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COMMISSION ON HUMAN RIGHTS

Ninth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND SECOND MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 26 May 1953, at 3 p.m.

CONTENTS

pages

Reports of the fourth and fifth sessions of the Sub-Commission
on Prevention of Discrimination and Protection of Minorities
(item 4 of the agenda) (continued):

Draft resolutions annexed to the report on the fourth
session (E/CN.4/641, E/CN.4/641/Corr.1) (continued):

Draft resolutions II and III - Definition of
minorities for purposes of protection by the United
Nations, and interim measures to be taken for the
protection of minorities respectively;

Revised Belgian draft resolution (concluded)

4 - 6

Draft resolutions annexed to the report on the fifth
session (E/CN.4/670, E/CN.4/670/Corr.1) (resumed from
the 400th meeting):

Draft resolutions G, H and I, relating to proposed
publications on the work of the Sub-Commission;

Australian draft resolution (revised)

6 - 12

Draft resolution F: Programme of work of the
Sub-Commission; and French and Polish
amendments thereto

12 - 21

Present:

<u>Chairman:</u>	Mr. AZMI (Egypt)
<u>Rapporteur:</u>	Mr. KAECKENBEECK (Belgium)

Members:

Mr. WHITLAM	Australia
Mr. DIAZ-CASANUEVA	Chile
Mr. CHENG PAONAN	China
Mr. CASSIN	France
Mrs. CHATTOPADHYAY	India
Mr. INGLES	Philippines
Mrs. KALINOWSKA	Poland
Mrs. RÖSSEL	Sweden
Mr. KRIVEN	Ukrainian Soviet Socialist Republic
Mr. MOROSOV	Union of Soviet Socialist Republics
Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
Mrs. LORD	United States of America
Mr. PEROTTI	Uruguay
Mr. JEVREMOVIĆ	Yugoslavia
Mr. MELOVSKI	

Also present:

Mr. ROY	Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
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Representatives of specialized agencies:

International Labour Organisation	Mr. BLAMONT
United Nations Educational, Scientific and Cultural Organization	Mr. METRAUX

Representatives of non-governmental organizations:

Category B and Register

Co-ordinating Board of Jewish Organizations	Mr. WARBURG
International Federation of Business and Professional Women	Mrs. SCHRADER-RIVOLLET
International Federation of Friends of Young Women	Mrs. FIECHTER
International Federation of University Women	Mrs. FIECHTER
Fax Romana	Miss ARCHINARD
Women's International League for Peace and Freedom	Mrs. BAER
World Jewish Congress	Mr. RIEGNER

Secretariat:

Mr. Humphrey	Representative of the Secretary-General
Mr. Das)	Secretaries to the Commission
Mrs. Bruce)	

REPORTS OF THE FOURTH AND FIFTH SESSIONS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (item 4 of the agenda)(continued):

Draft resolutions annexed to the report on the fourth session (E/CN.4/641 and E/CN.4/641/Corr.) (continued):

Draft resolutions II and III: Definition of minorities for purposes of protection by the United Nations, and interim measures to be taken for the protection of minorities respectively:

Revised Belgian draft resolution (concluded)

The CHAIRMAN drew attention to the revised Belgian draft resolution relating to draft resolutions II and III submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and put it to the vote paragraph by paragraph.⁽¹⁾

The preamble was adopted by 14 votes to none, with 1 abstention.

The words "with appreciation" in the first operative paragraph, were retained by 12 votes to 3.

The words "without expressing an opinion on the definition itself" in the same paragraph were retained by 8 votes to 1, with 6 abstentions.

The first operative paragraph was adopted by 9 votes to 3, with 3 abstentions.

The second operative paragraph was adopted by 13 votes to none, with 2 abstentions.

The revised Belgian draft resolution as a whole was adopted by 13 votes to none, with 2 abstentions.

Mr. MOROSOV (Union of Soviet Socialist Republics) explained that the Soviet Union delegation had voted against the retention of the words "with appreciation" for the reasons he had given in detail during the discussions. It was generally accepted that the Sub-Commission's definition of minorities was unsatisfactory, and

(1) The revised Belgian draft resolution read as follows:

The Commission on Human Rights

Having studied the Sub-Commission's work on the principles and definition of minorities,

Notes the results with appreciation without expressing an opinion on the definition itself, and

Requests the Sub-Commission to proceed with its work on the definition and protection of minorities; bearing in mind the discussions which have taken place in the Commission during its ninth session, and to make its recommendations for the tenth session of the Commission."

that definition had been further weakened by the restrictions and reservations incorporated in it and in the draft resolution on interim measures to be taken for the protection of minorities. The Soviet Union delegation had, however, voted in favour of the last paragraph, which it regarded as important, and for the resolution as a whole.

Mr. CASSIN (France) said that his delegation would have liked the Commission to go further than merely noting the Sub-Commission's work "with appreciation", and to approve, in a general way, the results the Sub-Commission had achieved. He hoped, however, that the Sub-Commission would derive from the text as it stood the encouragement which it deserved after years of labour which had hitherto received no recognition whatsoever. He realized that the definition of minorities could be improved, and assured the Commission that the French representatives on the various United Nations bodies concerned would bear carefully in mind the suggestions that various delegations, especially those from countries of immigration had made for framing a satisfactory definition of minorities.

Mr. JEVREMOVIĆ (Yugoslavia) explained that he had voted for the retention of the words "with appreciation" because he felt that the Sub-Commission should be thanked for the work it had done, which really merited more than a bare expression of appreciation. On the other hand, he had abstained from voting on the other parts and on the Belgian proposal as a whole, for reasons he had explained during the course of the discussions. The Yugoslav delegation felt that it was necessary to make further efforts to devise a better definition of minorities; the text before the Commission was drafted in terms that were too vague and too general to be of much use to the Sub-Commission. His delegation had adopted a position of principle precisely in order to help the Sub-Commission to improve the text of draft resolutions II and III, by taking into account the wishes of the majority of the Commission.

Mr. HOARE (United Kingdom) said that the United Kingdom delegation accepted the Sub-Commission's definition of minorities, although it could, no doubt, be improved. He had therefore abstained from voting on the words "without expressing an opinion on the definition itself", and, as a consequence, on the first operative paragraph as a whole. But, as he warmly welcomed the Belgian representative's endeavours to rally a substantial majority of members behind a common line of action, he had found it possible to vote for the resolution as a whole.

Mr. KAECKENBEECK (Belgium) reminded the Commission that in the original text of his draft resolution, the Commission had been made to express its appreciation more clearly, approving in general terms the results of the Sub-Commission's work as a whole. His delegation had agreed to weaken the text in order to win over the majority.

The CHAIRMAN, speaking as representative of Egypt, said that he had forgotten to vote, but had he done so, he would have voted in favour of retaining the phrases "with appreciation" and "without expressing an opinion on the definition itself" and for the resolution as a whole.

Draft resolutions annexed to the report on the fifth session (E/CN.4/670, E/CN.4/670/Corr.1)(resumed from the 400th meeting):

Draft resolutions G, H and I, relating to proposed publications on the work of the Sub-Commission;

Australian draft resolution (revised)

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, speaking at the invitation of the CHAIRMAN, said that the three draft resolutions, G, H and I⁽¹⁾ were on precisely the same lines, and all had the same purpose, namely, that of informing the general public of the achievements of the United Nations in the prevention of discrimination and protection of minorities.

With regard to draft resolution G, the Sub-Commission, on its own initiative, had put in hand certain important studies such as those entitled "The Main Types and Causes of Discrimination" and "Definition and Classification of Minorities". Subsequently it had realized that those studies were suitable only for a limited public, and had accordingly thought it advisable to make the data available in more readily assimilable form to the general public, in order to acquaint the latter with the Sub-Commission's achievements, plans and objectives.

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- (1) Respectively: Publication of a booklet on the work of the Sub-Commission;
Publication of information received from governments; and
Publication of a pamphlet on the work of the United Nations in the fields of prevention of discrimination and protection of minorities.

Draft resolution H served the same purpose as draft resolution G, its object being to present to the lay public the valuable information provided by governments. At the Sub-Commission's suggestion, the Economic and Social Council had invited governments to provide the United Nations with information relating to the prevention of discrimination and the protection of minorities. The Secretariat had analysed the replies received from governments, and submitted the analysis to the Sub-Commission, which had now decided to ask the Secretary-General to bring it up to date and to publish it, together with all the relevant basic information, in the form of a printed booklet.

Draft resolution I dealt with the work of the United Nations in the two fields. The Secretariat had already published a number of documents, of which particulars had been given at an earlier meeting. The Sub-Commission had however, thought that it would be a good thing if the information were made available to the general public in a scientifically accurate but popular form.

The Australian draft resolution as revised seemed to him to combine the substance of the Sub-Commission's three proposals, although it might appear at first sight that it related only to draft resolutions H and I. Actually, as the Sub-Commission was an organ of the United Nations, so that its work would be described in any account of the achievements of the United Nations, the Australian proposal also covered draft resolution G - he could therefore support it.

Mr. WHITLAM (Australia) had little to add to the clear explanation given by the Chairman of the Sub-Commission. From the statement of financial implications in section III of Annex III to the Sub-Commission's report on its fifth session (E/CN.4/670, page 46), it appeared that the Secretary-General might be able to meet the expenses entailed by the implementation of the three draft resolutions out of the normal printing appropriation. The Australian draft resolution in effect condensed the Sub-Commission's three proposals which had been drafted at different times. Members would note that it was not in the form of a recommendation to the Economic and Social Council, but in that of a direct request by the Commission to the Secretary-General. ⁽¹⁾

(1) The revised Australian draft resolution read as follows:

"The Commission on Human Rights

Takes note of the Sub-Commission's proposals concerning publication of information as set forth in resolutions G, H and I of the Sub-Commission's draft resolutions on future work (E/CN.4/670, Annex I), and

Requests the Secretary-General to prepare a publication containing an account of the work of the United Nations, and an analysis of the information from Governments, in the field of prevention of discrimination and protection of minorities."

Mr. DIAZ-CASANUEVA (Chile) observed that draft resolution G proposed the publication of a popular booklet describing in broad outlines the Sub-Commission's achievements, plans and objectives, whereas the Commission had not formally endorsed the Sub-Commission's definition of minorities, a definition that was basic to its work. The Sub-Commission might well feel that it still lacked the fundamental authority to formulate the definition on which a booklet intended to have such wide circulation should be based and he would therefore urge that publication be deferred until after the Commission's tenth session.

The analysis of information received from governments should include, besides the gist of communications received before the ninth session, any further information received up to the time of going to press. It was possible that those governments which had not so far provided information would wish to do so when they learned that an analysis was to be made. He therefore suggested that the Secretariat should approach governments again before preparing it.

Mrs. LORD (United States of America), noting that the Australian proposal combined and simplified the three draft resolutions submitted by the Sub-Commission, said that, until the latter's programme of work had been fully discussed and voted on by the Economic and Social Council, it might be better for the booklet envisaged in draft resolution G to deal with the achievements of the Commission on Human Rights rather than the plans and objectives of the Sub-Commission. She also suggested that the analysis of information from governments should be submitted in draft to the Commission before publication, following the practice of the Commission on the Status of Women. The material covered by draft resolution I would consist mainly of a list of projects which the United Nations had undertaken. It might therefore be annexed to the analysis called for under draft resolution H, or be published only as a mimeographed document.

Mr. CHENG PAONAN (China), expressing his support for the Australian draft resolution, requested that the Secretariat arrange for the booklet to be published in all five official languages. The prevention of discrimination and protection of minorities was of vital interest to hundreds of thousands of Chinese scattered through South-East Asia.

Mr. HOARE (United Kingdom) congratulated the Australian representative on his suggestion that the three pamphlets proposed should be combined in a single publication. He pointed out that, although draft resolution H provided for the publication of a revised, up-to-date analysis, together with all the relevant information furnished by governments - an undoubtedly valuable undertaking - it also stipulated that the information should be presented in a way that would make it intelligible and useful to the general public. That would impose an almost impossible task on the Secretariat. It was not easy to reconcile intelligibility and usefulness for the general public with comprehensiveness, and he was accordingly glad to see that that requirement did not figure in the Australian draft resolution. An analysis of the information from governments might prove very voluminous, and might well overshadow the other matters dealt with in the proposed booklet. It was to be hoped that the Secretary-General would keep a proper balance in allocating the available space between the analysis and the other subjects. Subject to his receiving satisfactory assurances on these points, he could support the Australian resolution.

Mr. METRAUX (United Nations Educational, Scientific and Cultural Organization), speaking at the invitation of the CHAIRMAN, said that the United Nations Educational, Scientific and Cultural Organization (UNESCO) welcomed the proposed publication; it would like to be consulted, however, at every stage in its preparation, and also hoped that the part it had played in the prevention of discrimination and protection of minorities would be clearly brought out.

Mr. WHITLAM (Australia) agreed that it was desirable that the proposed publication should reflect the attitude that the Commission would adopt at its tenth session on the definition of minorities and that it would be advisable to inform governments of the intention to make an analysis of their communications relating to prevention of discrimination and protection of minorities. He saw no objection to the United States representative's suggestion that the Commission should consider the publication in draft, if such was the established practice, and enthusiastically welcomed the Chinese representative's wise suggestion that it should appear in all five official languages. It was essential to rouse the interest of all the peoples of the world in a programme which, more than any other, depended for its success on sustained and vigorous public interest and support. He interpreted the observations of the UNESCO representative as a desire for co-ordination; the Secretariat, he thought, could be relied upon not to publish anything that had not been fully co-ordinated with other interested international organizations.

Mr. HUMPHREY (Secretariat) said that the Secretariat would take into account the views expressed. As the Australian representative had emphasized, whereas the Sub-Commission's draft resolutions were in the form of recommendations to the Economic and Social Council, the Australian proposal consisted in a direct request to the Secretary-General. He could see no objection to that, unless unforeseen expenditure that could not be met out of the existing appropriations arose - for example, the extra cost of printing in Chinese, although it would no doubt prove possible to cover even that. Again, as the Australian proposal made no mention of consultations with governments, the Secretary-General would probably take that as a suggestion and not as a formal directive.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pointed out that in draft resolution H the Sub-Commission suggested that the Council should request the Secretary-General to bring the analysis of governmental information "up to date".

Replying to Mr. DIAZ-CASANUEVA (Chile), he said that by its fourth session the Sub-Commission had already received information from thirty-eight governments. Since that time, other governments had supplied information, and the Sub-Commission hoped to receive still more. It was in order to take account of all that information that he considered that the Secretary-General should be specifically requested to bring the analysis up to date, and to publish it in its revised form.

Mr. HUMPHREY (Secretariat) said that on second thoughts he felt that there would be a better chance of securing publication if the request emanated from the Economic and Social Council itself. The United Nations printing appropriation was subject to stringent limitations, and the Secretary-General sometimes found it impossible to print all the publications he required for the Secretariat's routine work. It would therefore be preferable to cast the Australian proposal in the form of a recommendation to the Economic and Social Council.

Mr. CASSIN (France) drew attention to the need for co-ordination, and pointed out that prevention of discrimination and protection of minorities formed only part of the general problem of human rights, in which field the "Yearbook on Human Rights" was the basic publication. He realized that it was difficult for the general public to make effective use of such a specialized work, and did not ask that all

information relating to prevention of discrimination and protection of minorities should be included in the Yearbook. He hoped, however, that all basic official documents of permanent value, such as the text of laws prohibiting discrimination, would be included therein. Moreover, it would be useful if the Yearbook contained references to all the information in the proposed publication that was of interest to experts in the field of human rights. That was hardly likely to cause duplication, and it was essential that specialists consulting the Yearbook should be informed of all the work being done in the Sub-Commission's specific field.

Mr. CHENG PAONAN (China) doubted whether the publication could be prepared for the press before the end of the year, particularly if governments were consulted or asked for further information. It would therefore be possible for the Secretary-General to make the necessary provision in the budget for 1954, which would obviate the need for going through the Economic and Social Council.

Mr. HUMPHREY (Secretariat) said that he had not intended to suggest that it would be necessary to submit supplementary printing estimates, but merely that existing appropriations were limited. It was doubtful whether the Secretary-General would feel obliged by the present text to undertake lengthy consultations with governments, so that it would probably be possible to have the booklet ready before the end of the year.

Mr. WHITLAM (Australia) said that, while it was possible that additional funds would have to be found at a later stage, there was merit in addressing the Secretary-General direct. If the draft resolutions were sent to the Council much valuable time would be lost, and they would be discussed there without the benefit of the more specialized atmosphere prevailing in the Commission. Perhaps present appropriations could be stretched to cover part of the cost, and, as in national budgetary practice, it might be possible to make provision in stages, adjusting the original estimates by supplementary appropriations. The subject could, if necessary, be brought before the Economic and Social Council later, but if that was done it should be on the basis of concrete information.

The CHAIRMAN expressed his confidence that, in spite of the extra cost of publishing the booklet in all five official languages, the Secretary-General would be able to find the necessary funds.

Mr. MOROSOV (Union of Soviet Socialist Republics) doubted the wisdom of publishing a booklet, as suggested in draft resolution G, dealing with subjects that were still far from ripe, or that were not yet in a state satisfactory to the Commission. The booklet was also to include a description of the Sub-Commission's plans and objectives, points on which no decision had yet been taken. His delegation could not therefore support draft resolution G. He was, however, prepared to support the Australian draft resolution, the wording of which was more acceptable than that of any of the Sub-Commission's three proposals.

The revised Australian draft resolution was adopted unanimously.

Draft resolution F: Programme of work of the Sub-Commission; and French and Polish amendments thereto.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, said that the Sub-Commission's draft resolution on its programme of work related to the programme set forth in the two resolutions to be found on pages 19 to 22 of the report on its fifth session (E/CN.4/670).

As he had already explained, the programme covered an initial stage of general studies on prevention of discrimination and protection of minorities, and a second stage of studies of specific cases designed to enable the Commission to propose concrete measures for solving the problems referred to it.

In the field of prevention of discrimination, the Sub-Commission felt that it had assembled sufficient material to enable it to suggest specific studies, to be followed by the recommendation of concrete measures.

The Sub-Commission's programme, while broadly following the same lines as the United States proposals, concerning development of the work of the United Nations for wider observance of, and respect for, human rights and fundamental freedoms throughout the world,⁽¹⁾ which covered the work of the Commission on Human Rights as a whole, was naturally confined to questions covered by its own more restricted terms of reference.

The Sub-Commission proposed to apply the following order of priority: education, employment and occupation, political rights, religious rights and practices, residence and movement, immigration and travel, the right to choose a spouse, and enjoyment of

(1) See the Commission's report on its ninth session (E/2447), paragraphs 261-292.

family rights. It had decided to initiate forthwith a study of discrimination in the field of education and measures to combat it, and to appoint one of its members as special rapporteur in that field. The special rapporteur would consult governments, the specialized agencies and non-governmental organizations between the fifth and sixth sessions, and report to the Sub-Commission at the latter. That procedure would enable valuable time to be saved.

The Sub-Commission had also placed on the provisional agenda for its sixth session the study of measures to be taken for the cessation of any advocacy of national, racial or religious hostility that constituted an incitement to violence, and consideration of the procedure to be followed in studying discrimination in the field of employment and occupation.

Mrs. KALINOWSKA (Poland) said that the purpose of the Polish amendments⁽¹⁾ to the first paragraph of the operative part of the Sub-Commission's resolution on programme of work (E/CN.4/670, page 20) was to broaden the scope of the measures selected for study by the Sub-Commission (which, as they stood, were somewhat fragmentary), so as to take account of discrimination in the social and economic fields. A reference to education alone was not enough: the root of discrimination in the field of education, as in the fields of culture and health, was social. Similarly, "employment and occupation" was too restricted a term; it ignored such cognate questions as social insurance and welfare services.

The arguments in favour of the amendments⁽¹⁾ to the second paragraph of the operative part had already been adduced in connexion with an additional article proposed for inclusion in the draft covenant on civil and political rights; the Polish delegation desired to see a specific reference to exclusiveness, hatred and contempt, as constituting incitement to violence, included. Hatred and contempt were concepts that were very well understood by everyone, and they might therefore reasonably figure in the Sub-Commission's programme of work, even if regarded as juridically too vague for inclusion in a legal instrument such as the draft covenant. The word "exclusiveness" denoted, in the mind of her delegation, the theory that one racial or religious group had a superior claim to human rights over other groups.

(1) The text of the Polish amendments will be found in Annex I to this summary record.

Mr. CASSIN (France), commenting on his delegation's amendments⁽¹⁾ said that in the first place the French delegation would like it to be stated at the beginning of the Sub-Commission's draft resolution that the most flagrant forms of discrimination should be tackled first. Forms of discrimination could be arranged in descending order of heinousness, the highest place being occupied by slavery and discrimination based on sex. However, as other organs of the United Nations were dealing with those problems there was no need for the Sub-Commission to include them in its programme. But the French delegation wished to give the Sub-Commission an indication of the direction of its work should take in respect of other grave aspects of discrimination, and therefore proposed that the words "with special reference to the most serious and widespread forms of discrimination" be added at the end of the second paragraph of the preamble.

The French delegation next proposed that the paragraph concerning the advocacy of national, racial or religious hostility that constituted an incitement to violence be deleted. On that point, it preferred the text adopted for inclusion in the draft covenant. The Sub-Commission's duty was to enlighten the nations so that when the draft covenant came to be discussed by the General Assembly, constructive work could be done. For instance, the Sub-Commission might draw up a list of methods used to incite to violence, and prepare a study on the remedies applied in certain countries.

The French delegation had no amendments to propose to that part of the programme relating to discrimination in employment and occupation.

It had no objection to discrimination in education being given high priority but felt that the studies should be undertaken with some caution. He consequently proposed that the Secretary-General, rather than a special rapporteur, should be requested "to formulate a provisional plan of work, in collaboration with UNESCO and the other specialized agencies, and national and international non-governmental organizations". That change was prompted by the fact that the general question of the appointment of special rapporteurs was sub judice. The Commission should therefore, for the time being, refrain from endorsing the Sub-Commission's action in that direction.

Generally speaking, the French delegation was not in favour of a system under which a United Nations body elected one of its members to carry out special work between sessions against remuneration, although it had no objection to such a body

(1) The text of the French amendments will be found in Annex II to this summary record.

nominating an outside expert when invited by the Secretary-General to do so, or to that expert's being paid for his services. Accordingly, and particularly in view of the very heavy programme assigned to the Sub-Commission by the Commission at its present session, he would prefer the former not to initiate the study of discrimination in the field of education forthwith, and thus obviate the cost of appointing a special rapporteur.

The CHAIRMAN reminding the Commission that, whereas the programme of work formed an integral part of a resolution already adopted by the Sub-Commission itself, there was also draft resolution F in Annex I to the Sub-Commission's report on its fifth session which related to the same subject and was more properly presented for the Commission's consideration and adoption, suggested that any modifications which it was desired to introduce in the proposed programme of work might appropriately be made in the form of amendments to the paragraph in draft resolution F reading "Approves the programme of work contained therein".

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalled that the Sub-Commission had drawn up its programme of work and submitted it to the Commission in accordance with the instructions given to it in paragraph 2 of Council resolution 443 (XIV). To get round the difficulty mentioned by the Chairman, it was merely necessary to amend draft resolution F to read "Approves the programme of work adopted by the Sub-Commission", instead of "Approves the programme of work contained therein". The Sub-Commission's object in submitting the draft resolution had been to ensure that the Commission examined and gave its blessing to the programme of work the Sub-Commission had drawn up.

Replying to the Polish representative, he reminded her that the Sub-Commission had discussed its programme of work very fully at its 93rd, 95th, 96th, 102nd and 106th meetings. In the course of that discussion the Polish and Soviet Union delegations had brought up the several proposals now re-submitted by the Polish delegation, but the majority of the Sub-Commission had decided in favour of the programme as it stood in the report on the fifth session.

As to the third Polish amendment, he pointed out that the Commission had itself, in certain texts already adopted for inclusion in the draft covenant on civil and political rights, endorsed the terms of the Sub-Commission's resolution on prevention of discrimination.

Mr. HUMPHREY (Secretariat) observed that the financial implications given in Annex III to the report on the Sub-Commission's fifth session included a sum of 1,000 dollars for the honorarium to be paid to the special rapporteur. In the light of the statement just made by the Chairman of the Sub-Commission, that sum should be deleted. In his view, the situation would remain substantially the same no matter which title was used - special rapporteur or expert: his functions would be the same, and he would take personal responsibility for the results of his studies. The position of consultants - who were appointed from time to time by the Secretary-General to assist him in special aspects of his work - was not comparable; such an appointment was entirely at the Secretary-General's discretion, and normally it was the latter who took responsibility for the consultant's work.

Mr. MOROSOV (Union of Soviet Socialist Republics) considered that the Commission was within its rights in making changes to the programme of work proposed by a Sub-Commission working under its aegis.

The CHAIRMAN ruled that it was in order for delegations to move amendments to Parts A and B of the Sub-Commission's resolution on programme of work (E/CN.4/670, pages 19-21).

Mr. DIAZ-CASANUEVA (Chile) pointed out that, whereas draft resolution F was extremely precise and related solely to the study of discrimination in the field of education, the programme of work was out of proportion to practical possibilities, and attempts to frame it more realistically might give rise to endless discussion. While everybody had a clear idea of what was meant by discrimination generally, and had little difficulty in recognizing concrete cases where they occurred, the Commission already had experience of the great difficulties that attended any attempt to draw up an exhaustive enumeration of the various types of discrimination. There was a risk that certain forms of discrimination might be omitted from such a list, and the question of the relative urgency and seriousness of the different aspects was highly debatable. Furthermore, draft resolution F made no mention of measures for combating propaganda inciting to discrimination, but merely referred in very general terms to discrimination in the field of education. In order to achieve correspondence between part A of the resolution on programme of work and draft resolution F, he proposed that the first paragraph of the operative part of the former, which consisted of an incomplete enumeration of fields in which discrimination might be practised, be deleted.

Mr. CASSIN (France) felt that the explanation provided by the representative of the Secretary-General about the financial implications of the appointment of a special rapporteur showed the need for the cautious wording used in the relevant French amendment, which mentioned neither special rapporteur nor expert. His delegation believed that, as things stood, it would be undesirable to make far-reaching proposals which might give rise to difficulty and provoke alarm.

Mr. HOARE (United Kingdom) agreed that the programme of work was too ambitious, having regard to the fact that the Sub-Commission held only one session a year of three weeks' duration. It amounted, in fact, to a twenty-year programme. Furthermore, it appeared from the statement of the Chairman of the Sub-Commission that a completely new orientation was now proposed for the Sub-Commission's work. Whereas the Sub-Commission had hitherto been working on the broadest international plane, receiving information from governments and other sources, and formulating on that basis proposals and recommendations for action, it was now proposing to turn to the study of actual instances of discrimination in various parts of the world, and to suggest measures to remedy those conditions. If that interpretation of the Sub-Commission's intentions was correct, important considerations arose. The study of particular cases of discrimination in the various areas where they occurred, and the formulation of specific recommendations, was an undertaking which would be fraught with danger; and he reminded members of the discussions which had taken place in other United Nations organs when activities which might be held to constitute an infraction of Article 2, paragraph 7, of the Charter had been proposed. The expression "objective studies" also seemed to imply that independent and unbiased investigators would go in person to the areas selected, and make a study on the spot. Was that what was contemplated? It was scarcely possible to describe as "objective studies of actual conditions" material, however carefully compiled, emanating from governments, non-governmental organizations and similar sources.

The specific proposal for the study of discrimination in the field of education and for the appointment of a special rapporteur was very confused. Whereas the first function of the special rapporteur was apparently to formulate a provisional plan of work, it appeared that he was also to embark on the collection of material for study even before the provisional plan of work had been adopted.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, explained that, although the Sub-Commission was proposing objective studies of actual cases of discrimination, it had no intention of criticising, or seeking a solution for, the particular conditions it would study. It would draw general conclusions from those studies, which the Commission on Human Rights would be able to make use of in a general way.

He had some sympathy for the Chilean representative's proposal. The Commission might decide, on the ground that it was incomplete, not to adopt the list of fields given in the paragraph which that representative thought should be deleted, but it would none the less have to settle one or two points, since the Sub-Commission must know which questions to start with. For itself, the Sub-Commission had felt that discrimination in the field of education should come first, and discrimination in the fields of employment and occupation next.

Mrs. LORD (United States of America) suggested that it would be of great assistance to the Commission if the Sub-Commission's proposals could in future be accompanied by some explanatory memorandum, and not consist solely of resolutions and recommendations. With regard to the programme of work, the Commission must not forget that the Sub-Commission was also required to do a great deal of work on the protection of minorities. To a large extent, discrimination was being taken care of by a number of international and non-governmental organizations concerned with specific human rights, so that the Sub-Commission should concentrate more of its efforts on the very important work still to be done in the field of minorities.

Mr. WHITLAM (Australia) was opposed to the Sub-Commission's embarking on too ambitious a programme. Only by devoting its attention to studying certain clearly-defined and strictly limited problems thoroughly and profoundly could it hope to make any real progress or to submit concrete proposals. He would like to support the French amendments. The specific fields of education, and of employment and occupation, were within the purview of UNESCO and the International Labour Organisation respectively, both of which already had energetic programmes in those fields. He believed, therefore, that the Sub-Commission's programme should be directed to particular objectives, and that the maximum co-operation of the specialized agencies must be secured.

Mr. HOARE (United Kingdom) wondered whether there was not already available, either with UNESCO or from other sources, sufficient material on discrimination in education to enable the Sub-Commission to make a study and suggest appropriate measures. In that case there would be no need for it to undertake studies of actual cases on its own account.

Mr. METRAUX (United Nations Educational, Scientific and Cultural Organization) said that, while UNESCO possessed data on educational opportunities for certain population groups in some States Members of the organization, the information at present available was inadequate. What UNESCO could do was to suggest that requests for statistics on the subject be included in the questionnaire to be sent to States Members in connexion with the preparation of the third edition of the World Handbook of Educational Organization and Statistics, which was due to appear in 1955 or 1956. That would naturally only provide figures, and UNESCO would not feel called upon to interpret them with the object of ascertaining whether or not they revealed cases of discrimination.

Mr. ROY, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, informed the United States representative that the Sub-Commission had not yet embarked on the work of proposing suitable methods of combating discriminatory measures in the field of education. Before it could suggest remedies, the Sub-Commission would need all the data it could assemble from governments, specialized agencies, non-governmental organizations and interested national or international bodies.

With regard to the French amendments, he was not competent either to accept or reject them on behalf of the Sub-Commission, though his personal opinion was that the Secretary-General should not be requested to draw up a provisional plan of work. It was for the Sub-Commission itself to submit its proposed programme of work to the Commission, and for the Commission to approve or amend it as it thought fit.

Mr. CASSIN (France) explained that the French amendments took account of the Sub-Commission's intention of giving priority to the recommendation of measures for preventing discrimination in education.

It was true that it was not the Secretary-General's function to draw up the Sub-Commission's plan of work. The French amendment to the fifth and sixth paragraphs

might therefore be modified to refer simply to the material needed for drawing up a provisional programme. When the Universal Declaration of Human Rights had been in course of drafting, the Secretariat had prepared, very methodically, a catalogue of all the material - a model piece of work - with the result that the Commission had been able to complete the Universal Declaration in less than eighteen months.

Mr. RIEGNER (World Jewish Congress), speaking at the invitation of the CHAIRMAN, said that the Commission had now reached a crucial stage in its discussions. People all over the world had pinned their hopes on it, and were eagerly awaiting some practical outcome of its work. There would be great disappointment at the decision already taken about the right of petition to the Human Rights Committee, and he would earnestly urge that another opportunity was now to hand for the Commission to take a real step forward. The work had been hampered hitherto by the fact that no machinery existed for the examination of complaints of violation of human rights, including those alleging discrimination. The Commission had not only failed to examine the hundreds or thousands of complaints which had been presented to it; it had also failed to study the basic problems which had prompted the presentation of those complaints. Effective protection of the right of the individual had thus reached a complete deadlock. The proposed programme of studies would open up the way for the examination, not of particular complaints, but of the general problems and conditions that formed their background, in so far as the field of discrimination was concerned. He would appeal to the Polish and Chilean representatives not to make the Sub-Commission's work impossible either by overloading its programme, or, on the other hand, by unduly restricting it. Because the Sub-Commission met so rarely and for such a short time, it was essential that it should have at least two or three items on its programme on which it could really work.

It seemed to him that the French proposal would be very valuable in the case of the studies to be made by independent persons working on their own responsibility.

It was that very idea that had appealed so much to the World Jewish Congress in the United States draft resolution on specific aspects of human rights.⁽¹⁾ While he wished to pay a tribute to the independence of judgment, the great sense of

(1) Loc. cit.

responsibility and the excellent quality of the reports prepared by the Secretariat, he believed that the delicate character of the studies would place the Secretariat in a somewhat difficult position with regard to States Members, if it had to undertake those studies on its sole responsibility

Further discussion on the Sub-Commission's programme of work was deferred.

The meeting rose at 6.05 p.m.

ANNEX I

POLAND: Amendments to Part A (Prevention of Discrimination) of the resolution on programme of work of the Sub-Commission in section D of the report on its fifth session (E/CN.4/670, paragraph 48)

- "1. In line 4 of the first paragraph of the operative part of the resolution, substitute the phrase 'social field, including education, culture and health' for the words 'fields of education'.
2. Substitute the phrase 'the economic field, including the hire of labour and occupation, and the fields of' for the words 'employment and occupation'.
3. In line 3 of the second paragraph of the operative part, insert the word 'or' between the words 'national' and 'racial'; after the word 'racial' add the phrase 'exclusiveness, hatred and contempt'; and in line 4 substitute the words 'particularly where it constitutes' for the words 'that constitutes', after the word 'hostility'.

The two paragraphs will accordingly read as follows:

'Decides that among the measures to combat discrimination that it will study, with a view to recommending further action to be taken by the Commission on Human Rights and the Economic and Social Council, will be those in the social field, including education, culture and health, the economic field, including the hire of labour and occupation, and the fields of political rights, religious rights and practices, residence and movement, immigration and travel, the right to choose a spouse, and enjoyment of family rights;

Also decides that at its sixth session the Sub-Commission shall discuss and suggest measures to be taken for the cessation of any advocacy of national or racial exclusiveness, hatred and contempt or religious hostility, particularly where it constitutes an incitement to violence.'"

ANNEX II

FRANCE: Amendments to Part A (Prevention of Discrimination) of the resolution on programme of work of the Sub-Commission in section D of the report on its fifth session (E/CN.4/670, paragraph 48)

"Second considerandum:

Add the following after the words 'should be undertaken':

'with special reference to the most serious and widespread forms of discrimination;'.
'

Second paragraph of the operative part:

Delete the word 'Also'.

Insert after the word 'suggest' the phrase 'as a matter of priority'.

Third paragraph of the operative part:

Delete the phrase 'and for this purpose, to appoint a Special Rapporteur.'

Fourth paragraph of the operative part:

Delete the whole paragraph

Fifth and sixth paragraphs of the operative part:

Re-word as follows:

'Requests the Secretary-General to formulate a provisional plan of work, in collaboration with UNESCO and the other specialized agencies, and national and international non-governmental organizations;'.
'

Seventh paragraph of the operative part:

Replace the words 'Special Rapporteur' by the words 'Secretary-General'."