

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/SR.122

28 January 1954

ENGLISH

~~ORIGINAL: FRENCH~~

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixth Session

SUMMARY RECORD OF THE HUNDRED AND TWENTY-SECOND MEETING

Held at Headquarters, New York,
on Thursday, 14 January 1954, at 11.30 a.m.

CONTENTS

Study of discrimination in the field of education: interim report of
the Special Rapporteur (E/CN.4/Sub.2/155)(continued):

Draft resolution and amendments (E/CN.4/Sub.2/L.48/Rev.1,

E/CN.4/Sub.2/L.48/Rev.1/Add.1, E/CN.4/Sub.2/L.55,

E/CN.4/Sub.2/L.56)(continued)

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. EMEL'YANOV	(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)
<u>Also present:</u>	Miss MANA3	Commission on the Status of Women

Representatives of specialized agencies:

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

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER	International Confederation of Free Trade Unions
	Mrs. FOX	World Federations of United Nations Associations
<u>Category B:</u>	Miss ROBB	International Federation of University Women
	Mrs. DINGMAN	International Union for Child Welfare
	Mr. PENCE	World's Alliance of Young Men's Christian Associations
	Mrs. SCHAEFER	World Union of Catholic Women's Organizations
<u>Secretariat:</u>	Mr. SCHEWELB	Deputy Director, Division of Human Rights
	Mr. LAWSON	Secretary of the Sub-Commission

STUDY OF DISCRIMINATION IN THE FIELD OF EDUCATION: INTERIM REPORT OF THE SPECIAL
RAPPORTEUR (E/CN.4/Sub.2/155)(continued): DRAFT RESOLUTION AND AMENDMENTS
(E/CN.4/Sub.2/L.48/Rev.1, E/CN.4/Sub.2/L.48/Rev.1/Add.1, E/CN.4/Sub.2/L.55,
E/CN.4/Sub.2/L.56)(continued)

Mr. HISCOCKS noted that the revised draft resolution E/CN.4/Sub.2/L.48/Rev.1 before the Sub-Commission took into account the amendments submitted by Mr. Santa Cruz and some observations made during the debate by other members of the Sub-Commission. It was hoped that the new text would meet with general agreement.

In deference to the general opinion and in a spirit of conciliation he had decided to abandon the first proposal of section II, paragraph (b). Nevertheless he was still convinced that it would have been preferable for the report to be drafted by a paid expert able to give the necessary time to it. Using that method, moreover, the Sub-Commission would have had complete freedom to choose the best qualified person in any country. He had yielded on that point after hearing the Secretariat representatives state that it would certainly not be possible to induce the responsible organs to approve the appointment of a paid expert and that the only solution was therefore to choose a rapporteur from among the members of the Sub-Commission. It was regrettable that the United Nations should renounce the right to draw for special services on experts with high qualifications in a particular field; the principle was excessively rigid, and the Secretary-General ought to review the question as a whole.

The Sub-Commission was at present in the same position as the previous year. In two respects, however, the situation had been made clearer. First, there was no longer any question of securing the collaboration of a paid rapporteur, and secondly the Sub-Commission was about to give much more precise instructions to the member who was to draft the report. But despite the efforts of the Special Rapporteur Mr. Masani, and the help he had received from the Secretary-General and the specialized agencies, the Sub-Commission was still dealing with problems of method and its study was still in the preliminary

stage and was not being undertaken under the best possible conditions. It was necessary to be realistic however, and the Sub-Commission had not felt able to induce the Secretary-General to change his attitude to the appointment of a paid expert. At all events it was essential to make great progress in the next seven or eight months, and the results obtained had to be far more tangible than any the Sub-Commission could show so far.

He further proposed that, following a suggestion made verbally by Mr. Santa Cruz, the words "and bearing in mind the observations made in the debate by members of the Sub-Commission during its fifth and sixth sessions" should be added after "in paragraph (a)" in section II, sub-paragraph (b) (i).

It was to be hoped that all the members of the Sub-Commission would show a spirit of conciliation and adopt the draft resolution unanimously.

Mr. EMELYANOV expressed his gratitude to Mr. Hiscocks and Mr. Santa Cruz, who had performed a useful and constructive task. The new text before the Sub-Commission was satisfactory at many points, and encouraged the hope that a final draft resolution could be found on which all members of the Sub-Commission could agree. He would make detailed observations when the Sub-Commission considered the draft resolution paragraph by paragraph. For the time being he wished to state his views on an essential matter, that of the time within which the Special Rapporteur was to draft a report. According to section II, sub-paragraph (b) (i), the report was to be submitted "if possible" for the Sub-Commission's seventh session. The way would thus be open for further procrastination if it was admitted at the outset that the Sub-Commission at its seventh session might be in possession of only a purely provisional report, which would not enable it to reach conclusions on the study or make specific recommendations. The Sub-Commission was already in a position clearly to determine the different stages of the study of discrimination in education, and it would be unduly timorous to begin by imagining purely obstacles to the work of the Special Rapporteur. If genuine difficulties did arise while the report was being drafted, steps would have to be taken to

overcome them. It was essential, therefore, to state as plainly as possible in the draft resolution that the draft report must be ready for the Sub-Commission's seventh session. That was the only way in which the Sub-Commission could obtain positive results at its seventh session and carry out the task entrusted to it without further delay.

Mr. KULAGA agreed with the comments put forward by Mr. Emelyanov. He thought that in order to prevent any further delay it should be stated that the draft report was to be presented at the seventh session of the Sub-Commission.

Mr. HALPERN congratulated Mr. Hiscocks on the wording of his revised draft resolution, particularly section II, paragraph (a). That paragraph was an excellent synthesis of the opinions expressed during the general debate and augured well for the spirit in which the report would be prepared. There was one omission which should be remedied however: members of the Commission had agreed not only that the report should be undertaken on a global basis, but also that it should bear on all forms of discrimination in education, even those which had been investigated by other United Nations organs. He accordingly proposed the addition of the words: "and with respect to all the grounds of discrimination condemned by the Universal Declaration of Human Rights", after the words "on a global basis", in section II, sub-paragraph (a) (1) (E/CN.4/Sub.2/L.58). He thought that it was necessary to underline that point in the draft resolution, particularly since the study on education would be a model for other studies of the same kind which the Sub-Commission might be called upon to undertake in the future.

He went on to explain his interpretation of that part of the draft resolution: it was understood that the report was to cover all the aspects of the problem stressed by members of the Sub-Commission on which they had agreed during the general debate, such as the just distribution of means of education in any given country; such aspects had not been specifically mentioned in paragraph (a) because the comments of members of the Sub-Commission were duly recorded in the summary records and the special rapporteur would certainly refer to them.

Mr. AMMOUN expressed gratitude to Mr. Hiscocks and Mr. Santa Cruz for their valuable assistance in the work of the Sub-Commission. He suggested certain drafting changes in the text of the revised draft resolution. In the last paragraph but one of the operative part, the words "within their competence" should be deleted. Such a formula might provide the specialized agencies with an excuse for failing to furnish all the assistance which might be expected of them.

In the last paragraph of the operative part he thought that it might be wise to add after the words "supplementary data", the words "to be furnished within the period of time compatible with the date established for the submission of the report". Governments would then understand that they should not put off their comments too long.

Finally, he was not sure that the words "educating world opinion" in subparagraph (a) (v) of section II had been accurately rendered in French.

Mr. SANTA CRUZ saw no objection to the deletion of the words "within their competence".

With regard to the question of the period of time to be allowed to the special rapporteur, just raised by Mr. Emelyanov, he recalled that the draft resolution under consideration was the result of a compromise between the views of those who had wished to provide forthwith for a period of two years for preparation of the report and those who urged that it should be completed before the Sub-Commission's seventh session.

Mr. AMMOUN explained that his proposal referring to the last paragraph of the operative part had been designed not to alter the period of time allowed to the special rapporteur but merely to ensure that the comments made by governments and the supplementary data provided by them would arrive within a reasonable period of time in relation to the date at which the special rapporteur would be required to submit his report to the Sub-Commission, whether that was at its seventh or eighth session.

Mr. EMEL'YANOV agreed that Mr. Ammoun's concern in that connexion was fully justified. On the other hand, he thought that the Sub-Commission was under an obligation to reach the conclusions and make the recommendations asked of it on the subject of discrimination in education at its seventh session: there could be no compromise on that point. There was no reason for saying already now that the Sub-Commission could not carry out its task in time: as matters now stood there were no grounds for thinking that the special rapporteur would be unable to present his draft report at the seventh session; if any difficulties arose the Secretary-General would surely not hesitate to help him to overcome them. The Sub-Commission was not asking the special rapporteur to submit a lengthy document containing all possible information on the subject under consideration, but only the essential elements which would enable it to reach conclusions and make recommendations.

Mr. SANTA CRUZ recalled that he had been anxious for the Sub-Commission to complete its study on education at its seventh session; he defended the compromise formula proposed by Mr. Hiscocks. Since the special rapporteur would be a member of the Sub-Commission, there was every guarantee that he would be devoted to his task and fully aware of the need for haste. Nevertheless, the very real obstacles which he would have to overcome could not be ignored. That was why it was only just, should he be unable to complete his task by the seventh session, to allow him an opportunity to submit a progress report on his work.

Mr. AMMOUN in his turn stressed the fact that the special rapporteur should not be tied down to an over-rigid time limit, to which he might be unable to keep on account of circumstances beyond his control; it must not be forgotten that he would not be responsible for collecting data.

In order to stress that point he proposed: (1) deletion of the words "if possible" in section II, sub-paragraph (b) (i) which would make clear the Sub-Commission's wish to have the report ready by its seventh session; (2) retention of the second sentence in the same sub-paragraph, which would make for the necessary flexibility in the special rapporteur's terms of reference; and

(3), the addition to it of the words "owing to the difficulties inherent in his task or the time required to collect or study the necessary documentation" between the words "should he" and the phrase "fail to complete his work", which would explain the Sub-Commission's possible reasons for qualifying the peremptory tone of the first sentence.

Mr. SANTA CRUZ said that he was fully satisfied with that formula, which would safeguard the prestige of the Sub-Commission if it were unable to complete its task before the seventh session.

Mr. HISCOCKS regretted his inability to accept the proposed amendment, which encumbered the text without adding anything to the substance. If Mr. Ammoun insisted on his proposal, he would be compelled to vote against it.

Mr. EMEL'YANOV stressed the fact that no compromise of any kind was acceptable under the circumstances: the Sub-Commission should not take any decision which might prolong its task. The Sub-Commission had already been harshly criticized and its prestige in the eyes of the world was not high. It could not afford to incur further justifiable reproaches.

He repeated that the alleged difficulties were purely hypothetical. The special rapporteur might well encounter difficulties in the accomplishment of his task; such a situation could be dealt with as and when it arose. But, for the time being, the Sub-Commission's only aim should be to complete its work on discrimination in education at its seventh session.

Mr. HALPERN did not think that it was possible to ignore the facts. The situation was not as simple as some might wish to believe. The results of the special rapporteur's work would to a large extent depend on the preparatory work of collecting and analysing data. The debate had made it clear that there were grounds for the misgivings that were felt: it was enough to recall the reservations made by the representative of UNESCO. In the circumstances, the Sub-Commission could not require the special rapporteur to

submit a final draft of his report at the seventh session. It might, however, request him to do so while allowing for the possibility that he might be prevented. That purpose would be achieved by drafting section II, sub-paragraph (b) (1) as follows: "A special rapporteur shall draw up a draft report along the lines laid down in paragraph (a). The rapporteur shall proceed with expedition with a view to submitting the report at the seventh session" (E/CN.4/Sub.2/L.56). The second part of the paragraph could be retained without amendment.

Mr. EMEL'YANOV congratulated Mr. Halpern on his suggestion: the solution to the problem lay along those lines.

The CHAIRMAN requested Mr. Halpern and Mr. Ammoun to submit their amendments in writing.

The meeting rose at 1 p.m.

2/7 p.m.