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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Fifth Session

SUMMARY RECORD OF THE NINETY-NINTH MEETING

Held at Headquarters, New York,
on Thursday, 2 October 1952, at 3.30 p.m.

CONTENTS

Action to be taken under the Economic and Social Council resolution
of 26 June 1952 (E/2281, E/CN.4/Sub.2/L.19, E/CN.4/Sub.2/L.28)
(continued)

PRESENT:

Chairman: Mr. ROY

Members: Mr. DANIELS

Mr. EKSTRAND

Mr. FOMIN*

Mr. HISCOCKS*

Mr. MASANI

Mr. MENESES PALLARES

Mr. NISOT

Mr. SEFAAQ

Mr. TSAO*

Mr. WINIEWICZ

Also present: Miss MANAS

Commission on the Status of Women

Representative of a specialized agency:

Mr. ARNALDO

United Nations Educational,
Scientific and Cultural
Organization (UNESCO)

Representatives of non-governmental organizations:

Category B and Register:

Mr. MOSKOWITZ

Consultative Council of Jewish
Organizations

Mr. BARNETT JANNER

Co-ordinating Board of Jewish
Organizations

Mr. RONALDS

World Union for Progressive Judaism

Secretariat: Mr. HUMPHREY

Director, Division of Human Rights

Mr. LAWSON

Secretary of the Sub-Commission

* Alternate

/ACTION

ACTION TO BE TAKEN UNDER THE ECONOMIC AND SOCIAL COUNCIL RESOLUTION OF
26 JUNE 1952 (E/2281, E/CN.4/Sub.2/L.19, E/CN.4/Sub.2/L.28) (continued)

Mr. Shafaq: draft resolution (E/CN.4/Sub.2/L.19) (discussion continued)

Mr. HISCOCKS said Mr. Shafaq had submitted a constructive draft resolution. He supported it, partly on account of his personal experiences, for he had spent many years away from his native country and had come to know persons of various religious beliefs and to respect, even if he did not share, their beliefs. But it was a rare privilege to gather experience of that kind and for that reason education played a vital part in dispelling misconceptions with regard to religion.

The Sub-Commission had three tasks to fulfil: it was to define certain concepts; see to it that its recommendations were put into effect; and, lastly, ensure education for the masses to eliminate discrimination. The first two tasks were by no means easy, particularly giving effect to its recommendations.

Mr. Fomin had said at the previous meeting that governments always heeded recommendations by United Nations bodies. He wondered whether that applied in the case of the prevention of discrimination and the protection of minorities. It was widely held that political measures taken in the USSR, for example, were discriminatory. As Mr. Fomin had said in a previous meeting, the Soviet Government did not permit anybody in that country to disagree with Marxist and Communist ideas. In the Union of South Africa coloured persons were subject to similar forms of discrimination.

He attached great importance to the Sub-Commission's third task: education of the masses, particularly, with regard to religion. Religious prejudices were based on habit, ~~emotion~~ and, above all, ignorance and he fully realized the difficulty inherent in the task to be entrusted to UNESCO. Yet, action was needed.

He added that in the preamble to his draft resolution Mr. Shafaq had overstressed the negative aspect of the problem and that the text might with advantage be amended. Furthermore, the first part of paragraph (b) of the operative clause was rather too specific and should be amended.

/Mr. ARNALDO

Mr. ARNALDO (United Nations Educational, Scientific and Cultural Organization) said Mr. Shafaq had made an important statement. UNESCO realized that superstition and ignorance were at the root of discrimination in the matter of religion. It had initiated a programme to eliminate prejudice of all types; furthermore, it was planning to publish a scientific and cultural history of mankind, one of the six volumes of which would deal with religious and ideological movements.

After 1953-1954 UNESCO would not fail to take account of the Sub-Commission's proposals but for the moment it would be difficult to include a fresh proposal in its programme of work and in the budget estimates for 1953-1954.

Mr. WINIEWICZ pointed out that even in United Nations organs misconceptions concerning religion sometimes produced unfortunate results. In 1947, for example, a representative of the Union of South Africa had stated that the Indians in South Africa were so backward that they never read the Bible. The object of Mr. Shafaq's draft resolution was to eliminate prejudices of that type and hence he approved it in principle.

He added that in his remarks Mr. Hiscocks had not failed to attack the USSR: one had the impression of listening to a worn-out record in which the words "Marxism" and "Communism" were repeated over and over again. But, as Mr. Shafaq had pointed out in his statement, in matters of religion some prejudices dated back to the fourteenth century. It was surely implausible to blame Communism for prejudices as ancient as those.

Mr. FOMIN said that Mr. Hiscocks, to substantiate his pose as champion of the education of the masses, had submitted three draft resolutions containing recommendations. But it was strange to hear the very same expert say that governments did not heed recommendations addressed to them by United Nations organs.

/Mr. Hiscocks

Mr. Hiscocks used every conceivable opportunity to criticize, without the least semblance of objectivity, a country like the USSR, obviously in order to distract attention from the question under discussion. Mr. Hiscocks should be familiar with conditions in certain territories under United Kingdom administration. For example, Nyasaland had for long been a United Kingdom protectorate, yet the territory had not a single institution of higher learning. Similarly, in British Somaliland, 99 per cent of the inhabitants were illiterate. Conditions in Nigeria were not very different.

The United Kingdom delegation always claimed to be ensuring the protection of minorities yet the United Kingdom representative on the Commission of Human Rights had not failed to vote against a Polish amendment to eliminate all discrimination in education based on race, religion or national origin. On other occasions the same delegation had voted against proposals to protect minorities.

Before attacking the USSR, Mr. Hiscocks would be well advised to acquaint himself with that country's history and modern circumstances. Mr. Hiscocks' conception of Marxism seemed rather naive. In contrast to conditions in other countries, there was freedom of speech, of the press and of assembly in the USSR and, in addition, those rights were guaranteed by article 135 of the Constitution.

If Mr. Hiscocks were really so interested in the fate of minorities, he could submit a draft resolution on the subject. In that way, the Sub-Commission would be able to study the position of minorities in a number of countries. It would find that certain political minorities, in particular communist minority groups, were subjected to discrimination, for example, in the United States and the United Kingdom. In those two countries, legal proceedings were constantly being brought against communist and certain other minority groups.

In conclusion he asked Mr. Hiscocks not to depart from the topic under discussion, but to explain his views on religion, for that was the subject dealt with in the draft resolution before the Sub-Commission.

/Mr. HISCOCKS

Mr. HISCOCKS explained that in his earlier remarks he had not said that governments carried out none of the recommendations made by United Nations organs. In his view, governments would increasingly take account of United Nations recommendations as the Organization grew in influence.

Mr. SHAFaq said that, after consulting Mr. Meneses Pallares and hearing the statement of the representative of UNESCO, he had amended his text in several respects. He had deleted the word "bigotry" in the first line and the words "historical and theological" in the second line of the preamble, and had amended the operative part to read:

"... invite UNESCO to consider the possibility of including in its future work programme:

- (a) a thorough study of the existence and background of such erroneous views; and
- (b) the preparation, on the basis of this study, of a series of suggestions explaining..."

He hoped that his draft, as amended, would satisfy UNESCO, Mr. Meneses Pallares and Mr. Hiscocks.

Mr. MENESES PALLARES felt that the revised text would be more acceptable to UNESCO.

Mr. DANIELS proposed the addition of the words "and emphasizing the dignity, in their diversity, of the religions of mankind" at the end of the last paragraph.

Mr. SHAFaq accepted that amendment.

Mr. ARNALDO (United Nations Educational, Scientific and Cultural Organization) said that, although he could not anticipate the decision of the General Conference of UNESCO, Mr. Daniels' text struck him as an improvement since it introduced a positive element.

/Mr. NISOT

Mr. NISOT said that, although he did not fully understand the connexion between the idea of dignity and that of diversity, he would not object to the amendment.

After a brief exchange of views, Mr. DANIELS altered his amendment to read: "the dignity of the various religions of mankind."

Answering a criticism by Mr. HISCOCKS, Mr. SHAFaq proposed that the words "a series of suggestions explaining and clarifying..." should be replaced by the words "a series of suggestions for the explanation and clarification...".

The CHAIRMAN put to the vote the amended text of Mr. Shafaq's draft resolution.

The draft resolution, as amended, was adopted by 9 votes to none, with 2 abstentions.

Mr. WINIEWICZ explained that he would have voted for Mr. Shafaq's original text, but as it had suffered considerably through being amended he had had to abstain.

Mr. FOMIN associated himself with Mr. Winiewicz. In particular, he could not approve of Mr. Daniels' amendment, which ranked all religions together, even those which permitted human sacrifice, for example.

Mr. Meneses Pallares: draft resolution on discriminatory practices in the field of migration (E/CN.4/Sub.2/L.28)

Mr. MENESES PALLARES first wished to make two changes in his text. The third paragraph of the preamble should read: "... such considerations as race, ..."; and in the operative part the words "and administrative practices" should be added after the words "national legislation".

In explaining the purpose of his resolution, he said that emigration had become an urgent necessity for many countries, the causes being various. In many regions, the birth rate was rising and the death rate declining on account of progress in hygiene; the process led to a demographic pressure which encouraged emigration. Moreover, the recent war had produced population
/surpluses,

surpluses, especially in Europe, which could only be redistributed by emigration; and the interruption of migratory movements during the war and the influx of refugees after 1945 had led to such an overpopulation in certain regions that it was essential to resume and accelerate migration.

He quoted the example of the Federal Republic of Germany, where the density of the population had risen from 140 to 200 inhabitants per square kilometre between 1945 and 1950. Many other European countries were in a similar situation. In that connexion, he announced the presence in New York of Mr. Hugh Gibson, Director of the Provisional Inter-Governmental Committee for the Movement of Migrants from Europe (PICMME). According to Mr. Gibson, Europe had a surplus of five million inhabitants, Italy accounting for three million thereof. The Director of PICMME had just spent six months in South America, where he had found that some countries were prepared to receive immigrants. One of those countries was Ecuador, which was pursuing the open door policy and was receiving immigrants under liberal conditions. Ecuadorean legislation made no distinction between aliens and Ecuadoreans with regard to the acquisition and enjoyment of civil rights. Ecuador was to receive several groups of Italian immigrants in the near future.

The facts showed how urgent it was to remove from legislation and from administrative practices any discriminatory restrictions directed against honest and industrious immigrants and instead to adopt legislation placing them all on an equal footing.

In that connexion, he had been glad to learn that the twenty-six persons who had been called upon to testify before the special committee appointed by President Truman to deal with questions of immigration and naturalization had unanimously supported the abolition of restrictive practices, and especially of racial discrimination. He referred in particular to Senator Lehman, who had spoken of the possibility of an increase in the quotas governing immigration into the United States and had stated that candidates should be chosen for their individual worth and their needs, rather than for their "pedigree".

Mr. MASANI said discriminatory practices in the matter of immigration did, of course, exist and he agreed that they should be removed. Nevertheless,

/he doubted

he doubted whether all countries would benefit by receiving industrious immigrants, as was stated in the second paragraph of the preamble. He quoted the case of India which, being in any case overpopulated, could not accommodate immigrants.

Mr. SHAFaq was in favour of eliminating unjustified discriminatory practices in the matter of migration, but thought that they should be defined more precisely. In some cases, the public authorities of a country might, for cultural reasons or for reasons of hygiene or public security, claim that the national interest warranted the continuance of certain practices which were in force. He enquired if such discrimination would be regarded as unjustified.

Mr. FOMIN said the motives underlying the draft were humane, but he would be obliged to abstain. The legislation in force in the USSR contained no discriminatory provisions in the matter of immigration. Certain members of the Sub-Commission had put forward the Malthusian argument against surplus population; the experiment of the Soviet Union had shown, however, that if a country developed its resources sufficiently, the problem of overpopulation did not arise. In view of the rapid progress of science, USSR scientists considered it to be impossible to calculate how many persons a hectare of land could feed.

Mr. MENESES PALLARES agreed that discriminatory measures as defined by the Charter and the Declaration of Human Rights should be distinguished from the justifiable protective measures which certain countries might have to take. Thus, a country which preferred to receive agricultural labour to help in its development could not be said to be applying discriminatory practices. His object was to offer minimum reasonable conditions and to devise immigration schemes which would benefit both the immigrant and the receiving country.

In reply to Mr. Fomin, he said that the ideal solution would admittedly be for all countries to absorb and feed their surplus populations. But that was not in fact happening, in view of economic conditions and the aftermath of the war.

/Mr. DANIELS

Mr. DANIELS supported the principle expressed in the draft resolution, but thought that in the operative part the phrase following the words "contained therein" should be deleted, for some countries, such as the United States - where, for example, only a native-born citizen could become President - might find it difficult to drop all such provisions from their legislation.

Mr. TSAO thought that measures directed against immigrants constituted one of the principal types of discrimination. He would support Mr. Meneses Pallares' draft resolution, but agreed with Mr. Masani's criticism that a country which was already overpopulated might not wish to receive immigrants.

Mr. EKSTRAND approved of the draft resolution, but agreed with Mr. Masani and Mr. Tsao that the second paragraph of the preamble did not add to the value of the text and should be deleted.

Mr. MENESES PALLARES agreed that the paragraph in question was ambiguous and withdrew it.

Mr. HISCOCKS approved of that deletion and of Mr. Daniels' suggestion. He also considered that the third paragraph of the preamble, as amended by the author, was dangerously vague; he would not be able to vote for it if the word "such as" were included, for in that case, the subsequent enumeration would no longer be exhaustive and might, for example, extend to restrictions based on the amount of money in the possession of the immigrant at the time of his entry into the receiving country. He asked that the vote should be postponed until that point was made clear.

The meeting rose at 5.15 p.m.