

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/SR.277
23 April 1959

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Eleventh Session

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTY-SEVENTH MEETING

Held at Headquarters, New York,
on Wednesday, 21 January 1959, at 10.45 a.m.

CONTENTS

Study of discrimination in the matter of political rights
(E/CN.4/Sub.2/L.152 and Add.1) (continued)

Future work of the Sub-Commission, including further studies in the
field of discrimination (E/CN.4/Sub.2/L.154, L.155) (continued)

Control and limitation of documentation (A/RES/1272 (XIII))

Protection of minorities (E/CN.4/Sub.2/194)

PRESENT:

<u>Chairman:</u>	Mr. AWAD	(United Arab Republic)
<u>Rapporteur:</u>	Mr. SAARIO	(Finland)
<u>Members:</u>	Mr. BEYHUM	(Lebanon)
	Mr. CHAYET	(France)
	Mr. FOMIN	(Union of Soviet Socialist Republics)
	Mr. HALPERN	(United States of America)
	Mr. HISCOCKS	(United Kingdom of Great Britain and Northern Ireland)
	Mr. INGLES	(Philippines)
	Mr. KRISHNASWAMI	(India)
	Mr. MACHOWSKI	(Poland)
	Mr. SANTA CRUZ	(Chile)

Representatives of specialized agencies:

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

Representative of a non-governmental organization:

<u>Category B:</u>	Miss LUCKE	International Federation of University Women
<u>Secretariat:</u>	Mr. SCHWELB	Deputy Director, Division of Human Rights
	Mr. LAWSON	Secretary of the Sub-Commission

/...

STUDY OF DISCRIMINATION IN THE MATTER OF POLITICAL RIGHTS (E/CN.4/Sub.2/L.152 and Add.1) (continued)

The CHAIRMAN invited discussion of the draft resolution on the study of discrimination in the matter of political rights (E/CN.4/Sub.2/L.152) in the light of the Statement of financial implications submitted by the Secretary-General (E/CN.4/Sub.2/L.152/Add.1). Paragraphs 3, 4 and 5 of that statement indicated three possible ways of completing the study in question.

Mr. CHAYET wished to propose three changes in the text of the draft resolution, which he believed reflected the views of the members of the Sub-Commission. First, the word "provisional" should be inserted before the word "analysis" in the first operative paragraph of the draft resolution. Second, the specialized agencies should be mentioned before the non-governmental organizations in the third line of the second operative paragraph. Third, the first line of the third operative paragraph should be amended to read: "Requests the Secretary-General to provide the necessary". The changes were acceptable to all the sponsors of the draft.

The draft resolution (E/CN.4/Sub.2/L.152) was adopted unanimously.

FUTURE WORK OF THE SUB-COMMISSION, INCLUDING FURTHER STUDIES IN THE FIELD OF DISCRIMINATION (E/CN.4/Sub.2/L.154, L.155) (continued)

Mr. SAARIO (Rapporteur), introducing the draft resolution on future work of the Sub-Commission (E/CN.4/Sub.2/L.154), said that he had borne two principles in mind: first, that it was undesirable for the Sub-Commission to tie the hands of its future members and, secondly, that the Sub-Commission had to be realistic in regard to the scope of the work which could be undertaken. He believed that the facts mentioned in the preamble should necessarily be taken into account.

Mr. FOMIN regretted the fact that the Sub-Commission had not had an opportunity to discuss fully and to recommend a future work programme. It was dangerous, however, to take a hasty decision on the substance of the programme and he therefore did not object to the draft resolution, although he would have preferred its operative paragraph 1 to have read: "Notes with appreciation the work done by the Secretary-General" without referring specifically to the latter's memorandum. He would nevertheless vote in favour of the draft resolution, as it did not commit future members to a specific programme.

/...

Mr. MACHOWSKI said that he too would vote in favour of the draft resolution, although he could not consider the list of topics in the Secretary-General's memorandum (E/CN.4/Sub.2/195) as exhaustive.

The CHAIRMAN believed that the amended draft resolution adopted by the Sub-Commission on the study relating to article 13, paragraph 2 of the Declaration (E/CN.4/Sub.2/L.153), implied a recommendation that some priority should be given to the study of article 13, paragraph 1. He therefore considered it desirable to specify in operative paragraph 2 of draft resolution E/CN.4/Sub.2/L.154 that the decision was without prejudice to the provisions of resolution E/CN.4/Sub.2/L.153.

Mr. FOMIN said that he had no objection to the Chairman's suggestion, provided that the qualification added to the draft resolution referred to all decisions of the Sub-Commission, including that on the item "Measures to be taken for the cessation of any advocacy of national, racial, or religious hostility that constitutes an incitement to hatred and violence, jointly or separately", which contained an implicit recommendation on priority.

Mr. BEYHUM supported the Chairman's suggestion.

Mr. HALPERN agreed with Mr. Fomin that other resolutions which the Sub-Commission had adopted could be construed as singling out a particular subject for priority treatment. It was therefore preferable to refer in the draft resolution only to the discussion in the Sub-Commission. Each resolution adopted by the Sub-Commission would have to be considered on its own merits.

The CHAIRMAN, having withdrawn his suggestion, put the draft resolution to the vote.

The draft resolution (E/CN.4/Sub.2/L.154) was adopted unanimously.

Mr. SANTA CRUZ, introducing the draft resolution which he had submitted on collaboration with UNESCO concerning the draft recommendations and draft convention on discrimination in education (E/CN.4/Sub.2/L.155), said that it was intended to reflect the ideas which had been expressed in the Sub-Commission on the manner in which the Sub-Commission could co-operate in the future in the work to be done by UNESCO in the field of discrimination in education.

/...

(Mr. Santa Cruz)

He believed that the Sub-Commission considered it desirable to receive UNESCO's preliminary reports, draft recommendation and draft convention on discrimination in education in sufficient time to comment upon them, and had understood that a formal resolution would be of assistance to UNESCO in taking the necessary steps to that end.

Mr. CAGLIOTTI (United Nations Educational, Scientific and Cultural Organization) thanked Mr. Santa Cruz for putting forward the draft resolution which he believed UNESCO could certainly act on. He felt he should point out that the work plan decided upon by the General Conference of UNESCO, which was referred to in the first paragraph of the draft resolution, was provisional only. Nevertheless, he believed that the material referred to could be made available to the Sub-Commission for its twelfth session as requested.

Miss LUCKE (International Federation of University women) said that in view of its interest in the subject of discrimination in education, the International Federation of University Women had followed very closely the work done by the Sub-Commission and UNESCO. The Federation's representative at UNESCO would be advised of the action taken in the United Nations and instructed to give all possible support to UNESCO's work on the subject. She believed that the members of the Federation could exert considerable influence in support of the Sub-Commission's objectives.

The CHAIRMAN put the draft resolution to the vote.

The draft resolution (E/CN.4/Sub.2/L.155) was adopted unanimously.

CONTROL AND LIMITATION OF DOCUMENTATION (A/RES/1272(XIII))

Mr. FOMIN observed that General Assembly resolution 1272 (XIII) was designed primarily to ensure that the various United Nations organs should make a reasonable use of United Nations facilities without incurring unnecessary expense. The Sub-Commission and the Secretariat which assisted it in its work should be guided by the resolution.

/...

Mr. SANTA CRUZ stated that the Sub-Commission was utilizing a minimum of United Nations facilities and making the least possible demands with respect to documentation. It was therefore not in a position to propose any useful measures to implement the Assembly's resolution. It should merely take note of the resolution.

The CHAIRMAN suggested that the Rapporteur might draft a resolution to that effect for inclusion in the Sub-Commission's report.

It was so decided.

PROTECTION OF MINORITIES (E/CN.4/Sub.2/194)

Mr. HALPERN pointed out that paragraphs 23-27 of the Secretary-General's note (E/CN.4/Sub.2/194) did not give an accurate or comprehensive account of the Sub-Commission's activities relating to the protection of minorities. In particular, the final sentence of paragraph 23 appeared to indicate that the Sub-Commission had fallen short of its responsibilities towards the Commission on Human Rights. That was not the case, as could be seen from the Sub-Commission's resolution F, adopted at the seventh session, to which the Secretary-General's account made no reference. In that resolution, the Sub-Commission had noted that there were two classes of problems of minorities: the first was the problem of the equal treatment of all minority groups and their protection against discrimination; the second was the problem of those groups which desired special measures of protection. The Sub-Commission had decided to concentrate on the prevention of discrimination and thus to deal with the first aspect of the problem. With regard to the second aspect, it had decided that it was difficult or impossible to define minority groups requiring special measures of protection and that such groups should be made the subject of bilateral treaties with assistance from the competent United Nations political organs. It had further decided to defer all work on minorities requiring special measures of protection until the Commission on Human Rights issued a specific directive on that subject. Paragraphs 23-27 of the Secretary-General's note should be clarified so that the new members of the Sub-Commission in 1960 would be aware of the facts.

/...

Mr. FOMIN said that the Sub-Commission had not requested the document submitted by the Secretary-General (E/CN.4/Sub.2/194) and had no action to take on it. It was merely before it for purposes of information.

Mr. HISCOCKS said that although he had no intention of discussing the substance of the Secretary-General's note, he thought it would be useful to draw attention to certain omissions which might mislead the new membership of the Sub-Commission at the next session and which should be pointed out in the Sub-Commission's report. It was, for example, essential to make a reference to resolution F of the seventh session, as Mr. Halpern had noted. It was also important to correct the inaccurate statement in paragraph 8 to the effect that although the Sub-Commission had not concerned itself directly with the protection of minorities since 1954, it had retained the item on the agenda. Following adoption of resolution F at the seventh session, the item had been dropped from the agenda; it had been restored subsequently.

The CHAIRMAN suggested that the item "Protection of minorities" should be carried over to the agenda of the twelfth session.

It was so decided.

The meeting rose at 11.30 a.m.