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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixth Session

SUMMARY RECORD OF THE HUNDRED AND SIXTEENTH MEETING

Held at Headquarters, New York,
on Monday, 11 January 1954, at 10.50 a.m.

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PRESENT

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. EMELIANOV	(Union of Soviet Socialist Republics)
	Mr. HALPERN	(United States of America)
	Mr. HISCOCKS	(United Kingdom of Great Britain and Northern Ireland)
	Mr. KULAGA	(Poland)
	Mr. ROY	(Haiti)
	Mr. SANTA CRUZ	(Chile)

Representatives of specialized agencies:

Mr. MANNING	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER	International Confederation of Free Trade Unions
	Miss KAHN	World Federation of Trade Unions
<u>Category B:</u>	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mrs. PARSONS	International Council of Women
	Mr. JACOBY	World Jewish Congress
	Mr. PENCE	World's Alliance of Young Men's Christian Associations
	Mr. RONALDS	World Union for Progressive Judaism

Secretariat:

Mr. SCHWELB	Deputy Director of the Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Commission

STUDY OF DISCRIMINATION IN EDUCATION: INTERIM REPORT OF THE SPECIAL RAPPORTEUR
(E/CN.4/Sub.2/155; Economic and Social Council resolution 502 H (XVI); part A
of the work programme of the Sub-Commission, as amended (E/AC.7/L.175)) (continued)
General debate (continued)

Mr. SCHWELB, representing the Secretary-General, in reply to certain questions asked of him, gave some details relating to the substantive aspects of help which the Secretariat could give to the Sub-Commission in its work in general and in connexion with the study of discrimination in education in particular. That help would cover all the technical aspects of the Sub-Commission's work, such as collecting and classifying information, reading scientific and other literature, sifting the material and preparing abstracts. If the Sub-Commission decided, with the agreement of the Council, to transmit this documentation to governments for their comments, the Secretariat would analyse the replies and present them systematically. Moreover, since the Council had already invited the co-operation of non-governmental organizations in the study, it was self-evident that the Secretariat would transmit to the Sub-Commission all the information that those organizations would communicate to it in reply to a questionnaire, even if that information reflected on governments. The only reservation which the Secretary-General felt obliged to make, as he had done in other similar situations, was that, although the Secretariat would place all its expert knowledge at the disposal of the Sub-Commission, it could not undertake a task which might oblige it to pass judgment on States Members of the United Nations. In that connexion, the Secretary-General agreed with the Chairman of the Sub-Commission that the ultimate responsibility with regard to the evaluation of the data and political and moral judgment should rest with the competent organs of the United Nations, and not with the Secretariat.

Mr. HISCOCKS pointed out that the compilation and presentation of the data presupposed a certain amount of selection work, which in turn implied evaluation, and asked to what extent the Secretariat was prepared to assume such responsibility.

Mr. SCHWELB replied that the Secretariat considered its task to be that of selecting from the mass of data which would reach it all those which it might regard as relevant and bring them to the knowledge of the person or organ called upon to draw conclusions and make recommendations.

Mr. INGLES and Mr. ROY were surprised that the Sub-Commission had not received the documentation collected by Mr. Masani with the help of the Secretariat (paragraph 5 of the interim report) and considered that it would be advisable for the Sub-Commission to examine that documentation, in order to determine the extent to which it should be supplemented.

Mr. LAWSON, Secretary of the Sub-Commission, explained that most of the replies received from the competent specialized agencies, the non-governmental organizations concerned and individual experts to the circular letter sent to them by the Special Rapporteur at the end of the fifth session of the Sub-Commission had been sent directly to Bombay, where Mr. Masani had drafted his report. The Secretariat had only an incomplete file, containing copies sent to it by the signatories; moreover, they referred only to the very provisional working plan which Mr. Masani had drawn up in October 1952 and about which he had asked the agencies and persons consulted to comment.

In those circumstances, the CHAIRMAN considered that if the Sub-Commission did not renew Mr. Masani's terms of reference, it might well ask him to submit the data he had collected to the Sub-Commission; it was questionable, however, whether that would speed up the work, since, according to Mr. Masani himself, the documentation was incomplete and had not been analysed at all.

Mr. AMMOUN said that UNESCO had very full information on discrimination in education which it had not wanted to make public, because it shared the scruples of the Secretary-General. The Sub-Commission could certainly obtain access to that documentation.

Mr. SANTA CRUZ considered that the time had come to make some practical decisions. The general debate had clearly shown that the work undertaken was still in the preliminary stage, that the available documentation was incomplete and that the Sub-Commission should and could count on the assistance of the Secretary-General and the specialized agencies in completing the initial stage of collecting and analyzing data. The next stage, the appraisal of the data and the drafting of conclusions, was clearly a matter for the Sub-Commission itself, and it could delegate its duties only to a special honorary rapporteur. If the Sub-Commission made a clear distinction between the two phases of its work and defined the scope of the study to be carried out, the special rapporteur would not have to supervise the collection and analysis of data; thus his task would not be unduly heavy and the Sub-Commission should be able to find a volunteer amongst its members. For those reasons it would be advisable to adopt a much more detailed and precise resolution than that adopted at the previous session.

Mr. HALPERN agreed with Mr. SANTA CRUZ but thought that the sacrifice required from any member of the Sub-Commission who agreed to undertake the duty of special rapporteur should not be under-estimated. As Mr. Hiscocks had pointed out, the analysis of data must proceed side by side with an extremely difficult task of selection, which must be undertaken not by the Secretariat but by the special rapporteur. Consequently, the rapporteur must maintain very close contact with the preliminary work of collation and analysis of data which would probably take up the whole of 1954. Thus it was only between the seventh and eighth sessions that he would be able to perform his real task of drawing up draft recommendations. Such a double task called for exceptional ability and competence and great devotion to duty. The Chairman should immediately sound the members of the Sub-Commission in order to see whether any of them would volunteer. If the special rapporteur were appointed from the members of the Sub-Commission it would not be necessary to prepare a very detailed programme of work, since the present general discussion, if it were supplemented, for example, by additional emphasis on

importance of historical precedents and on the desirability of assessing the rate of progress made in each country in the avoidance of discrimination, would certainly have brought out the Sub-Commission's opinions on the scope of the study and the spirit in which it would like the study to be carried out.

The members of the Sub-Commission then addressed a number of questions to Mr. Schwelb, representative of the Secretary-General, in order to confirm that the Sub-Commission was entitled to appoint a new special honorary rapporteur by virtue of the Economic and Social Council's original decision of principle in the matter and that the special rapporteur's travel and subsistence expenses and miscellaneous expenditure (work of secretaries, etc.) could be sanctioned by the Advisory Committee on Administrative and Budgetary Questions, which would be notified of the Sub-Commission's decision through the usual channels. The members then decided to request the Chairman to begin enquiries forthwith in order to ascertain whether any member would agree to take over the duties of special rapporteur from Mr. Masani.

The representative of the Secretary-General undertook to reply at the next meeting to Mr. Roy's question whether the allocation for the special rapporteur's expenses, approved by the Advisory Committee in 1953, had been based on the budgetary estimates in the Sub-Commission's report (fifth session) and whether, if the Sub-Commission decided to extend its special rapporteur's term of office, the Advisory Committee would grant new credits on the same basis.

FORM OF SUMMARY RECORDS

The members of the Sub-Commission agreed that the summary records prepared in the new form adopted since the beginning of the present session were inadequate. They instructed the representative of the Secretary-General to make an official request to the competent department to revert to the former method whereby each statement was reported in detail.

The meeting rose at 12.30 p.m.