

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/SR.279
12 February 1960
ENGLISH
ORIGINAL: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION
OF MINORITIES

Twelfth Session

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTY-NINTH MEETING

Held at Headquarters, New York,
on Monday, 11 January 1960, at 11.30 a.m.

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PRESENT:

Acting Chairman,
later

Chairman:

Rapporteur:

Members:

Mr. INGLES	(Philippines)
Mr. SAARIO	(Finland)
Mr. ABDEL-GHANI	(United Arab Republic)
Mr. ABU RANNAT	(Sudan)
Mr. HISCOCKS	(United Kingdom of Great Britain and Northern Ireland)
Mr. JUVIGNY	(France)
Mr. KETRZYNSKI	(Poland)
Mr. KRISHNASWAMI	(India)
Mr. MATSCH	(Austria)
Mrs. MIRONOVA	(Union of Soviet Socialist Republics)
Mr. RODRIGUEZ FABREGAT	(Uruguay)
Mr. SCHAULSOHN	(Chile)

Observer from a Member State:

Mr. TEKOAH	Israel
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Observer from a non-Member State:

Mr. DANKWORT	Federal Republic of Germany
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Representatives of specialized agencies:

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

Representatives of non-governmental organizations:

<u>Category B:</u>	Mr. PERLZWEIG	World Jewish Congress
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Mr. BEER	International League for the Rights of Man
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Secretariat:

Mr. NARASIMHAN	Under-Secretary for Special Political Affairs
Mr. HUMPHREY	Director, Division of Human Rights
Mr. SCHWELB	Deputy Director, Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Commission

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ELECTION OF OFFICERS

Mr. HISCOCKS nominated Mr. Ingles as Chairman, Mr. Krishnaswami as Vice-Chairman and Mr. Saario as Rapporteur.

Mrs. MIRONOVA and Mr. ABDEL-GHANI seconded the nomination.

Mr. Ingles was elected Chairman, Mr. Krishnaswami Vice-Chairman, and Mr. Saario Rapporteur.

ADOPTION OF THE AGENDA (E/CN.4/Sub.2/199/Rev.1)

Mr. PERLZWEIG (World Jewish Congress), speaking at the invitation of the Chairman, drew the attention of the members of the Sub-Commission to the topical importance of item 11 of the provisional agenda: "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". The question, which had been on the Sub-Commission's agenda for several years, had never been considered owing to lack of time. To include it again as item 11 would be tantamount to precluding its discussion. Yet, at the eleventh session, the Chairman, Mr. Awad, supported by Mr. Fomin, had stressed the necessity for its consideration by a United Nations body.

That appeal was particularly pertinent at a time when outbursts of racial hostility were occurring simultaneously throughout the world. Given the gravity of the situation, it was the duty of the Sub-Commission not only to pass judgement, but to act, in particular, by making a study of the question of incitement to hatred or violence, and by deciding what measures should be taken to bring it to an end.

Since the question dealt with in item 11 of the provisional agenda was of exceptional urgency at the present juncture, he suggested that the Sub-Commission should rearrange its work with a view to placing it among the first items for discussion.

He further emphasized that the proposal made by the International League for the Rights of Man was not aimed at restricting freedom of expression; rather, it was a plea to the Sub-Commission to undertake a detailed study of the question of incitement to hatred or violence. Such a study would serve a dual purpose: to enlighten public opinion and to indicate the action Governments should take to deal with a particularly serious problem.

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Mr. BEER (International League for the Rights of Man), speaking at the invitation of the Chairman, recalled the statement submitted to the Sub-Commission by the non-governmental organization which he represented (E/CN.4/Sub.2/NGO/12). He supported the suggestion of the representative of the World Jewish Congress. He considered that in view of the strong reaction of public opinion to recent occurrences and the seriousness of the situation, the question contained in item 11 of the agenda should be given high priority.

Mr. MATSCH, supported by Mr. HISCOCKS, proposed that the Sub-Commission should take up item 10 of its provisional agenda: "Future work of the Sub-Commission, including the question of undertaking any new studies, the question of the priority to be given any such studies, and the question of control and limitation of documentation" as the last item before the adoption of its report (item 13).

Mr. ABDEL-GHANI said there appeared to be some contradiction between the question of undertaking new studies and that of control and limitation of documentation.

Mr. HUMPHREY (Secretariat) pointed out that, for some years, the question of control and limitation of documentation had been included in the Sub-Commission's agenda as a matter of routine, at the request of the General Assembly and the Economic and Social Council.

The proposal to place item 10 of the provisional agenda after item 12 was adopted unanimously.

Mr. HISCOCKS pointed out that item 11 had in the past been the subject of considerable controversy within the Sub-Commission and that in his remarks on the subject Mr. Perlzweig had not reflected the different points of view held by members. Mr. Hiscocks saw no objection to granting the item some measure of priority, but said he could not agree to considering it before items 5, 6 and 7, which dealt with three main studies being carried out by the Sub-Commission. Those were matters in which the whole machinery of the United Nations had gone into action and information had been requested from Member Governments.

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Mr. KETRZYNSKI, supported by Mrs. MIRONOVA and Mr. RODRIGUEZ FABREGAT, proposed that, in view of its importance, the question in item 11 of the provisional agenda should be considered immediately after the principal studies made by the Sub-Commission, that is, following item 7.

Mr. SCHAULSOHN supported Mr. Ketrzynski's proposal to give preferential treatment to item 11. If the item remained where it stood, the Sub-Commission might not have enough time to give adequate consideration to a situation which was evoking a strong reaction among the peoples of the whole world. He accordingly proposed that item 11 should be considered immediately after item 6.

Mr. JUVIGNY said he had no definite views on the priority to be given to the question. He agreed with Mr. Hiscocks regarding the need for early action on the studies undertaken by the Sub-Commission, but the Sub-Commission could not turn a deaf ear to the appeal of the representatives of the International League for the Rights of Man and the World Jewish Congress, nor to the circumstances by which it had been prompted. Owing to the established procedure, it would be impossible for the Sub-Commission to undertake a detailed study of the whole of item 11 at the current session. He therefore suggested that document E/CN.4/Sub.2/NGO/12 should be taken up in conjunction with item 9 of the provisional agenda, since the work of the various non-governmental organizations was in fact one of the best means of putting an end to incitement to hatred or violence.

Mr. SAARIO supported that suggestion.

Mr. ABDEL-GHANI observed that document E/CN.4/Sub.2/NGO/12 need not necessarily be examined in connexion with item 11 of the provisional agenda, but could equally well be considered in connexion with items 5 and 6; the Sub-Commission would have to decide whether to discuss it in relation to a particular item of its provisional agenda or to make it a separate item of its final agenda.

Mr. BEER (International League for the Rights of Man) said that since the statement submitted by his organization referred to a specific question arising from the present situation, it would prefer that the statement should be included as a separate item of the agenda and that it should be considered as soon as possible.

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After an exchange of views between the CHAIRMAN, Mr. RODRIGUEZ FABREGAT and Mr. HISCOCKS, Mr. KETRZYNSKI withdrew his proposal and agreed to support that made by Mr. Schaulsohn.

In reply to questions put by Mr. HISCOCKS and Mr. RODRIGUEZ FABREGAT, Mr. JUVIGNY explained that his suggestion was not that item 11 should be placed after item 9, but that document E/CN.4/Sub.2/NGO/12 should be considered in connexion with item 9 rather than items 5, 6 or 11, as proposed in the document itself. He would not press his suggestion if it would complicate the Sub-Commission's work.

Mr. ABDEL-GHANI considered that on the contrary it would facilitate matters and therefore supported it. He asked that a vote should first be taken on that suggestion and then on the position of item 11 in the agenda.

Mr. KETRZYNSKI did not think the Sub-Commission should take a decision which would restrict the freedom of its members to discuss any question which interested them. He moved that the debate on the question of the priority to be given to item 11, which was the only question being considered for the time being, should be closed and that the debate on the items with which the consideration of specific problems should be linked should be postponed.

Mr. SCHAULSOHN agreed and asked that a vote be taken on his proposal that item 11 should be placed immediately after item 6.

Mr. BEER (International League for the Rights of Man) repeated that the organization he represented would prefer its statement (E/CN.4/Sub.2/NGO/12) to form a separate item of the agenda, but was willing to agree that it should be considered in connexion with item 11. He failed to see, however, how it could be considered in connexion with item 9; the statement dealt with matters entirely unconnected with the questions of procedure considered by the Conference of Non-Governmental Organizations. The movements it denounced constituted an incitement to hatred and violence and should be debated against the proper background if public opinion was to be enlightened on the subject.

Mr. ABDEL-GHANI pointed that documents were available to the Sub-Commission for almost every item of the agenda but that no document was mentioned in connexion with item 11 of the provisional agenda (E/CN.4/Sub.2/199/Rev.1).

The CHAIRMAN pointed out that the documents were shown in paragraph 6 of document E/CN.4/Sub.2/199.

Mr. ABDEL-GHANI observed that there might be others; if so, the Sub-Commission should be informed, since the adoption of the agenda concerned not only the examination of the items themselves but also that of the relevant documents.

Mr. KRISHNASWAMI felt that the communication from the International League for the Rights of Man could be examined in connexion with any item of the agenda, and not only with item 11, since the Sub-Commission could examine any document in connexion with any item to which it related. Since the communication from the International League for the Rights of Man referred to various items of the agenda, there was no reason for restricting its examination to the debate on item 11. The question was in any event quite different from that of the priority to be given to item 11, on which the Sub-Commission was now called upon to decide.

Mr. RODRIGUEZ FABREGAT and Mr. SCHAULSOHN agreed with that view.

Mr. ABU RANNAT expressed the opinion that items 5 and 6 were linked to a certain extent with item 11 and that the communication from the International League for the Rights of Man could be examined in connexion with any of those items, or even with item 9. In his opinion, however, that question had no bearing on the place item 11 should occupy on the agenda.

Mr. ABDEL-GHANI agreed that the members of the Sub-Commission could refer to any document in connexion with any item of the agenda. Nevertheless, the Sub-Commission had to adopt an agenda which contained references to a certain number of documents. Only the communication from the League for the Rights of Man (E/CN.4/Sub.2/NGO/12) was not mentioned anywhere, so that there was no means of knowing in what connexion or when it would be examined. The debate on so important a document should not be extemporaneous.

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Mr. JUVIGNY explained that when he had suggested that the communication from the International League for the Rights of Man should be discussed in connexion with item 9, he had not meant to imply that, in his opinion, the questions raised in that communication were of an administrative or technical nature; on the contrary, he had intended to stress the important and symbolic role played by the non-governmental organizations. In any event, since the Sub-Commission was discussing the position of item 11 on the agenda, he withdrew his suggestion in order to simplify the procedure.

The proposal that item 11 of the agenda should be placed immediately after item 6 was adopted by 6 votes to 1, with 5 abstentions.

The agenda, as amended, was adopted.

INVITATION TO THE COMMISSION ON THE STATUS OF WOMEN

The CHAIRMAN proposed that a representative of the Commission on the Status of Women should, as in previous years, be invited to attend the meetings of the Sub-Commission.

It was so decided.

The meeting rose at 1.25 p.m.