI), in which the Council expressed the belief that "future studies which fall within the scope of specialized agencies or other bodies directly concerned" and requested the Sub-Commission at its sixth session, inter alia, "to consider, as regards proposed studies of discrimination, which of the studies should be undertaken by specialized agencies or other bodies concerned, and which directly by the Sub-Commission in collaboration with the Secretary-General";

^{1/} A summary of the financial implications of resolution C appears in Annex II of this report (Section B).

Considering that resolution 502 H (XVI) was intended to expedite the work of the Sub-Commission by enlisting the assistance of specialized agencies and other bodies directly concerned;

1. Expresses its appreciation of the readiness of the ILO to co-operate with the United Nations in this field;

2. Considers that the preparatory study of discrimination in the field of employment and occupation should be undertaken by the ILO, with the collaboration of the Secretary-General of the United Nations;

3. Invites the attention of the ILO to the general principles adopted by the Sub-Commission to guide the special rapporteur in the preparation of the study of discrimination in the field of education, as an indication of the type of study which would be of assistance to the Sub-Commission;

4. Stresses the importance of taking full advantage of the materials collected and studies carried out with respect to discrimination by the United Nations and its specialized agencies, as well as of the assistance which might be provided by non-governmental organizations directly interested in employment and occupation, and in preventing and abolishing discrimination;

5. Hopes that, in view of the previous studies of the ILO relating to discrimination in employment and occupation, the study will be completed by the ILO and submitted to the Secretary-General in time for consideration by the Sub-Commission at its seventh session;

6. Invites the Secretary-General, other specialized agencies, and non-governmental organizations, to place at the disposal of the ILO and the Sub-Commission all materials available to them relating to discrimination in employment and occupation;

7. Places on the provisional agenda of the seventh session of the Sub-Commission the following item: "Study of discrimination in the field of employment and occupation."

VIII. FURTHER CONSIDERATION OF THE GENERAL WORK
PROGRAMME OF THE SUB COMMISSION RELATING TO THE
PREVENTION OF DISCRIMINATION

Item 7 of the agenda

Introduction

124. At its 127th to 129th, and 140th meetings, the Sub-Commission examined item 7 of its agenda, "Further consideration of the general work programme of the Sub-Commission relating to the prevention of discrimination". The Sub-Commission had before it a memorandum on this subject submitted by the Secretary-General (E/CN.4/Sub.2/153), in which attention was drawn to paragraph 6 of resolution 502 H (XVI) of the Economic and Social Council, and in which certain suggestions were made relating to priorities of future work (paragraph 18).

A. The scope of the studies

125. By Part A of its work programme, as approved by the Commission on Human Rights at its ninth session (E/AC.7/L.175), the Sub-Commission had decided "that among the measures to combat discrimination that it will study... will be those in the fields of education,^{1/} employment and occupation,^{2/} political rights, religious rights and practices, residence and movement, immigration and travel, the right to choose a spouse, and the enjoyment of family rights".

126. In his memorandum on this subject, the Secretary-General had pointed out (E/CN.4/Sub.2/153, para. 15), that the proposed studies of discrimination with respect to political rights, religious rights and practices, residence and movement, immigration and travel, and the right to choose a spouse and the enjoyment of family rights, did not appear to fall within the scope of a specialized agency or other existing body. This view was concurred in by all members of the Sub-Commission, except that it was pointed out that the last two topics also fell within the scope of the Commission on the Status of Women.

^{1/} See Chapter VI of this Report.

^{2/} See Chapter VII of this Report.

Some members felt that collaboration with appropriate specialized agencies in the preparation of these studies should not be ruled out.

127. In the general debate, which dealt principally with the subjects to be studied by the Sub-Commission at future session, two main points of view were put forward. On the one hand, some members were in favour of confining the studies strictly to the question of discrimination with respect to the rights set forth in the Universal Declaration of Human Rights. Other members, however, felt that no such limitations should be placed upon the studies, which, in their view, would have to be undertaken on the broadest possible basis.

128. Taking the question of immigration as an example, Mr. Halpern pointed out that there was no article in the Declaration proclaiming a right to immigrate, except in very limited form, although the Declaration did recognize the fundamental human right of emigration in article 13. The right of everyone to leave any country, including his own, he felt, involved the very essence of human dignity, but so far as the right to enter a country was concerned, the laws of each country necessarily differed, depending upon the structure of the particular State. Mr. Awad, on the other hand, felt that the Sub-Commission was not in any way precluded from studying discrimination in immigration; its terms of reference did not, in his view, limit its work to the study of the rights set forth in the Declaration. He pointed out that both the Commission on Human Rights and the Economic and Social Council had approved the Sub-Commission's programme of work, which included a study of immigration. Mr. Santa Cruz stated that freedom of movement within and outside the national borders was a basic right of human being, although the Universal Declaration of Human Rights did not include it, owing to difficulties in defining the limitations. Moreover, although the Sub-Commission might find it difficult to study the right to immigration as such, it would meet no such difficulty in studying the problem of discrimination in exercise of this right. Mr. Ammoun pointed out that emigration and immigration constituted two sides of the same coin. Mr. Hiscocks did not feel that the Sub-Commission should limit its work strictly to the terms of the Declaration, particularly in view of the fact that the Declaration did not contain any particular provision on the rights of minorities. Mr. Halpern stated that for the present he

would be content if the word "emigration" were added to the topic, but that he reserved the right, at the next session, to press his contention that immigration should not be included in the study except to the extent defined in the Universal Declaration of Human Rights.

129. At the 127th meeting, Mr. Santa Cruz submitted a draft resolution in which he proposed that three members be appointed to prepare, and present to the Sub-Commission at its seventh session, proposals on the procedure to be followed in the carrying out of preliminary studies on: (a) political rights, (b) religious rights and practices, and (c) emigration, immigration and travel. The Sub-Commission would then be in a position to determine, at its seventh session, which new study should be undertaken in 1955.

130. Several members questioned the meaning of the phrase "political rights" in the draft resolution. Mr. Ingles pointed out that this phrase could not be directly related to any particular article of the Universal Declaration of Human Rights, as several articles dealt with political rights. He suggested that it might be advisable to refer in the resolution to political rights "as set forth in article 21 of the Universal Declaration of Human Rights". Mr. Santa Cruz agreed that greater precision was necessary, since in certain legal systems many of the rights proclaimed in the Declaration are considered to be political rights. He felt that some restriction on the number of political rights to be studied should be included in his draft resolution. Mr. Emelyanov, on the other hand, felt that any reference to a particular article or articles of the Declaration would narrow down the concept of political rights. He recalled that in considering studies of discrimination in education, and in employment and occupation, the Sub-Commission had not referred to any particular articles of the Declaration, but had chosen a broader base. He felt strongly that any preliminary study of discrimination in political rights should be as broad as possible. Mr. Hiscocks put forward a possible solution, which was ultimately adopted by the Sub-Commission, that the preliminary procedural study on discrimination in the field of political rights might be limited to political rights as set forth in the Declaration but not necessarily only to those rights enumerated in article 21. He further suggested that the person entrusted with the preliminary study on this subject might be invited to point out which particular political rights demanded the earliest attention of the Sub-Commission.

131. Another question which arose, in connexion with the selection of subjects to be studied, was whether the Sub-Commission should decide immediately upon a comprehensive list of studies to be undertaken in the future or whether it should, as suggested by the Secretary-General (E/CN.4/Sub.2/153, para. 18), "confine itself to deciding upon a third subject for study and the procedure to be followed in undertaking that study and - without prejudice to its long-term programme - ... defer other projects in this field until the value of the first studies could be further appreciated". Mr. Emelyanov expressed the view that further studies by the Sub-Commission should not depend upon whether or not the first studies produced fruitful results.

132. The representative of the World Federation of Trade Unions felt that the Sub-Commission should not overlook its proposed study of discrimination in residence and movement, and suggested that perhaps four, instead of three, preliminary procedural studies could be made. The representative of the World Jewish Congress drew attention to the fact that that organization had twice urged the Sub-Commission to give priority to a study of discrimination in respect to immigration and travel. The representative of the World Union for Progressive Judaism expressed the hope that the United Nations would convene a conference of representatives of religious organizations for a discussion of matters relating to discrimination.

B. Collaboration with specialized agencies and other bodies

133. 1. Collaboration with UNESCO: The representative of UNESCO stated, at the 127th meeting, that UNESCO is already undertaking certain work in various special fields of interest to the Sub-Commission. He referred in particular to recent surveys of ethnic minorities in selected countries, to a series of booklets on various aspects of the problem of racial discrimination and to two major surveys relating to (a) cultural assimilation and (b) the cultural contributions of immigrant groups.

134. 2. Collaboration with the Commission on the Status of Women: At the 128th meeting, the Representative of the Commission on the Status of Women drew the Sub-Commission's attention to the work of the Commission in the field of political rights of women. According to its terms of reference, the Commission had been fighting the discrimination against women in this field; it had achieved considerable results, the most spectacular of which was the Convention on the Political Rights of Women, adopted by the General Assembly and already signed by thirty-three governments and ratified by three. She asked the Sub-Commission to take into consideration the Commission's continuing interest in this question, which remained as a high-priority item on its programme of work, and urged the Sub-Commission to avoid any duplication of effort in this field.

135. 3. Views of members on the question of collaboration: Mr. Santa Cruz agreed with the interpretation which had been given by the Representative of the Commission on the Status of Women, and felt that the Sub-Commission, in its own studies, should profit by the studies on the subject by the Commission on the Status of Women.

136. Mr. Halpern felt that the Sub-Commission should state clearly that in its judgment none of the topics remaining in its approved programme of work fell within the scope of any specialized agency, and that such studies should, therefore, be undertaken by the Sub-Commission in collaboration with the Secretary-General. In his view, none of the studies could be undertaken without the assistance of a paid expert; he suggested that the Sub-Commission state its intention to make one additional study in 1955, and express the opinion that a paid expert consultant would be required to assist it in its work.

C. Consideration of draft resolution

137. The draft resolution submitted by Mr. Santa Cruz (E/CN.4/Sub.2/L.62) was examined in detail at the 127th meeting. In the light of the comments made by members at that meeting, Mr. Santa Cruz submitted a revised draft resolution (E/CN.4/Sub.2/L.62/Rev.1), which was considered at the 128th meeting.

D. Resolution adopted by the Sub-Commission

138. The draft resolution was voted upon at the 129th meeting.

139. Preamble and operative paragraph 1: The preamble and the first operative paragraph were adopted unanimously, after particular reference, in paragraph 1, to article 21 of the Universal Declaration of Human Rights had been deleted by 5 votes in favour, 2 against, and no abstentions.
140. Operative paragraph 2: Mr. Ingles proposed a new second operative paragraph for inclusion in the revised draft resolution, which Mr. Santa Cruz accepted, and the amended paragraph was adopted unanimously.
141. Operative paragraphs 3 and 4: Paragraphs 3 and 4 were adopted unanimously, the members agreeing that the names of persons selected to prepare the preliminary procedural studies would be inserted in the appropriate place at a later stage.
142. Operative paragraph 5: After Mr. Santa Cruz had accepted verbal amendments to paragraph 5, this paragraph was adopted unanimously.
143. The resolution as a whole (E/CN.4/Sub.2/L.67) was adopted unanimously, as follows:

Resolution D^{1/}

Future work programme of the Sub-Commission in the
field of prevention of discrimination

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

Having considered the memorandum by the Secretary-General (E/CN.4/Sub.2/153),

1. Decides to include the following item in the agenda of its seventh session:

"Procedure to be followed in carrying out studies of discrimination in the matter of (a) political rights mentioned in the Universal Declaration of Human Rights, (b) religious rights and practices and (c) emigration, immigration and travel",

^{1/} A summary of the financial implications of Resolution D appears in Annex II of this report (Section C).

2. Considers, in the light of paragraphs 4 and 6 (b) of resolution 502 H (XVI) of the Economic and Social Council, that the studies contemplated in the preceding paragraph should be undertaken directly by the Sub-Commission itself in collaboration with the Secretary-General of the United Nations;

3. Appoints three of its members who, in consultation with the Secretary-General, shall respectively prepare and submit to the Sub-Commission at its seventh session proposals concerning the procedure to be followed in these studies;

These members shall be:

(a) Mr. Santa Cruz,^{1/} to deal with discrimination in the matter of political rights;

(b) Mr. Halpern,^{1/} to deal with discrimination in the matter of religious rights and practices;

(c) Mr. Ingles,^{1/} to deal with discrimination in the matter of emigration, immigration and travel;

4. Requests the said members to include in their proposals preliminary suggestions concerning existing sources of information and concerning United Nations organs and specialized agencies, as well as non-governmental organizations, which might collaborate in such studies;

5. Resolves to consider, at its seventh session, in the light of the preliminary work carried out by its three members and of any other relevant circumstances, which further study of discrimination should be undertaken in 1955.

E. Election of members to undertake preliminary procedural studies

144. At the 140th meeting, the Chairman announced that, after private consultations with Messrs. Santa Cruz, Halpern, and Ingles, these members had agreed to undertake the preliminary procedural studies on discrimination in political rights, religious rights and practices, and emigration, immigration and travel, respectively. The Sub-Commission unanimously approved the appointment of these members.

^{1/} The members to undertake the studies were appointed at the 140th meeting (see paragraph 144).

IX. MEASURES TO BE TAKEN FOR THE CESSATION OF ANY ADVOCACY
OF NATIONAL, RACIAL, OR RELIGIOUS HOSTILITY THAT
CONSTITUTES AN INCITEMENT TO VIOLENCE

Item 9 of the agenda

Introduction

145. At its 129th to 132nd meetings, the Sub-Commission considered item 9 of its agenda, "Measures to be taken for the cessation of any advocacy of national, racial, or religious hostility that constitutes an incitement to hatred and violence jointly or separately", in accordance with resolution 502 H (XVI) of 3 August 1953 of the Economic and Social Council and Part A of the Sub-Commission's work programme as amended (E/AC.7/L.175). The Sub-Commission had before it a memorandum on the subject submitted by the Secretary-General (E/CN.4/Sub.2/152). In this memorandum the Secretary-General drew attention to activities of other organs of the United Nations relevant to the subject under study.

146. In examining this item of its agenda, the Sub-Commission first held a preliminary discussion on the question of retaining the item on the agenda. It then proceeded to a detailed consideration of draft resolutions submitted by Messrs. Emelyanov (E/CN.4/Sub.2/L.63), Roy (E/CN.4/Sub.2/L.65), and Santa Cruz (E/CN.4/Sub.2/L.66).

A. Preliminary discussion concerning the retention of the item on the agenda

147. Several members of the Sub-Commission expressed the view that the item should not have been put on the agenda, or that it should be deleted therefrom. Mr. Roy pointed out that the inclusion of article 26 in the Draft International Covenant on Civil and Political Rights by the Commission on Human Rights at its ninth session (1953) made further consideration of the subject by the Sub-Commission redundant. Mr. Halpern and Mr. Hiscocks shared this view, the former pointing out that resolution 502 H (XVI) of the Economic and Social Council gave the Sub-Commission no mandate to consider the question, and the latter suggesting that the subject was outside the special province of the Sub-Commission, which should at least wait until the results of the inclusion of article 26 in the Draft Covenant were known.

148. Mr. Emelyanov, on the other hand, felt that the Commission on Human Rights clearly wished the Sub-Commission to do further work in this field, as it had retained the subject in the Sub-Commission's amended and approved work programme. Mr. Santa Cruz agreed with him on this point. Mr. Emelyanov, seeing no reason to doubt the Sub-Commission's right to take action, announced his intention to submit a draft resolution on the subject. Mr. Ingles pointed out that a proposal to delete this subject from the Sub-Commission's work programme, made at the ninth session of the Commission on Human Rights, had been withdrawn for want of support. He felt that measures might well be taken outside the framework of the draft Covenant in view of the delays which might occur before the Covenant came into force.

B. Proposal of a draft resolution for consideration by the General Assembly

149. At the 130th meeting, Mr. Emelyanov introduced a draft resolution (E/CN.4/Sub.2/L.63), intended for eventual consideration and adoption by the General Assembly, condemning "the propaganda of racial and national exclusiveness, hatred and contempt," and calling upon governments "to take without delay legislative and other action to put a stop to such propaganda". At the 131st meeting, Mr. Emelyanov explained that his proposal had the virtue of simplicity, involving no such complicated process as the formulation of a convention or declaration; it was also a concrete and constructive proposal, in that it called for immediate action by the United Nations in the struggle against propaganda of racial and national exclusiveness, hatred and contempt.

150. Several members considered Mr. Emelyanov's proposal to be outside the terms of reference of the Sub-Commission which was established to consider relations between governments and peoples which might lead to discriminatory practices, and not relations between one country and another. Mr. Halpern offered to join in voting for Mr. Emelyanov's draft resolution if he would amend it to read, "Calls upon every State Member of the United Nations to refrain from the use of propaganda against any ethnic, religious or linguistic groups within its borders."

151. Certain members favoured the formulation of concrete measures against any advocacy of national, racial or religious hostility that constitutes an incitement to violence, but were opposed to measures being taken by the State when only an incitement to "hatred" was involved. Certain members considered "hatred" not to be a precise term, and felt that its inclusion in a draft resolution of a United Nations organ might provide a pretext for some curtailment of freedom of information.

152. Other members thought that the principle of establishing safeguards against abuse of the freedom of information had already been accepted both in the Universal Declaration and in the Draft Covenants. Mr. Ammoun invited attention to legislation in his country prohibiting the advocacy of national, racial and religious hostility that constitutes an incitement to violence.

Mr. Kulaga, in supporting Mr. Emelyanov's proposal, pointed out that in his country advocacy of racial or national exclusiveness was outlawed, and war propaganda prohibited; these measures were strictly applied, and in his view similar measures in other countries would contribute to international understanding.

153. Mr. Awad expressed the view that it might be possible to incorporate the substance of article 26 of the draft covenant on civil and political rights in a declaration, which could be recommended for adoption by the General Assembly, but not in the form proposed by Mr. Emelyanov. He felt that the subject-matter was worthy of such action, and would be in favour of a declaration which gave full expression to all aspects of the problem.

154. Other members believed that the adoption of Mr. Emelyanov's draft resolution would lead to duplication of work on proposals which had already been before the appropriate United Nations organs and made the subject of declarations, recommendations, or conventions. For example, Mr. Santa Cruz pointed out that the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on 9 December 1948, enumerates among the acts punishable as genocide (article III (c)): "direct and public incitement to commit genocide;" and that genocide is defined in the Convention as meaning any of a series of enumerated acts, "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such". General Assembly resolutions 103 (I), 110 (II) and 630 (VII), and pertinent recommendations by

the United Nations Conference on Freedom of Information and the Rapporteur on Freedom of Information, were also mentioned in the course of the debate.

C. Proposal to suspend examination of the item

155. Mr. Roy submitted a draft resolution (E/CN.4/Sub.2/L.65) proposing that the Sub-Commission suspend its examination of the item for the time being. In introducing this proposal at the 130th meeting, he pointed out that the Sub-Commission should not formulate new recommendations on this subject without further study, since it was so closely linked with freedom of information.

156. Several members supported the proposal. Mr. Emelyanov however pointed out that Mr. Roy's resolution was faulty in that it did not indicate to what date in the future the matter would be deferred, thereby leaving the way open to its complete abandonment.

D. Proposal of Mr. Santa Cruz

157. At the Sub-Commission's 131st meeting, Mr. Santa Cruz submitted a draft resolution (E/CN.4/Sub.2/L.66) whereby the Sub-Commission would request the Secretary-General to prepare an accurate and up-to-date study of certain aspects of the subject. In explanation of the draft resolution, he drew attention to the various suggestions for further action put forward by the Secretary-General in his memorandum (E/CN.4/Sub.2/152, paras. 6, 17, and 18). He thought the Sub-Commission should base its work upon thorough studies which should not deviate from the standards established by the United Nations.

158. Several members of the Sub-Commission supported the proposal, the consensus of opinion being that examination of the item should not be entirely dropped by the Sub-Commission. In view of this attitude on the part of members, Mr. Roy added to his draft resolution a second operative paragraph, inviting the Secretariat "to study the relevant legislative and judicial practices of various countries, so as to enable the Sub-Commission at its seventh session to consider the formulation of practical recommendations".

159. In view of the adoption of Mr. Roy's draft resolution (see paragraph 162 below), the Sub-Commission did not vote on Mr. Santa Cruz's proposal, the text of which it decided to append to this Report (Annex IV).

E. Adoption of the resolution

160. The resolution of the Sub-Commission, on measures to be taken for the cessation of any advocacy of national, racial, or religious hostility that constitutes an incitement to violence, will be found in paragraph 162 below.

The draft resolutions submitted by members of the Sub-Commission were considered seriatim, in the order of submission, as follows:

161. Draft resolution of Mr. Emelyanov (E/CN.4/Sub.2/L.63): At the 132nd meeting, this draft resolution was rejected by 2 votes in favour, 5 votes against, and 2 abstentions.

162. Draft resolution of Mr. Roy (E/CN.4/Sub.2/L.65/Rev.1): At the 132nd meeting, the Sub-Commission considered Mr. Roy's revised draft resolution. Parts were voted on separately. The preamble was adopted by 7 votes in favour, 2 against, and 1 abstention. The first operative paragraph was adopted by 6 votes in favour, 4 against, and no abstentions. The second operative paragraph, as amended, was adopted by 6 votes in favour, 3 against and 1 abstention. The resolution as a whole (E/CN.4/Sub.2/L.68) was adopted by 5 votes in favour, 4 against, and 1 abstention, as follows:

Resolution E

Measures to be taken for the cessation of any advocacy
of national, racial or religious hostility that
constitutes an incitement to violence

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

Noting that, at its fifth session, it had decided to discuss and suggest, at its sixth session, measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to violence,

Noting, however, that in the intervening period the Commission on Human Rights has given effect to the proposal made by the Sub-Commission at its fourth session by adopting article 26 of the draft covenant on civil and political rights,

1. Decides to suspend any further examination of the question for the time being.
2. Invites the Secretariat to study the legislative and judicial practices of various countries, by collecting information on the effect which national legislation in force in those countries has on the solution of the problem, so as to enable the Sub-Commission, at its seventh session, to consider the formulation of practical recommendations on the problem.

X. FURTHER CONSIDERATION OF THE GENERAL WORK PROGRAMME OF THE
SUB-COMMISSION RELATING TO THE PROTECTION OF MINORITIES

163. The Sub-Commission did not consider item 10 of its agenda, "Further consideration of the general work programme of the Sub-Commission relating to the protection of minorities," separately, but dealt with this question when examining item 12 (see Chapter XIII below).

XI. COLLECTION OF PROVISIONS FOR THE PROTECTION OF MINORITIES:
DRAFT COMPILATION SUBMITTED BY THE SECRETARY-GENERAL

164. The Sub-Commission considered item 11 of its agenda, "Collection of provisions for the protection of minorities: Draft compilation submitted by the Secretary-General," at its 139th meeting, in accordance with paragraph 247 of the report of the ninth session of the Commission on Human Rights (E/2447) and Part B of the Sub-Commission's work programme as amended (E/AC.7/L.175).

165. The Sub-Commission had before it the preliminary draft of a compilation entitled "Provisions for the protection of minorities" (E/CN.4/Sub.2/L.45), submitted by the Secretary-General, in pursuance of Part B of its work programme (E/AC.7/L.175). The draft compilation dealt with:

- (a) general measures implying differential treatment for ethnic, religious, or linguistic sections of the population of various countries or territories (Chapter I), and
- (b) particular measures aimed at the protection of the ethnic, religious, or linguistic traditions or characteristics of such groups (Chapter II).

166. Members of the Sub-Commission, while commending the draft compilation submitted by the Secretary-General, expressed the view that they were not able to comment on it in detail or to go through it carefully with a view to the preparation of a definitive document. There was general agreement that it was a useful piece of work which would be of assistance to the Sub-Commission in its future activities, and also to individuals and government officials studying aspects of the problem of protection of minorities.

167. Messrs. Emelyanov and Kulaga pointed to certain lacunae which in their opinion existed in the draft compilation; in particular they felt that the compilation should have included information relating to the protection of minorities in non-self-governing and trust territories, and that certain recent legislation, such as that of the People's Republic of China and the Mongolian People's Republic, should have been included.

168. It was the consensus of opinion that the Sub-Commission should take note of the draft compilation with appreciation, and reserve it for future use.

XII. RECOMMENDATIONS TO GOVERNMENTS CONCERNING THE
APPLICATION OF SPECIAL MEASURES FOR THE
PROTECTION OF MINORITIES

Introduction

169. At its 132nd to 139th meetings, the Sub-Commission examined item 12 of its agenda, "Recommendations to Governments concerning the application of special measures for the protection of minorities; study of the whole question, including definition of the term 'minority' for the purpose of such recommendations", in accordance with resolution 502 B II (XVI) of the Economic and Social Council and paragraph 245 of the Report of the ninth session of the Commission on Human Rights (E/2447).

170. The Sub-Commission had before it a memorandum relating to this item, submitted by the Secretary-General (E/CN.4/Sub.2/154). Chapter I of this memorandum raised certain questions concerning the problem of defining the minorities which may require certain measures of protection, and Chapter II set forth a number of problems relating to the application of special measures for the protection of minorities. Annex I contained the Sub-Commission's draft resolution on "Definition of Minorities for Purposes of Protection by the United Nations," and Annex II its draft resolution on "Interim Measures to be Taken for the Protection of Minorities", both of which had been prepared at earlier sessions. In these annexes, references were made, in footnotes, to observations put forward or amendments suggested by representatives on the Commission on Human Rights; certain Secretariat observations were also included.

171. The Sub-Commission opened its examination of this item with a preliminary exchange of views on the whole question of the protection of minorities. It then proceeded to a detailed examination of draft resolutions submitted by Messrs. Halpern (E/CN.4/Sub.2/L.69 and Rev.1), Hiscocks (E/CN.4/Sub.2/L.70 and Rev.1), and Santa Cruz (E/CN.4/Sub.2/L.71 and Rev.1). Votes were taken on the proposals of Messrs. Hiscocks and Santa Cruz, while the proposal of Mr. Halpern was withdrawn.

A. Preliminary exchange of views on the whole question of the problem of minorities

172. Mr. Hiscocks reviewed the work of the Sub-Commission at earlier sessions in preparing its draft resolutions on "Definition of minorities for purposes of protection by the United Nations" and "Interim Measures to be Taken for the Protection of Minorities". He emphasized that while the Sub-Commission had done excellent work on this subject, it still remained for the United Nations to take effective measures in this field. He felt that there was much of value in the definition which the Sub-Commission had prepared at earlier sessions, and that the results of this work should not be jettisoned. He agreed, however, that the draft resolutions which the Sub-Commission had submitted for consideration to the Commission on Human Rights could be improved upon. He expressed the hope that the Sub-Commission would not take any action which would increase the self-consciousness of minorities, and proposed that it concentrate upon improving its draft definition. He felt that an important step in this direction could be taken if the Sub-Commission would initiate a thorough study of the present position of minorities in the world, which would provide clues as to which of these minorities might be dissatisfied, and why. He thought that eventually a declaration on the rights of minorities might be prepared, which could be linked to the definition finally adopted.

173. Mr. Halpern could not fully share this view. He was prepared to accept the suggestion that a declaration on the rights of ethnic, religious and linguistic groups might be prepared, and in fact had already begun to draft a text for such a declaration; he also agreed that it would not be desirable for the United Nations to take any action which would increase the self-consciousness of minorities. However, he was strongly of the opinion that the Sub-Commission was limited by its terms of reference to studying and making recommendations with respect to domestic action to be taken by States for the protection of minorities within their jurisdiction. He was further of the opinion that the draft definition which had been prepared by the Sub-Commission at earlier sessions was defective in many respects, but mainly in that it failed to distinguish between minorities in the colloquial sense and minorities in the technical or legal

sense. He pointed out that while nearly every country in the world had minorities amongst its population if the word were considered in its colloquial sense, not all of these countries had minorities within the technical or legal meaning of the term.

174. In introducing his draft suggestions on the protection of minorities (E/CN.4/Sub.2/L.69) at the 133rd meeting, Mr. Halpern referred to these suggestions as pointing in the direction of a new approach to the whole problem, which he considered to be essential. In his view, the ideal population structure within a country, towards which the Sub-Commission should strive, was that of a mosaic, in which each group had its place, all being held together by a bond of mutual respect. Further, he was convinced that the General Assembly was the only organ of the United Nations which was empowered by the Charter to deal with the problem of special measures for the protection of particular minorities, and that even the General Assembly would have to consider each claim for protection separately, on its merits, as it had done already with respect to the treatment of people of Indian origin in the Union of South Africa.

175. Mr. Emelyanov, in a general statement of his views at the 134th meeting, called for the adoption of a concrete historical approach to the problem of minorities. He felt that it was quite right for the Sub-Commission to raise the question of the origin of such groups, as well as their economic and social status, because in this way it could achieve a concrete definition of the groups to be protected, and also reach conclusions as to the measures which were required in a given situation. In his view, the first and most important thing was to consider all people including members of minorities, as being entitled to general human rights. He did not feel that it was helpful to emphasize certain specific characteristics, such as ethnic, religious or linguistic characteristics, and to omit others. He thought that the Sub-Commission should concern itself in particular with the problems raised by small groups of people, separated from their own nation and placed under the domination of another nation, since such groups nearly always are forced into positions of inequality. He pointed out that the problem of minorities frequently disappears entirely as soon as the minority

in question is returned to its own nation. With respect to the draft definition of minorities which the Sub-Commission had prepared at earlier sessions, he agreed with Messrs. Halpern and Hiscocks that it was inadequate. He felt that the many qualifications in that draft resolution burdened it, and obscured any positive elements it contained.

176. Mr. Ammoun, at the 132nd meeting, drew particular attention to the problems raised by backward groups in various societies, and stressed the necessity of improving the cultural level of minorities generally, in order that they might be able to take advantage of all their rights.

177. Mr. Awad, at the same meeting, emphasized his view that each minority must be given every possible chance to merge itself with the rest of the population of the country or territory in which it lived. He agreed with Mr. Ammoun that the problem of minorities was quite acute in areas where large groups of people had not yet achieved self-government, but felt that this was a matter for other United Nations organs, such as the General Assembly or the Trusteeship Council, to deal with. In his view, justice, freedom and liberty were the best cures for the problem of minorities, but unfortunately these qualities were not always present in some countries. He pointed out that the Sub-Commission might find it necessary to distinguish between groups with a background of culture attached to their particular language, and those which, while speaking a different language from the rest of the population, did not possess any related background of culture. He felt that the Sub-Commission should concern itself with minorities principally in cases where a real injustice had been done to them, and cited cases in which a movement to unite members of a minority, resident in various countries, might disrupt the whole political structure of the State into which this minority wished to immigrate.

178. Mr. Roy, at the 133rd meeting, pointed out that there seemed to be no disagreement that the minorities to be protected were ethnic, religious and linguistic in character, and that for this reason a more precise definition might be unnecessary.

179. Mr. Sorensen, at the 132nd meeting, agreed that the approach to the problem of minorities which the Sub-Commission had taken at its previous sessions was not

the best possible one. He felt that the broader the term "minority" was defined, the less protection the United Nations might be able to afford such groups. He concurred in the belief that a definition was useless if not linked with precise measures of protection, but pointed out that it was extremely difficult to give a general answer to the question of what general measures of protection the United Nations could adopt. He felt that the Sub-Commission could not attempt to deal with the problem, even of national minorities alone, on a universal basis; and that if it broadened its scope of activity to include religious and linguistic minorities as well, the difficulties would become insurmountable. He agreed with Mr. Hiscocks, that before the Sub-Commission could recommend any measures of protection it would have to know the particular conditions to which such measures should apply, which would be impossible unless it had a complete picture of the current situation of minorities before it. He also agreed with Mr. Halpern, that each claim of a minority for protection should be dealt with separately, and on its merits.

180. Mr. Santa Cruz suggested that it might be possible for the Sub-Commission to broaden its study of discrimination in education, in order to include in that study consideration of the educational problems of minorities. The study of discrimination in political rights might similarly be broadened to include consideration of the rights of minorities to special measures of protection in the political field. He was of the opinion that the Sub-Commission should not press the Commission on Human Rights for the adoption of the resolutions on protection of minorities which it had submitted at earlier sessions, and expressed the view that a mere declaration of the rights of minorities might not be the most effective way of dealing with this problem. In his view the Declaration of Human Rights already contained the necessary general provisions, covering the rights of minorities, which Mr. Halpern had proposed for inclusion in a new declaration.

181. The representative of the International League for the Rights of Man stated, at the 135th meeting, that his organization would prefer the inclusion of an article on the protection of the rights of minorities in the draft Covenant on Civil and Political Rights, rather than a declaration. He was skeptical of the

effectiveness of further declarations, and felt that the only effective measures which could be taken would be those contained in international instruments, if fully implemented by the parties thereto. He suggested that the Sub-Commission should study individual minorities carefully, particularly those in Africa, Asia, and certain parts of Europe, with a view to formulating general principles which could be applied to minorities in other parts of the world.

182. The representative of the Consultative Council of Jewish Organizations stated, at the 134th meeting, that the decisive point in the Sub-Commission's work on the problem was not the definition of minorities, but the definition of the rights to which minorities are entitled. He expressed the view of his organization that the only way in which the Sub-Commission could arrive at practical conclusions was by recognizing that the main protection sought by minorities is protection in the exercise of their human rights, using the Universal Declaration of Human Rights as a guide. He pointed out that in the Universal Declaration of Human Rights certain group rights were proclaimed, such as freedom of worship, freedom of communication, and freedom of association; these rights were the special concern of minorities everywhere, and should be given international status adequate to guard against all forms of group discrimination and group oppression.

B. Proposal for a declaration of rights of ethnic, religious and linguistic groups

183. At the 135th meeting, Mr. Halpern submitted a proposal, in two parts, (E/CN.4/Sub.2/L.69) on action to be taken by the Sub-Commission on the problem of protection of minorities. Part A of this proposal contained a statement of principle on this subject, to be embodied in a declaration, while Part B contained a proposal that the Sub-Commission decide not to proceed further with a technical definition of the term "minorities" in view of the necessity to consider each claim of a minority to protection on its merits in the light of historical and other circumstances.

184. Various members of the Sub-Commission commented on Mr. Halpern's suggestions. Mr. Awad, in particular, felt that the proposed declaration might be premature, and that its ultimate effect might be to create group consciousness among elements

that had never before thought of themselves as minorities. Others saw no hope for the adoption by the United Nations of a separate declaration on minorities, in view of the decision of the General Assembly, in resolution 217 C (III), not to deal in a specific provision of the Universal Declaration of Human Rights with the question of minorities, considering "that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises".

185. Mr. Emelyanov declared that he was in agreement with the content of the declaration proposed by Mr. Halpern, and objected only to the suggestion that a separate declaration to that end should be drawn up. He did not object to the second part of Mr. Halpern's suggestion, relating to the definition of minorities.

186. In the light of the comments made by members of the Sub-Commission, Mr. Halpern submitted a revised draft text to the Sub-Commission (E/CN.4/Sub.2/L.69/Rev.1), but announced at the 138th meeting that he would not press for a vote on this draft at this session, but would re-introduce it at the next session. The Sub-Commission decided to include the text of the revised draft in this Report (see Annex IV).

C. Proposals for a study of the present position of minorities in need of special protective measures

187. The Sub-Commission considered in detail two proposals relating to further study of the problem of minorities. The first, a draft resolution submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.70), recommended to the Commission on Human Rights that the Secretary-General be requested to submit to the Sub-Commission at its seventh session, with the help of information provided by the specialized agencies and non-governmental organizations, "a selective report which would act as a guide for the Sub-Commission in deciding on the special measures necessary for the protection of minorities"; the second, a draft resolution submitted by Mr. Santa Cruz (E/CN.4/Sub.2/L.71, Part I), proposed that the Sub-Commission eliminate from its work programme further efforts to prepare a "definition of minorities for purposes of protection by the United Nations".

188. In presenting his proposal at the 134th meeting, Mr. Hiscocks pointed out that although earlier in the debate he had been in favour of a general declaration on the rights of minorities, he had later come to the conclusion that the precise wording of such a declaration could not be formulated until the Sub-Commission had studied the whole problem in much greater detail. It was for this reason that he proposed that the Secretary-General undertake the preparation of a selective report, which, in his opinion, would be most useful to the Sub-Commission in its future work.

189. Mr. Hiscocks' proposal was criticized in detail by several members of the Sub-Commission, although the majority accepted it in principle. Mr. Halpern, in particular, considered the preparation of such a selective study to be completely outside the function of the Secretary-General, and warned that adoption of such a proposal would mean turning the Sub-Commission into an action group, with functions similar to those once exercised by the Council of the League of Nations. He had no objection to a limited demographic, geographic or historical study of existing minorities and in fact favoured such a study, pointing out that it could be undertaken by the Secretary-General.

190. Mr. Ingles felt that there should be no reference in the draft resolution, to minorities as "those numerically inferior to the rest of the population". In his view, it was most desirable for the Sub-Commission to emphasize that the need of a minority for special protective measures arises from the fact that it is the non-dominant or underprivileged group, which has no relation to its numerical importance.

191. Mr. Santa Cruz also criticized some portions of the draft resolution, and suggested amendments relating in particular to the question of voluntary immigrants into a country where all citizens, both nationals and aliens, enjoy equal treatment before the law and in practice.

192. In the light of the comments on his draft resolution, Mr. Hiscocks submitted a revised text (E/CN.4/Sub.2/L.70/Rev.1), at the 136th meeting. As this text incorporated certain proposals which had been put forward by Mr. Santa Cruz, the latter withdrew Part I of his draft resolution (E/CN.4/Sub.2/L.71). The

Sub-Commission proceeded to examine Mr. Hiscocks' revised draft, and amendments thereto suggested by Mr. Ammoun (E/CN.4/Sub.2/L.72), and orally by Messrs. Awad and Halpern.

193. The main problem which arose in connexion with the discussion of Mr. Hiscocks' revised draft resolution was who should undertake the study envisaged therein. In this connexion, the representative of the Secretary-General stated at the 137th meeting that, while the Secretary-General did not consider it advisable that he, or a consultant appointed by him and responsible to him, should prepare the proposed selective report, it was within the rights of the Sub-Commission to recommend to the Economic and Social Council through the Commission on Human Rights that it appoint an expert to undertake this work. In advising the Sub-Commission with regard to this possibility, the Representative of the Secretary-General did not wish to imply that the Secretary-General recommended this solution or made a suggestion to this effect, but stated that, on the contrary, he had serious reservations about the undertaking of so ambitious and politically delicate a study at this stage.

194. The majority of the members expressed their appreciation of the frankness of the Secretariat statement, but expressed great concern lest the statement should deter the Sub-Commission from carrying out its clear duties. They maintained that, having arrived at the opinion that a selective study was necessary in spite of its difficulties, they would go ahead in recommending it to the Sub-Commission's superior bodies. The members generally did not agree that the possibility that the study might have delicate political implications should in any way affect the course of their work; they preferred to leave it to the superior bodies to take the responsibility, if they thought fit, for holding up the studies proposed by the Sub-Commission.

195. The Sub-Commission voted on the revised draft resolution proposed by Mr. Hiscocks at its 138th meeting. It had before it a statement of the financial implications of the draft resolution (E/CN.4/Sub.2/L.70/Rev.1/Add.1). The text of the resolution, as adopted, will be found in paragraph 200 below. The draft resolution was voted on in parts, as follows:

196. The preambular paragraphs of the draft resolution were adopted unanimously. The first operative paragraph was adopted unanimously. The first part of the second operative paragraph (to the words "of the population"), was adopted by 8 votes to 2 with no abstentions. The remainder of the paragraph was adopted unanimously. The introductory part of the third operative paragraph was adopted by 7 votes to 1 with 2 abstentions. Sub-paragraph (i) was adopted unanimously after the words "and international" had been retained thereon by 8 votes to 2 with no abstentions. Sub-paragraph (ii), as amended by Mr. Hiscocks, was voted on in parts. The first part (to the words "of the population") was adopted by 8 votes to 2 with no abstentions. The remainder was adopted by 7 votes to 3 with no abstentions. Sub-paragraph (iii), as amended, was adopted by 8 votes to 2 with no abstentions. Sub-paragraph (iv) was adopted by 7 votes to 3 with no abstentions. Sub-paragraph (v) (to the words "and characteristics") was adopted by 8 votes to 2 with no abstentions. The remainder of the sub-paragraph^{1/} was rejected by 4 votes to 5 with 1 abstention. Sub-paragraph (vi) (to the words "come into existence") was adopted by 8 votes to 2 with no abstentions. The remainder of the sub-paragraph was adopted by 6 votes to 4 with no abstentions. The fourth operative paragraph, as amended by Mr. Hiscocks, was adopted by 7 votes to 2 with 1 abstention. The fifth operative paragraph was adopted by 6 votes to 3 with 1 abstention. The final operative paragraph was adopted by 7 votes to 2 with 1 abstention. The resolution was adopted as a whole by 7 votes to none with 3 abstentions.

197. The Sub-Commission then voted on two draft resolutions on the same subject proposed by Mr. Santa Cruz (E/CN.4/Sub.2/L.71/Rev.1 and L.73). The first considerandum of the first draft Resolution (B) was adopted by 9 votes to none with 1 abstention. The first operative paragraph was adopted by 9 votes to none with 1 abstention. The second operative paragraph was adopted by 8 votes to 1 with 1 abstention. The second draft Resolution (C), as amended by Mr. Santa Cruz (E/CN.4/Sub.2/L.73), was unanimously adopted.

198. Explanations of their respective vote were made by Messrs. Emelyanov, Halpern, Hiscocks, Ingles, Kulaga and Santa Cruz. These explanations are summarized in documents E/CN.4/Sub.2/SR.138 and 139.

^{1/} This text reads: "claims to the status of a minority by very small groups place an unreasonable burden on the resources of a State".

199. It was agreed that this Report would indicate that the Sub-Commission, in approving the appointment of an expert, which it hoped will be of the highest moral and intellectual calibre, had taken into account the statement of financial implications submitted by the Secretary-General (E/CN.4/Sub.2/L.70/Rev.1/Add.1), as well as the statement made by the representative of the Secretary-General (see paragraph 193 above), the precedents established in the matter of payment of fees of certain experts appointed directly by the Economic and Social Council, and the relevant paragraph of a report of the Fifth Committee of the General Assembly (A/2352, para. 30), referring to the possibility of remunerating an expert when absolutely necessary in order to obtain the services of a particular individual.

200. The texts of the resolutions adopted by the Sub-Commission E/CN.4/Sub.2/L.75 are as follows:

Resolution F^{1/}

Study of the Present Position as Regards Minorities
throughout the World

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

Considering that one of its two main tasks, as defined by the Commission on Human Rights, is to undertake studies and to make recommendations concerning the protection of minorities,

Having regard to resolution 502 B II (XVI) of the Economic and Social Council, by which the Council states that before recommendations concerning the application of special measures for the protection of minorities can be adopted it is necessary to undertake a more thorough study of the whole question, including definition of the term "minority" for the purpose of such recommendations,

^{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 B. A summary of its financial implications appears in Annex II of this Report (Section D).

Considering that minorities differ vastly in origin, composition and character, and that it is, therefore, extremely difficult to arrive at a single general definition that is universally applicable,

Considering further that on three separate occasions (at its third, fourth and fifth sessions), the Sub-Commission has submitted to the Commission a draft resolution containing a definition of minorities for purposes of protection by the United Nations, and that on each of the occasions when the Commission considered this draft resolution, it referred it back to the Sub-Commission for further study,

1. Resolves to initiate a study of the present position as regards minorities throughout the world;
2. Decides that for the purpose of such a study, and with no intention of determining which groups should receive special protection, the term minority shall include only those non-dominant groups in a population which possess and wish to preserve ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population; and that no further work on the problem of definition can serve any useful purpose at present;
3. Decides further that in carrying out the study the following considerations shall be borne in mind:
 - (i) there are among the nationals of many States distinctive population groups possessing ethnic, religious, or linguistic traditions or characteristics different from those of the rest of the population, and among these are groups that need to be protected by special measures, national and international, so that they can preserve and develop their traditions or characteristics;

- (ii) among minority groups not requiring protection are those seeking complete identity of treatment with the rest of the population, in which case their problems are covered by those articles of the Charter of the United Nations, the Universal Declaration of Human Rights and the draft international covenants on human rights that are directed towards the prevention of discrimination;
 - (iii) it is most undesirable to hinder by any action spontaneous development of minority groups towards integration with the rest of the population of the country in which they live, which takes place when impacts such as those of a new environment, or that of modern civilization, produce a state of rapid racial, social, cultural, or linguistic evolution;
 - (iv) it is highly desirable that minorities should settle down happily as citizens of the country in which they live, and therefore in any measures that may be taken for the protection of their special traditions and characteristics, including the study, nothing should be done that is likely to stimulate their consciousness of difference from the rest of the population;
 - (v) minorities must include a sufficient number of persons to preserve by themselves their traditions and characteristics;
 - (vi) account should be taken of the circumstances under which each minority group has come into existence, for example whether it owes its existence to a peace treaty or to voluntary immigration;
4. Decides that the study should be selective in character and should aim at presenting a concise account of the position of every minority in need of special protection measures, including consideration of the present measures in force, so that the account will act as a guide for the Sub-Commission in deciding on the special measures necessary for the protection of minorities;

5. Requests the Commission on Human Rights to recommend to the Economic and Social Council the appointment of an expert, preferably in consultation with the Chairman of the Sub-Commission, who will carry out the selective study on behalf of the Sub-Commission, present an interim report to the Sub-Commission at its seventh session, and complete the study in time for it to be in the hands of members of the Sub-Commission at least six weeks before the opening of its eighth session;

6. Requests the Secretary-General, pending the appointment of the expert, to assemble, in collaboration with the specialized agencies and non-governmental organizations, relevant material for the selective study, including historical and geographical material, bearing in mind the points made in sub-paragraphs (iii) and (iv) of paragraph 3 above.

Resolution G

Utilization of Information Relating to the Protection of Minorities in the Special Studies on the Prevention of Discrimination

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

Considering the desirability of taking advantage of the special studies on the prevention of discrimination to be made pursuant to resolutions adopted at its sixth session, in order to obtain, where appropriate, material, information or suggestions which may assist the Sub-Commission to carry forward its work relating to the protection of minorities,

1. Requests the Special Rapporteur on discrimination in education, appointed under Resolution B (see paragraph 97 of this Report), to report on any facts that may come to his attention relevant to the question of the general trend and development of legislation and practices with regard to the teaching of minorities languages, the teaching of the cultural heritage of minorities in general, and the teaching in minority languages; and, in examining this aspect, to take into account the general directives contained in the above-mentioned Resolution B;

2. Requests the Secretary-General to transmit to the Director-General of the International Labour Office a copy of the present resolution for the consideration of the ILO in the preparation of the study on discrimination in employment and occupation contemplated in Resolution C (see paragraph 123 of this report).

Resolution H^{1/}

Future Work on the Protection of Minorities

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

Recalling the draft resolution entitled "Interim Measures to be taken for the Protection of Minorities", prepared by the Sub-Commission at its fourth session and considered by the Commission on Human Rights at its ninth session,

Considering the observations made and amendments suggested relating to this draft resolution,

Considering further draft Resolution E, adopted at its fifth session, by which it proposed that Governments be recommended to review their national legislation and administrative practices with a view, inter alia, to "taking effective measures for the protection of minorities, if any",

Considering that this recommendation was referred back to the Commission on Human Rights and to the Sub-Commission by resolution 502 B II (XVI) of the Economic and Social Council,

Considering that differences of opinion arose when the recommendation was discussed in the Economic and Social Council,

1. Decides to include in the Sub-Commission's programme of future work consideration of the matters dealt with in the draft resolution adopted at its fourth session and entitled "Interim Measures to be taken for the Protection of Minorities" and in the portion of the draft resolution of its fifth session entitled "Abolition of Discriminatory Measures" which referred to the taking of effective measures for the protection of minorities;

2. Requests the Commission on Human Rights to approve this decision

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 D.

XIII. THE QUESTION OF DRAFTING LEGISLATIVE AND ADMINISTRATIVE PROPOSALS THAT MAY BE MADE AVAILABLE TO GOVERNMENTS DESIRING TO TAKE ACTION IN THE FIELD OF PROTECTION OF MINORITIES

Introduction

201. At its 139th meeting, the Sub-Commission considered item 13 of its agenda, "The question of drafting legislative and administrative proposals that may be made available to Governments desiring to take action in the field of protection of minorities", in accordance with Part B, paragraph 1 (c) of its work programme as amended (E/AC.7/L.175).

202. It was the consensus of opinion that the Sub-Commission, having dealt with the problem of protection of minorities in connexion with its examination of item 12 of its agenda (see Chapter XII above), and having adopted a different approach to the problem than that which had been envisaged in the work programme prepared at its fifth session, did not need to take any further action on this item of its agenda, pending the results of the Sub-Commission's further study of the problem of minorities. It was understood that the Sub-Commission might return to a consideration of the item at a later stage.

XIV. FURTHER CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION

203. The Sub-Commission considered item 14 of its agenda, "Further consideration of the future work of the Sub-Commission", at its 139th and 140th meetings, examining the questions that remained outstanding after it had dealt with items 5, 7 and 10.

204. The Sub-Commission had before it, in addition to the memorandum submitted by the Secretary-General, entitled "Further consideration of the general work programme of the Sub-Commission" (E/CN.4/Sub.2/153), draft resolutions submitted by Messrs. Sorensen (E/CN.4/Sub.2/L.74) and Hiscocks (E/CN.4/Sub.2/L.76), and a working paper submitted by Mr. Santa Cruz (Working Paper No. 1).

A. The question of collaboration with specialized agencies

205. Mr. Sorensen's draft resolution, introduced at the 139th meeting, proposed that the Sub-Commission invite UNESCO, through the appropriate channels, to give special attention to the Sub-Commission's programme of work when selecting fields and subjects for research, with a view to facilitating and supplementing the studies to be undertaken by the Sub-Commission.

206. In introducing this draft resolution, its author stressed the Sub-Commission's need for all possible co-operation from UNESCO, and cited several examples of possible further co-operation in fields of mutual interest.

207. Several members supported the proposal. Mr. Awad suggested reference to other specialized agencies, in addition to UNESCO, as well as the addition to a second element to the operative paragraph, requesting that the Secretary-General be authorized to provide direct means of contact between the Sub-Commission, UNESCO and other specialized agencies. After Mr. Sorensen had accepted these oral amendments, the draft resolution was put to the vote.

208. The draft resolution was voted upon in parts at the 139th meeting. The preamble, as amended, and the opening clause of the operative paragraph, were adopted unanimously. The first sub-paragraph of the operative paragraph was adopted by 8 votes in favour, one against, and one abstention. The second sub-paragraph was adopted unanimously. The resolution as a whole was adopted by 9 votes to none, with one abstention, as follows:

Resolution I

Collaboration between the Sub-Commission
and the specialized agencies

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

Considering the diversity and complexity of social conditions which give rise to discrimination and to minority problems;

Considering further the advantages which the Sub-Commission, in performing its task of recommending measures for prevention of discrimination and protection of minorities, can draw from any impartial and scholarly investigation and description of such social conditions;

Having noted the wide range of activities of some of the specialized agencies, notably UNESCO, in this field;

Requests the Commission on Human Rights to request the Economic and Social Council:

- (a) to invite UNESCO and other specialized agencies to give special attention to the Sub-Commission's programme of work when selecting fields and subjects for research, with a view to facilitating and supplementing the studies to be undertaken by the Sub-Commission; and
- (b) to this end, to authorize the Secretary-General to provide direct means of contact between the Sub-Commission and UNESCO and other specialized agencies.

209. Mr. Hiscocks explained his vote (see document E/CN.4/Sub.2/SR.139).

210. The representative of UNESCO drew the attention of the Sub-Commission to a report on the activities of UNESCO in the field of prevention of discrimination and protection of minorities (E/2473), submitted to the sixteenth session of the Economic and Social Council; and pointed out that a large proportion of UNESCO's activities in this field stem from suggestions formulated by the Sub-Commission at earlier sessions. He stated that UNESCO would continue to co-operate with the Sub-Commission.

B. Measures to expedite the future work of the Sub-Commission

211. Several members of the Sub-Commission considered that one of the most important problems which would face it in the future was that of expediting the future work of the Sub-Commission. In this connexion Mr. Hiscocks submitted at the 139th meeting, a draft resolution (E/CN.4/Sub.2/L.76), requesting that annual provision be made for financing the Sub-Commission's work,

in the form of a general appropriation. In introducing his draft resolution, he explained that, as had become apparent from the debates, the need for such action had become clear to Mr. Santa Cruz and himself, as well as to other members of the Sub-Commission, in the course of the earlier discussion relating to the programme of future work.

212. Mr. Santa Cruz agreed that the matter was extremely important, relating to the very substance of the Sub-Commission's work and to its possibilities of fulfilling the task assigned to it. He felt, however, that the draft resolution was not sufficiently detailed, and for this reason outlined his own ideas on the contents of such a resolution. He suggested that the Sub-Commission should analyse carefully the various obstacles which it had encountered in its earlier work, make known its problems to its parent bodies, and ask that steps be taken to enable it to work more efficiently. He proposed that as a minimum it should request that independent individuals, appointed to prepare its specialized studies, should receive remuneration for their work.

213. Mr. Roy, while agreeing with him, felt that the Sub-Commission should, in addition, propose that the General Assembly be requested to reconsider its resolution 677 (VII), forbidding the payment of honoraria to rapporteurs of United Nations organs, in order to permit the Sub-Commission to avail itself of the services of independent experts.

214. At the 140th meeting, Mr. Santa Cruz submitted his working paper (Working Paper No. 1) to the Sub-Commission, which considered it in detail. Various members suggested alterations, the majority of which the author was able to accept.

215. At the 139th meeting, Mr. Roy had asked the opinion of the Secretary-General on the question whether a yearly global appropriation for the cost of the Sub-Commission's work, as envisaged in both texts before it, was possible. The representative of the Secretary-General, in replying at the 140th meeting, stated that while the General Assembly may decide to make global provisions at its discretion, experience in practice would seem to rule out the likelihood of such action in this case. The Assembly's established practice, of requiring

detailed justifications and of appropriating for specific purposes, seemed entirely appropriate and feasible, and it was not to be expected that the General Assembly would undertake to finance the work of the Sub-Commission through means other than a regular appropriation.

216. In the light of the statement of the representative of the Secretary-General, Mr. Santa Cruz agreed to delete two parts of the working paper. The first of these consisted of a paragraph reading:

"Bearing in mind that the Sub-Commission's work would be greatly facilitated, and particularly that the Sub-Commission could plan its future action with much more confidence and precision, if for a specific period of time it could count on an annual global budget for carrying out the studies falling within its work programme as approved by the Commission on Human Rights and noted by the Economic and Social Council ...".

The second consisted of the clause:

"That the General Assembly should consider the possibility of allocating an annual global sum for the studies which the Sub-Commission desires to undertake under the work programme approved by the higher bodies."

Mr. Santa Cruz, in agreeing to the deletion of these parts of the working paper, stated that he did so on the understanding that the texts would be included in this Report as reflecting the views of some members, including Messrs. Hiscocks, Roy, and himself.

217. The working paper was voted on in parts. The introductory paragraphs, as amended, were adopted unanimously, and it was decided to include them as a statement of the Sub-Commission in this Report (see paragraphs 218 to 225 below). The preamble of the draft resolution, which followed the introductory paragraphs, was adopted unanimously after the author had withdrawn its third paragraph (see paragraph 216 above). The first and second operative paragraphs were also adopted unanimously. The third operative paragraph was withdrawn (see paragraph 216 above). An amendment to the fourth operative paragraph, suggested

by Mr. Hiscocks,^{1/} was rejected by one vote in favour, 6 against, and 3 abstentions. An amendment by Mr. Halpern to the fourth operative paragraph^{2/} was rejected by 2 votes in favour, 5 against, and 3 abstentions. The paragraph was then adopted by 8 votes in favour, none against, and 2 abstentions. Another amendment by Mr. Halpern, to add an additional operative paragraph to the end of the draft resolution contained in the working paper, was adopted by 8 votes in favour, none against, and 2 abstentions. The text of the statement, thus amended, was adopted unanimously by the Sub-Commission, as follows:

218. "In considering its 'future work' in accordance with Economic and Social Council resolution 502 H (XVI), the Sub-Commission has thought it necessary to analyse its possibilities of action in the light of its terms of reference, the experience of recent years, and criticisms made in superior bodies.

219. "According to the Sub-Commission's terms of reference, as laid down by the Commission on Human Rights and approved by the Economic and Social Council, its principal functions are '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'. The Sub-Commission's work is thus connected with the achievement of what, as may be seen from the preamble to the Charter and the provisions of Article 1, paragraph 3 and Articles 13, 55, 62 and 76, are among the most important purposes of the United Nations, the prevention of discrimination and generally the promotion of respect for human rights.

220. "The Sub-Commission has been criticized on various occasions for not having done all that could be hoped of it. The Sub-Commission believes that factors external to its intentions and powers have prevented its work from resulting in more positive action with respect both to discrimination and to the protection of minorities. At this time it wishes to emphasize the inadequacy of the financial means made available for the execution of its studies or recommendations.

^{1/} Adding, after the words "independent experts", the phrase: "who are in an entirely different position from that of official representatives of governments."

^{2/} Adding, after the words "independent experts", the phrase: "who are not salaried employees of their governments."

221. "The Sub-Commission must make its recommendations to the Commission on Human Rights, which in turn must on many occasions request the approval of the Economic and Social Council, and when the resolutions involve expenditure, it must be hoped that the General Assembly will provide the necessary funds. In view of the fact that both the Sub-Commission and the Commission on Human Rights meet only once a year, it must be assumed that, when the dates of meeting are not synchronized, or when for one reason or another the higher body cannot deal with the matter in the session immediately following the session of the lower body, the process is sometimes excessively prolonged. On some occasions it has lasted for more than a year.

222. "Both because it is so directed by its terms of reference and because that is the most logical way of carrying out its task, the Sub-Commission has decided to undertake a series of basic studies relating to discrimination, and a study of the situation of minorities. The outcome has been a study of discrimination in education and another of discrimination in employment and occupation, both on a world-wide basis; and it is planned to undertake in future studies of discrimination with respect to political and religious rights, immigration, emigration and other matters. This work programme has been approved by the Commission on Human Rights. Similarly, it has been decided to carry out a study of the 'present situation of minorities throughout the world'. The Sub-Commission considers that these studies are basic and a necessary preliminary to the formulation of definite recommendations on the way in which discrimination can be eliminated and minority groups protected, and consequently to any effective action by the principal organs of the United Nations on these matters.

223. "The Sub-Commission, which consists of twelve members and normally meets once a year for not more than four weeks, cannot carry out the whole of these studies to the full extent itself. Its task is to plan them, guide them, see that they are properly carried out, draw conclusions and make recommendations. But it cannot collect material and information, classify and analyse it selectively, arrange it, and in general do the whole of the preliminary work. Part of this task can be undertaken by the Secretariat of the United Nations or, where the subject falls within the scope of a specialized agency, by that specialized agency.

224. "In accordance with the provisions of paragraphs 4 and 6 of resolution 502 H (XVI) of the Economic and Social Council, the Sub-Commission has accepted the suggestion therein set forth that it should utilize to the full, where appropriate, the assistance of the specialized agencies. Thus, it has requested the International Labour Organisation to carry out the preparatory study of discrimination in employment and occupation, and has requested UNESCO to co-operate in carrying out the study of discrimination in education. It has also used the assistance and aid of the Secretariat of the United Nations for other studies. There are, however, some subjects which, on account of their special nature, are not directly related to the work of any specialized agency and which, even at the preliminary stage, require a definition which holds or may hold political implications and affect a sovereign State and which therefore the Secretariat, which is rightly anxious to maintain and preserve its neutrality and independence, cannot be called upon to undertake. In such cases, the Sub-Commission has decided to entrust this preliminary work, which requires devoted efforts and which it considers indispensable, either to one of its members or to an independent expert on the subject concerned who can devote his time and ability to it. In the case of the study of discrimination in education, the Sub-Commission appointed one of its members as Special Rapporteur, who, in accordance with the wishes expressed by the General Assembly in resolution 677 (VII), accepted the task without remuneration, and in the case of the study relating to the situation of minorities, it decided to ask the Economic and Social Council, through the Commission on Human Rights, to appoint an independent expert to deal with the matter. This seemed to the Sub-Commission to be the only effective way of carrying out its terms of reference and its programme.

225. "The Sub-Commission is of the opinion that responsible work of the kind which these studies imply and which requires whole time attention for several months, and even the substantial collaboration of third parties, should not be asked of any independent person without appropriate provision for remuneration. Accordingly the Sub-Commission has adopted the following resolution:"

Resolution J¹/

Measures to expedite the work of the Sub-Commission

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

Considering that it is advisable to explore the means of securing prompt execution of its resolutions;

Considering further that it is desirable for the higher bodies to have a suitable knowledge of the principal aspects of the Sub-Commission's future work in fulfilment of its terms of reference, and of the means it envisages for the purpose of carrying them out;

1. Requests the Commission on Human Rights to study the means whereby execution of the Sub-Commission's resolutions relating to its normal work programme could be expedited - as, for example, by setting aside adequate time, as it did at its last session, to review the Sub-Commission's work, or by considering whether, in certain cases, the Sub-Commission might appropriately report to the Economic and Social Council directly, as did the Sub-Commission on Freedom of Information and of the Press in accordance with resolution 197 (VIII) of the Economic and Social Council;

2. Draws the attention of the Commission on Human Rights and, through it, of the Economic and Social Council to the fact that, besides the studies relating to discrimination in education and in employment and occupation, and to the situation of minorities, approved at the present session, the Sub-Commission is planning to undertake in 1955 one of the studies on discrimination mentioned in the resolution on its future programme of work in the field of prevention of discrimination (Resolution D, paragraph 143 above), and that the Sub-Commission would presumably wish to appoint a special rapporteur or expert to do the preliminary work in connexion with that study;

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 C.

3. Requests the Commission on Human Rights and, through it, the Economic and Social Council to ask the General Assembly to reconsider resolution 677, adopted at its seventh session, so far as concerns the payment of rapporteurs or independent experts who would prepare the special studies for the Sub-Commission and whose appointment the Sub-Commission considered absolutely essential for the execution of its resolution as approved by the Commission on Human Rights and by the Council.

4. Further requests the Commission on Human Rights to recommend that specific budgetary provision be made for the ensuing year for the payment of a rapporteur or independent expert for the conduct of the study to be selected at the seventh session of the Sub-Commission, pursuant to Resolution D (see paragraph 143 above), from among the subjects there set forth, and for the payment of an independent expert to prepare the study of the present situation of minorities (Resolution F, see paragraph 200 above).

226. In connexion with the final paragraph of the above resolution, Mr. Halpern stated that he was opposed to inclusion of the phrase, "and for the payment of an independent expert to prepare the study of the present situation of minorities", but that he was prepared to agree, if such a study were approved by the appropriate higher organs, that the expert appointed to undertake this work might be remunerated.

227. In view of the adoption of the text and resolution in paragraphs 218 to 225 above, and with Mr. Hiscocks' agreement, no vote was taken on the draft resolution submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.76).

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

228. The Sub-Commission considered (E/CN.4/Sub.2/SR.141 and 142), the draft report of its sixth session (E/CN.4/Sub.2/L.60 and Adds. 1-7), and adopted it by 9 votes to none, with no abstentions.

229. The Sub-Commission took note of the annexes but did not discuss or vote on the text of the draft resolutions contained in Annex I.

ANNEX I

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

A.

STUDY OF DISCRIMINATION IN EDUCATION

The Commission on Human Rights,

Having noted Resolution B of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the study of discrimination in education (E/CN.4/703, paragraph 97);

Requests the Secretary-General to forward to the governments concerned all requests for information or for comments by the Sub-Commission's Special Rapporteur on Discrimination in Education, pursuant to the terms of the resolution.

B.

STUDY OF THE PRESENT POSITION AS REGARDS
MINORITIES THROUGHOUT THE WORLD

The Commission on Human Rights,

Having noted Resolution F of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the study of the present position as regards minorities throughout the world (E/CN.4/703, paragraph 200);

Recommends to the Economic and Social Council the appointment of an expert, preferably in consultation with the Chairman of the Sub-Commission, who will carry out the selective study on behalf of the Sub-Commission, present an interim report to the Sub-Commission at its seventh session, and complete the study in time for it to be in the hands of members of the Sub-Commission at least six weeks before the opening of its eighth session.

C.

MEASURES TO EXPEDITE THE WORK OF THE SUB-COMMISSION

The Commission on Human Rights,

Having noted Resolution J of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on measures to expedite the work of the Sub-Commission (E/CN.4/703, paragraph 225);

1. Draws the attention of the Economic and Social Council to the fact that, besides the studies relating to discrimination in education and employment and occupation, and to the present situation as regards minorities throughout the world, approved at its sixth session, the Sub-Commission is planning to undertake in 1955 one of the studies on discrimination mentioned in Resolution D (E/CN.4/703, paragraph 143), on its future programme of work in the field of prevention of discrimination, and that the Sub-Commission would presumably wish to appoint a Special Rapporteur or expert to do the preliminary work in connexion with that study;

2. Requests the Council to ask the General Assembly to reconsider resolution 677, adopted at its seventh session, so far as concerns the payment of rapporteurs or independent experts who would prepare the special studies for the Sub-Commission and whose appointment the Sub-Commission considers absolutely essential for the execution of its work programme as approved by the Commission on Human Rights and by the Council;

3. Further requests the Council to recommend that specific budgetary provision be made for the ensuing year for the payment of a rapporteur or independent expert for the conduct of the study to be selected at the seventh session of the Sub-Commission, pursuant to Resolution D adopted by the Sub-Commission at its sixth session (E/CN.4/703, paragraph 143), from among the subjects there set forth, and for the payment of an independent expert to prepare the study of the present situation of minorities.

D.

FUTURE WORK OF THE SUB-COMMISSION ON THE
PROTECTION OF MINORITIES

The Commission on Human Rights,

Having noted Resolution H of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on future work on the protection of minorities (E/CN.4/703, paragraph 200);

Approves the decision of the Sub-Commission to include in its future work consideration of the matters dealt with in the draft resolution adopted at its fourth session entitled "Interim Measures to be Taken for the Protection of Minorities," and in the portion of the draft resolution of its fifth session entitled "Abolition of Discriminatory Measures" which referred to the taking of effective measures for the protection of minorities.

E.

REPORT OF THE SIXTH SESSION OF THE SUB-COMMISSION

The Commission on Human Rights,

Takes note of the report of the sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/703).

ANNEX II

FINANCIAL IMPLICATIONS OF DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS SIXTH SESSION

1. In the course of its sixth session the Sub-Commission took note of statements of financial implications submitted to it by the Secretary-General in respect of those proposals the implementation of which would entail additional budgetary provision. A summary of the estimates relating to the decisions adopted by the Sub-Commission is given below:

- A. Study of Discrimination in Education (see Resolution B, paragraph 97, of this Report).
2. Resolution 502 H (XVI) of the Economic and Social Council approves appointment of a Rapporteur on discrimination in the field of education, and the Secretary-General will therefore request the Advisory Committee on Administrative and Budgetary Questions to concur in his use of funds to meet the costs which are to arise in 1954 in respect of the Rapporteur. Provision of any funds which might be required for the Rapporteur in 1955, as well as provision of funds for publication of the final report, will be made the subject of budget requests to the ninth regular session of the General Assembly, in accordance with normal financial practice.

1/ This Annex has been prepared by the Secretariat.

3. The details concerning estimated costs of implementing Resolution B are as follows:

	<u>1954</u>	<u>1955</u>	<u>Total</u>
(a) Special Rapporteur			
(i) Travel costs (one round-trip for consultation at United Nations Headquarters and one round-trip for consultation at UNESCO Headquarters, \$1,000 each in 1954; and perhaps one round-trip to New York in 1955 at \$1,000)	\$2,000	\$1,000	\$3,000
(ii) Subsistence (\$25 per day in New York and \$20 per day in Paris for a total of approximately 40 days in 1954; and perhaps \$25 per day in New York for 20 days in 1955)	950	500	1,450
(b) Publication Costs			
(Printing of report in the three working languages)	-	13,600	13,600
TOTAL	\$2,950	\$15,100	\$18,050

4. Substantive staff assistance will be provided to the Rapporteur from the existing establishment.

5. It is assumed that language services, in connexion with the preparation of perhaps some 1,000 pages of documentation in each of the three working languages, including documentation associated with the proposed recommendation to the Commission on Human Rights, can be provided within existing resources. (The total cost of this extra workload, if separately calculated, would amount to about \$15,000 for salary of language staff over the two years, 1954-1955).

Other items of expense (such as postage and cables) presumably will be sufficiently modest in amount to be covered within normal appropriations.

B. Study of Discrimination in Employment and Occupation (see Resolution C, paragraph 123, of this Report).

6. The Secretary-General's collaboration can be provided within the existing establishment, but financial implications for the United Nations' budget would arise in connexion with translation and production of the report.

7. It is understood that the ILO would submit its report in either English or French and, circumstances permitting, would also attempt to provide a translation into the other language. The likelihood is therefore, assuming a report of some 300 pages in length, that the workload for the United Nations would be limited to translation and production of the Spanish text and production in the other two languages. (The cost of the Spanish text, if separately calculated, would be \$2,100; that of production in the other two languages, \$600.)

C. Future Work Programme of the Sub-Commission in the Field of Prevention of Discrimination (see Resolution D, paragraph 143)

8. The Secretary-General does not anticipate that any costs would be incurred in respect of the three members of the Sub-Commission referred to in the resolution, assuming that the work and consultation with the Secretary-General are to be done by correspondence. The production of the brief reports anticipated would be done within the existing establishment; the total estimated cost of this task, if separately calculated, would be about \$1,300.

9. As to the actual undertaking in 1955 of one of the studies mentioned in paragraphs 2 (a), (b), and (c), the character of the financial requirement would of course be dependent upon the proposal to be formulated by the seventh session of the Sub-Commission. In so far as the proposal entailed the provision of substantive services by the Secretary-General, arrangements would be made, subject to such action on the matter as might have been taken by the Commission on Human Rights and the Economic and Social Council this year, to provide the services required, including consultants if necessary. In the event that the Sub-Commission wished to apply to this study a procedure similar to that adopted in the case of the study on discrimination in the field of education, the expenditure of funds for payment of travel and per diem for a Special Rapporteur could not be incurred by the Secretary-General in the absence of approval by the Commission on Human Rights.

D. Future Work Programme of the Sub-Commission in the Field of Protection of Minorities (see Resolution F, paragraph 200, and Resolution J, paragraph 225, of this Report)

10. The collaboration requested of the Secretary-General, in so far as it could feasibly be provided, would be furnished within existing resources. The resolution does not call upon the Secretary-General to furnish substantive, clerical or other services to the expert.

11. As to the proposal that the Commission on Human Rights recommend to the Economic and Social Council that the Council appoint an expert to serve the Sub-Commission, it appears that the intent is that the expert begin work in the latter months of 1954 and complete his task during 1955.

12. The reimbursement to which such an expert would be entitled would be limited to travel and subsistence costs, the latter at the rate of \$25 per day in New York and \$20 per day elsewhere. Under existing policies concerning non-payment of fees to experts reporting to the Council and functional Commissions, the Secretary-General would not consider himself authorized to pay fees in any case where an expert continued to be in receipt of a salary while engaged in his assignment.

13. Funds for the 1954 portion of the expert's travel and subsistence costs would be made available by the Secretary-General only upon (a) the Council's certification that the work was urgent and required to be begun prior to the ninth session of the General Assembly, and (b) review and approval of the proposed 1954 expenditure by the Advisory Committee on Administrative and Budgetary Questions.

14. Provision of the necessary funds for 1955 would be a matter for the General Assembly at its ninth session when it considered the Secretary-General's estimates for 1955, which would include estimates arising from new actions taken by the Economic and Social Council.

15. It is most difficult for the Secretariat to anticipate the duration of time for which the expert would be required to work or the length of his reports. On this account, it is not possible at this time to provide even tentative estimates of the total costs which might be entailed.

16. In order to assist the Sub-Commission in arriving at views which would enable the Secretary-General to prepare such an estimate, the following standard cost factors were brought to the attention of the Sub-Commission:

- (a) One overseas round trip travel can be estimated at about . . . \$1,000
- (b) Subsistence for one month (at \$25 per day) can be
estimated at \$ 750
- (c) Attendance at one session of the Sub-Commission for a
period of seven days can be estimated, including travel
(\$1,000) and subsistence (\$175) at \$1,175

17. Employment of the expert for a total period of, say, ten months would entail a cost for subsistence alone of \$7,500.

E. Documentation

18. As regards documentation, unless the material in question were kept within very narrow limits, the work could not be undertaken with the resources at present at the disposal of the Secretary-General. If the extra workload involved in translation and production of reports necessitated extra funds, these would be requested from the General Assembly as part of the Secretary-General's estimates for the year concerned.

ANNEX III

LIST OF DOCUMENTS BEFORE THE SUB-COMMISSION AT ITS SIXTH SESSION

1. Documents issued in the general series:

- E/CN.4/Sub.2/150 - Provisional agenda of the sixth session of the Sub-Commission
- E/CN.4/Sub.2/150/
Rev.1 - Agenda of the sixth session of the Sub-Commission
- E/CN.4/Sub.2/151 - Activities of the United Nations in the fields of prevention of discrimination and protection of minorities (Memorandum submitted by the Secretary-General)
- E/CN.4/Sub.2/152 - Measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately (Memorandum submitted by the Secretary-General)
- E/CN.4/Sub.2/153 - Further consideration of the general work programme of the Sub-Commission (Memorandum submitted by the Secretary-General)
- E/CN.4/Sub.2/154 - Recommendations to governments concerning the application of special measures for the protection of minorities; Study of the whole question, including definition of the term "minority" for the purpose of such recommendations (Memorandum submitted by the Secretary-General)
- E/CN.4/Sub.2/155 - Study of discrimination in education: Interim report of the Special Rapporteur
- E/CN.4/Sub.2/156 - Consideration of the procedure to be followed in studying discrimination in the field of employment and occupation (Interim Report submitted by the Secretary-General)

2. Documents issued in the limited series:

- E/CN.4/Sub.2/L.45 - Provisions for the protection of minorities
(Preliminary draft compilation)
- E/CN.4/Sub.2/L.46 - Mr. Hiscocks: Draft proposal for new agenda item
- E/CN.4/Sub.2/L.47 - Suggestions by Mr. Halpern relating to the factual
study on discrimination in education
- E/CN.4/Sub.2/L.48 - Mr. Hiscocks: Draft resolution on the Sub-Commission's
specialized study on discrimination in education
- E/CN.4/Sub.2/L.48/
Rev.1 - Mr. Hiscocks: Revised draft resolution on the
Sub-Commission's specialized study on discrimination
in education, incorporating the amendments proposed
by Mr. Santa Cruz
- E/CN.4/Sub.2/L.48/
Rev.1/Add.1 - Mr. Hiscocks: Revised draft resolution on the
Sub-Commission's specialized study on discrimination
in education (Statement of financial implications
submitted by the Secretary-General)
- E/CN.4/Sub.2/L.49 - Mr. Hiscocks: Draft resolution on the interim
report of the Special Rapporteur on Discrimination
in Education
- E/CN.4/Sub.2/L.50 - Mr. Santa Cruz: Amendments to the draft resolution
submitted by Mr. Hiscocks on the Sub-Commission's
specialized study on discrimination in education
- E/CN.4/Sub.2/L.51 - Mr. Santa Cruz: Second amendment to the draft
resolution submitted by Mr. Hiscocks on the Sub-
Commission's specialized study on discrimination
in education
- E/CN.4/Sub.2/L.52 - Mr. Santa Cruz: Third amendment to the draft
resolution submitted by Mr. Hiscocks on the Sub-
Commission's specialized study on discrimination
in education

- E/CN.4/Sub.2/L.53 - Mr. Santa Cruz: Amendment to third amendment (E/CN.4/Sub.2/L.52) to the draft resolution submitted by Mr. Hiscocks on the Sub-Commission's specialized study on discrimination in education (E/CN.4/Sub.2/L.48)
- E/CN.4/Sub.2/L.54 - Draft resolution on the Sub-Commission's specialized study on discrimination in employment and occupation, prepared by the drafting committee composed of Messrs. Awad, Ingles and Santa Cruz
- E/CN.4/Sub.2/L.54/
Add.1 - Draft resolution on the Sub-Commission's specialized study on discrimination in employment and occupation, prepared by the drafting committee composed of Messrs. Awad, Ingles and Santa Cruz (Statement of financial implications submitted by the Secretary-General)
- E/CN.4/Sub.2/L.55 - Mr. Ammoun: Amendments to Mr. Hiscocks' revised draft resolution on the Sub-Commission's specialized study on discrimination in education (E/CN.4/Sub.2/L.48/Rev.1)
- E/CN.4/Sub.2/L.56 - Mr. Halpern: Amendment to the revised draft resolution of Mr. Hiscocks on the Sub-Commission's specialized study on discrimination in education (E/CN.4/Sub.2/L.48/Rev.1)
- E/CN.4/Sub.2/L.57 - Mr. Santa Cruz: Amendment to revised draft resolution proposed by Mr. Hiscocks on the Sub-Commission's specialized study on discrimination in education (E/CN.4/Sub.2/L.48/Rev.1)
- E/CN.4/Sub.2/L.58 - Mr. Halpern: Amendment to revised draft resolution proposed by Mr. Hiscocks on the Sub-Commission's specialized study on discrimination in education (E/CN.4/Sub.2/L.48/Rev.1)
- E/CN.4/Sub.2/L.59 - Mr. Halpern: Amendment to revised draft resolution proposed by Mr. Hiscocks on the Sub-Commission's specialized study on discrimination in education (E/CN.4/Sub.2/L.48/Rev.1)

- E/CN.4/Sub.2/L.60/ -
Add. 1-7 Draft Report of the sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Commission on Human Rights
- E/CN.4/Sub.2/L.61 - Resolution of the Sub-Commission on its Specialized Study on Discrimination in Education, adopted on 15 January 1954
- E/CN.4/Sub.2/L.62 - Mr. Santa Cruz: draft resolution on future work programme of the Sub-Commission in the field of prevention of discrimination
- E/CN.4/Sub.2/L.62/
Rev.1 - Mr. Santa Cruz: revised draft resolution on future work programme of the Sub-Commission in the field of prevention of discrimination
- E/CN.4/Sub.2/L.63 - Union of Soviet Socialist Republics: draft resolution on measures to put an end to any propaganda of national, racial, or religious hostility that constitutes an incitement to hatred or violence or to both
- E/CN.4/Sub.2/L.63/
Corr.1 - Mr. Emelyanov: Draft resolution on measures to put an end to any propaganda of national, racial, or religious hostility that constitutes an incitement to hatred or violence or to both
- E/CN.4/Sub.2/L.64 - Resolution on the Sub-Commission's specialized study on discrimination in employment and occupation, adopted on 19 January 1954
- E/CN.4/Sub.2/L.65 - Mr. Roy: draft resolution on measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately

- E/CN.4/Sub.2/L.65/
Rev.1 - Mr. Roy: revised draft resolution on measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately
- E/CN.4/Sub.2/L.66 - Mr. Santa Cruz: draft resolution on measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately
- E/CN.4/Sub.2/L.66/
Rev.1 - Mr. Santa Cruz: revised draft resolution on measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately
- E/CN.4/Sub.2/L.67 - Resolution on Future Work Programme of the Sub-Commission in the Field of Prevention of Discrimination, adopted on 19 January 1954
- E/CN.4/Sub.2/L.68 - Resolution on measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to violence, adopted on 21 January 1954
- E/CN.4/Sub.2/L.69 - Mr. Halpern: draft suggestions on recommendations to governments concerning the application of special measures for the protection of minorities
- E/CN.4/Sub.2/L.69/
Rev.1 - Mr. Halpern: revised draft suggestions on recommendations to governments concerning the application of special measures for the protection of minorities
- E/CN.4/Sub.2/L.70 - Mr. Hiscocks: draft resolution on recommendations to governments concerning the application of special measures for the protection of minorities

- E/CN.4/Sub.2/L.70/
Rev.1 - Mr. Hiscocks: revised draft resolution on recommendations to governments concerning the application of special measures for the protection of minorities
- E/CN.4/Sub.2/L.70/
Rev.1/Add.1 - Mr. Hiscocks: revised draft resolution on recommendations to governments concerning the application of special measures for the protection of minorities (Statement of financial implications submitted by the Secretary-General)
- E/CN.4/Sub.2/L.71 - Mr. Santa Cruz: draft resolution on recommendations to governments concerning the application of special measures for the protection of minorities
- E/CN.4/Sub.2/L.71/
Rev.1 - Mr. Santa Cruz: revised draft resolution on recommendations to governments concerning the application of special measures for the protection of minorities
- E/CN.4/Sub.2/L.72 - Mr. Ammoun: Amendment to revised draft resolution proposed by Mr. Hiscocks on recommendations to governments concerning the application of special measures for the protection of minorities
- E/CN.4/Sub.2/L.73 - Mr. Santa Cruz: Amendment to revised draft resolution on recommendations to governments concerning the application of special measures for the protection of minorities (E/CN.4/Sub.2/L.71/Rev.1)
- E/CN.4/Sub.2/L.74 - Mr. Sorensen: draft resolution on further consideration of the future work of the Sub-Commission
- E/CN.4/Sub.2/L.75 - Resolutions on recommendations to Governments concerning the application of special measures for the protection of minorities, adopted by the Sub-Commission on 26 January 1954
- E/CN.4/Sub.2/L.76 - Mr. Hiscocks: draft resolution on further consideration of the future work of the Sub-Commission
- Working Paper No.1 - Working paper submitted by Mr. Santa Cruz

3. Documents issued in the Non-Governmental Organizations series:

E/CN.4/Sub.2/NGO/7 - World Jewish Congress (Category B): Observations relating to the work of the Sub-Commission on the prevention of discrimination and the protection of minorities

E/CN.4/Sub.2/NGO/8 - Pax Romana - International Catholic Movement for Intellectual and Cultural Affairs - and Pax Romana - International Movement of Catholic Students (Category B): Observations relating to the work of the Sub-Commission on prevention of discrimination and protection of minorities

ANNEX IV

PROPOSALS SUBMITTED TO, BUT NOT VOTED UPON BY, THE SUB-COMMISSION

I.

Mr. Santa Cruz: revised draft draft resolution on measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately 1/ (E/CN.4/Sub.2/L.66/Rev.1)

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

Considering that the Commission on Human Rights has approved for inclusion in the working programme of the Sub-Commission at its present session the consideration and proposal of "measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constitutes an incitement to hatred and violence jointly or separately"; and that the Commission, on the proposal of the Sub-Commission, has agreed to include in the draft covenant on civil and political rights an article - article 26 - which would impose a legal prohibition upon "any advocacy of national, racial or religious hostility that constitutes an incitement to violence";

Bearing in mind the Secretary-General's Memorandum (E/CN.4/Sub.2/152), especially where it points out that the Convention on the Prevention and Punishment of the Crime of Genocide states that among the acts punishable is "direct and public incitement to commit genocide"; and where, in sections IV and V, it makes a number of suggestions;

Being of the opinion, furthermore, that it would be of advantage to study the methods used in various countries to suppress incitement to violence against particular groups, together with the remedies which have been applied, with a view to ascertaining whether it is possible to recommend concrete and effective measures to facilitate application of the principle established in article 26

1/ See paragraph 159 of this Report.

of the draft covenant on civil and political rights;

1. Notes with satisfaction the inclusion of article 26 in the draft covenant on civil and political rights;

2. Declares that in certain cases advocacy of hostility towards particular groups of persons constituting an incitement to violence may represent the case dealt with in article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide, which condemns "direct and public incitement to commit genocide";

3. Recommends the Commission on Human Rights to request the Secretary-General to prepare, in collaboration with the appropriate specialized agencies, a thorough and up-to-date study of the relevant law and judicial practice in various countries in connexion with the methods employed to suppress incitement to violence against particular groups, and the remedies applied in those countries.

II.

Mr. Halpern: revised draft suggestions on recommendations to governments concerning the application of special measures for the protection of minorities 1/

PART A

Declaration of rights of ethnic, religious and linguistic groups

(E/CN.4/Sub.2/L.69/Rev.1)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities recommends that the following principle be embodied in a Declaration:

The members of an ethnic, religious or linguistic group shall not be denied the right, in community with other members of their group, to participate in the cultural life of their group, to enjoy their own

1/ See paragraph 186 of this Report.

culture, to practise their own religion and to use their own language in the cultural activities of their group; but this right shall not be invoked or exercised in a manner which interferes with the growth and development of the knowledge and understanding, on the part of the members of such group, of the culture and language of the entire community of which they are a part.

The right herein declared shall be regarded as supplementary to the human rights defined in the Universal Declaration of Human Rights and this Declaration shall not be interpreted as superseding or affecting any provision of the Universal Declaration of Human Rights.

PART B

Realizing that there is great variety in the way in which so-called minority situations originated or developed and that there is great variety in the measures or degrees of protection to which minorities may be entitled, it is concluded that it is neither feasible nor desirable to attempt to formulate universal criteria for the identification of the groups which are entitled to recognition as minorities in a technical sense and that no useful purpose would be served by attempting to characterize or summarize the existing situations and that it is neither feasible nor desirable to formulate a universal standard of the degree or measure of protection to which minorities may be entitled, in addition to the right defined in Part A; it is

Decided that no definition of the term minorities and that no formulation of a universal standard of measures of protection should be undertaken at this time; and it is further

Decided that each situation in which a group claims to be entitled to recognition as a minority and to special measures of protection as such shall be considered on its merits, in the light of its history and all surrounding circumstances; and it is

Declared that the Declaration set forth in Part A shall not in any way prejudice or impair the right of such group to assert its claim to minority status and to special measures of protection by the State.