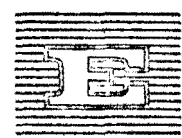


308



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/SR.143
18 January 1955

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
Seventh Session
SUMMARY RECORD OF THE HUNDRED AND FORTY-THIRD MEETING
Held at Headquarters, New York,
on Tuesday, 4 January 1955, at 11.15 a.m.

CONTENTS

- Opening of the seventh session
- Election of officers
- Invitation to the Commission on the Status of Women (Economic and
Social Council resolution 48 A (IV))
- Adoption of the agenda (E/CN.4/Sub.2/158)

55-01051

PRESENT:

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

Also present: Miss BERNARDINO (Commission on the Status of
Women)

Representatives of specialized agencies:

Mr. DUNAND	International Labour Organisation
Mr. METRAUX) 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
	Mrs. FOX	World Federation of United Nations Associations

PRESENT (continued):

Representatives of non-governmental organizations (continued):

Category B and Register:

Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mr. JOFTES	Co-ordinating Board of Jewish Organizations
Mrs. HYMER	International Federation of Business and Professional Women
Mr. BEER	International League for the Rights of Man
Mr. JACOBY) Mr. PERLZWEIG)	World Jewish Congress
Mr. PENCE	World's Alliance of Young Men's Christian Associations
Miss SCHAEFER	World Union of Catholic Women's Organizations
Mrs. POLSTEIN	World Union for Progressive Judaism

Secretariat:

Mr. de SEYNES	Under-Secretary in charge of the Department of Economic and Social Affairs
Mr. HUMPHREY	Director, Division of Human Rights
Mr. LAWSON	Secretary-of the Sub-Commission

OPENING OF THE SEVENTH SESSION

The CHAIRMAN opened the seventh session of the Sub-Commission. It was disappointing that the parent bodies of the Sub-Commission had, since its last session, rejected its proposals relating to its method of work and the protection of minorities, but members could derive some satisfaction from the progress that was being made in social evolution and in political thinking throughout the world. That was reflected in the decision of the United States Supreme Court on racial segregation in public schools, the important provisions relating to the protection of minorities which had been embodied in the Italo-Yugoslav treaty concerning Trieste, and the legal recognition extended to minority groups in China under the new Constitution. The Sub-Commission must regard the difficulties encountered in its work as challenges to be met in the spirit of progress that had prevailed at its previous session.

Mr. de SEYNES (Under-Secretary in charge of the Department of Economic and Social Affairs) welcomed the members of the Sub-Commission on behalf of the Secretary-General. He hoped that they would succeed in the important task entrusted to them by the Economic and Social Council and the Commission on Human Rights. The Sub-Commission could rely upon the full co-operation of the Department of Economic and Social Affairs.

ELECTION OF OFFICES

Mr. HISCOCKS proposed the re-election of Mr. Sorensen as Chairman, Mr. Awad as Vice-Chairman and Mr. Ingles as Rapporteur.

Mr. ROY, Mr. HALPERN and Mr. AMMOUN supported the proposal.

Mr. Sorensen, Mr. Awad and Mr. Ingles were re-elected by acclamation as Chairman, Vice-Chairman and Rapporteur of the Sub-Commission respectively.

INVITATION TO THE COMMISSION ON THE STATUS OF WOMEN (Economic and Social Council resolution 48 A (IV))

The CHAIRMAN invited Miss Bernardino, as representative of the Commission on the Status of Women, to take part in the work of the Sub-Commission.

Miss Bernardino, representative of the Commission on the Status of Women, took a place at the Sub-Commission table.

Miss BERNARDINO (Commission on the Status of Women) said that the Sub-Commission and the Commission on the Status of Women had common aims and problems. Since the goal of the Commission was the total abolition of discrimination based on sex, it was interested in the progress achieved by the Sub-Commission in the broader field of prevention of discrimination and the protection of minorities as it affected the status of women. She hoped that she would be given an opportunity, at an appropriate stage of the Sub-Commission's work, to express the views of the Commission on the Status Women.

ADOPTION OF THE AGENDA (E/CN.4/Sub.2/158)

Mr. HISCOCKS said that in recent years the time limits laid down in the second paragraph of rule 5 of the rules of procedure of the Economic and Social Council's functional commission had been repeatedly disregarded. Many members had arrived for the present session without having seen the most important documents and the situation was worse than ever. As the strong statements made on the subject in the past had had little or no effect, the matter deserved the formal attention of the Sub-Commission. He proposed the insertion of the following item between items 4 and 5 of the provisional agenda: "Application of the second paragraph of rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council to the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

Mr. AWAD agreed that there had been some serious delays in the transmission of documents but he did not think that the question should be discussed as a separate agenda item. The agenda of the Sub-Commission should be limited to questions within its competence, i.e. those dealing with the prevention of discrimination or the protection of minorities.

Mr. EMELIANOV said he fully shared Mr. Hiscock's concern, which was well-founded. However, the matter could be taken up as a procedural point. It need not be included as a special item of the agenda.

Mr. HALPERN observed that there could be no question about the application of rule 5 to the Sub-Committee and he thought that Mr. Hiscocks might wish to amend the wording of the proposed item to make it clear that compliance with, and not the application of, rule 5 was involved.

Mr. AMMOUN said that Mr. Hiscocks' point was the practical application of a de jure rule of procedure. Whether it deserved a special place on the agenda would depend on the seriousness of the action contemplated. If it amounted to the expression of a wish and did not involve sanctions against those responsible, there was no need for a separate agenda item.

Mr. AWAD thought that the question of delay in the transmission of documentation could be considered in connexion with the item under discussion "Adoption of the agenda" since it would be in order for members to consider whether the conditions for discussing the items on the agenda had been met. That would obviate the need for dealing with the matter formally as a separate item.

Mr. HISCOCKS emphasized his desire to have a formal discussion of the question. In all likelihood he would submit a draft resolution on the subject. In the wording he had proposed for the item he had not intended to use the word "application" in the legal sense indicated by Mr. Halpern. To make the matter perfectly clear, he would amend the wording in line with Mr. Ammoun's remarks to read "Application in practice of the second paragraph, etc."

Mr. ROY thought that it would be a mistake to have a separate agenda item for every new question members might wish to raise. He suggested the addition of an item entitled "Questions of general interest" as a substitute for Mr. Hiscocks' proposal. That would leave the door open for any new question a member might wish to raise.

Mr. AMMOUN agreed with the view that the Sub-Commission should confine its agenda to matters within its terms of reference. Any question about a delay in the transmission of a document could be raised in connexion with the consideration of the document in question.

Mr. HALPERN pointed out that rule 5 came under the section of the rules of procedure entitled "Agenda". He supported Mr. Awad's view that the substance of Mr. Hiscocks' point could be considered in connexion with the item under discussion.

Mr. HUMPHREY (Secretariat) felt that an explanation from the Secretariat might be useful. The bulk of the documentation for the present session had come from members of the Sub-Commission and the International Labour Office. In the latter case, the delay had been occasioned by the necessity of awaiting a decision by the Governing Body of the International Labour Organisation which met in November 1954. In all instances, the Secretariat had forwarded documents in original languages as they were received. Translations were completed as rapidly as priorities and the needs of the General Assembly session would permit. As to documents emanating from the Secretariat, they had been completed in time with the exception of the progress report under item 8 of the provisional agenda, the purpose of which was merely to inform the Sub-Commission that it had not been possible to submit a final version of the study in time for the present session.

The CHAIRMAN felt that the way in which the Sub-Commission considered the question raised by Mr. Hiscocks was not too important. If the majority favoured a separate item, that would be in order since there were other procedural items on the agenda. Alternatively, the question could be examined in the ways suggested by Mr. Awad and Mr. Roy.

Mr. Hiscocks' proposal was rejected by 5 votes to 3, with 2 abstentions.

The CHAIRMAN observed that the Sub-Commission was always free to discuss procedural matters without invoking a formal agenda item and, under rule 10, could add important substantive questions to its agenda at any time during the session.

Mr. ROY said that in view of the Chairman's statement he would not press for a vote on his suggestion.

The CHAIRMAN said that the formal adoption of the agenda would be deferred pending the submission and consideration of Mr. Hiscocks' draft resolution. Meanwhile, any other proposals concerning the agenda would be in order.

Mr. HALPERN proposed the insertion, immediately before item 7 of the provisional agenda, of an item entitled: "Methods to be adopted by the Sub-Commission in carrying out its future studies". A similar item had figured on the agenda of the Sub-Commission's sixth session but the proposals resulting from the discussion of that item had not been favourably received by higher bodies.

A discussion on future methods would not affect the studies already initiated, which were covered by provisional agenda items 5 and 6. It was imperative, however, that those future methods should be discussed before the Sub-Commission embarked on the specific subjects referred to in provisional agenda item 7.

Mr. EMELYANOV said that when a similar item had been placed on the agenda at the sixth session the subsequent discussion had yielded no positive results and no decision had been reached. By leaving the question in abeyance, the Sub-Commission had shown that the subject was not of primary importance. The present provisional agenda contained a number of concrete topics and methods could logically only be discussed when those topics were taken up. A general discussion on future "methods" would range over the whole somewhat ill-defined question of procedure and no useful purpose would be served.

Mr. AWAR supported the idea behind Mr. Halpern's proposal, especially in view of the Chairman's earlier statement regarding the fate which had befallen the Sub-Commission's earlier proposals. A general discussion on future methods would be perfectly proper, as many of those methods would be common to any task which the Sub-Commission might undertake.

Mr. HALPERN said that Mr. Emelyanov had apparently changed his views. As was recorded in paragraph 17 of the Rapporteur's report on the work of the Sub-Commission's sixth session (E/CN.4/703), Mr. Emelyanov had himself agreed to the word "methods" in the analogous agenda item. Moreover, the Sub-Commission had reached clear decisions on the subject. No final resolution had been adopted under that particular agenda item only because the Sub-Commission had agreed to start with a pilot study, by entrusting the subject of discrimination in the field of education to a special rapporteur. Furthermore, after considering agenda item 14 entitled "Further consideration of the future work of the Sub-Commission", the Sub-Commission had adopted the ill-fated resolution J (E/CN.4/703, paragraph 225). It was precisely because the Sub-Commission's recommendations had been rejected that it was now necessary to decide on future procedure.

Mr. ROY supported Mr. Halpern's suggestion. Although the methods applicable to provisional agenda items 5 and 6 had already been approved by the Commission on Human Rights and the Economic and Social Council, the procedure to be adopted in carrying out future projects still had to be agreed upon.

Mr. AMMOUN agreed that the problem was highly important, but felt that it could be discussed equally well not as a separate item but in the course of the debate on provisional agenda item 7.

Mr. AMMOUN drew attention to document E/CN.4/Sub.2/168 concerning the proposed conference of non-governmental organizations interested in the eradication of prejudice and discrimination. He wondered whether the topic would be discussed under any of the items on the provisional agenda.

Mr. HUMPHREY (Secretariat) said that the Secretary-General had been authorized by the Economic and Social Council to convene a conference of non-governmental organizations concerned with the eradication of discrimination. The conference would meet at Geneva on 31 March 1955. The Secretary-General had felt that no decision by the Sub-Commission was at present required and the question had consequently not been placed on the provisional agenda. Nevertheless, an informal exchange of views outside formal meetings of the Sub-Commission might be most useful. Moreover, the Economic and Social Council had requested the Commission on Human Rights, by operative paragraph 5 of its resolution 546 (XVIII), to direct the Sub-Commission to include in its subsequent report to the Commission its observations on the proceedings of the conference. Consequently, at some future stage the item would have to figure on the Sub-Commission's agenda in any event. For those reasons, it might be advisable if the Sub-Commission agreed to keep the matter in mind and to introduce the item under rule 10 of the rules of procedure if such a course seemed necessary.

Mr. AMMOUN agreed with that suggestion.

Mr. HALPERN hoped that the Sub-Commission would be given all available information on the proposed conference.

The meeting rose at 12.45 p.m.

Mr. HALPERN was aware that it was difficult to define the protection of minorities. Nevertheless the Special Rapporteur, while pointing out that difficulty in part II, section IV, of his report, had reproduced in part I, section II, the text of the definition of discrimination submitted by the Sub-Commission to the Commission on Human Rights at its second session (paragraph 6 of the report)(E/CN.4/Sub.2/163). That definition had been approved by the Sub-Commission and by the Commission on Human Rights.

He wondered whether UNESCO could not co-operate more effectively in the study of discriminatory measures in the field of education.

Mr. AWAD thought that Mr. Ammoun should be congratulated on the fact that UNESCO had earmarked \$10,000 of its modest budget for his projected study. The Special Rapporteur had stressed the practical aspect of the co-operation given by UNESCO. He had obtained the services of an assistant of grade P-1 and a secretary; without that staff, which would be increased in the future in accordance with the requirements of the study, he would have been unable to perform his task.

In the speaker's opinion the study of discriminatory measures in the field of education should include a description of discrimination, which became a reality when the universal right to education ceased to be recognized, as analysis of the causes of that state of affairs and an indication of the international measures required to eliminate it.

Miss BERNARDINO (Commission on the Status of Women) said that the Commission on the Status of Women had studied the question of discriminatory measures based on sex in the field of education. She thanked the Special Rapporteur for having included in his provisional report the resolutions on that subject adopted by the Commission on the Status of Women at several of its sessions. As the Secretary-General had observed in his memorandum (E/CN.4/Sub.2/169), since the publication of the interim report the Economic and Social Council had adopted, on 12 July 1954, at its eighteenth session, a resolution on educational opportunities for women recommended to the Council by the Commission on the Status of Women at its own eighth session.

(Miss Bernardino, Commission
on the Status of Women)

In her view her participation in the work of the Sub-Commission was tangible proof of the desire of both bodies to co-operate in order to avoid overlapping and to work more effectively. The two bodies were working towards the same end, i.e. the elimination of discriminatory measures based on sex in the field of education. The Commission on the Status of Women would welcome any resolution adopted by the Sub-Commission which would help to attain that end.

Mr. ROY asked that the Sub-Commission should not merely take note of the report but should undertake a general discussion of the substance of the matter.

The meeting rose at 5.20 p.m.