

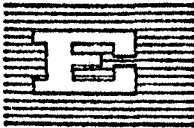
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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES

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

New York, 18 February to 8 March 1957

Rapporteur: Mr. José D. INGLES

TABLE OF CONTENTS

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
I. Organization of the session	1 - 14	6
A. Opening and duration of the session	1 - 2	6
B. Representation at the session	3 - 8	6
C. Election of Officers	9 - 10	8
D. Meetings, resolutions and documentation	11 - 14	8
II. Agenda	15 - 21	9
III. Invitation to the Commission on the Status of Women . .	22	12
IV. Study of discrimination in education	23 - 162	13
Introduction	23 - 27	13
A. General debate and comments on Parts I and II of the study	28 - 62	14
Chapter I: Introduction	37 - 38	16
Chapter II: Discrimination in education based on race and colour	39 - 40	17
Chapter III: Discrimination in education based on sex	41 - 43	18
Chapter IV: Discrimination in education based on religion	44 - 47	19
Chapter V: Discrimination in education based on social origin, property, or political or other opinion	48 - 51	19
Chapter VI: Discrimination in education affecting rural, nomadic and indigenous populations . .	52	20
Chapter VII: Inequalities in education affecting the people of under-developed countries . . .	53	20
Chapter VIII: Information with regard to the teaching of minority languages, the teaching of the cultural heritage of minorities, and teaching in minority languages	54 - 55	21
Chapter IX: International action to prevent discrimination in education	56 - 57	21

TABLE OF CONTENTS (cont'd)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
Chapter X: National and local action to prevent discrimination in education	58 - 59	22
Chapter XI: General Trends	60 - 62	22
B. General debate on the proposals of the Special Rapporteur	63 - 68	23
C. Detailed consideration of proposals	69 - 155	25
1. General views of the Sub-Commission on the study	69 - 71	25
2. Views of the Sub-Commission on the proposal for an international convention to combat discrimination in education	72 - 86	25
3. Views of the Sub-Commission on the proposal for an international fund to combat discrimination in education	87 - 92	31
4. Views of the Sub-Commission on further action to be taken on the international, national and local levels to eliminate discrimination in education	93 - 155	32
(a) Transmittal of the study to UNESCO	95	33
(b) Education of world public opinion	96	33
(c) Affirmation of fundamental principles	97 - 147	33
(d) Recommendations for action on the national and local levels	148 - 149	42
(e) Proposals relating to the development of education in under-developed areas	150 - 153	43
(f) Proposals relating to the organization of seminars	154	43
(g) Proposals relating to reports from governments describing developments	155	44
D. Examination of the draft resolution as amended	156 - 159	45

TABLE OF CONTENTS (cont'd)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
E. Resolutions on the study of discrimination in - education	160 - 162	45
<u>Resolution A</u>	160	46
<u>Resolution B</u>	161	47
<u>Resolution C</u>	162	48
V. Study of discrimination in the field of employment and occupation	163 - 201	54
Introduction	163 - 168	54
A. Views on the nature of the reports prepared by the International Labour Office	169 - 191	55
B. Views on the procedure to be adopted by the Sub-Commission	192 - 200	63
C. <u>Resolution D</u> , on the study of discrimination in the field of employment and occupation	201	65
VI. Date, duration, and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened	202 - 217	67
Introduction	202 - 209	67
A. The date and duration to be recommended for the convening of a second conference	210 - 212	68
B. The agenda and method of work to be recommended for such a conference	213 - 216	69
C. <u>Resolution E</u> , on the conference of non-governmental organizations	217	70
VII. Study of discrimination in the matter of religious rights and practices	218 - 231	72
Introduction	218 - 222	72
A. Views of the Sub-Commission on the progress report	223 - 230	73
B. <u>Resolution F</u> , on the progress report relating to discrimination in the matter of religious rights and practices	231	74

TABLE OF CONTENTS (cont'd)

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
VIII. Study of discrimination in the matter of political rights	232	77
A. Oral report of the Special Rapporteur	232 - 238	77
B. <u>Resolution G</u> , on the study of discrimination in the matter of political rights	239	78
IX. Advisory services in the field of human rights: Application to the prevention of discrimination and the protection of minorities	240 - 254	80
A. General views of the Sub-Commission on the organization of seminars	240 - 250	80
B. <u>Resolution H</u> , on the organization of seminars	251	82
C. Views of the Sub-Commission on the holding of a youth seminar to deal with national and international aspects of the fight against discrimination	252 - 253	83
D. <u>Resolution I</u> , on the holding of a youth seminar	254	83
X. Communications	255 - 257	85
XI. Programme of future work and duration of the Sub-Commission's tenth session	258 - 261	86
XII. Adoption of the report of the Sub-Commission to the Commission on Human Rights	262 - 264	87
ANNEX: List of documents before the Sub-Commission at its ninth session		

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 ninth session at the Headquarters of the United Nations, New York, from 18 February to 8 March 1957.
2. Mr. Mohammed Awad, Vice-Chairman of the Sub-Commission at its eighth session, opened the ninth session on 18 February 1957 (197th meeting).

B. Representation at the session

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

Mr. Charles D. Ammoun	(Lebanon)
Mr. Mohammed Awad	(Egypt)
Mr. Pierre Chatenet	(France)
Mr. Wojciech Ketrzynski (Alternate)	(Poland)
Mr. A.A. Fomin (Alternate)	(Union of Soviet Socialist Republics)
Mr. Philip Halpern	(United States of America)
Mr. C. Richard Hiscocks	(United Kingdom of Great Britain and Northern Ireland)
Mr. José D. Ingles	(Philippines)
Mr. Hérard Roy	(Haiti)
Mr. Hernan Santa Cruz	(Chile)
Mr. Voitto Saario	(Finland)

4. Before the session opened, two members of the Sub-Commission, Mr. Nikolai Petrovich Emelyanov (Union of Soviet Socialist Republics), 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. A.A. Fomin and Mr. Wojciech Ketrzynski, 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. Arcot Krishnaswami (India) was unable to attend the session.

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

International Labour Organisation

Dr. R.A. Metall, Director of the ILO Liaison Office with the United Nations
Mr. Donald Snyder, Chief, Employment Section, International Labour Office,
Geneva

Mr. O.S. Seiersen, ILO Liaison Office with the United Nations

United Nations Educational, Scientific and Cultural Organization

Mr. René Maheu, Representative

7. 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 (Mr. William Kemsley);
International Federation of Christian Trade Unions (Mr. Gerard Thormann);
World Federation of Trade Unions (Miss Elinor Kahn); World Federation of
United Nations Associations (Mr. H.G. Barrett-Brown); World Veterans
Federation (Mrs. C. Rogger, Mr. Jacques Katel);

Category B

Agudas Israel World Organization (Dr. Isaac Lewin); Catholic International
Union for Social Service (Mrs. Allys Vergara, Mrs. Carmen Giroux); Chamber of
Commerce of the United States of America (Mr. Earl F. Cruickshank); Commission
of the Churches on International Affairs (Mr. A. Dominique Micheli,
Mr. O. Frederick Nolde); Consultative Council of Jewish Organizations
(Mr. Moses Moskowitz, Mr. Sidney Liskofsky); Coordinating Board of Jewish
Organizations (Mr. Saul E. Joffes); Friends World Committee (Mr. Grant Fraser);
Inter-American Council of Commerce and Production (Mr. Earl F. Cruickshank);
International Association of Penal Law (Mr. Sabin Manuila); International
Catholic Child Bureau (Mr. Jules Gagnon, Miss Margaret M. Bedard); International
Catholic Press Union (Mr. Gary MacBain); International Conference of Catholic
Charities (Dr. Louis J. Longarzo); International Council of Jewish Women
(Mrs. I. Lee Levy); International Council of Women (Mrs. Eunice H. Carter);

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International Federation of University Women (Miss Barbara D. Evans); International Federation of Women Lawyers (Mrs. Rose R. Hirschman, Mrs. Ruth Byer, Miss A. Viola Smith); International League for the Rights of Man (Mrs. Dora D. Roitburd, Mr. George D. Silver); International Movement For A Fraternal Union Among Races and People (Miss Marjory Krynen); International Union of Socialist Youth (Miss Susan Gyarmati); Liaison Committee of Women's International Organizations (Dr. Janet Robb); Pan-Pacific Southeast Asia Women's Association (Mrs. Henry G. Fowler, Mrs. Paz P. Mendez); Pax Romana (Mr. Edward J. Kirchner, Mr. Julius Rezler); Women's International League for Peace and Freedom (Mrs. Adelaide N. Baker); World Alliance of Young Men's Christian Associations (Mr. Owen E. Pence); World Union for Progressive Judaism (Mrs. E.S. Polstein); World Union of Catholic Women's Organizations (Miss Catherine Schaeffer); World Young Women's Christian Association (Mrs. Constance Anderson, Mrs. Roland P. Beattie); Young Christian Workers (Miss Caroline Pezzullo); World Assembly of Youth (Mr. Robert Perlzweig); World Jewish Congress (Mr. Gerhard Jacoby, Mr. Maurice L. Perlzweig).

8. Mr. John P. Humphrey, 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

9. The Sub-Commission at its 197th meeting unanimously elected:

Mr. Mohammed Awad (Egypt), Chairman;

Mr. Pierre Chatenet (France), Vice-Chairman;

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

10. The Chairman and members of the Sub-Commission expressed warmest appreciation of the services which Mr. Max Sorensen (Denmark) had rendered as Chairman over a period of three years, and their regret that they had been deprived of the benefit of his great experience and leadership.

D. Meetings, resolutions and documentation

11. The Sub-Commission held 24 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.197-220.

12. 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.200, 201, 214, 216 and 218) to representatives of the following non-governmental organizations:

Category A

International Federation of Free Trade Unions (Mr. William Kemsley);
International Federation of Christian Trade Unions (Mr. Gerard Thormann);
World Federation of Trade Unions (Miss Elinor Kahn); World Veterans Federation (Mr. Jacques Katel).

Category B

Pax Romana (Mr. Edward J. Kirchner); World Jewish Congress (Mr. Maurice L. Perlzweig).

13. Resolutions adopted by the Sub-Commission appear under the subject matter to which they relate.

14. Documents before the Sub-Commission at its ninth session are listed in the Annex.

II. AGENDA

Item 2 of the Agenda

15. At the 197th meeting, the Sub-Commission considered the provisional agenda (E/CN.4/Sub.2/179), prepared by the Secretary-General in consultation with the Chairman.

16. The Sub-Commission had before it a note by the Secretary-General concerning the arrangement of business at the session (E/CN.4/Sub.2/L.104). In the note, it was recalled that the Secretary-General had been obliged to postpone the ninth session of the Sub-Commission after consultation with members of the Interim Committee on Calendar of Conferences in view of the heavy demand on the Conference Services by the General Assembly. The Secretary-General had informed the Council (E/2942) that this postponement necessitated a consequential change in the date of the session of the Commission on Human Rights in order to

enable the report of the Sub-Commission to be circulated, if not in accordance with Rule 5 of the Rules of Procedure of Functional Commissions, at least as long before the Commission's session as was possible under the circumstances. Accordingly the Council, at its resumed twenty-second session, had agreed that Rule 5 should be waived in so far as the date of distribution of the Sub-Commission's report is concerned, and that the opening date of the Commission should be postponed by one week, to 1 April.

17. The Secretary-General suggested, therefore, that it was desirable for the Sub-Commission to arrange its business in such a way that the items of its agenda which would probably require further action by higher bodies, such as items 5, 6 and 10, could be disposed of at the earliest possible date.

18. The Secretary-General pointed out that although the Sub-Commission in 1956 had decided that at the ninth session it would give priority to the study of discrimination in the field of employment and occupation, copies of Report VII (2) on this subject, prepared by the International Labour Office for the fortieth session of the International Labour Conference, were not received in time for distribution in advance of the opening of the Sub-Commission's session.

19. Bearing these considerations in mind, the Sub-Commission decided to give priority on its agenda to the following three items, in the order named:

Study of discrimination in education;
Study of discrimination in the field of employment and occupation; and
Date, duration, and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened.

20. Mr. Halpern proposed that two new items should be placed on the agenda, as follows:

Further studies in the field of discrimination, including a study of discrimination in emigration; and

Protection of minorities: Request to the Secretary-General for a report on recent developments, including treaties incorporating clauses for the protection of minorities.

At the suggestion of Mr. Santa Cruz, Mr. Halpern rephrased the two items in general terms, the first becoming "Further studies in the field of discrimination"; the second, "Protection of Minorities". In this form they were accepted by the Sub-Commission.

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21. The Sub-Commission unanimously adopted the following agenda for the ninth session:

1. Election of Officers.
2. Adoption of the agenda.
3. Invitation to the Commission on the Status of Women.
4. Study of discrimination in education.
5. Study of discrimination in the field of employment and occupation.
6. Date, duration, and agenda of any further Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination that may be convened.
7. Study of discrimination in the matter of religious rights and practices.
8. Study of discrimination in the matter of political rights.
9. Further studies in the field of discrimination.
10. 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.
11. Advisory services in the field of human rights: Application to the prevention of discrimination and protection of minorities.
12. Protection of minorities.
13. Communications relating to prevention of discrimination and protection of minorities.
14. 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

22. At the 197th 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 Uldarica Mañas (Cuba), who participated in the work of the Sub-Commission (E/CN.4/Sub.2/SR.197, 214, 215 and 220).

IV. STUDY OF DISCRIMINATION IN EDUCATION

Item 4 of the agenda

Introduction

23. At the 198th to 213th meetings, the Sub-Commission considered item 4 of its agenda, "Study of Discrimination in Education".

24. The Sub-Commission had before it the Study of Discrimination in Education (E/CN.4/Sub.2/181 and Corr.1), drawn up by its Special Rapporteur, Mr. Charles D. Ammoun, and the comments of UNESCO on the draft study (E/CN.4/Sub.2/L.103). The study had been prepared in accordance with resolution B (E/CN.4/703, para. 97), adopted by the Sub-Commission at its sixth (1954) session; resolution III (E/2573, para. 418), adopted by the Commission on Human Rights at its tenth (1954) session, resolution B (E/CN.4/721, para. 101), adopted by the Sub-Commission at its eight (1956) session, and resolution IX (E/2844, para. 157), adopted by the Commission on Human Rights at its twelfth (1956) session.

25. The study was divided into three parts. These were preceded by a foreword and a statement on the procedure and methods followed in its preparation. Part I consisted of an analysis of the information which the Special Rapporteur had collected. The information was analysed under seven main headings, as follows:

Discrimination in education based on race and colour;

Discrimination in education based on sex;

Discrimination in education based on religion;

Discrimination in education based on social origin, property, or political or other opinion;

Discrimination in education affecting rural, nomadic and indigenous populations;

Inequalities in education affecting the people of under-developed countries; and

Information with regard to the teaching of minority languages, the teaching of the cultural heritage of minorities, and teaching in minority languages.

In Part II the Special Rapporteur presented the information which he had collected relating to action taken, on the international, national, and local levels, to eradicate discrimination in education. In addition, he summarized the general trends revealed by the study, and drew certain conclusions from them. In

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Part III the Special Rapporteur submitted a series of general proposals for action to eradicate discrimination in education. Two annexes were appended to the study. Annex I consisted of a list of the supporting material which the Special Rapporteur had collected to serve as a factual basis for his work. Annex II contained an outline which he had used in preparing summaries of information relating to various States Members of the United Nations and of the specialized agencies (E/CN.4/Sub.2/L.92/Add.1-84).

26. In introducing the study, the Special Rapporteur pointed out that it had been based primarily upon the draft report (E/CN.4/Sub.2/L.92 and Add.1-28) which he had prepared and submitted to the Sub-Commission at its eighth session. He had revised the draft report partly in order to include information about additional countries and to bring the data up to date, and partly in order to take into account various comments which had been made on the draft report. These included not only the comments made by members of the Sub-Commission, but also those made by members of the Commission on Human Rights at the twelfth (1956) session. He had also taken into account the comments of UNESCO on the draft report. Further, he had included a completely new text of Chapter III, relating to discrimination against women in education, in order to meet the views expressed by the Commission on the Status of Women at its tenth (1956) session (E/2850, para. 48), as amended by the Economic and Social Council in resolution 625 C (XXII). At the same time, he realized that he had not been able to give complete satisfaction to everyone, as some of the comments had been contradictory. He himself, therefore, assumed full responsibility for the contents of the study, in accordance with the decision to this effect which had been taken by the Sub-Commission at its eighth session.

27. In view of the fact that the Sub-Commission had already considered in detail at the eighth session the substance of most of the material included in Parts I and II of the study (E/CN.4/721, Chapter VI), members agreed not to re-examine this material at length but to confine themselves to a brief general debate; and thereafter to take up the proposals in Part III.

A. General Debate and Comments on Parts I and II of the Study

28. In the general debate on Parts I and II, statements were made by the members of the Sub-Commission, the representative of the Commission on the Status of Women the representative of UNESCO, and the representatives from various non-governmental

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organizations. These statements are summarized in documents E/CN.4/Sub.2/SR.198 to 201.

29. There was unanimous praise for the work of the Special Rapporteur. The Study of Discrimination in Education was characterized as a work of high quality, admirably striking the proper note in approaching a very delicate problem; it was orderly, readable, systematic, and mature, and not only provided an objective and serious basis for the Sub-Commission's current work, but could serve as a prototype for future studies in the field of discrimination.

30. Several members urged that the study be disseminated as widely as possible, not only through the normal channels of the United Nations, but also through the facilities available to Governments, specialized agencies, and non-governmental organizations. Early and widespread circulation of the study was imperative, they felt, in order that public opinion everywhere might be brought to realize not only the evil nature of discrimination in education, but also the very broad extent of the problem.

31. Some members of the Sub-Commission, in particular Messrs. Halpern, Hiscocks, and Santa Cruz, felt that the study might have laid greater emphasis upon discrimination in education based on political opinion, especially with regard to cases where such discrimination resulted "from a policy evidently intended to originate, maintain, or aggravate such practices". In their view, political discrimination was especially objectionable, as its victims were not in a position to fight back.

32. Messrs. Fomin and Ketrzynski expressed the view that in examining practical measures to combat discrimination in the field of education, priority should be given to cases having the greatest impact, namely discrimination based on race, colour, sex and nationality. However, Messrs. Fomin and Ketrzynski stressed that this order of priorities concerned only the measures to be taken, as all cases of discrimination in the field of education, in their view, had the same importance from the moral point of view.

33. The Special Rapporteur pointed out that he had arranged his materials in the order established by Article 2 of the Universal Declaration of Human Rights, and had not intended to stress one particular ground more than any other. He

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had found discriminatory measures of a social nature, and those of a political character, to be virtually inseparable, and had therefore considered it necessary to deal with them in a single chapter. In the preparation of the study he had utilized all the relevant information at his disposal, including information submitted by non-governmental organizations and the writings of recognized scholars and scientists; he therefore had no other material to add to that which he had already presented to the Sub-Commission.

34. Another issue which arose during the general debate related to the use of statistical data. Mr. Halpern felt that the study implied a link between the proportion of students of a particular group in higher education establishments and the proportion of members of that group in the population, assumed discrimination to be present if the percentage of members of a group in these establishments was lower than the ratio of that group in the population, and conversely assumed that discrimination was not present if the percentage of members in higher educational establishments equalled the ratio of the group in the population. In his view, the only acceptable principle was that equal treatment should be accorded to all in accordance with individual merit. He felt strongly that no support should be given, even by implication, to the idea of a quota system.

35. The Special Rapporteur explained that he had intended to condemn any form of numerus clausus as being in itself a form of discrimination. He had used statistics in a few cases, even though he recognized their shortcomings, because the figures chosen were so striking that they enabled the reader to arrive at conclusions about discrimination.

36. Mr. Fomin regretted that action by the Commission on Human Rights had made it impossible for the Special Rapporteur to deal with all countries in the study; in particular, he felt that it was unfortunate that the Governments of the People's Republic of China, of the Democratic Republic of Germany, and of some other countries, had not been requested to supply information. Mr. Ketrzynski shared this view.

37. Chapter I: Introduction: In presenting the comments of his Organization on Part I of the draft report to the Sub-Commission (E/CN.4/Sub.2/L.103) the

representative of UNESCO thanked the Special Rapporteur for having borne in mind to a great extent, in the final preparation of his study, the observations of the Executive Board of UNESCO referring to the fundamental concepts and terminology, and in particular for having dropped the concepts of passive discrimination and of international discrimination, concerning which the Board had expressed some doubt. On the other hand, he stated that he agreed with the Special Rapporteur that discrimination could exist not only as the result of a deliberate act but also as a result of negligence, when something more was involved than incapacity due to factors not connected with the will - for example, economic factors.

38. Mr. Santa Cruz pointed out that although the Special Rapporteur had practically eliminated from his study the idea of "international" discrimination, in deference to the views expressed by his colleagues and by UNESCO, the Sub-Commission nevertheless should recognize that inequalities existing between various countries tended to encourage discrimination, and that there was need for action against the economic causes of discrimination. The Sub-Commission could perhaps emphasize the international community's responsibilities with respect to the elimination of those economic causes.

39. Chapter II: Discrimination in education based on race and colour: Mr. Halpern expressed the hope that the figures cited in paragraph 130 could be brought up to date. He pointed out that in the United States, as long ago as in 1952, 600 out of every 100,000 Negroes were enrolled in higher educational establishments. These figures, he pointed out, showed that the number of American Negroes that attended universities, considered in relation to the entire American Negro population, was much higher than the proportion of the entire population attending universities in many other countries. These figures indicated what great progress had been achieved, and helped to place the problem of education for the American Negro in its proper perspective.

40. Mr. Fomin, on the other hand, was of the opinion that the Special Rapporteur had been too optimistic in indicating that racial discrimination was on the decline; it was still rampant not only in colonial territories but even in some independent countries. In connexion with the comparative figures adduced by Mr. Halpern, Mr. Fomin pointed out that even were the figures on the Negro situation not over-optimistic, existing statistics show that Negroes in the United States of America

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have far less access to institutions of higher learning than white citizens, which was proof of racial discrimination. At the same time, the comparison made by Mr. Halpern between these figures, and those of other countries, had no relation to the problem of discrimination since what was involved was merely a difference in the system of education in the various countries.

41. Chapter III: Discrimination in education based on sex: The Sub-Commission at its eighth session had sent a copy of the Special Rapporteur's draft report to the Commission on the Status of Women for consideration and comment on the section relating to discrimination based on sex. The Commission at its tenth (1956) session had adopted a resolution (E/2850, para. 48) in which it had invited the Secretary-General:

"to prepare an analytical summary of information on discrimination against women in education, utilizing the Special Rapporteur's report and country papers, as well as other available information, and to submit this summary to the Commission for review at its eleventh session, in order that the Commission may transmit the summary and its recommendations to the twenty-fourth session of the Economic and Social Council."

42. The Council subsequently had adopted resolution 625 C (XXII), requesting the Secretary-General to transmit the summary of information also to the Sub-Commission before its ninth session. The Secretary-General prepared a draft analytical summary and communicated it to the Special Rapporteur, drawing his attention to the fact that this document dealt with the same subject as Chapter III of his draft report. The Special Rapporteur, in order to avoid duplication, decided to use the Secretariat's draft summary in preparing Chapter III of his study. Chapter III of the study is therefore identical to the Secretariat's summary except for the final paragraph, which sets forth the Special Rapporteur's own conclusions.

43. The representative of the Commission on the Status of Women, in commenting on Chapter III, pointed out that it showed that in many parts of the world there was still a great deal of discrimination against women and girls in the field of education, and that the male population commonly had priority whenever a shortage of educational opportunities occurred. She expressed the view that the Special Rapporteur had been rather too optimistic in his concluding note, in which he stated that, generally speaking, governments were making every effort to eliminate or to diminish discrimination against women in education.

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44. Chapter IV: Discrimination in education based on religion: The representative of Pax Romana expressed the view that the study should have shown that while private religious instruction was available outside the public schools in certain eastern European countries, in actual practice the Governments of those countries had created almost insurmountable obstacles for persons desiring such instruction.

45. In reply, Mr. Fomin stated that in his country, any Soviet citizen had the right to receive private religious instruction, and that there were a number of academies and seminaries for the preparation of religious leaders of the various denominations. Allegations that there was any deprivation of religious instruction in the Soviet Union were pure invention, and he regretted that non-governmental organizations, such as Pax Romana, should inject political considerations into the discussion of discrimination in education.

46. Mr. Ketrzynski drew attention to the agreement between Poland and the Catholic Church of 1950 concerning education, and the joint declaration of 1956 concerning co-operation in the field of education between the State and the Catholic Church - understandings which he felt might well serve as a model for other countries.

47. The Special Rapporteur recalled that discrimination in respect of religious rights and practice was the subject of a second study to be undertaken by the Sub-Commission; therefore he did not have to go into the question in any detail. He wished further to point out that he had utilized for his study all the information which Pax Romana had forwarded to him for that purpose.

48. Chapter V: Discrimination in education based on social origin, property, or political or other opinion: In addition to the discussion of the comparative emphasis to be laid upon the subject matter of this Chapter in the study (see para. 31), there was a brief discussion on the question whether the materials presented in the Chapter really indicated the existence of discrimination.

49. Mr. Fomin, in particular, felt that an attempt had been made to create a problem artificially. He stated that discrimination based on social origin, property, or political or other opinion did not exist in the People's Democracies, as had been alleged. The Governments in those countries had inherited a legacy of discrimination in the matter of access to higher education on the part of the poorer classes of society. Government action had since been taken to redress

such patent injustices, with the consequence that, in 1955, about 51 per cent of the university students in Romania came from the workers and peasants and 49 per cent from other social groups; in Czechoslovakia the figures were 56.2 per cent and 43.8 per cent respectively. An effort to give the underprivileged, who constitute the majority of the population, access to higher education cannot be called discriminatory. Furthermore, the measures taken to remove the old forms of discrimination in those countries had been purely temporary, and, having accomplished their purpose, had been discontinued. They had been accompanied by tremendous progress in free education, establishment of new schools and higher educational institutions, and other measures to extend educational opportunities to the whole population of those countries.

50. Other members of the Sub-Commission, particularly Messrs. Chatenet and Halpern, felt that Chapter V was particularly important because it contained evidence of new injustices which had recently been brought into being in certain countries, and are still being countenanced there. In their opinion, two wrongs did not make a right, and discriminatory measures could not be justifiably combatted by measures which were likewise discriminatory.

51. The Special Rapporteur expressed the view that discrimination based upon political opinion was equally important as discrimination on any of the other grounds enumerated in the Universal Declaration of Human Rights, although political opinion, unlike race or national origin, was a matter of personal choice.

52. Chapter VI: Discrimination in education affecting rural, nomadic and indigenous populations: The representative of UNESCO pointed out that with reference to the lack of facilities for the education of certain rural, nomadic and indigenous populations, it was necessary to enquire whether that lack was due to physical obstacles or was the result of deliberate intent or neglect on the part of the authorities. It was only in the latter cases that one could talk of discrimination.

53. Chapter VII: Inequalities in education affecting the people of the under-developed countries: The representative of the International Federation of Christian Trade Unions stated that his organization had read with great concern

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the information presented in the Chapter, and had been reminded of the great disequilibrium which exists between the more highly-industrialized countries and those whose economic, social and cultural development is not yet fully advanced. It was convinced that this situation was fraught with great dangers for the future and felt that everything possible should be done to increase the rate of progress.

54. Chapter VIII: Information with regard to the teaching of minority languages, the teaching of the cultural heritage of minorities, and teaching in minority languages: The question arose whether the information contained in this chapter of the study, which had been collected in accordance with resolution G, adopted by the Sub-Commission at its sixth session, should remain as an integral part of the study. Mr. Ingles, on the one hand, suggested that it might be separated from the remainder of the study and circulated separately; otherwise, the impression might be given that countries mentioned in the Chapter sponsored or condoned discrimination. Mr. Hiscocks agreed with this point of view. Mr. Awad, on the other hand, felt that the problem of minority languages had a considerable bearing on the question of discrimination in education. He stressed the legitimate need, in many countries, for a national language, sponsored by the State, which should not be confused with discrimination. In addition, certain minority languages had to be assisted by the State because of the importance of their cultural content, while the development of others had to be left to the small groups which were willing to maintain and to develop them at their own expense. Mr. Halpern agreed with this point of view.

55. In this connexion, Mr. Fomin pointed out that it was necessary for governments to stimulate the development of minority languages. He expressed his regret that the Special Rapporteur had been prevented from including in his study information concerning the tremendous achievements in this field of the People's Republic of China.

56. Chapter IX: International action to prevent discrimination in education: The Special Rapporteur agreed with the suggestion made by some members of the Sub-Commission, and by UNESCO, that this chapter might be brought up to date. He explained, however, that he had been able to record only events which took place up to the day on which he had completed the study - 10 October 1956.

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57. At the request of UNESCO, the Special Rapporteur added to paragraphs 610, 611, 613, 616, 617, 618 and 619 of his study the information necessary to bring up to date Section B of Chapter IX, dealing with the relevant activities of UNESCO (E/CN.4/Sub.2/181/Add.1).

58. Chapter X: National and local action to prevent discrimination in education:

Only section D of this chapter gave rise to remarks in the Sub-Commission. This section, entitled "General Conclusions Regarding the Elimination of Discrimination and Prejudice", was criticized by Mr. Halpern because, in his view, it did not say enough about the causes of discrimination. Apart from the social and economic factors leading to discrimination, Mr. Halpern pointed out, deep-seated psychological factors were often involved which, because they were hidden below the level of consciousness, could not be dealt with by educational measures alone. All the techniques of modern psychology needed to be called into play, not only to combat such factors, but also to develop a climate of public opinion in which neither prejudice nor discrimination could flourish.

59. The Special Rapporteur agreed to consider the addition to Section D of appropriate texts suggested by members of the Sub-Commission.

60. Chapter XI: General trends: Several members of the Sub-Commission, notably Messrs. Hiscocks and Santa Cruz, did not agree with certain optimistic views expressed by the Special Rapporteur in Chapter XI. Mr. Hiscocks took exception to the first sentence of paragraph 720, which referred to "a few very rare cases of deliberate discrimination", and suggested that the words "a few very rare" should be replaced by the word "some". Mr. Santa Cruz maintained the same position.

61. Mr. Ketrzynski suggested that paragraph 710 should be revised in order that it should indicate clearly that the progress recorded in the study had not been achieved without a struggle, in which many men had suffered.

62. The Special Rapporteur agreed to revise the statement in question. Subsequently, he added the words suggested by Mr. Ketrzynski at the end of paragraph 710 (E/CN.4/Sub.2/181/Add.1). At the same time he replaced the phrase "With very rare exceptions" in paragraph 711 by "With some exceptions", and deleted the words "very rare" in the first sentence of paragraph 720.

B. General debate on the proposals of the Special Rapporteur

63. In Part III of the study, the Special Rapporteur had submitted to the Sub-Commission, in accordance with his mandate, a number of proposals, relating in particular to (a) fundamental principles to be adopted, (b) practical measures to be taken on the national and local level, and (c) international measures. Among the international measures proposed were the preparation of an international convention for the prevention of discrimination in education, the establishment of an international fund for the same purpose, and the organization of a series of seminars dealing with various aspects of the problem.

64. The Representative of UNESCO presented to the Sub-Commission the comments of his organization regarding the various proposals of the Special Rapporteur. He insisted particularly on the need to formulate specific criteria of discrimination in the event that the Sub-Commission should decide to recommend the drafting of an international instrument, a task with which UNESCO might be entrusted. The principles formulated by the Special Rapporteur might constitute, for this purpose, a useful basis.

65. Two draft resolutions were submitted, the first by the Special Rapporteur, Mr. Ammoun (E/CN.4/Sub.2/L.105), the second by Messrs. Hiscocks and Santa Cruz (E/CN.4/Sub.2/L.106).

66. The two draft resolutions had certain points of difference. While the text proposed by the Special Rapporteur followed closely the terms of his proposals, that proposed jointly by Messrs. Hiscocks and Santa Cruz deviated in some respects from the original proposals, and contained a number of new elements, including paragraphs expressing appreciation to the Special Rapporteur, the Commission on the Status of Women, the Secretariat, and to UNESCO for their work in connexion with the preparation of the study. The joint draft resolution also contained suggestions that the study should be transmitted to UNESCO and to non-governmental organizations for use as a basis for further efforts to combat discrimination in education, and a recommendation that it be printed and given wide circulation both in its original form and in a popular summary version. It did not, however, contain any provision relating to the preparation of an international convention on the elimination of discrimination in education, nor did it provide for the establishment of an international fund for the prevention of discrimination in education. Instead of the latter, it proposed

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that the Sub-Commission emphasize the importance of allocating to measures for the prevention and abolition of discrimination a part of such international funds as may be available, such as the funds of UNESCO or such funds as are available, or may become available, for the economic development of under-developed countries.

67. In the course of the general debate on the two draft resolutions, Mr. Halpern expressed the view that the primary recommendation to be adopted as a result of the Sub-Commission's work should be made directly to Governments, and should request them to take heed of the study. He suggested that it might be advisable to provide for a report to be made by Governments on the progress achieved in combating discrimination in education after two or three years. Such a report would indicate to what extent Governments had been able to observe the recommendations on this subject made to them by the United Nations. He felt that it would be particularly useful for the Sub-Commission to spell out what it considered to be the fundamental principles relating to the eradication of discrimination in education, and to recommend to the Commission on Human Rights and the Economic and Social Council that they adopt this statement of principles. On the other hand, he did not think that the Sub-Commission should recommend that administrative techniques which had been found useful in particular areas of the world should be adopted everywhere. He stressed the importance of educating public opinion, and suggested that all organs of the United Nations, all specialized agencies, and all non-governmental organizations should be urged to participate in this work.

68. At the request of the Chairman, Messrs. Hiscocks and Santa Cruz revised their draft resolution to take into account Mr. Ammoun's draft and, in so far as possible, the various points of view which had been expressed, and to present alternative texts where necessary. The revised draft resolution (E/CN.4/Sub.2/L.106/Rev.1) was accepted by the Sub-Committee as a basis for its further examination of the question.

C. Detailed Consideration of Proposals

1. General Views of the Sub-Commission on the Study

69. In line with comments which had been made by various members of the Sub-Commission in praise of the study prepared by the Special Rapporteur, the draft resolution submitted jointly by Messrs. Hiscocks and Santa Cruz proposed that the Sub-Commission should express its warm appreciation to the Special Rapporteur for his further devoted labours in the past year and its congratulations on the comprehensive nature of his final study and on his proposals. It suggested, further, that the Sub-Commission's gratitude should be expressed to the staff of the Secretary-General of the United Nations and to the specialized agencies concerned, particularly UNESCO, for their valuable contributions in the compilation of the study; as well as to the Commission on the Status of Women for its collaboration in the study.

70. The joint draft resolution, in addition, proposed that the Commission on Human Rights should be requested to lay the study before any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened by the United Nations, in order that the conference might consider what action non-governmental organizations could take in this field.

71. There was no disagreement on these general views, which the Sub-Commission adopted unanimously.

2. Views of the Sub-Commission on the Proposal for an International Convention

72. There was considerable discussion in the Sub-Commission of a proposal that the necessary steps be taken with a view to the preparation of an international convention for the prevention of discrimination in education.

73. In his study, the Special Rapporteur had recommended (E/CN.4/Sub.2/181, p. 238) "that the Commission on Human Rights should formally propose to the Economic and Social Council the preparation of an international convention for the prevention of discrimination in education which, after approval by the competent bodies, would be opened for signature and ratification by States". He had suggested that the appropriate provisions of the draft international covenant on economic, social and cultural rights should be included in the convention with such changes as may be necessary, and that a number of fundamental principles, which he had formulated as a result of the study, might also be included. (A summary of the

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discussion of these principles will be found in paragraphs 97 to 147 below). At the 198th meeting of the Sub-Commission the Special Rapporteur had added a new suggestion, that provision should be made in the convention for the establishment of appropriate machinery for the examination and disposal of complaints arising out of the non-observance of the convention's substantive provisions.

74. UNESCO, in the comments which it had prepared on the basis of the Special Rapporteur's draft report (E/CN.4/Sub.2/L.92), in which the third suggestion mentioned above did not appear, had made the following statements (E/CN.4/Sub.2/L.103):

"...21. The draft international covenant on economic, social and cultural rights expressly states that the rights enunciated in it, which include the right to education, will be exercised without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The principle of non-discrimination thus laid down seems to be based on the criterion...of deliberate discrimination against certain individuals. The draft covenant stipulates, moreover, that conventions and recommendations should be among the international measures taken to ensure the implementation of the rights it enunciates.

"22. The General Conference of UNESCO has already approved those proposals in principle and has declared itself prepared to assume its responsibilities as regards the implementation of the right to education and the right to culture (resolution 9.1, Sixth session of the General Conference, 1951). The Organization is thus ready to consider the possibility of drafting and adoption by its appropriate organs of a legal instrument, prohibiting all discrimination in the field of education. It feels, however, that any attempt on the international regulation of this important matter should be preceded by a detailed study for the purpose of finding a more accurate definition of the criteria by which discrimination may be judged, and so of the practices to be prohibited.

"23. An international convention designed to eliminate discriminatory practices in the field of education could only be effective if, in addition to a detailed definition of the obligations of States, it also includes an equally detailed definition of the measures for ascertaining a failure to discharge them and perhaps even for the imposition of sanctions...

"28. In conclusion, without wishing to prejudge the decisions which in the last resort only the General Conference can take, the Executive Board considers: (1) that an international regulation for the prevention of discrimination in education would require more detailed study; (2) that if nevertheless the later studies to be undertaken show international regulation to be desirable in this matter, the preparation of such regulation would fall to UNESCO."

75. The revised draft resolution submitted jointly by Messrs. Hiscocks and Santa Cruz contained alternative texts relating to the proposed convention. The
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authors of the draft resolution suggested that the Sub-Commission should request the Economic and Social Council through the Commission on Human Rights, to adopt the following paragraphs:

"The Economic and Social Council

"Reaffirms its strong adherence to the principles set forth in Articles 2 and 26 of the Universal Declaration of Human Rights, which reject the main forms of discrimination in education;

"Believing also in the need for an international instrument which will embrace these principles, and expresses the hope that the International Covenant on Economic, Social, and Cultural Rights, to which the General Assembly is now giving its attention, will be so drafted as to give these principles their due importance..."

The alternative text, taken from the draft resolution which the Special Rapporteur had submitted, called for the Sub-Commission to request the Council, through the Commission on Human Rights, to adopt the following paragraph:

"The Economic and Social Council,

"Decides to take the necessary steps with a view to the preparation of the preliminary draft of an international convention for the prevention of discrimination in education, and to include therein:

- "(i) the appropriate provisions of the draft international covenant on economic, social, and cultural rights, with such changes as may be necessary;
- "(ii) the fundamental principles affirmed in the first part of the present resolution; and
- "(iii) provisions for the institution of appropriate procedure for the consideration and settlement of complaints arising out of the failure of a party to comply with the obligations resulting from the convention."

76. In the debate on these proposals, the Sub-Commission was divided between those who favoured the preparation of a convention, as recommended by the Special Rapporteur, and those who supported the view expressed in the text put forward by Messrs. Hiscocks and Santa Cruz.

77. In support of his proposal the Special Rapporteur, Mr. Ammoun, reminded the Sub-Commission that the draft covenant on economic, social, and cultural rights, unlike that on civil and political rights, contained no provisions for dealing with complaints. That was understandable because economic, social and cultural rights required, for their implementation, measures which were connected with

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administration rather than with legal remedies. In the case of discrimination in education, however, the position was different. Acts of discrimination could, and should, be the subject of legal redress. The system he had in mind might be somewhat analogous to that provided for in the European Convention on Human Rights (Rome, 1950).

78. Mr. Fomin, in support of the Special Rapporteur's proposal, pointed out that the draft covenants dealt with very broad questions in the field of human rights, and as a rule laid down only general principles which could not suffice to eliminate discrimination in education. A special convention applying to this one particular field, and setting forth measures of implementation, would in his view be preferable. The covenant, while very important, could not in his view deal in sufficient detail with a particular subject such as discrimination in education. It was too late to suggest new articles for inclusion in the covenant. And the General Assembly clearly had not taken the view that the existence of the covenant would dispense with the need for further conventions relating to specific human rights, as it had already authorized or considered several such instruments on other concrete problems in the field of human rights. Mr. Ketrzynski, likewise supporting the proposal, expressed the view that there was need for immediate action, since the draft covenants might not come into force for many years. Such action, he felt, might even speed the adoption of the draft covenants. It would certainly stimulate Governments to formulate clear and anti-discriminatory policies, and to submit reports on the application of these policies.

79. Messrs. Hiscocks and Santa Cruz, in support of their own proposal, expressed the view that every effort should be made to find a solution within the framework of the draft covenant on economic, social and cultural rights. Mr. Hiscocks considered the proposal for a separate convention to be premature; he believed that the proliferation of conventions supported by countries which were prepared to sign but not to apply them would only weaken the Declaration of Human Rights and distract attention from the draft covenants. Mr. Santa Cruz explained that his opposition to the idea of a separate convention was based upon his fear that the drafting of such an instrument might jeopardize the adoption of the draft covenant on economic, social, and cultural rights.

80. In an effort to achieve unanimity, Mr. Chatenet put forward a compromise amendment (E/CN.4/Sub.2/L.120), by which the Economic and Social Council would be requested to express its belief:

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"... in the need for an international instrument which will embrace these principles and those enunciated in paragraph of this resolution, which need may be met either by giving the said principles their due importance in the International Covenant on Economic, Social, and Cultural Rights or, if necessary, by incorporating them in a special international instrument."

81. The suggested text did not prove to be fully acceptable. Some members, notably Messrs. Fomin and Ketrzynski, felt that it did not go far enough in supporting the idea of an international convention on discrimination in education, while others felt that it went too far. Mr. Halpern, who was among the latter group, felt that the Sub-Commission should defer action on the question pending the General Assembly's discussion of the covenant on economic, social, and cultural rights; he pointed out that the Council had already referred the covenants to the General Assembly, and that it would be excessive for the Council to ask the Assembly to consider further conventions on the same general subject at a time when it had not been able to dispose of the instruments already on its agenda.

82. Mr. Halpern proposed an amendment (E/CN.4/Sub.2/L.112) whereby the Sub-Commission would decide to defer consideration, for the time being, of the question of whether an international instrument on discrimination in education should be recommended, reserving the question for decision at a later session of the Sub-Commission. This amendment, which was considered furthest removed from the basic text, was voted upon first at the 207th meeting, and was rejected by 1 vote in favour and 10 against.

83. The Sub-Commission then voted on the first part of Mr. Chatenet's amendment, including an amendment proposed by Mr. Santa Cruz (E/CN.4/Sub.2/L.113) to the effect that the text adopted should appear in the Sub-Commission's internal resolution rather than in the draft resolution which it was preparing for submission to the Economic and Social Council. The words, "Believe also in the need for an international instrument which will embrace these principles and those enunciated in paragraph of this resolution" were adopted by 9 votes to none, with 2 abstentions. The remaining text, as amended by Mr. Santa Cruz, read as follows:

"...this need may be met either by giving the said principles their due importance in the International Covenant on Economic, Social and Cultural Rights now before the General Assembly or, if necessary, through a special international instrument;"

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This text was not adopted, 5 votes being cast in favour and 5 against, with 1 abstention. A motion for reconsideration by Mr. Halpern, considered at the 208th meeting, was not adopted, 4 votes being cast in favour and 4 against, with 3 abstentions.

84. The third part of the amendment, which read, "and decides to defer for the time being any specific recommendation on this subject", was withdrawn in view of the rejection of the second part.

85. Messrs. Hiscocks and Santa Cruz, as sponsors of the basic text under consideration, withdrew the first two operative paragraphs in the draft resolution prepared for adoption by the Economic and Social Council. Subsequently, at the 209th meeting, Messrs. Ketrzynski and Santa Cruz put forward a new proposal (E/CN.4/Sub.2/L.114), which they hoped would be accepted as a compromise. An amendment to this proposal, suggested by Mr. Ingles (E/CN.4/Sub.2/L.115) was accepted by the authors. The proposal, as amended, was that the Sub-Commission should request the Commission on Human Rights:

"(a) to study, bearing in mind the information available to it on measures at the international level, in this field or within a broader compass, which are in preparation or under consideration by the Commission on Human Rights, the principal organs of the United Nations or the specialized agencies, the possibilities examined by the Sub-Commission, namely:

"(i) that it might be useful and desirable for the Economic and Social Council to prepare an international instrument in which the principles formulated in paragraph of this resolution would be set forth;

"(ii) that UNESCO should be asked to consider the possibility of the drafting and adoption of an appropriate international instrument or instruments for the prevention of discrimination in education, taking into account the principles set forth in paragraph of this resolution;

"(iii) that it might be desirable to draw the attention of the General Assembly to the necessity of giving the principles set forth in paragraph of this resolution due importance in the preparation of the draft International Covenant on Economic, Social and Cultural Rights;

"(b) to submit its conclusions on the above possibilities to the Economic and Social Council."

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86. The proposal was voted on at the 213th meeting. It was adopted by 9 votes in favour and 1 against, with 1 abstention.

3. Views of the Sub-Commission on the Proposal for an International Fund To Combat Discrimination in Education

87. In his study, the Special Rapporteur had recommended (E/CN.4/Sub.2/181, p. 238) that the General Assembly be invited "to establish an international fund for the prevention of discrimination in education, the manner of operation and administration of which it shall determine". The Special Rapporteur had suggested "that the resources of the fund shall be constituted by the contributions of Member States and by donations," and "that the fund should allocate its resources without regard to the possibility of financial return and that assistance might in particular be made available in the form of grants to be repaid if and when the recipient is in a position to do so".

88. UNESCO, in the comments which it had prepared on the basis of the Special Rapporteur's draft report (E/CN.4/Sub.2/L.92), had made the following comments:

"29. ... UNESCO believes that the creation of a fund for the prevention of discrimination is unlikely to produce useful results if discrimination is understood in the active sense."

89. The draft resolution submitted jointly by Messrs. Hiscocks and Santa Cruz contained alternative texts relating to the proposed fund. The authors of the draft resolution suggested that the Sub-Commission should request the Economic and Social Council, through the Commission on Human Rights, to adopt the following paragraphs:

"Recognizes the importance of allocating to measures for the prevention and abolition of discrimination a part of such international funds as may be or may become available, including those intended to promote the economic development of under-developed countries;

"Invites UNESCO to use a large proportion of its funds for this purpose."

Mr. Ammoun's alternative text followed closely the terms of his proposal, as outlined above.

90. There was little support among the members of the Sub-Commission for the proposal to create a special fund to combat discrimination in education. The representative of the World Federation of Trade Unions pointed out that the prospect of establishing a fund of a size which would have any impact seemed quite remote,

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and expressed concern that the campaign for such a fund might have adverse effects upon the efforts to establish the Special United Nations Funds for Economic Development.

91. In view of the lack of support which his proposal had received, Mr. Ammoun withdrew his draft resolution at the 212th meeting, although reiterating his faith in the idea of a special fund for the purpose of combating discrimination in education.

92. At the same meeting the two paragraphs in the basic text were combined into one and approved without vote as follows:

"Recognizes the importance of allocating to measures for the prevention and abolition of discrimination as high a proportion as possible of such international funds as may be, or may become, available, including those at the disposal of UNESCO and those intended to promote the economic development of under-developed countries."

4. Views of the Sub-Commission on Further Action to be Taken on the International, National and Local Levels to Eliminate Discrimination in Education

93. In his study, the Special Rapporteur had made a number of proposals relating to action to be taken on the international, national and local levels to eliminate discrimination in education (E/CN.4/Sub.2/181, pp. 236-238). These proposals dealt, inter alia, with the education of world public opinion against discrimination in education, the affirmation of certain fundamental principles to be applied in combating such discrimination, the recommendation to Governments of measures to be taken in this field, and the organization of seminars on the subject.

94. During the debate on these proposals, various members of the Sub-Commission suggested additional recommendations which might be usefully put forward by the Sub-Commission. It was suggested, for example, that the Economic and Social Council might be asked to transmit the study on discrimination in education to UNESCO, with a recommendation that it should be used in its efforts to combat discrimination. It was further suggested that the Council should be invited to urge all Governments to give heed to the information contained in the study, and in the supporting material which accompanied it. There was also a suggestion that the Council might be urged to request the Governments of States Members of the United Nations and of the specialized agencies to submit a report, at a

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later date, describing developments and progress achieved in the elimination and prevention of discrimination in education. All of the suggestions were embodied in the revised draft resolution submitted jointly by Messrs. Hiscocks and Santa Cruz (E/CN.4/Sub.2/L.106/Rev.1).

(a) Transmittal of the study to UNESCO

95. It was decided at the 213th meeting, by 10 votes to none, that the Council should be asked to transmit the study to UNESCO, for use in its efforts to combat discrimination in education.

(b) Education of world public opinion

96. Recalling that one of the main purposes of the study is to educate world opinion, the Sub-Commission accepted the proposal of Messrs. Hiscocks and Santa Cruz that the Secretary-General be requested to print and give wide circulation to the study, and that UNESCO be requested to prepare, in collaboration with the Special Rapporteur, a brief popular summary of the study which would be published and used, particularly in universities, schools, and other educational institutions, to combat discrimination in education.

(c) Affirmation of fundamental principles

97. The joint draft resolution submitted by Messrs. Hiscocks and Santa Cruz contained nine "fundamental principles", and proposed that the Economic and Social Council should be asked to affirm that these principles, "in further elaboration of the principles enunciated in the Universal Declaration of Human Rights", should be applied with a view to the elimination of discrimination in education on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. The principles, which were identical with those formulated by the Special Rapporteur except for minor alterations, were examined in detail by the Sub-Commission.

98. In the course of the debate Messrs. Halpern and Hiscocks expressed misgivings that there would not be sufficient time during the ninth session to give this important section of the draft resolution the attention it deserved. Other members disagreed with this point of view, and the Sub-Commission proceeded to consider the texts relating to fundamental principles.

99. Amendments to the principles were submitted in writing by Mr. Halpern (E/CN.4/Sub.2/L.108) and Mr. Ketrzynski (E/CN.4/Sub.2/L.109).

100. In its original form, the first of the proposed principles read as follows:

"(1) No educational system should be established or maintained which embodies discrimination on any of the grounds enumerated above and which

"(a) deprives any person or group of persons of access to education at any level or of any type;

"(b) irrevocably limits any person or group of persons to education at a lower level or of an inferior standard."

101. At the suggestion of Mr. Halpern, it was agreed to elaborate the opening statement of this principle considerably, first to add the phrase "with a view to eliminating discrimination", and secondly to enumerate the relevant grounds of discrimination. Members of the Sub-Commission also agreed that a third sub-paragraph should be added, prohibiting arbitrary segregation of students. The principle, thus amended, was accepted without vote.

102. In its original form, the second of the proposed principles read as follows:

"(2) Compulsory education prescribed by law should be assured both in law and in fact to every person or group of persons, special attention being paid to the needs of the rural population and of indigenous and nomadic groups."

103. An amendment to this principle was proposed by Mr. Halpern. As revised orally, the amendment read as follows:

"Education shall be compulsory in the elementary stage and shall be free at least in the elementary and fundamental stages, as provided in the Universal Declaration of Human Rights, and shall be assured both in law and in fact, to every person or group of persons, special attention being paid to the needs of the rural population and of indigenous and nomadic groups and of other groups which may require particular educational measures or methods."

104. The amendment was rejected by five votes to four, with two abstentions.

105. Members of the Sub-Commission pointed out that the first part of Mr. Halpern's amendment could be dealt with by drafting changes in the English text of the principle, since the French text already included some of Mr. Halpern's ideas.

106. Several members of the Sub-Commission felt that the original French version of the principle was more satisfactory than either the English or the Spanish versions. The French version was as follows:

"(2) Assurer, en droit comme en fait, l'obligation scolaire prescrite par la loi à toute personne ou tout groupe de personnes, les besoins des populations indigènes rurales et nomades devant être l'objet d'une attention particulière."

107. The Sub-Commission adopted the text in the French version by 10 votes to none, with 1 abstention, and expressed the view that the English and Spanish translations should be improved.

108. In its original form, the third of the proposed principles read as follows:

"(3) The entrance requirements for admission to scholastic institutions should, in law and in fact, be the same for all persons or groups of persons."

109. Several amendments to this principle were suggested, among them the following text by Mr. Halpern:

"(3) Education shall be equally accessible to all on the basis of merit. Equal treatment shall be accorded to all applicants for admission in accordance with their individual merits. No person shall be arbitrarily denied admission to any educational institution on any of the grounds condemned by the Universal Declaration of Human Rights. Reasonable classifications may be made on the basis of age, ability, educational qualifications or special educational needs."

110. Mr. Hiscocks thought that the words "established by public authorities" should appear after "scholastic institutions". Mr. Ammoun suggested that the word "equal" should be substituted for the words "the same". Mr. Santa Cruz felt that the following sentence should be added: "No person shall be denied admission to any educational institution on any of the grounds condemned by the Universal Declaration of Human Rights." None of the proposed amendments met with general acceptance however, and the principle was adopted without alteration by 9 votes to none, with 2 abstentions.

111. In its original form, the fourth of the proposed principles read as follows:

"(4) No person or group of persons should be compelled to receive instruction in an establishment in which the curriculum and facilities, or the qualifications and ability of the teachers are deliberately maintained at a standard lower than that of other establishments of the same stage or type."

112. There was no disagreement with the substance of this principle, although some members suggested that it could be strengthened by slight drafting changes. The principle was adopted in substance without vote.

113. Mr. Halpern proposed that the following principle should be inserted after principle No. 4:

"(A) There shall be no system of quotas in educational institutions for the members of any group, whether upon the basis of the ratio of the group to the general population or upon any other basis."

114. This proposal gave rise to considerable discussion. Mr. Halpern felt that it was important to adopt such a principle, since it is not universally recognized that quotas are discriminatory; he believed that although the principle was implicit in other provisions, it should be spelled out explicitly. Mr. Hiscocks, on the other hand, pointed out that quotas in some cases were intended to enable neglected elements of the population to raise their educational standards. Mr. Ammoun, while declaring himself against quotas in principle, pointed out that in some cases they may be absolutely necessary in order to correct serious injustices. He referred in particular to the measures taken to assist the untouchables in India to acquire equal educational opportunities. Mr. Fomin cited as an example the case of newly independent countries where there were only a few schools. In such countries Governments might be forced to limit access to education temporarily to indigenous people, since those people had not had any educational opportunities in the past. Mr. Ketrzynski's view was that a separate principle on the matter of quotas was not necessary since the problem was already dealt with in the first principle which had been adopted.

115. In response to the objections which had been raised, Mr. Halpern orally amended the proposed principle by inserting the words "the purpose of discriminating against" between the words "institutions" and "for," so that the principle read:

"There shall be no system of quotas in educational institutions, for the purpose of discriminating against members of any group, whether upon the basis of the ratio of the group to the population or upon any other basis."

He explained that the amendment would give the principle the necessary flexibility; a reservation of places for the benefit of under-privileged peoples could not be said to have been made for the purpose of discriminating against any group and therefore would not be condemned by the principle as amended.

116. Mr. Halpern's amendment was not adopted by the Sub-Commission, receiving 3 votes in favour and 3 against, with 5 abstentions.

117. In its original form, the fifth of the proposed principles read as follows:

"(5) No person or group of persons should be compelled to receive religious or anti-religious instruction inconsistent with his or their convictions."

118. At the request of Mr. Ingles, a separate vote was taken on the words "or anti-religious". The words were adopted by 10 votes in favour and 1 against. The principle as a whole was adopted by 10 votes in favour and none against, with 1 abstention.

119. In its original form, the sixth of the proposed principles read as follows:

"(6) Respect should be paid to the freedom of parents and, when applicable, legal guardians to choose for their children schools other than those established by the public authorities which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious education of their children in conformity with their own convictions."

120. Mr. Halpern proposed that the principle be amended to read as follows:

"(6) All persons who desire to do so shall be free to maintain schools, other than those established by the public authorities, provided that they shall conform to such minimum educational standards as may be laid down or approved by the State and that they shall be maintained on a non-discriminatory basis in accordance with this statement of principles."

Mr. Ingles felt that there was no particular necessity to include the principle in the list under preparation by the Sub-Commission, since it already appeared in the form of an article in the draft covenant on economic, social, and cultural rights. The representative of UNESCO pointed out that the freedom to operate schools, referred to in Mr. Halpern's amendment, was quite different from the freedom to choose schools dealt with in the original draft principle.

121. The amendment submitted by Mr. Halpern was not adopted, receiving 2 votes in favour and 8 against, with 1 abstention.

122. A second amendment to the sixth principle was put forward by Mr. Ketrzynski (E/CN.4/Sub.2/L.109) and read as follows:

"(6) Respect should be paid to the freedom of parents and, when applicable, legal guardians to choose for their children the kind of school suitable for them which conforms to such minimum educational standards as may be laid down or approved by the State and to ensure the religious education of their children in conformity with their own convictions."

123. In introducing his amendment, Mr. Ketrzynski stressed that any discussion of educational systems, public or private, lay outside the scope of the problem of discrimination in education; his intention, therefore, had been to formulate the right of parents to choose the kind of schools suitable to them. According to Mr. Ketrzynski, his amendment expressed the same idea as was to be found in the Special Rapporteur's study without, however, going beyond the framework of problems relating to discrimination in education. Mr. Fomin supported Mr. Ketrzynski's amendment, and also stressed that any study of educational systems was beyond the competence of the Sub-Commission.

124. This amendment, when put to the vote, was not adopted, receiving 3 votes in favour, 5 against and 3 abstentions. The original text of the principle was adopted by 9 votes in favour, none against and 2 abstentions.

125. Mr. Halpern proposed two new principles to be inserted after principle No. 6. The first of these read as follows:

"(6 A) No religious group shall be denied the right to give religious instruction either privately or in schools maintained by the group."

126. This proposal was not adopted by the Sub-Commission, receiving 1 vote in favour, 3 against, with 7 abstentions.

127. The second new principle proposed by Mr. Halpern read as follows:

"(6 B) Members of an ethnic, linguistic or religious group shall not be denied the right to carry on their own cultural activities, using their own language, including the maintenance of schools, the publishing of books, newspapers and magazines, and expression through the theatre and the arts; provided, however, that this right shall not be exercised in a manner which interferes with the development of understanding of the culture and language of the general community and participation in its activities."

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128. Mr. Santa Cruz opposed the insertion of this principle because in his opinion it exceeded the terms of the Universal Declaration of Human Rights, which the principles were intended to elaborate upon. He recalled that provisions similar to this one had been rejected during the discussion of the text both of the Universal Declaration of Human Rights and of the draft covenants due to the opposition of the Latin American countries. These countries had always maintained their right to restrict the freedom of establishing in their territory schools for special groups in foreign languages in order to defend their very national existence vis-a-vis the anti-national action of some groups of migratory origin. He added that if this provision were to be approved, he would not participate in the remainder of the debate on the draft resolution, and that he would vote against it as a whole because it offended the legitimate interests of the South American countries.

129. After some debate the author agreed to change the word "cultural" in the first sentence to "educational". He also agreed to the deletion of the words "the publishing of books, newspapers and magazines, and expression through the theatre and the arts". Mr. Santa Cruz proposed that in any case the clause "or undermines the national sovereignty of the State" be added to the text submitted by Mr. Halpern, and Mr. Halpern agreed to this.

130. A vote was first taken on the amendment proposed by Mr. Santa Cruz, to add the words "or undermines the sovereignty of the State". The amendment was adopted by five votes to none, with six abstentions. The words "including the maintenance of schools" were adopted by seven votes to four.

131. A third vote was taken on the wording of the principle, up to the phrase "maintenance of schools". This text was adopted by 8 votes in favour and 1 against, with 2 abstentions. A fourth vote was taken on the part of the text beginning "provided, however", and including the Santa Cruz amendment. This text was not adopted, receiving 3 votes in favour and 4 against, with 4 abstentions. The principle, as a whole, was then adopted by 6 votes in favour, 3 against and 2 abstentions. Later the wording of the principle was revised (see paras. 146-147).

132. In its original form, the seventh of the proposed principles read as follows:

"(7) No person or group of persons should, directly or indirectly through restrictions on travel, be prevented from making use of educational facilities offered to him or them abroad."

133. Mr. Halpern submitted an amendment to this principle as follows:

"(7) No person shall be prevented from leaving his country upon the basis of any of the distinctions condemned by the Universal Declaration of Human Rights, for the purpose of making use of educational facilities available to him abroad."

Mr. Ammoun felt that the differences between the two versions were mainly of a drafting nature. He suggested that the words "in violation of any of the principles previously mentioned" might be added to whichever of the two texts was adopted. Mr. Halpern accepted Mr. Ammoun's suggestion, and the Sub-Commission adopted the principle in substance, subject to later redrafting.

134. In its original form, the eighth of the proposed principles read as follows:

"(8) No distinction should be made by public authorities between individuals or groups of individuals, except on the basis of merit and needs, in respect to:

"(a) school fees and expenses;

"(b) assistance to pupils and students (in the form of educational material, board and lodging, clothing, scholarships and loans, etc.)."

135. No amendment to this principle was proposed, and it was adopted without vote.

136. In its original form, the ninth of the proposed principles read as follows:

"(9) In the case of assistance furnished by the authorities to educational establishments (in the form of grants, tax relief, etc.), no distinction should be made solely on the ground that pupils belong to a particular group."

137. Mr. Halpern suggested an amendment to this principle, which as orally amended read as follows:

"In the case of assistance furnished by the public authorities to educational establishments (in the form of grants, tax relief etc.), no distinction should be made solely on the grounds that pupils belong to a particular group, for the purpose of discriminating against that group on any of the grounds enumerated above."

138. The Sub-Commission rejected, by 2 votes in favour and 2 against, with 7 abstentions, the clause "for the purpose of discriminating against that group on any of the grounds enumerated above". It adopted the principle, as amended, by 10 votes to none, with 1 abstention.

139. The fundamental principles, as revised, were voted on as a whole and adopted by 8 votes in favour and 1 against, with 2 abstentions.

140. The Chairman appointed a Style Committee, composed of Messrs. Ammoun and Chatenet, to prepare, with the assistance of the representative of UNESCO (Mr. Maheu), a revised text of the principles as adopted. The report of the Style Committee (E/CN.4/Sub.2/L.116) was considered by the Sub-Commission at the 213th meeting.

141. The Sub-Commission accepted a suggestion by Mr. Halpern that the words "for the purpose of discriminating against any group" should be inserted in paragraph I of the preamble in the text submitted by the Style Committee. It was understood that this clause would then qualify and limit all the succeeding principles stated in paragraph II.

142. Mr. Awad suggested that the term "distinct group" be used throughout the general principles in reference to ethnic, linguistic or religious groups of people, instead of the term "specific groups" which appeared in the English version of the Style Committee's report. The Sub-Commission accepted this suggestion.

143. At the suggestion of Mr. Hiscocks, the Sub-Commission agreed to begin sub-paragraph (b) of paragraph I with the word "irrevocably", which had been omitted in the Style Committee's text.

144. Also at Mr. Hiscock's suggestion, the Sub-Commission agreed to delete the phrase "having the same educational needs" which appeared at the end of sub-paragraph (c) of paragraph I.

145. The Sub-Commission decided that the third principle appearing in the report of the Style Committee should be reworded, in order to include all of the substantive elements adopted by the Sub-Commission, as follows:

"(3) No person or distinct group of persons should be compelled to receive the instruction to which they are entitled in establishments which are deliberately maintained at a standard lower than that of other establishments of the same stage or type."

146. The Sub-Commission decided, by 4 votes in favour and 2 against, with 4 abstentions, to reconsider principle No. 9. It revised the principle to read as follows:

"(9) The members of a distinct group should not be denied the right to carry on their own educational activities, including the maintenance of schools, using their own language, if any, provided, however, that this right shall not be exercised in a manner which interferes with the development of understanding of the culture and language of the general community and participation in its activities, or undermines the national sovereignty of the State."

147. The principle, thus amended, was adopted by 6 votes in favour and none against, with 4 abstentions.

(d) Recommendations for action on the national and local levels

148. The Sub-Commission agreed to the suggestion of Mr. Halpern that the Economic and Social Council should be asked to recommend to Governments that they take into consideration the information contained in the study of discrimination in education, and in the supporting material.

149. The Sub-Commission also adopted a number of proposed recommendations for action on the national and local level, and placed these recommendations in the draft resolution prepared for consideration by the Economic and Social Council. The recommendations related in particular to (a) legislative, administrative and financial measures to be taken by Governments, (b) the education of public opinion, and (c) action to be taken by the appropriate authorities to eliminate discriminatory practices within the schools. These recommendations, based on proposals made by the Special Rapporteur, were fully discussed, and the Sub-Commission made many changes in the texts which appeared in the draft resolution. The discussion of the question, and the votes taken on various proposals, are summarized in documents E/CN.4/Sub.2/SRs.211 and 212.

(e) Proposals relating to the development of education in under-developed areas

150. The draft resolution submitted jointly by Messrs. Hiscocks and Santa Cruz contained the following proposal:

"Universities in the advanced countries should be encouraged by Governments to further the development of modern techniques and sciences in under-developed areas of the world, where the hunger for knowledge and the ability to use knowledge are unsatisfied because educational facilities are not equal to the need."

151. It was suggested that private foundations should be mentioned as well as universities, and that the words "by Governments" should be deleted. It was further suggested that the text should be amended to read "to further, directly by their efforts, or through specialized agencies or other organizations for international co-operation...".

152. Some members thought that the final clause should be deleted and replaced with the words "with a view to eliminating discrimination in education".

153. The Sub-Commission agreed that the proposal, as amended, should be included in the draft resolution prepared for the Economic and Social Council, as follows:

"Requests all Governments, and encourages universities, private foundations, and all other educational organizations in the advanced countries to further, either directly by their efforts or through the specialized agencies or other organs of international co-operation, the development of modern sciences and techniques in under-developed areas of the world with a view to improving their educational facilities and thereby contributing to the elimination of discrimination in education within such areas".

(f) Proposals relating to the organization of seminars

154. It was agreed that the Council should be asked to invite UNESCO to organize, in collaboration with the Secretary-General, a series of seminars on an international scale, including a seminar on education for rural and indigenous peoples in a Latin American country, a seminar on education for rural and nomadic peoples in a Middle Eastern country, and a seminar on the promotion of study abroad for students from under-developed countries and territories in one of the under-developed areas. The representative of UNESCO indicated that the Agency was prepared to undertake the organization of such seminars, in collaboration with the Secretary-General.

(g) Proposals relating to reports from governments describing developments

155. It was agreed that the Council should be asked to request each State Member of the United Nations and of the specialized agencies to submit, at the time when it submits future reports under the programme for periodic reports on human rights under Economic and Social Council resolution 624 B (XXII), a report describing developments and progress achieved in the elimination and prevention of discrimination in education, in accordance with the principles of the Universal Declaration of Human Rights and the statement of fundamental principles prepared by the Sub-Commission.

D. Examination of the draft resolution as amended

156. At the 212th meeting, it was decided that the various texts which the Sub-Commission had adopted should be divided into three resolutions. The first would include all internal action to be taken by the Sub-Commission which did not require consideration by higher bodies. The second would include action to be taken by the Commission on Human Rights with regard to the question of the preparation of an international instrument to combat discrimination in education. The third would include, in the form of a draft resolution, all proposals for action to be taken by the Economic and Social Council.

157. The Sub-Commission considered the revised draft resolutions (E/CN.4/Sub.2/L.106/Rev.2) at the 213th meeting. Resolution A, relating to internal decisions of the Sub-Commission, was adopted unanimously. Resolution B, relating to the question of an international instrument to combat discrimination in education, was adopted by 9 votes to 1, with 1 abstention. Resolution C, requesting the Commission on Human Rights to forward to the Economic and Social Council a draft resolution on the elimination of discrimination in education, was adopted by 10 votes to 1.

158. Messrs. Fomin, Halpern, Hiscocks, Ingles, Ketrzynski, Roy and Santa Cruz explained their votes on the resolutions as adopted. These explanations of vote are summarized in document E/CN.4/Sub.2/SR.213. Mr. Santa Cruz stated that his negative vote had been cast because the principle which he had opposed, for the reasons set forth in paragraph 128 above, had nevertheless been included in the resolution adopted by the Sub-Commission.

159. The Sub-Commission unanimously adopted a proposal made by Mr. Chatenet that the Secretary-General be requested to make arrangements for Mr. Ammoun to attend the forthcoming thirteenth session of the Commission on Human Rights, where his report and the Sub-Commission's resolutions would be considered.

E. Resolutions on the study of discrimination in education

160. The first resolution adopted by the Sub-Commission, on the study of discrimination in education, was as follows:

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RESOLUTION A

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

Recalling resolution B, adopted by the Sub-Commission at its eighth session (E/CN.4/721, paragraph 101), concerning the draft report on discrimination in education drawn up by the Special Rapporteur, Mr. Charles D. Ammoun,

Recalling further resolution IX, adopted by the Commission on Human Rights at its twelfth session (E/2844, paragraph 157),

Having considered the study of discrimination in education prepared by the Special Rapporteur for the present session of the Sub-Commission (E/CN.4/Sub.2/181 and Corr.1),

1. Transmits the study to the Commission on Human Rights together with the summary records of the discussion in the eighth and ninth sessions of the Sub-Commission (E/CN.4/Sub.2/SR.174-188 and 198-213);

2. Expresses its warm appreciation to the Special Rapporteur for his further devoted labours in the past year and its congratulations on the comprehensive nature of his final study and on his proposals, the majority of which have been incorporated in the resolutions below;

3. Expresses its gratitude to the staff of the Secretary-General of the United Nations, and to the specialized agencies concerned, particularly UNESCO, for their valuable contributions in the compilation of the study;

4. Expresses its gratitude also to the Commission on the Status of Women for its collaboration in the study, and looks forward to the specific recommendations that the Commission will make on the subject of discrimination against women in education;

5. Requests the Commission on Human Rights to lay the study before any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened by the United Nations, in order that the conference might consider what action non-governmental organizations could take in this field;

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6. Reaffirms its strong adherence to the principles set forth in articles 2 and 26 of the Universal Declaration of Human Rights, which reject the main forms of discrimination in education;

7. Believes also in the need for an international instrument which will embrace these principles and those enunciated in paragraph 4 of resolution C below.

161. The second resolution adopted by the Sub-Commission, on the study of discrimination in education, was as follows:

RESOLUTION B

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

Requests the Commission on Human Rights:

(a) to study, bearing in mind the information available to it on measures at the international level, in this field or within a broader compass, which are in preparation or under consideration by the Commission on Human Rights, the principal organs of the United Nations or the specialized agencies, the possibilities examined by the Sub-Commission, namely:

(i) that it might be useful and desirable for the Economic and Social Council to prepare an international instrument in which the principles formulated in paragraph 4 of resolution C below would be set forth;

(ii) that UNESCO should be asked to consider the possibility of the drafting and adoption of an appropriate international instrument or instruments for the prevention of discrimination in education, taking into account the principles set forth in paragraph 4 of resolution C below;

(iii) that it might be desirable to draw the attention of the General Assembly to the necessity of giving the principles set forth in paragraph 4 of resolution C below due importance in the preparation of the draft International Covenant on Economic, Social and Cultural Rights;

(b), to submit its conclusions on the above possibilities to the Economic and Social Council.

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162. The third resolution adopted by the Sub-Commission, on the study of discrimination in education, was as follows:

RESOLUTION C

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

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

The Economic and Social Council,

Considering that under Articles 55 and 56 of the Charter all Members of the United Nations have pledged themselves to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion, and that under Article 62 of the Charter the Economic and Social Council is empowered to make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all,

Considering that education is at the root of every improvement in the moral, economic and social situation of any country and determines a country's entire evolution towards a better future, and that accordingly the principle of equality of opportunity in education for all groups and all individuals in a country and for all countries is of the utmost importance,

Believing that the national efforts of Governments to eliminate discrimination in education should be supported by international measures in which Governments should participate and co-operate,

1. Transmits the study of discrimination in education (E/CN.4/Sub.2/181) to UNESCO with a recommendation that it should be used in UNESCO's efforts to combat discrimination in education;

2. Requests, as one of the two main purposes of the study is to educate world opinion:

(a) The Secretary-General to print and give wide circulation to the study, and

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(b) UNESCO to prepare, in collaboration with the Special Rapporteur, a brief popular summary of the study, to the end that the summary be published and used, particularly in universities, schools, and other educational institutions, to combat discrimination in education;

3. Urges all Governments to take into consideration the information contained in the study of discrimination in education and the supporting material.

Fundamental principles

4. Desiring to elaborate further the principles enunciated in the Universal Declaration of Human Rights,

I. Declares that with a view to eliminating discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, all legislative provisions or administrative measures should be abolished, and all practices opposed, which, for the purpose of discriminating against any group:

- (a) deprive any person or distinct group of persons of access to education at any level or of any type;
- (b) irrevocably limit any person or distinct group of persons to education of an inferior standard;
- (c) establish or maintain separate educational systems or institutions for persons or distinct groups of persons.

II. Affirms that to that end the following principles should be applied:

- (1) Compulsory education prescribed by law should be assured both in law and in fact to every person or distinct group of persons;
- (2) The entrance requirements for admission to scholastic institutions should, in law and in fact, be the same for all persons or distinct group of persons;
- (3) No person or distinct group of persons should be compelled to receive the instruction to which they are entitled in establishments which are deliberately maintained at a standard lower than that of other establishments of the same stage or type;

- (4) Respect should be paid to the freedom of parents and when applicable, legal guardians, to choose for their children scholastic institutions other than those established by the public authorities, provided that those institutions conform to such minimum educational standards as may be laid down or approved by the State;
- (5) No person or distinct group of persons should be compelled to receive religious or anti-religious instruction inconsistent with his or their convictions, and respect should be paid to the freedom of parents and, when applicable, legal guardians, to ensure the religious education of their children in conformity with their own convictions;
- (6) In the case of assistance furnished by the public authorities to educational establishments (in the form of grants, tax relief, etc.), no distinction should be made solely on the ground that pupils belong to a distinct group;
- (7) No differences of treatment should be applied by the public authorities as between persons or distinct groups of persons, except on the basis of merit and need, in respect to:
- (a) school fees and expenses;
 - (b) assistance to pupils and students (in the form of educational material, board and lodging, clothing, scholarships or loans, etc.);
- (8) Special measures should be taken to promote the education of the rural population and of indigenous, nomadic and other groups whose needs require special attention;
- (9) The members of a distinct group should not be denied the right to carry on their own educational activities, including the maintenance of schools, using their own language, if any, provided, however, that this right shall not be exercised in a manner which interferes with the development of understanding of the culture and language of the general community and participation in its activities, or undermines the national sovereignty of the State;

(10) No travel restrictions designed to prevent any person or distinct group of persons, directly or indirectly, from making use of educational facilities offered to him or them abroad, should be imposed.

Action on the national and local level

5. Recommends further that, without excluding other possibilities, the following action on the national and local level should be taken where appropriate to implement these principles:

(a) Legislative, administrative and financial measures

(1) All necessary legislative, administrative and financial steps should be taken to prevent discrimination in education.

(2) Steps should be taken, where necessary, to establish special agencies empowered to receive complaints of unfair practices in the matter of education, conduct investigations and attempt to eliminate such practices, whenever possible by means of mediation or conciliation.

(3) Persons subjected to discrimination in education should be given by law the right to appeal to the courts or other competent bodies with a view to obtaining:

(a) the revocation or rectification of any measure contrary to the law;

(b) redress of the wrong caused;

(c) the application, where appropriate, of penal sanctions to those responsible.

(4) Efforts should be made to combat propaganda which constitutes an incitement to discrimination.

(5) The members of all distinct groups should be given equal access to the educational profession and to schools.

(6) Encouragement and assistance should be given to all private organizations engaged in combating discrimination in the field of education.

(b) Education of public opinion

(1) Efforts should be made to enlighten public opinion concerning discrimination in education and its detrimental consequences.

Publicity should be given to recent thinking on the subject which conforms to the Universal Declaration of Human Rights.

(2) To this end use should be made of all modern means of mass communication, including the press, radio, television and the cinema.

(c) Education proper

(1) All necessary steps should be taken by the appropriate authorities to eliminate discriminatory practices within the schools, in accordance with the principles set forth above.

(2) Efforts should be made in the teaching profession with a view to the strict application of the principles set forth above. Documentation on the subject should be made available to all teachers.

(3) School textbooks should be examined and, if necessary, revised with a view to preventing the implanting of prejudices in the uncontaminated minds of children, and, where necessary, to combating the prejudices underlying discrimination in education.

(4) Inter-group contacts which tend to remove the barriers between the various groups should be facilitated.

International action

6. Recognizes the importance of allocating to measures for the prevention and abolition of discrimination as high a proportion as possible of such international funds as may be, or may become, available, including those at the disposal of UNESCO and those intended to promote the economic development of under-developed countries;

7. Requests all Governments, and encourages universities, private foundations and all other educational organizations in the advanced countries to further, either directly by their efforts or through the specialized agencies or other organs of international co-operation, the

development of modern sciences and techniques in under-developed areas of the world with a view to improving their educational facilities and thereby contributing to the elimination of discrimination in education within such areas.

8. Invites UNESCO to organize, in collaboration with the Secretary-General, the following seminars on an international scale:

(a) A seminar on education for rural and indigenous peoples, to be held preferably in a Latin American country which has made progress in removing inequalities between the education offered its urban population and that offered its rural, chiefly indigenous, population;

(b) A seminar on education for rural and nomadic peoples, to be held preferably in a Middle Eastern country which has made considerable progress in removing inequalities between the education offered its sedentary population and that offered its nomadic population, and between the education offered its rural and its urban sections of the population;

(c) A seminar on the promotion of study abroad for students from under-developed countries and territories, to be held preferably in an under-developed country which has been successful in advancing education within its own territory and in establishing a programme whereby its advanced students are enabled to pursue their studies in foreign countries, thereby helping to eliminate discrimination in education within the under-developed countries;

9. Requests each State Member of the United Nations and of the specialized agencies to submit, at the time when it submits future reports under the programme for periodic reports on human rights under Economic and Social Council resolution 624 B (XXII), a report describing developments and progress achieved in the elimination and prevention of discrimination in education, in accordance with the principles of the Universal Declaration of Human Rights and the statement of fundamental principles affirmed in this resolution.

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V. STUDY OF DISCRIMINATION IN THE FIELD OF EMPLOYMENT AND
OCCUPATION

Item 5 of the Agenda

Introduction

163. At the 214th to 216th meetings, the Sub-Commission examined item 5 of its agenda, "Study of Discrimination in the Field of Employment and Occupation".

164. The Sub-Commission had before it a memorandum submitted by the Secretary-General (E/CN.4/Sub.2/178) containing a communication received by the Secretary-General from the Director-General of the International Labour Office. In the letter the Director-General stated, inter alia:

"... I have the honour to enclose herewith a copy of the first report concerning discrimination in education in the field of employment and occupation, to be submitted to the fortieth session of the International Labour Conference (June 1957), which has just been issued.

"A second report, based on the replies of governments to the questionnaire contained in the first report and indicating the principal questions which will receive consideration by the Conference, will be issued later and will also be placed at your disposal.

"I should like to confirm that I shall be glad to arrange for any comments which the appropriate organs of the United Nations may wish to make with regard to the matters raised in these reports, to be drawn to the attention of the International Labour Conference. Should the Office, in the course of the examination of this question, prepare any further studies of interest to the United Nations, I will not fail to communicate them to you."

165. The Sub-Commission had before it the two reports mentioned in the Director-General's letter, i.e., Reports VII (1) and VII (2), prepared for the fortieth session of the International Labour Conference, both entitled "Discrimination in the Field of Employment and Occupation".

166. The first report contained five chapters, the first indicating the general background of the study, the second clarifying certain concepts and the scope of the subject, the third analysing the grounds of distinction and forms of discrimination, the fourth setting forth national action and international standards directed towards the prevention of discrimination in employment, and the fifth summarizing the conclusions of the International Labour Office. Appended to the report was a questionnaire which had been sent to Governments by the Office.

167. The second report summarized the replies to the questionnaire received from Governments, and the proposed conclusions based thereon. The proposed conclusions formulated by the International Labour Office, were submitted as a possible basis for action by the International Labour Conference. In general, they provided for two instruments relating to discrimination in employment and occupation, one to take the form of a convention and the other to take the form of a recommendation. In addition, there were proposed conclusions relating to the application of the policy of non-discrimination in the field, and the need for close and continuous co-operation with those responsible for action against discrimination in other fields in order that the measures taken in all fields might be co-ordinated.

168. Members of the Sub-Commission expressed their views on the two reports, and heard statements from the representatives of the ILO and of the Commission on the Status of Women. Statements were also made by the representatives of the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions, and the World Federation of Trade Unions. The discussion in the Sub-Commission related principally to (a) the nature of the reports on discrimination in the field of employment and occupation prepared by the International Labour Office, (b) the procedure to be adopted by the Sub-Commission with respect to the reports, and (c) the future activities of the Sub-Commission relating to discrimination in the field of employment and occupation.

A. Views on the nature of the reports

169. In introducing the reports, the representative of the ILO pointed out that the Organization's work is now entering the final stage, leading to the establishment of international standards. The fact that there is widespread agreement on the part of Governments that such standards should be adopted is, he felt, of first importance and basic to consideration of the problem as a whole. With this agreement, he said, Governments have recognized that a special responsibility logically falls to them to declare and pursue national policies for the promotion of equality of opportunity and treatment in employment and occupation.

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170. In this endeavour, he went on, Governments are aware that such policies may be largely ineffective unless they rest upon a broad base of understanding and support. This is particularly true of a non-discrimination policy in the field of employment and occupation because of the many points in the economic and social fabric of a country where the employment process is taking place, the many individuals who are directly involved, and the great variety of institutional arrangements which may affect the organization of the employment market - factors not encountered to quite the same degree in other fields such as education or religion, where the institutional arrangements are more formalized and restricted and hence can be dealt with more directly and within a more clearly defined area. It was in view of these considerations that Governments had stressed the importance of co-operation with the most important social forces in each country - employers and workers - and with bodies concerned with the problem of discrimination. Such co-operation, as envisaged in the proposed conclusions, would take place in the general promotion of the fair employment policy and, more specifically, in its formulation and in the consideration of positive measures that might be necessary to put it into effect.

171. Representatives of three non-governmental organizations stressed the importance which they attached to the action being taken by the ILO to combat and to eradicate discrimination in employment and occupation. The representative of the International Confederation of Free Trade Unions expressed the view that the first important step to be taken was the establishment of international standards or criteria. The representative of the International Federation of Christian Trade Unions said that his organization was encouraged by the widespread agreement among Governments that international standards should be adopted, and by the recognition on the part of Governments that any effective solution to the problem of discrimination in employment and occupation necessitates a close and continuing co-operation with employers' and workers' organizations. His organization believed that the international instrument should have the form of a convention. The representative of the World Federation of Trade Unions expressed the hope that the Sub-Commission, in its comments, would stress the necessity of a convention to eradicate discrimination in employment and occupation, and the need for coverage of all metropolitan and non-metropolitan areas, as the term is used in the ILO. At the same time she urged support for strong provisions for enforcement and for other safeguards required if the convention is to be effective. /...

172. In general, members of the Sub-Commission expressed their satisfaction with, and appreciation of, the two reports on discrimination in the field of employment and occupation prepared by the International Labour Office. They recognized that there was a major difference in the nature of the problem of discrimination in employment and occupation, as compared with the problem of discrimination in education, and that this difference called for a fresh approach not only to the study of the problem, but also to the procedures for dealing with it.

173. For example, it was pointed out that the list of grounds of discrimination contained in article 2 of the Universal Declaration of Human Rights does not apply so simply in the case of employment as in the case of education, since in many cases of employment there might be linguistic or sex qualifications which are legitimate. There also might be legitimate limitations upon the employment in important Government positions for persons known to hold seditious opinions. Furthermore, the Sub-Commission was reminded by Mr. Hiscocks of the fact that different employment problems arise in various kinds of States, and that the problems which arise in a State where the Government rigidly controls employment and labour relations are quite different from those which arise in a State where there is freedom of private contract and of labour relations.

174. Mr. Ammoun expressed the view that the ILO should exercise vigilance to prevent discriminatory provisions relating to employment and occupation from entering international conventions whenever it participated in the preparation of such instruments. He cited in particular a recent international agreement making a distinction between European and non-European workers with regard to such matters as freedom of circulation, salaries, and social security; such a convention, in his view, was not in accordance with the principle of non-discrimination.

175. Mr. Chatenet pointed out that in the case of some professions, in a number of countries, Governments were obliged to establish military service requirements for entry into certain types of employment; he did not consider such a practice to be discriminatory because in those cases there was a link between military service and the work to be done. Nor did he consider measures, taken for the protection of women, to be discriminatory. With reference to the question of discrimination on the ground of religion, he referred to the

following statement in Report VII (1) of the ILO: "Where the State attaches particular importance to maintaining the secular nature of public education, there may be a bias against the employment as teachers in State schools of persons who are members of religious orders or who have received their training in confessional institutions." Mr. Chatenet did not consider the bias referred to in the quotation to be a discriminatory practice; he pointed out that in some States Governments recognized a number of liberties and faced the problem of reconciling them with each other. This was the case, for example, in his own country.

176. On the question of national origin, Mr. Chatenet drew attention to the fact that a civil service requirement of nationality was not always a discriminatory specification, since Governments had to limit the employment of persons to fill certain important positions to their own nationals. He suggested that great progress could, however, be made in the sector of private employment, in eliminating discrimination against non-citizens, including foreign workers. Such workers, he felt, should have the same guarantees as the nationals of the country concerned.

177. Mr. Fomin pointed out that while he could see some drawbacks and shortcomings in the first ILO report, the report did not provide sufficient factual material to enable him to comment on it at the time. He agreed with other members of the Sub-Commission who had noted that the question of discrimination in employment is of an urgent nature. It affects millions of workers, he said, and is one of the phenomena of contemporary civilization most deserving of condemnation. He felt that any measures to be taken against discrimination in employment should be sufficiently broad to combat the direct forms of discrimination and the indirect ones, such as were created by the granting of special privileges. In his opinion the most appropriate method would be the drafting of an international convention which might be supplemented, if necessary, by recommendations. He expressed the view that the question of education had been inadequately reflected in the ILO's report. Discrimination in education, he said, leads to a chain reaction which affects the field of employment and occupation; thus, a person who has not received a secondary

or higher education may be automatically deprived of the opportunity to qualify for highly-paid work. The indissoluble link between discrimination in the field of general education and that in the field of employment and occupation should be more clearly brought out by the ILO.

178. Mr. Halpern also stressed the close link between the study of discrimination in education and the study of discrimination in employment and occupation. He felt that the ILO should have made reference to article 18 of the Universal Declaration of Human Rights in the section of Report VII (1) dealing with discrimination on the ground of religion; and pointed out that discrimination on religious grounds could exist even though not directed against members of a particular religion but against all those who profess religious belief in favour of non-believers. With reference to the portions of the report dealing with discrimination in trade union movements, he suggested that the principle should be accepted that the union which insists on a closed shop cannot be a closed union, but must be open to all without discrimination. He also suggested that the ILO report might be supplemented to deal with what he considered to be a form of discrimination more extreme than any discussed in the report, that is, forced labour or compulsion of a person to accept employment of an inferior kind solely because of any of the grounds condemned by the Universal Declaration of Human Rights. He further suggested that a cross-reference might well be made at the beginning of Chapter II or III of the report to the Forced Labour reports and to the item on forced labour which appears as the fourth item of the agenda of the fortieth (1957) session of the International Labour Conference.

179. Mr. Halpern reminded the Sub-Commission that it had envisaged, as one of the primary objectives of the study, the education of public opinion, and that it had therefore asked the ILO to apply the same standards which it had adopted for itself in connexion with the study of discrimination in education.

Unfortunately, this internal decision of the Sub-Commission had not been transmitted to the ILO by the Economic and Social Council, and thereby a vital idea had been lost. The ILO had come to the conclusion that it would prepare a study somewhat different from that contemplated by the Sub-Commission, and had attempted to state certain fundamental principles, and to make certain recommendations, without first completing a global, factual study. He did not object to this procedure, since the ILO probably knew the situation so well that

a further factual study was not necessary. But he was not so sure that the ILO's view could be accepted with respect to the education of public opinion. The mobilization of public opinion with respect to a problem such as eradication of discrimination in employment and occupation would greatly be aided by a factual study, and he thought that, after seeing the results of the work of the ILO during 1957 and 1958, the Sub-Commission might wish to consider whether to undertake further work in the field, particularly with a view to influencing public opinion. He expressed the hope that the ILO would take into account the statements which he had made about conventions to deal with problems of discrimination during the debate on the study of discrimination in education.

180. Mr. Hiscocks was impressed with the accomplishments of the ILO and his opinion of the organization was such that he was not surprised by the quality of its present reports. He was struck by the great complexity of the problem of discrimination in employment and how the ILO had dealt with it. He pointed out certain examples with regard to political opinion, language and sex. Therefore, there must be great flexibility in the principles. He was very appreciative of the work of the ILO which had been carried out so thoroughly, but he hoped that more attention might be given in the Conference discussions to the aspect of the education of public opinion, and he suggested that the ILO representative might wish to comment on this.

181. Mr. Ingles pointed out that the ILO had employed certain techniques from which the Sub-Commission might well benefit in preparing future studies. First of all, he referred to the practice of the ILO, in sending a questionnaire to Governments to determine their attitude with respect to the form of international regulation which they would prefer in the field under study. Secondly, he alluded to the circulation to Governments of a draft statement of fundamental principles, which enabled Governments to express their opinion on the scope, if not on the wording, of the principles before they were considered by international bodies.

182. Mr. Ingles pointed out that the ILO reports were, in his view, somewhat deficient in that they did not deal with employment at the international level, as for example in the United Nations Secretariat, and the staffs of the specialized agencies and other international organizations. He realized that in these cases other principles had to be applied, such as the principle of

equitable geographic distribution and the gearing of the percentage of workers of a particular nationality to the percentage of the budget contributed by their respective Governments to the Organization. However, he felt that a study might be made to determine how well the principle of non-discrimination has been followed in practice, and, in particular, to find out whether the application of other principles has given rise to inequalities which may border on discrimination.

183. Mr. Ingles also felt that greater attention should be devoted to the problem of termination of employment on the ground of age, particularly in cases where no retirement benefits are available, which might involve discrimination. Finally, he concurred in the view which had been expressed by the Philippine Government in its reply to the ILO questionnaire, that in certain cases differentiation on the ground of property in the field of employment and occupation might be legitimate. There could be no objection, he pointed out, to giving preference to a person who needs employment over a person who does not need it. The real purpose of prohibiting discrimination in employment and occupation, he said, is to guarantee the right of individuals to work, in order to ensure them a decent standard of living and a certain sense of economic security.

184. Mr. Ketrzynski drew special attention to the problem of guarantees of non-discrimination for those participating in trade union activities. In some countries, he explained, trade unions impose conditions upon employers, and as a result active trade unionists may find themselves unemployed because of these activities. Some means must be found to guarantee freedom for trade union activities, he felt.

185. Mr. Ketrzynski also stressed the importance of the principle of equal pay for equal work for men and women, and suggested that it might be given a more prominent place in the reports of the ILO. He felt that particular attention should be paid to discrimination which was sometimes directed against pregnant women, who frequently were automatically barred from employment.

186. Mr. Saario, while praising the work of the ILO, regretted that the Organization had not yet been able to find a satisfactory definition of discrimination in the field of employment and occupation. The ILO's first

steps in preparing a draft convention, in his view, should be to find such a definition which would be acceptable to as many countries as possible. He felt that the convention proposed by the International Labour Office should contain only the main principles, while the less important provisions on the subject should be embodied in a recommendation.

187. Mr. Santa Cruz pointed out that the principles formulated by the ILO largely corresponded to those which the Sub-Commission had formulated in the case of discrimination in education, and that he felt that the ILO was on the right track and making considerable progress in the work which it had undertaken. He expressed complete satisfaction with the work of the ILO, and with its proposed conclusions.

188. Mr. Santa Cruz drew the Sub-Commission's attention to the fact that the Economic and Social Council, by resolution 545 C (XVIII), had clearly handed over the study to the ILO, and in doing so, had had in mind a different type of study from that which had been made with respect to discrimination in education. The International Labour Office was in somewhat the same position as the Secretariat of the United Nations, which, because of the nature of its functions, was not in a position to evaluate the information collected relating to the different countries.

189. Mr. Santa Cruz agreed with Mr. Ingles that the problem of discrimination in employment in international organizations might be studied further. He expressed the view that there was a certain amount of discrimination, based either on ethnic origin or on citizenship in particular countries, which had limited opportunity for qualified persons to work in those organizations.

190. The representative of the Commission on the Status of Women, while expressing appreciation of the high quality of the ILO reports, indicated that her Commission could not agree with several statements in the first report. She took exception in particular to the sentence in the section of Chapter III entitled "Sex" which reads "In the latter situation improvement of their employment status would seem to have to await improvement of their status generally". She also took exception to statements contained in the replies of certain Governments to the ILO questionnaire which appeared in Report VII (2), such as the reply of the Netherlands, which classified married women, with regard

to contractual capacity, together with minors and mental defectives, and that of the employer representatives reproduced in the reply of Austria, which referred to women as being "less suited to certain types of work and services" than men. 191. The representative of the ILO, in replying to a question which had been put by Mr. Hiscocks, pointed out that the organization had not minimized the importance of education as a means of eradicating discrimination. On the contrary, in its proposed conclusions it had suggested that provision should be made in the proposed convention that each party should agree "to co-operate with employers' and workers' organizations and other appropriate bodies in promoting the acceptance and observance of this policy, and to promote such educational programmes as may be calculated to secure the acceptance and observance of this policy...". Further, there was provision in the proposed recommendation "that there should be continuing co-operation between the competent authorities, representatives of employers and workers and interested bodies, in taking all practicable measures to foster public understanding and observance of the principles of non-discrimination and in considering what further positive measures may be necessary in the national circumstances to put the principles into effect".

B. Views on the procedure to be adopted by the Sub-Commission

192. There was considerable discussion on the procedure to be adopted by the Sub-Commission in preparing comments on the reports. Mr. Santa Cruz, reviewing the historical development of the study of discrimination in employment and occupation, pointed out that the Sub-Commission had first requested the ILO to prepare a draft study, which would serve as a basis for consideration by the Sub-Commission. Subsequently the Economic and Social Council, by resolution 545 C (XVIII), had altered this request and had invited the International Labour Organisation to undertake a study of discrimination in the field of employment and occupation and to transmit to the Sub-Commission the results of this study when completed. The ILO had gone ahead with the work in accordance with the Council's invitation. The Sub-Commission's role now was to join in carrying forward the work, which was a common task with a common purpose. He thought that analysis of the questionnaire prepared by the International Labour Office would not be useful, as the questionnaire had

already been sent to Governments and their replies had been received and analysed. On the other hand, he felt that the Sub-Commission might usefully consider, and endeavour to analyse, the proposed conclusions attached to the second report. And furthermore he believed that the Sub-Commission was obliged to state in some way its agreement with the general tenor of these conclusions.

193. Mr. Roy suggested that the Sub-Commission's comments might take the form of (1) remarks to be forwarded to the International Labour Conference, and (2) recommendations for further action to be undertaken within the framework of the United Nations.

194. Mr. Fomin agreed that the Sub-Commission should consider what the ILO had done, and whether any additional measures, within the framework of the United Nations, were required. He felt, however, that this could better be done when the results of the ILO's activities would be known. He deemed it necessary that this matter should remain on the Sub-Commission's agenda.

195. The representative of the ILO, answering a number of inquiries which had been made about the procedure by which the Sub-Commission's comments would reach the International Labour Conference, pointed out that when the Director-General had sent the two ILO reports to the United Nations, he had stated that he would be glad to arrange "for any comments which the appropriate organs of the United Nations may wish to make with regard to the matters raised in these reports, to be drawn to the attention of the International Labour Conference".

196. In reply to a question, the representative of the Secretary-General drew the Sub-Commission's attention to operative paragraph 2 of resolution 545 E (XVIII) of the Economic and Social Council, by which the Secretary-General had been authorized, in relation to studies approved by the Council, "to provide direct means of contact between the Sub-Commission and whatever specialized agency or agencies may have been invited by the Council to co-operate with respect to an approved study". He also referred to the letter from the Director-General of the International Labour Office mentioned above.

197. At the 215th meeting, Mr. Chatenet submitted, at the request of the Chairman, a draft resolution (E/CN.4/Sub.2/L.118) to serve as a basis for further discussion of the item.

198. The discussion in the Sub-Commission centred chiefly around the fourth preambular paragraph of the draft resolution, which read as follows:

"Recognizes in particular the validity and agrees with the essential features both of the analysis of the various forms of discrimination in the field of employment and occupation and of the principles laid down as a guide for the policy of the authorities;"

199. Mr. Halpern objected to the words "in particular", as giving too much emphasis to the expression of the Sub-Commission's opinion. Together with Mr. Fomin and Mr. Hiscocks, he suggested the deletion of the words "and agrees with the essential features both...". Mr. Halpern also proposed that the word "suggested" be used instead of the expression "laid down", as it seemed to be a more correct interpretation of what the International Labour Office had done.

200. In the light of these comments, Mr. Chatenet revised the paragraph to read as follows:

"Recognizes in general the validity both of the analysis of the various forms of discrimination in the field of employment and occupation, and of the principles suggested as a guide for the policy of the authorities;"

C. Resolution adopted on the Study of Discrimination in the Field of Employment and Occupation

201. In view of suggestions made by other members of the Sub-Commission, Mr. Chatenet made a few additional drafting changes in his proposal, which was then adopted by 11 votes to none, as follows:

RESOLUTION D

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

Having received and considered the reports prepared by the International Labour Office and the annexed documents (E/CN.4/Sub.2/178 and reports VII (1) and VII (2) prepared by the International Labour Office for the fortieth session of the International Labour Conference),

1. Expresses its appreciation of the high quality of these documents, from the point of view both of technical value and of clarity of presentation;

2. Endorses the general conception and spirit underlying the reports and the procedure followed in preparing them;

3. Recognizes in general the validity both of the analysis of the various forms of discrimination in the field of employment and occupation, and of the principles suggested as a guide for the policy of the authorities;

4. Having discussed the subject at the ninth session,

I - Requests the Commission on Human Rights:

(i) to recommend the Economic and Social Council to inform the International Labour Organisation of its appreciation of the work already accomplished in this field and of its desire that this work should be continued in the same spirit and in accordance with the same procedure,

(ii) to transmit to the International Labour Organization, in time for submission to the International Labour Conference to be held in 1957, the record of the exchange of views in the Sub-Commission on the subject as embodied in the Sub-Commission's records and reports and, if the Commission considers it advisable, to ask the Council at its twenty-third session for the necessary authority,

(iii) to recommend the Council and the Secretary-General to authorize suitable arrangements for the results of the work of the International Labour Conference to be transmitted directly to the Sub-Commission and for the Sub-Commission's work at its 1958 session to be brought to the attention of the International Labour Organisation in time for submission to the International Labour Conference at its session in 1958;

II - Decides to retain the item on the agenda of its next session with a view to reaching a conclusion on this problem, in the light of inter alia the additional work done by the International Labour Organisation in 1957.

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VI. DATE, DURATION AND AGENDA OF ANY FURTHER CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS INTERESTED IN THE ERADICATION OF PREJUDICE AND DISCRIMINATION THAT MAY BE CONVENED

Item 6 of the Agenda

Introduction

202. At the 216th and 217th meetings, the Sub-Commission considered item 6 of its agenda, entitled, "Date, duration and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened."

203. The Sub-Commission had before it a report (E/CN.4/Sub.2/180 and Add.1) by the Secretary-General on the results of his consultation with non-governmental organizations concerning the matters under consideration. The report had been prepared in accordance with the request made by the Commission on Human Rights in resolution VIII adopted at its twelfth session. By this resolution, the Secretary-General had been requested to transmit the views of the non-governmental organizations to the Sub-Commission, and to the Commission on Human Rights, in order that these organs might consider them at their next sessions.

204. The Sub-Commission examined the Secretary-General's report, and heard statements by representatives of the World Federation of Trade Unions, the World Veterans Federation and the World Jewish Congress.

205. A draft resolution submitted by Mr. Ingles (E/CN.4/Sub.2/L.119) proposed that the Sub-Commission: (1) recommend to the Commission on Human Rights that it request the Economic and Social Council to make arrangements for convening such a conference in 1958, if possible during the last week prior to the summer session of the Council, (2) express the opinion that a second conference could usefully take up the implementation of the objectives laid down in paragraph 1 of resolution 546 (XVIII) of the Economic and Social Council, adopted on 3 August 1954, as well as of the resolution adopted by the first conference (E/NGO/CONF.1/8); and (3) reiterate the view that such studies in the field of discrimination as may be made by the Sub-Commission and other organs of the United Nations and specialized agencies should be laid before any future conference of non-governmental organizations interested in the eradication of prejudice and discrimination.

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206. In introducing the draft resolution, Mr. Ingles recalled that the Sub-Commission had originally proposed that there should be a series of conferences of non-governmental organizations interested in the eradication of prejudice and discrimination. The Commission on Human Rights had recommended to the Economic and Social Council the convening of "one or more conferences". The Council had authorized the holding of "a conference". One of the recommendations of the first conference had been that a further conference should be convened.

207. Mr. Ingles drew the attention of the Sub-Commission to the opinion, expressed by the majority of non-governmental organizations, that a further conference should be held for one week during the last week prior to the 1958 summer session of the Economic and Social Council at the place of the Council's meeting if that meeting takes place either in Geneva or at United Nations Headquarters.

208. On the question of the agenda of the proposed conference, he considered that the Sub-Commission should not go into too much detail. It would suffice to adopt the three general objectives laid down in paragraph 1 of resolution 546 (XVIII) of the Economic and Social Council. It was understood that the study of methods and techniques for combatting discrimination was included in the first objective. In addition, the conference could take up the implementation of the resolutions adopted by the first conference, as suggested in the joint memorandum of eighteen non-governmental organizations. This would involve the rendering of reports by the organizations on the progress achieved in carrying out the resolutions of the first conference.

209. The discussion in the Sub-Commission was chiefly concerned with two questions, (a) the date and duration to be recommended for the convening of a second conference, and (b) the agenda and method of work to be recommended for such a conference.

A. The date and duration to be recommended for the convening of a second conference

210. Mr. Halpern considered that it might be advisable to ask the Secretary-General to give an estimate of the time within which documentation for the conference could be completed, and then to fix the date for the conference in the light of that information. The representative of the Secretary-General replied that this would depend upon the amount of documentation submitted by the non-governmental organizations.

211. Representatives of the World Federation of Trade Unions and the World Jewish Congress supported the proposal to convene the conference in 1958. The representative of the World Federation of Trade Unions stressed the great importance placed by the sponsors of the joint statement, which had been signed by eighteen non-governmental organizations, upon convening the second conference in 1958. There would then have been a lapse of more than three years since the first conference. In the opinion of the WFTU, the greatest contributions from the conference would flow from the exchange of experiences which would stimulate further anti-discrimination activities by non-governmental organizations within their own spheres of work and in co-operation with the United Nations. The representative of the World Jewish Congress pointed out that his organization had expressed the view that the Conference should be held in 1957; he appealed to the members of the Sub-Commission not to consider a postponement beyond 1958. For the members of his organization, the problem was not an academic one but a question of life or death. If any way could be found to implement the general resolutions adopted at the first conference more rapidly, much suffering might be averted. In his view, the gap of more than three years between conferences was more than adequate, and a longer interval would seriously interrupt the continuity of the work.

212. Mr. Hiscocks suggested that the resolution be revised in order to provide a more flexible date for the conference. He further emphasized the importance of adequate preparation and documentation to ensure the success of the proposed conference.

B. The agenda and method of work to be recommended for such a conference

213. Several suggestions were made as to the agenda of the proposed conference. Mr. Santa Cruz pointed out that the first conference had naturally been general in character, and that future conferences would have to deal with particular problems. He suggested that it was the Sub-Commission's duty to orient the conference by telling it precisely what its objectives should be. To this end, he endorsed the recommendation of eighteen non-governmental organizations that the third objective fixed in the resolution of the Economic and Social Council should be replaced by "Co-operation with the United Nations organs working in the field of prevention of discrimination and protection of minorities, including the

possibility of NGO assistance in the implementation of the General Assembly resolution 926 (X), concerning Advisory Services in the Field of Human Rights, in so far as its provisions might be applied to problems of prejudice and discrimination".

214. Mr. Hiscocks suggested that the agenda of the conference might well include consideration of the question of what non-governmental organizations can best do in the education of public opinion. Mr. Halpern suggested that non-governmental organizations could also be asked to consider, at the conference, what further role they could play in the preparation of studies by United Nations organs working in the field of discrimination.

215. A few comments were made on the method of work to be adopted by the conference. Mr. Awad expressed the view that it would be wrong to divide the conference into working groups or panels on the basis of the various grounds of discrimination, as the very purpose of the conference was to bring together groups with differing experiences so that they might exchange views on techniques which they had found to be useful.

216. In the light of the discussion, Mr. Ingles submitted a revised draft resolution (E/CN.4/Sub.2/L.119/Rev.1) to the Sub-Commission. After he had agreed to reverse the order of the first two operative paragraphs, and had also agreed to transpose the date "1958" so that the final phrase of the second operative paragraph read "if possible during the last week prior to the 1958 summer session of the Council", the revised draft resolution was put to the vote.

C. Resolution adopted on the conference of non-governmental organizations

217. The resolution was adopted unanimously, as follows:

RESOLUTION E

Date, duration and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened

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

Having considered the statements of non-governmental organizations in consultative status with the Economic and Social Council submitted directly

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to the Sub-Commission or through the Secretary-General (E/CN.4/Sub.2/L.80 and Add.1) in accordance with Resolution VIII of the Commission on Human Rights adopted at its twelfth session,

Affirming the important role that non-governmental organizations have in influencing the actions of Governments and educating public opinion, particularly in the promotion of respect for and observance of human rights,

Noting that the majority of these non-governmental organizations are in favour of, or willing to participate in, a second conference of non-governmental organizations interested in the eradication of prejudice and discrimination,

1. Draws attention to the importance of adequate preparation and documentation for such a conference;

2. Recommends to the Commission on Human Rights that it request the Economic and Social Council to make arrangements for convening such a conference, if possible during the last week prior to the 1958 summer session of the Council;

3. Expresses the opinion that a second conference could usefully take up the further implementation of the objectives laid down in paragraph 1 of resolution 546 (XVIII) of the Economic and Social Council adopted on 3 August 1954, and of the resolutions adopted by the First Conference (E/NGO/CONF.1/8);

4. Considers that a second conference could also usefully decide what non-governmental organizations can do in the education of public opinion and in co-operation in the preparation of studies by United Nations organs working in the field of discrimination;

5. Reiterates the view that such studies in the field of discrimination as may be made by the Sub-Commission and other organs of the United Nations and specialized agencies, should be laid before any future conference of non-governmental organizations interested in the eradication of prejudice and discrimination.

VII. STUDY OF DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS
AND PRACTICES

Item 7 of the Agenda

Introduction

218. At its 217th meeting, the Sub-Commission considered item 7 of its agenda, entitled "Study of discrimination in the matter of religious rights and practices". The Sub-Commission had before it the progress report (E/CN.4/Sub.2/182) submitted by its Special Rapporteur, Mr. Arcot Krishnaswami, in accordance with resolution C, adopted by the Sub-Commission at its eighth (1955) session.

219. The progress report was divided into two parts. The first dealt with the collection of material for the study, and indicated to what extent information had been forthcoming from Governments, the Secretary-General, the specialized agencies, and the non-governmental organizations. It also indicated, with respect to the writings of recognized scholars and scientists, that the Special Rapporteur felt compelled to use such material with caution, in view of the difficulty of determining who is a "recognized scholar or scientist" and of distinguishing between fact and opinion in such a controversial matter as religious rights and practices. The second part was entitled "The Problem in its Setting", and outlined the views of the Special Rapporteur on the materials to be included in the study and the general approach to be taken to the problem of discrimination in the matter of religious rights and practices. A general outline of topics for study was attached to the progress report as an annex.

220. The Sub-Commission also had before it a statement (E/CN.4/Sub.2/NGO/11), submitted by the Catholic International Union for Social Service (category B).

221. In view of the fact that Mr. Krishnaswami was unable to attend the session, members of the Sub-Commission suggested several possible procedures for dealing with the progress report.

222. Mr. Ammoun felt that a discussion of the report in the absence of the Special Rapporteur would be somewhat vain and academic, and suggested that each member of the Sub-Commission might send a letter, containing his comments, to Mr. Krishnaswami through the Secretary-General. Mr. Awad, on the other hand, pointed out that complete postponement of any discussion of the progress report would mean a delay of a year during which the Special Rapporteur would not have the views of the Sub-Commission to assist him in his work.

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A. Views of the sub-commission on the progress report

223. Mr. Hiscocks submitted a draft resolution (E/CN.4/Sub.2/L.117), by which the Sub-Commission would (1) express its appreciation to Mr. Krishnaswami for his work; (2) note that the information which he was attempting to collect was not yet complete; (3) regret that Mr. Krishnaswami was unable to attend the ninth session of the Sub-Commission; (4) request Mr. Krishnaswami to prepare a draft report in time for consideration by the Sub-Commission at its tenth session, which would be similar in scope to the final report and (5) request that Mr. Krishnaswami take into account not only the result of his inquiries, but also the comments of members of the Sub-Commission on his report and on the preliminary report on the same subject which had been submitted by Mr. Halpern to the Sub-Commission at its seventh session.

224. In introducing the draft resolution, Mr. Hiscocks expressed the view that the annex attached to Mr. Krishnaswami's progress report provided a useful framework for the collection of factual information. He expressed the hope that Mr. Krishnaswami would carry out his study in the same atmosphere of good will in which Mr. Ammoun's report had been conceived, and with the same positive approach to the problem.

225. Mr. Chatenet also expressed the hope that Mr. Krishnaswami would follow the very practical example which Mr. Ammoun had set. In studying the question of discrimination in religious rights and practices, he said, there is a temptation to engage in philosophical digressions, which are not of particular importance to the Sub-Commission in its work.

226. In order to assist the Special Rapporteur in certain procedural aspects of his work, since replies from Governments and non-governmental organizations had been slow in coming, Mr. Santa Cruz proposed that a new operative paragraph be added to the draft resolution, as follows:

"Requests the Commission on Human Rights, in the light of the comments made by the Special Rapporteur in paragraphs 7 and 19 of his progress report, to reiterate, in whatever manner may seem advisable, its requests to Governments and non-governmental organizations to co-operate in replying as soon as possible to the requests for information already addressed to them;"

Mr. Hiscocks accepted this amendment to his draft resolution.

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227. Mr. Fomin and Mr. Ketrzynski objected to the part of Mr. Hiscocks' draft resolution in which Mr. Krishnaswami was requested to take into account the preliminary report which had been submitted by Mr. Halpern to the Sub-Commission at the seventh session. They felt that such a request implied that the Special Rapporteur had not already taken this report into consideration. In their view Mr. Krishnaswami had already considered the preliminary report in so far as he had considered it necessary. Mr. Fomin felt that it would be sufficient for the Sub-Commission to refer Mr. Krishnaswami to the summary records of the ninth session.

228. Mr. Fomin wanted to have a chance to vote on the paragraph expressing appreciation for Mr. Krishnaswami's work, which he highly appreciated, because he would be obliged to abstain on the resolution as a whole if the reference to Mr. Halpern's preliminary report were retained in the final paragraph. He therefore requested that separate votes be taken on various portions of the draft resolution.

229. The Sub-Commission first adopted, by unanimous vote, the third preambular paragraph reading as follows:

"Expresses its deep appreciation to Mr. Krishnaswami for this valuable contribution to the Sub-Commission's work for the prevention of discrimination;"

230. The Sub-Commission decided, by 4 votes in favour and 3 against, with 4 abstentions, to retain reference to the preliminary report of Mr. Halpern in the final operative paragraph of the draft resolution.

B. Adoption of resolution on the progress report relating to discrimination in the matter of religious rights and practices

231. The Sub-Commission adopted the draft resolution as a whole by 9 votes in favour and none against, with 2 abstentions, as follows:

RESOLUTION F

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

Recalling resolution 586 C (XX) adopted on 29 July 1956 by the Economic and Social Council, resolution C adopted by the Sub-Commission at its eighth

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session, and resolution IX, paragraph 4, adopted by the Commission on Human Rights at its twelfth session,

Having considered the progress report on discrimination in the matter of religious rights and practices presented by the Special Rapporteur, Mr. Arcot Krishnaswami (E/CN.4/Sub.2/182),

1. Expresses its deep appreciation to Mr. Krishnaswami for this valuable contribution to the Sub-Commission's work for the prevention of discrimination;

2. Notes that he has already taken steps to obtain from Governments the appropriate specialized agencies, non-governmental organizations, and other sources, material for his study, but that the information required is not yet complete;

3. Regrets that Mr. Krishnaswami, for understandable reasons, was unable to attend the ninth session of the Sub-Commission and thus make possible an exchange of views on his progress report with other members of the Sub-Commission;

4. Requests the Commission on Human Rights, in the light of the comments made by the Special Rapporteur in paragraphs 7 and 19 of his progress report, to reiterate, in whatever manner may seem advisable, its requests to Governments and non-governmental organizations to co-operate in replying as soon as possible to the requests for information already addressed to them;

5. Further requests Mr. Krishnaswami to prepare with the assistance of the Secretary-General, in time for consideration by the Sub-Commission at its tenth session, a draft report on discrimination in the matter of religious rights and practices which will as far as possible be similar in scope to the final report, which it is hoped will be ready for consideration and approval by the Sub-Commission at its eleventh session;

6. Requests also that in drawing up his draft report Mr. Krishnaswami will take into account not only the result of his inquiries, which have already been incorporated in his progress report, but also the comments

of members of the Sub-Commission on that report, the preliminary report on the same subject submitted by Mr. Halpern to the Sub-Commission at its seventh session and the comments of members of the Sub-Commission on the preliminary report, thus ensuring that the views of all members of the Sub-Commission will be taken into consideration in the draft report in spite of the fact that an exchange of views on the subject was not possible during the present session.

VIII. STUDY OF DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS

Item 8 of the Agenda

A. Oral report of the special rapporteur

232. At the 218th meeting the Sub-Commission considered item 8 of its agenda, entitled "Study of discrimination in the matter of political rights".

233. Mr. Santa Cruz, who had been appointed by the Sub-Commission as its Special Rapporteur in connexion with the study, advised the Sub-Commission that he had not been able to prepare a preliminary report for submission at this session. The Secretary-General had not been in a position to give him any assistance in the matter, as the full resources of the Secretariat had been devoted to the study of discrimination in religion. Mr. Santa Cruz recalled that, in accepting the responsibility of acting as Special Rapporteur, he had indicated that he would undertake the task on the understanding that he would receive the necessary assistance from the Secretariat. He pointed out that there was no specialized agency with particular competence in the field of political rights, and that therefore the work would have to be done exclusively by the Special Rapporteur with such assistance as the Secretariat could provide. He said that in particular he would need professional assistance not only at Headquarters but also in Chile. Such assistance could be provided by a special officer who could be detailed to the Santiago office of the Economic Commission for Latin America.

234. In answer to questions which had been put to him, the representative of the Secretary-General stated that during 1957 the Secretariat would be able to give Mr. Santa Cruz assistance in the preparation of some half dozen "country papers" and in the preparation of an interim report; and that in future years the assistance of the Secretariat would depend upon the over-all work programme in the field of human rights.

235. Members of the Sub-Commission stressed the need for the Secretary-General to give all possible assistance to Mr. Santa Cruz in his work, although they recognized that the amount of available assistance would inevitably be affected by priorities.

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236. Mr. Santa Cruz stated that he would carry out the study in the exact manner specified in the pilot resolution adopted by the Sub-Commission in connexion with its first study, and that he would undertake to prepare the study in the same constructive spirit which had permeated Mr. Ammoun's work. His endeavour would be to state the facts as he found them, and to evaluate them in the light of his interpretation of public freedoms and of the concept of democratic society as set forth in the Universal Declaration of Human Rights.

237. Mr. Santa Cruz raised the question of the scope of the political rights which should be included in his study, and in particular asked whether the study should cover only such political rights as are provided for in article 21 of the Universal Declaration of Human Rights or also a number of other political rights.

238. Other members of the Sub-Commission referred to the opinions which they had expressed in the course of the seventh session of the Sub-Commission, when the preliminary report on the proposed study (E/CN.4/Sub.2/165) was discussed. Attention was also drawn to the discussion of this question which occurred at the tenth (1954) session of the Commission on Human Rights (E/2573, paras. 486-495).

B. Adoption of resolution on the study of discrimination in the matter of political rights

239. A draft resolution on the study of discrimination in the matter of political rights was submitted by Mr. Ammoun. The draft resolution was adopted by the Sub-Commission unanimously, as follows:

RESOLUTION G

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

Recalling resolution C adopted at its eighth session in which it decided to proceed with the study of discrimination in the matter of political rights and its decision to appoint Mr. Hernan Santa Cruz as Special Rapporteur for that study,

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1. Draws the attention of the Special Rapporteur to the summary records of the discussion of the preliminary report of the proposed study submitted by the Special Rapporteur to the Sub-Commission at its seventh session (E/CN.4/Sub.2/165);

2. Requests the Secretary-General to give the Special Rapporteur, Mr. Santa Cruz, all the necessary aid and assistance, both in Chile and through the close co-operation of the Secretariat at Headquarters, so as to enable the Special Rapporteur to present an interim report to the Sub-Commission at its tenth session.

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IX. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS: APPLICATION TO
THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Item 11 of the Agenda

A. General views of the Sub-Commission on the organization of seminars

240. At the 218th meeting, the Sub-Commission considered item 11 of its agenda, entitled "Advisory services in the field of human rights: Application to the prevention of discrimination and protection of minorities".

241. The Sub-Commission had before it, for its information, a report by the Secretary-General on advisory services in the field of human rights (E/CN.4/736), prepared for the thirteenth session of the Commission on Human Rights; and a report on the same subject (E/CN.6/294) prepared for the eleventh session of the Commission on the Status of Women.

242. At the 200th meeting of the Sub-Commission, the representative of the World Veterans Federation had informed the Sub-Commission that his organization was planning to hold a youth seminar in France in the summer of 1957 to deal with the problem of discrimination. It was expected that forty-eight young men and women from thirty-five countries would participate in the seminar. The World Veterans Federation hoped that the United Nations would assist the seminar by providing lecturers, discussion leaders, and experts. Further reference to this question will be found in paragraphs 249 to 251.

243. Mr. Santa Cruz, at the 218th meeting, introduced a draft resolution (E/CN.4/Sub.2/L.121) by which the Sub-Commission would request the Economic and Social Council, through the Commission on Human Rights, to draw the attention of Governments to the important role which exchange of views and information by means of seminars can play for the purpose of combatting discrimination; request the Secretary-General to convene working parties in consultation with Governments with a view to planning and organizing such seminars; and express the hope that all Governments will co-operate in achieving the purpose of the resolution.

244. In explaining his draft resolution, Mr. Santa Cruz pointed out that Governments had not requested the organization of seminars for the purpose of combatting discrimination, and that the Secretary-General had not taken steps to

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authorize such seminars in the absence of Government initiative. He felt that the Secretary-General could be authorized to take the initiative himself in convening working parties, in consultation with Governments, with a view to planning or organizing seminars.

245. Mr. Ingles expressed the view that the lack of requests for seminars from Governments might have been due to the lack of sufficient time for them to act rather than to any reluctance on their part to do so. He agreed with Mr. Santa Cruz that the Secretary-General could be authorized specifically to take the initiative in organizing seminars. He pointed out that the seminar to be held in Thailand in 1957, on the subject of civic responsibilities and increased participation of women in public life, would deal with at least one aspect of the prevention of discrimination. The fact that such a seminar had been organized was to him proof that Governments would not hesitate to sponsor meetings along these lines once their interest had been aroused. He felt that the suggested topics for seminars might prove more interesting to Governments if phrased in a positive way, and suggested as possible subjects "The promotion of inter-group relations" and "The integration of minority groups". Finally, he pointed out that the Sub-Commission should not neglect other aspects of the programme of advisory services in the field of human rights, such as the granting of fellowships and the employment of experts.

246. In reply to questions by members of the Sub-Commission, the representative of the Secretary-General stated that under resolution 926 (X) of the General Assembly, Governments must take the initiative in sponsoring seminars.

247. Mr. Santa Cruz stated that he had this resolution in mind, and that what he had proposed was that the Secretary-General should take the initiative in organizing working parties, in consultation with the Governments concerned, which in turn could lead to the organization of seminars sponsored by Governments. The purpose of his draft resolution was only to establish a means whereby the decisions of the Economic and Social Council and the General Assembly could be fully implemented.

248. Mr. Fomin expressed the view that these seminars were useful, and in this connexion told of a seminar which had met in September 1956 in the Union of Soviet Socialist Republics, at the invitation of the Soviet Government, to study the

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question of the status of women. The Soviet Government had invited representatives from the Commission on the Status of Women, from specialized agencies and from non-governmental organizations. Thirty-nine nationalities had been represented. The Soviet Union Government had borne the travel and maintenance costs of participants. Many meetings had been arranged with Soviet personalities. The participants had had an opportunity of getting to know all aspects of Soviet life, particularly when groups of them had visited the towns of Leningrad and Stalingrad, and the Caucasus and the Ukraine.

249. Mr. Hiscocks had some procedural misgivings about the draft resolution on the ground that the Sub-Commission had already made recommendations on the subject to the Commission on Human Rights, and that the Commission had not yet considered the report prepared for it by the Secretary-General.

250. Mr. Halpern expressed the view that a formal resolution on the subject was not necessary, as the Secretary-General already had the necessary authority to proceed with the organization of working parties. To Mr. Halpern's objection Mr. Santa Cruz replied that the Sub-Commission not only had the right, but also the duty, to advise the Secretary-General that it believed that the method which he had initiated, of convening working parties in consultation with a view to planning and organizing seminars, was a good one which should be extended to the field of prevention of discrimination.

B. Adoption of resolution on the Organization of seminars

251. The draft resolution submitted by Mr. Santa Cruz was adopted by 9 votes to none, with 2 abstentions, as follows:

RESOLUTION H

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

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

The Economic and Social Council

Recalling resolution F of the eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution III of the twelfth session of the Commission on Human Rights on advisory services in the field of human rights,

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Recalling also its resolution 605 (XXI) on the same subject,

1. Draws the attention of Governments to the important role which exchange of views and information by means of seminars can play for the purpose of combatting discrimination;
2. Requests the Secretary-General to convene working parties in consultation with Governments with a view to planning and organizing such seminars;
3. Expresses the hope that all Governments will co-operate in achieving the purpose of this resolution.

C. Views of the Sub-Commission on the holding of a youth seminar to deal with national and international aspects of the fight against discrimination

252. Mr. Santa Cruz submitted a second draft resolution to the Sub-Commission on advisory services in the field of human rights (E/CN.4/Sub.2/L.120). The draft resolution referred to the statement made at the 200th meeting of the Sub-Commission by the representative of the World Veterans Federation on the holding of a youth seminar in France in the summer of 1957, to deal with national and international aspects of the fight against discrimination. The draft resolution proposed that the Sub-Commission congratulate the World Veterans Federation on its initiative and wish it every success in this venture; and requested the Secretary-General to assist in the organization of the seminar.

253. There was no objection in the Sub-Commission to the ideas expressed in the draft resolution. Mr. Fomin explained that he did not have sufficient information to enable him to support all of the paragraphs, and Mr. Hiscocks wondered why one seminar should be singled out as the subject of a special resolution.

D. Adoption of resolution on the holding of a youth seminar

254. The draft resolution was adopted by 9 votes in favour and none against, with 1 abstention as follows:

RESOLUTION I

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

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Considering that in resolution 926 (X) the General Assembly expressed the hope that international and national non-governmental organizations, universities, philanthropic foundations and other private groups will supplement the United Nations programme of advisory services in the field of human rights with similar programmes designed to further research and studies, the exchange of information and assistance in the field of human rights,

Recalling resolution 605 (XXI) of the Economic and Social Council in which the Council requested the Secretary-General to seek, as appropriate, the co-operation of professional organizations and other interested non-governmental organizations with competence in the programme of advisory services in the field of human rights,

1. Notes the statement made at the 200th meeting of the Sub-Commission by the representative of the World Veterans Federation that in implementation of the Final Act of the First Conference of Non-Governmental Organizations interested in the Eradication of Prejudice and Discrimination the World Veterans Federation is holding a youth seminar in France in the summer of 1957 to deal with the national and international aspects of the fight against discrimination and that it hoped that the Sub-Commission, and through it the United Nations, would help to make the seminar a success, particularly by providing lecturers, discussion leaders and other experts;

2. Congratulates the World Veterans Federation on its initiative and wishes it every success in this venture;

3. Hopes the Secretary-General will lend as much assistance as possible in the organization of the seminar in order to give full meaning to the common determination of the United Nations and the non-governmental organizations associated with it to eradicate prejudice and discrimination.

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

Item 13 of the Agenda

255. The Sub-Commission received at a private meeting the confidential list of communications concerning prevention of discrimination and protection of minorities received by the United Nations from 1 November 1955 to 15 October 1956 (document Sub.2/Communications List No. 6).

256. The list contained a total of 101 communications, of which twenty-eight alleged discrimination on the grounds of race or colour, fifty alleged discrimination on the grounds of religion, twenty-one alleged discrimination on the grounds of nationality, one alleged discrimination on the grounds of political opinion, and one alleged discrimination on other grounds.^{1/}

257. Messrs. Roy and Ingles regretted that although the Charter had been in force for eleven years, United Nations organs had not established a procedure for handling communications and for coping with some of the situations alleged therein. Mr. Santa Cruz, supporting Messrs. Roy and Ingles, pointed out that in his opinion since the drafting of the Charter of the United Nations - which is a treaty and which establishes the obligation of respecting and promoting fundamental human rights, and which in Articles 55 and 56 contains a solemn pledge of the Member States to respect these rights - the United Nations had acquired the competence to discuss and to formulate recommendations in the case of serious and systematic violations of such rights.

^{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.

XI. PROGRAMME OF FUTURE WORK AND DURATION OF
THE SUB-COMMISSION'S TENTH SESSION

258. At the 218th meeting the Sub-Commission decided to postpone consideration, until its tenth session, of the following items of its agenda:

Item 9: Further studies in the field of discrimination

Item 10: 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

Item 12: Protection of minorities

259. The Sub-Commission agreed that at its tenth session it would have on its agenda, in addition to the items referred to above, such matters as:

Study of discrimination in the matter of religious rights and practices:

Draft Report by the Special Rapporteur

Study of discrimination in the matter of employment and occupation:

Progress Report

Study of discrimination in the matter of political rights: Progress

Report by the Special Rapporteur

260. The Sub-Commission regretted that it had been compelled to work under such difficult conditions at its ninth session. When the date of the session had been postponed to 18 February, it had been on the understanding that by that time the General Assembly would have concluded its session. This had not proved to be the case, and during the first week of the ninth session, several scheduled meetings had been cancelled because of the urgent requirements of the General Assembly.

261. The Sub-Commission expressed the hope that its tenth session would be of at least four weeks' duration, in order that more careful consideration could be given to every item on its agenda.

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

Item 14 of the Agenda

262. At the 219th and 220th meetings, the Sub-Commission considered the draft report of its ninth session (E/CN.4/Sub.2/L.111, L.111/Add.1 and Corr.1, and L.111/Add.2).

263. At the request of Mr. Fomin, a separate vote was taken on the inclusion of paragraph 41 of the draft report. An amendment to this paragraph, submitted by Mr. Roy, was not adopted, 4 votes being cast in favour and 4 against, with 2 abstentions. The paragraph was retained by 5 votes in favour and 3 against, with 2 abstentions (see paragraphs 44 to 47 of this report).

264. The draft report, as revised, was adopted by 8 votes to 1, with 1 abstention. Messrs. Fomin and Ketrzynski explained their votes (E/CN.4/Sub.2/220).

ANNEX

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

1. Documents issued in the general series:

- E/CN.4/Sub.2/178 - Study of Discrimination in the Field of Employment and Occupation: Report of the International Labour Office (Memorandum by the Secretary-General)
- E/CN.4/Sub.2/179 - Provisional agenda for the ninth session of the Sub-Commission
- E/CN.4/Sub.2/180 and Add.1 - Date, Duration and Agenda of any further Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination that may be convened (Report of the Secretary-General)
- E/CN.4/Sub.2/181, Add.1 and Corr.1 - Study of Discrimination in Education: Report drawn up by the Special Rapporteur, Mr. Charles D. Ammoun
- E/CN.4/Sub.2/182 - Study of Discrimination in the Matter of Religious Rights and Practices: Progress report by the Special Rapporteur, Mr. Arcot Krishnaswami
- E/CN.4/Sub.2/183 - Memorandum on the principal activities of UNESCO in the field of prevention of discrimination and protection of minorities since the eighth session of the Sub-Commission
- E/CN.4/Sub.2/184 - Study of Discrimination in Education: Discrimination against Women in Education (Note by the Secretariat)
- E/CN.4/Sub.2/185 - Agenda of the ninth session of the Sub-Commission

2. Documents issued in the limited series:

- E/CN.4/Sub.2/L.103 - Study of Discrimination in Education: Comments of UNESCO on the Draft Report drawn up by the Special Rapporteur (Memorandum by the Secretary-General)
- E/CN.4/Sub.2/L.104 - Adoption of the Agenda: Arrangement of Business at the Session (Note by the Secretary-General)
- E/CN.4/Sub.2/L.105 - Draft resolution on the study of discrimination in education (submitted by Mr. Ammoun)

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- E/CN.4/Sub.2/L.106 - Draft resolution on the study of discrimination in education (submitted by Messrs. Hiscocks and Santa Cruz)
- E/CN.4/Sub.2/L.106/
Rev.1 - Revised draft resolution on the study of discrimination in education (submitted by Messrs. Hiscocks and Santa Cruz)
- E/CN.4/Sub.2/L.106
Rev.2 - Revised draft resolutions on the study of discrimination in education
- E/CN.4/Sub.2/L.107 - Amendment to the revised draft resolution of Messrs. Hiscocks and Santa Cruz (L.106/Rev.1) (submitted by Mr. Ingles)
- E/CN.4/Sub.2/L.108 - Amendments to the statement of fundamental principles contained in document E/CN.4/Sub.2/L.106/Rev.1 (submitted by Mr. Halpern)
- E/CN.4/Sub.2/L.109 - Amendments to the revised draft resolution of Messrs. Hiscocks and Santa Cruz (L.106/Rev.1) (submitted by Mr. Ketrzynski)
- E/CN.4/Sub.2/L.110 - Amendment to paragraph 2 of the operative part of the revised draft resolution of Messrs. Hiscocks and Santa Cruz (L.106/Rev.1) (submitted by Mr. Chatenet)
- E/CN.4/Sub.2/L.111,
Add.1 and Corr.1
and Add.2 - Draft report of the ninth 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.112 - Amendment to document E/CN.4/Sub.2/L.106/Rev.1 (submitted by Mr. Halpern)
- E/CN.4/Sub.2/L.113 - Amendment to the revised draft resolution of Messrs. Hiscocks and Santa Cruz (L.106/Rev.1) (submitted by Mr. Santa Cruz)
- E/CN.4/Sub.2/L.114 - Amendment to the revised draft resolution of Messrs. Hiscocks and Santa Cruz (L.106/Rev.1) (submitted by Messrs. Ketrzynski and Santa Cruz)
- E/CN.4/Sub.2/L.115 - Amendment to the new paragraph (ii) proposed by Mr. Ketrzynski in document E/CN.4/Sub.2/L.114 (submitted by Mr. Ingles)

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E/CN.4/Sub.2/L.116 - Report of the Style Committee on fundamental principles

E/CN.4/Sub.2/L.117 - Draft resolution on the study of discrimination in the matter of religious rights and practices (submitted by Mr. Hiscocks)

E/CN.4/Sub.2/L.118 - Draft resolution on the study of discrimination in the field of employment and occupation (submitted by Mr. Chatenet)

E/CN.4/Sub.2/L.119 - Draft resolution on the date, duration and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened (submitted by Mr. Ingles)

E/CN.4/Sub.2/L.119/
Rev.1 - Revised draft resolution on the date, duration and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened (submitted by Mr. Ingles)

E/CN.4/Sub.2/L.120 - Draft resolution on advisory services in the field of human rights (submitted by Mr. Santa Cruz)

E/CN.4/Sub.2/L.121 - Draft resolution on seminars to be held under the Programme of Advisory Services in the field of Human Rights (submitted by Mr. Santa Cruz)

E/CN.4/Sub.2/L.122 - Draft resolution on the study of discrimination in the matter of political rights (submitted by Mr. Ammoun)

3. Documents issued in the NGO series:

E/CN.4/Sub.2/NGO/10 - Date, duration, and agenda of any further conference of non-governmental organizations interested in the eradication of prejudice and discrimination that may be convened: Statement submitted by the International Federation of Women Lawyers (category B)

E/CN.4/Sub.2/NGO/11 - Study of discrimination in the matter of religious rights and practices: Statement submitted by the Catholic International Union for Social Service (category B)

4. Other documentation:

ILO Reports VII (1)
and VII (2) - Prepared for the fortieth session of the International Labour Conference