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COMMISSION ON HUMAN RIGHTS

Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND SEVENTY-SECOND MEETING

Held at Headquarters, New York,  
on Monday, 12 April 1954, at 3 p.m.

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(12 p.)

54-11421

PRESENT:

<u>Chairman:</u>	Mr. AZMI	(Egypt)
<u>Rapporteur:</u>	Mr. INGLES	Philippines
<u>Members:</u>	Mr. WHITLAM	Australia
	Mr. NISOT	Belgium
	Mr. ORTEGA	Chile
	Mr. CHENG PAONAN	China
	Mr. GHORBAL	Egypt
	Mr. CASSIN	France
	Mr. CARAYANNIS	Greece
	Mr. RAJAN	India
	Mr. PIRACHA	Pakistan
	Mr. BIRECKI)	Poland
	Mr. FORYS )	
	Mr. ASIROGLU	Turkey
	Mr. SAPOZHNIKOV	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV)	Union of Soviet Socialist Republics
	Mr. SMIRNOV)	
	Mr. HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. LORD	United States of America
	Mr. RODRIGUEZ FABREGAT	Uruguay

Representatives of specialized agencies:

Mr. MANNING	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization
Mrs. MEAGHER	World Health Organization



Representatives of non-governmental organizations:

<u>Category A:</u>	Mr. DESSAU) Miss KAHN )	World Federation of Trade Unions
<u>Category B:</u>	Mr. JOFTES	Co-ordinating Board of Jewish Organizations
	Mrs. MAHON	International Alliance of Women
	Mr. BERNARD	International Commission against Concentration Camp Practices
	Mr. LONGARZO	International Conference of Catholic Charities
	Miss RANDALL	International Federation of Business and Professional Women
	Miss MCGILLICUDDY	International Federation of University Women
	Mr. JACOBY ) Mr. PERLZWEIG )	World Jewish Congress
	Mrs. POLSTEIN	World Union for Progressive Judaism
	Mr. PENCE	World's Alliance of Young Men's Christian Associations
<u>Secretariat:</u>	Mr. SCHWELB	Deputy Director of the Division of Human Rights
	Mrs. BRUCE) Mr. DAS )	Secretaries of the Commission

DRAFT REPORT OF THE TENTH SESSION OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL (E/CN.4/L.366 and Add.1-4, 379)

Replying to the CHAIRMAN, Mr. NISOT (Belgium) said that the passage (E/CN.4/L.379) which, in his capacity as expert, he had drafted for inclusion in the report could simply be handed to the Rapporteur.

Mr. INGLES (Philippines), Rapporteur, said that he did not see how he could include that passage alone, since other members of the Commission might be opposed to the proposal and yet not have the opportunity of expressing their views in the report unless the Belgian expert's views were discussed by the Commission.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that there was nothing to which exception could be taken in the first paragraph of the Belgian expert's proposal, although it would have to be attributed specifically to the Belgian expert rather than to the Belgian delegation. While, however, the statement that the Commission had not adopted a position in regard to the question of procedure was correct, the remainder of the second paragraph might not be, since no one knew whether the only reason why no other proposals had been made was that stated by the Belgian expert.

Mr. NISOT (Belgium) said that he did not wish for a discussion of his paper. He would not withdraw it but would not press for its inclusion in the report. Its existence among the Commission's documentation would satisfy him.

Mr. CASSIN (France) agreed with the Soviet Union representative with regard to the second paragraph in the Belgian expert's passage for inclusion in the report. His own delegation had views on the subject which it wished to place on record. Other delegations might be in the same position. Some general heading would have to be found under which they could be included in the report. There would of course be no need to discuss the substance.



Mr. MOROZOV (Union of Soviet Socialist Republics) said that the Belgian representative's suggestion that his proposal should be included among the Commission's documentation was perfectly satisfactory. The French representative had, however, gone further. If his idea was accepted, something akin to the first paragraph of the Belgian expert's passage would have to be included in the report.

Mr. NISOT (Belgium) said that he had tried to find as non-committal a phrasing as possible, but since his text had given rise to discussion he would still prefer that it should simply remain part of the Commission's documentation.

The CHAIRMAN suggested that the matter should be left in abeyance until the French representative had submitted his material.

It was so agreed.

REPORT OF THE SIXTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (continued):

Future work programme of the Sub-Commission in the field of prevention of discrimination (E/CN.4/703, paragraph 143, E/CN.4/L.362, 380) (concluded)

Mr. CASSIN (France) observed that it had been suggested that the Commission should send back to the Sub-Commission the records of the discussion on the plan proposed in resolution D (E/CN.4/703, paragraph 143) and of the very interesting debate on the United States proposal relating to it (E/CN.4/L.362), rather than give the Sub-Commission mandatory instructions. If that were done, the Commission's work would be expedited and the Sub-Commission would be able to make any changes it deemed fit in the light of the Commission's discussion.

Mrs. LORD (United States of America) said that the debate on the United States draft resolution had been constructive and would assist the Sub-Commission, and in particular the three experts making the preliminary studies called for in resolution D. Accordingly, she would accept the French representative's suggestion and withdraw the United States draft resolution, substituting for it a proposal (E/CN.4/L.380) along the lines suggested by that representative.

Mr. BIRECKI (Poland) questioned the need for a resolution drawing attention to only one specific part of the Commission's work on the report of the Sub-Commission. The Sub-Commission would normally examine the entire record of the Commission's discussion and would see in it the reasons why the original United States draft resolution had been withdrawn. The new draft resolution was therefore superfluous.

Mr. NISOT (Belgium) said that the Polish representative was quite correct about the draft resolution as it stood. It would no longer be superfluous, however, if it were worded: "Draws the special attention ..."

Mr. BIRECKI (Poland) objected that such a change would take the Commission much further than it intended and would require the draft resolution to be debated in full.

Mr. CASSIN (France) said that he would vote in favour of the new United States draft resolution, because it went as far as it was possible to go after the Commission had been unable to agree on a positive recommendation to give the Sub-Commission in place of the mandatory instructions originally proposed. The Commission should not again fail to take any action, as it had on some items.

Mr. ORTEGA (Chile) said that in drawing special attention to the proposed changes in draft resolution D and the debate on them the United States draft resolution would indicate that the Commission was going further than it really intended to go. Other debates had failed to culminate in the adoption of a draft resolution but the Commission had not concluded that the Sub-Commission would therefore pay less attention to them than to others from which a resolution had emerged. The Sub-Commission was bound to acquaint itself with the full record of the Commission's debates in the normal course of its duties. On the other hand, he naturally did not object to the Sub-Commission's paying attention to the present debate, as, indeed, it should to all the discussions. Accordingly, he would abstain.



Mr. MOROZOV (Union of Soviet Socialist Republics) supported the remarks of the Polish and Chilean representatives. It went without saying that the Sub-Commission would study the records of the Commission's debate on the Sub-Commission's report and there was no need to draw its special attention to any part of that debate. Furthermore, it would seem illogical for any representative to vote for a draft resolution drawing attention not only to views he supported but to those he found erroneous. He was therefore unable to support the United States draft resolution.

Mr. HOARE (United Kingdom) said that there was every reason for the Commission to take the course proposed in the United States draft resolution. The Sub-Commission itself had not asked the Commission to take any action in its resolution D. That resolution had, however, been debated by the Commission in connexion with the earlier United States draft resolution (E/CN.4/L.362) withdrawn at the present meeting; by adopting the latest United States draft resolution the Commission would in effect be deciding to take no action on resolution D but to ask the Sub-Commission to reconsider that resolution in the light of the Commission's debate. Moreover, it would not be superfluous to draw the Sub-Commission's attention to that particular debate because its members might otherwise not read the relevant summary records carefully enough.

He was somewhat surprised by the attitude of the USSR representative, who had voiced no objection when the Commission had decided to transmit to the General Assembly the record of its debate on reservations - in which opposing views had also been expressed. It was a perfectly proper procedure, which had been followed a number of times in the past.

Mr. RODRIGUEZ FABREGAT (Uruguay) agreed with the United Kingdom representative that the United States draft resolution was necessary to ensure that the Sub-Commission paid due heed to the Commission's debate. For his part, he had no objection to drawing the Sub-Commission's attention to all the views expressed, having full confidence in the correctness of his own.

Mr. MOROZOV (Union of Soviet Socialist Republics) remarked that the situation to which the United Kingdom representative had referred had been altogether different. The Commission had had before it no concrete proposal with



regard to the question of reservations; as it had been unable to come to an agreement, the only course open to it had been to transmit the records of its debate to the General Assembly. In the present case, however, there was a resolution - resolution D - which the Sub-Commission had adopted and on which it had not asked the Commission to take any action. The United States had in effect proposed an amendment to that resolution and had then withdrawn it for lack of general support. In the circumstances he could not but agree with the Chilean representative that to draw attention to that proposed change and to the debate on it would place undue emphasis on the whole matter. The effect would be to exert moral pressure on the Sub-Commission and to question the validity of the decision recorded in its resolution D.

Mr. WHITLAM (Australia) said that the Commission had held a valuable debate on the earlier United States draft resolution and had been forced to suspend it owing mainly to lack of time. It was entirely proper to bring the whole of the debate to the Sub-Commission's attention, thus showing confidence in its judgment. He would therefore vote in favour of the new United States draft resolution.

The United States draft resolution (E/CN.4/L.380) was adopted by 11 votes to none, with 6 abstentions.

Mr. BIRECKI (Poland) said, in explanation of his vote, that he had abstained because he felt that the United States proposal created an unfortunate precedent. He only hoped that similar action would not be taken each time a delegation wished to draw special attention to some point to which it attached particular importance.

Mr. NISOT (Belgium) observed that he had voted for the United States draft resolution precisely because it drew special attention to an important debate.

Mr. GHORBAL (Egypt) had voted in favour of the United States draft resolution because it merely drew attention to a recorded fact - the Commission's debate on the earlier United States proposal - without in any way differentiating between the arguments in favour or against that proposal.



Mr. ORTEGA (Chile) had abstained, not because he did not wish the Sub-Commission to read the records of the Commission's debate attentively but because he felt that the United States proposal indicated a preference for that debate to the detriment of others.

Mr. HOARE (United Kingdom) said that, like the Egyptian representative, he had voted for the draft resolution because it merely stated a fact and took no position on the debate to which the Sub-Commission's attention was drawn. The draft resolution did not constitute a precedent, for the previous year the Commission had taken similar action with regard to the question of minorities.

Collaboration between the Sub-Commission and the specialized agencies  
(E/CN.4/703, paragraph 208; E/CN.4/L.359/Rev.1)

Mr. INGLES (Philippines) introduced the draft resolution (E/CN.4/L.359/Rev.1) which his delegation had sponsored jointly with the United States delegation. During the general debate on the Sub-Commission's report, special attention had been drawn to the valuable assistance that the Sub-Commission had received from the specialized agencies, particularly UNESCO. That attention had been stressed in the Sub-Commission's internal resolution I, to which the co-sponsors wished to give effect through their draft resolution. They had modified sub-paragraph (a) of the Sub-Commission's resolution by a reference to the "interested" specialized agencies, because not all the agencies were concerned with the matters dealt with by the Sub-Commission.

Dissatisfaction had been voiced in the Sub-Commission at the absence of direct contact between the Sub-Commission and the specialized agencies, owing to the fact that all the Sub-Commission's requests had to be passed to the agencies through the Commission and the Economic and Social Council. The sponsors of the joint draft resolution had felt that the proposal in sub-paragraph (b) of the internal resolution went too far; they had accordingly placed some limits on the means of contact between the Sub-Commission and the agencies by proposing that the Council should authorize direct relations in respect only of studies which it had approved. UNESCO itself had expressed



preference for directives from a higher body, such as the Council where collaboration requested of it by the Sub-Commission involved budgetary implications. The joint proposal was intended to save time and effort by authorizing in advance direct contact between the Sub-Commission and specialized agencies with respect to studies previously approved by the Council, instead of requiring such authority to be procured by the Sub-Commission every time it took any step to carry out a study previously approved by its higher organs. Approval of a study by the Council might be either express or implied. For example, the Council in its resolution 502 H (XVI) had tacitly approved of the Sub-Commission's studies on discrimination in education and in employment and occupation.

Mrs. LORD (United States of America) associated herself with the Philippine representative's remarks and pointed out that the draft resolution would have the effect of eliminating the need for some detailed debates, such as those held in the Commission, by formalizing the future relations between the Sub-Commission and the specialized agencies.

Mr. HOARE (United Kingdom) had some doubts concerning the advisability of proposing to invite the specialized agencies to "give special attention" to the Sub-Commission's programme of work. If "special attention" meant special priority, it was not appropriate for the Commission to make such a request; if on the other hand, the expression merely meant that the specialized agencies should give due regard to the Sub-Commission's programme, the invitation was superfluous.

Although the wording of sub-paragraph (b) of the joint draft resolution was preferable to the corresponding sub-paragraph of the internal resolution, that provision also seemed to be unnecessary. The Sub-Commission, like all other United Nations organs, collaborated with the specialized agencies through the Economic and Social Council. The agencies were represented at the meetings of the organs whose work concerned them and direct contact was thus established. In the case of studies, the Council first gave its approval and the broad outlines of the study and relations with the organ concerned in connexion with the study, were established. Thus in relation to the Sub-Commission "direct means of contact" could only mean consultation with representatives of the specialized agencies who attended sessions of United Nations organs. If any other meaning were



attached to the term "direct means of contact", it would be unwise and invidious to provide that the Sub-Commission should have preferential treatment.

Mr. CRTEGA (Chile) considered that sub-paragraph (a) of the joint draft resolution would have the effect of extending the scope of the Council's approval of studies to be carried out by the Sub-Commission from the specific plane to the general. The Council had outlined the procedure to be followed in the relations between the Sub-Commission and UNESCO with regard to the study on discrimination in education in paragraph 5 of its resolution 502 H (XVI); it was now called upon to extend its directive to all other studies undertaken jointly by the Sub-Commission and the specialized agencies. The Commission should clearly register its wish to facilitate those relations. His delegation would vote in favour of the joint draft resolution.

Mr. WHITLAM (Australia) thought that the joint draft resolution would usefully establish and clarify the relations between the Sub-Commission and the specialized agencies. The co-sponsors might be able to reassure the United Kingdom representative with regard to the meaning to be ascribed to the expression "give special attention". The deletion of the word "special" might allay that representative's doubts concerning sub-paragraph (a).

Mr. INGLES (Philippines) explained that the words "give special attention" were not intended to mean that special priority should be given by specialized agencies to the Sub-Commission's programme.

The prevention of discrimination was an objective laid down in the constitutions of many of the specialized agencies and the words "give special attention" had been used to stress the importance of close co-ordination between the work of the Sub-Commission and the specialized agencies in that field. In view of the fact that the Sub-Commission's programme was always approved by the Council, there was no danger that it might run counter to the work programmes of the specialized agencies concerned. Nevertheless, the sponsors of the draft would delete the word "special" in order to dispel the doubts of some delegations.

The CHAIRMAN put the joint draft resolution (E/CN.4/359/Rev.1) to the vote.

The preambular paragraph was adopted by 16 votes to none, with 1 abstention.

Sub-paragraph (a) of the operative part was adopted by 15 votes to none, with 2 abstentions.

Sub-paragraph (b) of the operative part was adopted by 14 votes to none, with 3 abstentions.

The joint draft resolution as a whole was adopted by 15 votes to none, with 2 abstentions.

The CHAIRMAN asked representatives to postpone their explanations of vote until the following meeting.

Draft resolution E: Report of the sixth session of the Sub-Commission (E/CN.4/703, annex I)

Draft resolution E was adopted unanimously.

Draft resolution on future session of the Sub-Commission (E/CN.4/L.374)

Mr. CHENG PAONAN (China) said that his delegation would be in a better position to give its views on the draft resolution the following day. He moved the adjournment of the meeting.

The motion for adjournment was rejected by 1 vote to 1, with 11 abstentions.

In reply to a question by Mr. NISOT (Belgium), Mr. SCHWELB (Secretariat) said that the daily allowance paid to members of the Sub-Commission was twenty-five dollars in New York and twenty dollars in Geneva.

In the absence of any other speakers, the CHAIRMAN adjourned the meeting.

The meeting rose at 5.30 p.m.