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COMMISSION ON HUMAN RIGHTS

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

Eighth Session

SUMMARY RECORD OF THE HUNDRED AND EIGHTY-FIRST MEETING

Held at Headquarters, New York,  
on Tuesday, 10 January 1956, at 10.50 a.m.

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the Special Rapporteur (E/CN.4/Sub.2/L.92 and Add.1-27, L.93,  
L.94) (continued)

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. CHATENET	(France)
	Mr. CZARKOWSKI	(Poland)
	Mr. FOMIN	(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. ROY	(Haiti)
	Mr. SANTA CRUZ	(Chile)
<u>Also present:</u>	Miss BERNARDINO	Commission on the Status of Women

Representatives of specialized agencies:

Mr. SEIERSEN	International Labour Organisation
Mr. MAHEU	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category A:</u>	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. LISKOFKY	Consultative Council of Jewish Organizations
Miss KRIJNEN	Fraternal Union among Races and People
Mr. MANUIIA	International Association of Penal Law
Miss ROBB	International Federation of University Women
Mrs. MEDLOCK	International Federation of Women Lawyers
Mrs. POTTER Mrs. ROITBURK	International League for the Rights of Man
Mrs. WALSER	Women's International League for Peace and Freedom
Mr. JACOBY	World Jewish Congress
Mrs. POLSTEIN	World Union for Progressive Judaism
Mrs. ZIZZAMIA	World Union of Catholic Women's Organizations
<u>Secretariat:</u>	
Mr. HUMPHREY	Director, Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Commission

STUDY OF DISCRIMINATION IN EDUCATION: DRAFT REPORT DRAWN UP BY THE SPECIAL RAPPORTEUR (E/CN.4/Sub.2/L.92 and Add.1-27, L.93, L.94) (continued)

Paragraph 9 (continued)

The CHAIRMAN drew attention to the statement made by the representative of the Secretary-General at the 179th meeting of the Sub-Commission (E/CN.4/Sub.2/L.94).

The statement raised a question of procedure; the Sub-Commission could leave action on that matter to the discretion of the Special Rapporteur.

Mr. FOMIN considered that the solution the Chairman suggested would constitute discrimination against the Central People's Government of the People's Republic of China. The same procedure should be followed for that Government as for other Governments. He would not make a formal proposal in that connexion but asked that his statement should be included in the summary record.

Mr. KRISHNASWAMI expressed satisfaction at the statement made by the representative of the Secretary-General, which would enable the Special Rapporteur to obtain the desired information and the Sub-Commission to make its study truly global in scope.

Mr. HALPERN recalled that in resolution B, adopted at its sixth session, the Sub-Commission had recommended to the Commission on Human Rights that it should authorize the Secretary-General to forward to the Governments concerned all requests for information or for comments by the Rapporteur. The Commission on Human Rights had acted in accordance with this recommendation. The Secretary-General had rightly interpreted that resolution as not authorizing the transmission of any communication with respect to any part of the territory of China to any one other than the Government of China, which represented the whole of that country in the United Nations. Not only had he correctly declined to transmit the communication in the first instance, but he had reiterated that position in the statement made in his name at the 178th meeting and had stated that, in conformity with established practice, he had sent a communication to the Government which represented China in the United Nations.

The Secretary-General had changed his position in the statement made in his name at the 179th meeting. The Sub-Commission should not accept the responsibility for establishing contact with the People's Republic of China. The Special

(Mr. Halpern)

Rapporteur should not take any such action until a higher organ of the United Nations had taken a decision on the matter. It was a political question which was outside the competence of the Sub-Commission.

Mr. INGLES saw no objection to the procedure suggested by the Chairman, which was to leave the matter to the discretion of the Special Rapporteur. If the Sub-Commission did not wish to adopt that procedure it should address a request for clarification not to the Secretary-General but to the higher organs of the United Nations, since it was their decision that had prevented the Secretary-General from requesting information from the Government of the People's Republic of China. The situation had unquestionably become more complicated since the statement made by the Secretary-General's representative at the 179th meeting, but he believed that the Special Rapporteur should not ignore the decisions of higher bodies which had precluded the Secretary-General from himself sending an inquiry addressed to the Government of the People's Republic of China.

Mr. SANTA CRUZ said that one of the reasons why the Sub-Commission's study should cover as many countries as possible was that it was necessary to avoid giving the public the impression that the situation in countries not covered in the study was better than in those which had felt it their duty to furnish information.

The Sub-Commission's instructions to the Special Rapporteur gave him considerable latitude in the collection of material.

The Secretary-General had at first considered that because of his office it would not be possible for him to address a communication to the Government of the People's Republic of China. He had subsequently adopted a somewhat different attitude. However that might be, the Sub-Commission had no political powers and was not competent to give instructions on that subject to the Secretary-General or to criticize him. The Sub-Commission was a purely technical body.

He was confident that the Special Rapporteur could judge whether there was any need to ask a political body for instructions and he gave his unqualified support to the proposal that had been made to that effect.

The CHAIRMAN noted that with regard to paragraph 9 of the draft report the Sub-Commission: (1) took note of the statement of the representative of the Secretary-General (E/CN.4/Sub.2/L.94); (2) left the question of obtaining information on the People's Republic of China to the discretion of the Special Rapporteur.

Paragraphs 17 to 21 (continued)

Mr. FOMIN was surprised that the list of countries from which the Special Rapporteur had received information, given in paragraph 19, did not include North Korea, Mongolia or North Viet-Nam. There were two Viet-Nams which were recognized by international treaties. There were other countries missing from the list, too. The Special Rapporteur could profit by the example of UNESCO, which had recently conducted a survey covering 107 countries, and could try to compile a report covering all the countries and territories in the world.

Mr. HALPERN noted that the lists of States in paragraphs 17 and 19 included the German Democratic Republic, despite the fact that it had no international status and had been recognized only by a half dozen countries. It was not a State, and he suggested that, to avoid political controversy, the words "non-member States" should be replaced by the word "non-members".

Mr. FOMIN pointed out that in its resolution B the Sub-Commission had not distinguished between recognized and unrecognized Governments. The resolution merely stated that the report was to be "undertaken on a global basis...". Mr. Halpern had voted in favour of that text. It was perfectly obvious that the German Democratic Republic was a sovereign State. The Sub-Commission was not an appropriate forum for the discussion of such questions; in any case, however, the recognition or non-recognition of a given State by the United States of America could not serve as a criterion in deciding whether or not that State was sovereign.

Paragraphs 94-105

Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization), after giving a brief sketch of UNESCO's activity in the field of race relations, mentioned one of the conclusions reached in the course of that

(Mr. Maheu, UNESCO)

work and confirmed by current observation, namely, that in race relations governmental measures, whether legislative or administrative, could only deal with the matter up to a certain point and could not control the habits and the spontaneous attitude of the groups which formed society. He asked that the report should devote more attention to the spontaneous reactions of the members of society in their relationship with one another - in other words, to customs, which had an immediate bearing on discriminatory measures in education, both private and public.

Mr. HALPERN recalled that, during the general discussion, he had referred to the misleading impression created by paragraph 94 when it was taken out of context as it had been by a preceding speaker in the general debate. Paragraph 94, in so far as it related to the United States, was separated by thirty paragraphs from paragraph 124, which accurately stated the situation in the United States. Paragraph 94 was apparently designed merely to introduce the discussion of the situation with regard to racial discrimination in education in various countries and territories. He therefore suggested that any conclusions in section 94 should be eliminated and that the paragraph should simply read "In this section of the report, the following countries will be considered" and list the countries and territories. The true situation as to each country or territory would then be stated as each country was taken up.

Mr. FOMIN did not think that a discerning reader could be confused. The report should contain a paragraph summing up the situation and he asked that paragraph 94 should be retained.

Mr. AMMOUN said that he did not attach any particular importance to the present wording of paragraph 94; he was willing to consider any other drafting of that paragraph which would satisfy Mr. Halpern.

Mr. SANTA CRUZ recalled that the third report of the United Nations Commission on the Racial Situation in the Union of South Africa contained a detailed statement of problems relating to education in that country, particularly those arising from the application of the legislation concerning the education of Bantus, before the introduction of Act No. 47 of 1953, amended by Act No. 44 of 1954, and since the enactment of that legislation. The report contained also the

(Mr. Santa Cruz)

text of the 1954 Act and dealt with the reactions of South African opinion to the implementation of that Act. The Special Rapporteur, who had referred to that legislation in his report, could perhaps in any revision of the report make more use of the third report of the Commission set up by the United Nations to study the racial situation in the Union of South Africa.

Mr. AMMOUN thanked Mr. Santa Cruz for his suggestion. He took the opportunity to thank the Commission over which Mr. Santa Cruz had presided for the valuable material it had collected, on which he himself had largely drawn before the publication of the third report. He asked the Sub-Commission to authorize him to make more extensive use of that mine of information when revising his report.

Paragraphs 106 to 123

Mr. HISCOCKS wished to comment on two statements made by Mr. Fomin regarding education in British territories. The first related to some of the information concerning Kenya included in the report. The second table of figures in paragraph 118 concerned, not the cost of education, as Mr. Fomin had stated, but fees for tuition and boarding. The table showed that the fees paid by Africans varied from 1 shilling in primary schools to 200 in secondary boarding schools. The authorities were doing their utmost to keep the figure for Africans as low as possible, and members of the Sub-Commission would agree that 15 cents per annum was a very low figure.

Mr. Fomin had also stated that education in British Colonies had "not been subject to change over the past decades". That statement was inaccurate. Mr. Hiscocks pointed out that in Nigeria the number of schools had risen from 336 in 1920/1921 to 9,000 in 1953, and that during the same period the number of children attending school had risen from about 45,000 to 1 million, while expenditure had increased tenfold between 1939 and 1951. In the Gold Coast the number of children attending school had risen from 35,000 to 370,000. In Tanganyika expenditure on education had risen from £18,000 in 1925 to £3,221,119 in 1954. In Jamaica the number of children attending school had doubled between 1942 and 1952, while in Malaya the number had increased from 137,000 in 1946 to 349,000 in 1954.



(Mr. Hiscocks)

He shared Mr. Fomin's satisfaction at the rapid progress of education in the USSR. He did not think he had any right to express more than a wish that Mr. Fomin would take an equally positive and constructive attitude to educational development in United Kingdom territories but he was entitled to expect that Mr. Fomin would not again make such a sweepingly critical statement about conditions in United Kingdom territories without being quite sure of his facts.

He was not quite happy at the Special Rapporteur's statement in paragraph 117 of his report that the Sub-Commission shared the United Kingdom Government's conclusions concerning the ideal of equality to be attained but that it could not accept all the arguments advanced. The inclusion of such an observation seemed to him out of place in a report which neither reproduced nor refuted the arguments in question. He thought it would be better to say that the Sub-Commission shared the United Kingdom Government's conclusions concerning the ideal of equality to be attained without, however, necessarily accepting all the arguments advanced.

Mr. FOMIN observed that in quoting the figures of expenditure by the colonial Powers on education in the countries and territories under their administration, Mr. Hiscocks had been careful not to mention the colossal profits they derived from the exploitation of the resources of those Territories. There was abundant United Nations documentation to prove the existence of discriminatory measures in the Trust Territories and colonies and the fact that, in many cases, education in those territories was unsatisfactory. It would be easy to calculate the great discrepancy which existed between the amount spent on education for Europeans and that spent on the education of Africans. He did not, however, wish to engage in arguments which would divert the Sub-Commission's attention from its purpose of promoting the rapid development of education in the whole world and the elimination of discriminatory measures in the field of education, including discriminatory measures in Trust and Non-Self-Governing Territories. He was ready to support any recommendation which would effectively combat racial discrimination in education.

Mr. HISCOCKS paid a tribute to the Special Rapporteur for having quoted long passages from the memorandum on Kenya prepared by the United Kingdom Government for the study and for having stressed, in paragraph 121, the increase in expenditure for education for Africans during the period 1946 to 1952. The amount expended had increased from £149,000 in 1946 to £322,000 in 1952. Perhaps those figures could be included in the revised report to avoid the kind of misunderstanding that had arisen.

Mr. AMMOUN said he would be glad to accede to Mr. Hiscocks' request if the figures he had mentioned appeared in the United Kingdom Government's memorandum.

He explained that the statement in paragraph 117 that the Sub-Commission shared the United Kingdom Government's conclusions concerning the ideal of equality to be attained but that it could not, however, accept all the arguments advanced did not mean so much that he rejected those arguments as that in his opinion the Sub-Commission was more interested in the conclusions.

Mr. AWAD pointed out that Kenya had made little progress for several decades, unlike the Gold Coast, which owed its privileged position to cocoa cultivation and where the progress of education had followed the development of the Territory's resources. The slow progress of education in Kenya was attributable to the absence of economic development and to a relatively low level of living. The educational situation varied in the different Territories. For example, there was no serious problem in the Trust Territory of Tanganyika or in the Congo. Those differences, and the precise nature of the various problems, should be borne in mind in formulating recommendations and suggesting measures to be taken to eliminate discrimination in education in the various countries and Territories.

It was unfortunate that the Special Rapporteur had not given more information about the kind of education given to indigenous inhabitants in the Belgian Congo, the largest of the African Territories which was a political unit. The report should deal with the educational system and its development in terms of the future evolution and political progress of the Territory. An educational policy had been formulated for the Territory and the Special Rapporteur should describe it in detail in the revised report.

Mr. INGLES observed that according to information from Belgian sources the mission schools played a greater part than the State schools in educating the indigencus inhabitants. It would be interesting to know who was responsible for education; it was arguable that to entrust it wholly or partly to the missions was a discriminatory measure. The existence of such private schools explained why public expenditure on education was relatively small, but the Sub-Commission should not confine itself to examining the education given by the State but should try to ascertain whether private schools tended to encourage discrimination in a Territory like the Belgian Congo. The Special Rapporteur could perhaps study that question when revising his report.

Paragraphs 124 to 138

Mr. HALPERN said that, since he had already dealt with the substance of the question of education in the United States during the general debate, he would confine himself to a few remarks on the distribution of material. Paragraphs 136 to 138 related to American Indians and Orientals. Although he did not want to raise any objection as to the content of these paragraphs, he observed that the Indians did not give rise to any general problem and that any discussion with regard to them should be placed in the country report rather than the general report. Such a discussion with regard to Orientals was pointless, following the decision taken by the United States Supreme Court in May 1954.

With regard to discrimination against Negro students, he stressed that the stage at which there had been inequality of tangible factors for the white and coloured population had now been passed. The United States had now reached the final stage of integration. Moreover, the progress achieved was even greater than appeared from the report. However, he would not take the time of the Sub-Commission to present additional data but would submit such information to the Special Rapporteur. He drew the Sub-Commission's attention to the fact that information which might be interpreted in a manner unfavourable to the United States had been provided by the United States Government itself. He hoped that that example would be followed.

Mr. FOMIN said that he supported the Special Rapporteur but nevertheless wondered whether he was not unduly optimistic, especially in view of recent

(Mr. Fcmin)

developments with regard to school questions in certain States of the United States. He said that he had some difficulty in following Mr. Halpern's distinction between segregation and discrimination.

Mr. AMMCUN, Special Rapporteur, pointed out that the resolution adopted by the Sub-Commission called upon it to emphasize the positive aspects of the situation with regard to discrimination and the progress achieved. In cases where the good will of the authorities was obvious, he had therefore laid stress on results already obtained.

Mr. KRISHNASWAMI asked Mr. Halpern to explain the difference between segregation and discrimination.

Mr. HALPERN recalled a statement he had made during the general debate. Segregation was undoubtedly one form of discrimination, but the problem should be placed in its proper perspective. With regard to the education given to the coloured population of the United States, the first phase consisted in bringing about material equality, for example in buildings, teaching staff and salaries; the second phase, that of integration, consisted in eliminating what Chief Justice Warren of the United States Supreme Court had called "psychological inferiority". The United States hoped that that end would be achieved in the near future. In any case, he had not meant to imply that segregation was not discriminatory.

Mr. FOMIN said that he would like to have some further explanations. Segregation was often connected with other aspects of discrimination. It often led to differences in the quality of the education given to children of different races. He did not want to single out the United States, although such things could often be found in that country. In any case, he could not accept the theory that segregation was not a form of discrimination, since that was a question of principle.

The CHAIRMAN reminded Mr. Fomin that Mr. Halpern did not represent the United States of America, but was present in his capacity of expert.

Mr. FOMIN considered that experts retained nationality of the country by which they had been appointed and said that he could not accept a sophistry which might have undesirable consequences.

Mr. SANTA CRUZ welcomed the explanations that had been given. In South Africa, segregation was often justified by stating that it was not discriminatory, but the United States Supreme Court had rightly affirmed that "separate educational establishments cannot be equal".

Mr. KRISHNASWAMI thanked Mr. Halpern for his explanations and agreed with Mr. Santa Cruz that the distinction made in South Africa between segregation and discrimination was fallacious and that the two concepts were interchangeable.

The CHAIRMAN pointed out that the relationship between the concepts of segregation and discrimination was more complex than might appear from the debate. A consideration of the chapter of the report concerning national and linguistic minorities showed that in some cases segregation might be practised in the interests of a minority. The two types of segregation could be distinguished by the presence or absence of coercion. If the separation of groups was imposed by the Government, there was discrimination; when it was carried out in the interests of a minority, and if the minority retained freedom of choice, there was no discrimination.

Paragraphs 124 to 138

No comment.

Paragraphs 139 to 148

Miss BERNARDINO (Commission on the Status of Women) thanked the Special Rapporteur, on behalf of the Commission on the Status of Women, for having dealt in his report with the question of discrimination based on race, a very important matter with which the Commission had been concerned for years. The resolutions that it had adopted were vitally important, since there was no denying that in certain parts of the world social prejudices and unjustified discrimination on grounds of sex still existed. A woman or a girl did not enjoy the same access to education as did a man or a boy. The Commission on the Status of Women would be glad if the Sub-Commission would, in accordance with the Special Rapporteur's suggestion, transmit to it the section of its report relating to discrimination based on sex. It would be desirable for the Commission

(Miss Bernardino)

to be able to consider the matter at its tenth session, which would begin at Geneva on 12 March. She was sure that it would be able to draft a more comprehensive and accurate report by using some of the information in Mr. Ammoun's report.

Mr. AWAD criticized the passage concerning matriarchy from a memorandum by the Secretary-General, quoted in paragraph 139 of the report. As was evident from the periods when queens had occupied the thrones of England, the Netherlands and Egypt, matriarchy did not necessarily function to the detriment of men.

In Egypt, great progress had been made in the struggle against discrimination based on sex in the field of education. From 1923, the date of the proclamation of Egyptian independence, to 1933, education had been supervised by a British expert, who had apparently paid little attention to the education of girls. The Egyptian Government had since made considerable efforts, but women's education was still somewhat backward. Co-education was widespread in Egypt. Women teachers were becoming increasingly numerous in elementary schools. Moreover, when young women had begun to attend the university, the State had discriminated in their favour by exempting them from entrance fees. Later, when the balance had been restored, that measure had been repealed. For some time the curriculum for girls had included special subjects; in fact secondary education had lasted seven years for girls as against six years for boys. That system had been abandoned in 1950 and the curricula were now the same for girls and boys.

Mr. SANTA CRUZ thought that Miss Bernardino's statement was highly important and that the Sub-Commission should be able to benefit by the work of the Commission on the Status of Women. It should therefore approve the suggestion in paragraph 483 of Mr. Ammoun's report. Even if the Sub-Commission did not conclude the examination of the report at its current session, it should submit it to the Commission before the date mentioned by Miss Bernardino.

Mr. HISCOCKS supported Miss Bernardino's proposal, but felt that Mr. Ammoun's report would be more balanced and self-contained if the section on discrimination based on sex were expanded. It would be a pity for the Sub-Commission to give the impression that it attached only secondary importance

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to discrimination based on sex. With reference to paragraph 140, he pointed out that women now played an important part in the political life of India and Pakistan; a more detailed study should be made of the historical and religious considerations which still limited their access to education.

Mr. FOMIN also considered that problem to be very important. It should be borne in mind, however, that the Sub-Commission was the only competent body dealing with most types of discrimination, whereas a body set up for the purpose, the Commission on the Status of Women, dealt with discrimination based on sex. It would therefore be wise to follow Mr. Santa Cruz' advice and to communicate the report to the Commission on the Status of Women without pursuing the debate any further for the time being.

The CHAIRMAN noted that the members of the Sub-Commission agreed that the report should be transmitted to the Commission on the Status of Women, but suggested that the matter should not be decided before the consideration of part III of the Special Rapporteur's report.

It was so decided.

Mr. AMMOUN was surprised at the criticism that had been made. He had wished to avoid overlapping and for that reason had devoted only a few pages to discrimination based on sex, thus leaving it to the Commission on the Status of Women to carry out a more thorough study.

The meeting rose at 1.5 p.m.