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## COMMISSION ON HUMAN RIGHTS

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### ELIMINATION OF RACIAL DISCRIMINATION

#### Note by the Secretary-General

1. The Economic and Social Council in its resolution 1588 (L) of 21 May 1971 invited the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) to provide the Commission on Human Rights with reports on the nature and effect of any racial discrimination, especially in southern Africa, of whose existence they had knowledge in their sphere of competence.
2. The General Assembly, in resolution 2785 (XXVI) of 6 December 1971, endorsed the invitation of the Council and requested that such reports be submitted annually.
3. The first (E/CN.4/1090/Add.1), second (E/CN.4/1110) and third (E/CN.4/1140 and Add.1) annual reports of the ILO and UNESCO on this subject were presented to the Commission on Human Rights at its twenty-eighth, twenty-ninth and thirtieth sessions, respectively.
4. The Secretary-General has the honour to transmit to the Commission on Human Rights in the present document the fourth annual report of the United Nations Educational, Scientific and Cultural Organization. The report of the International Labour Organisation will be circulated as an addendum to this note.

ANNUAL REPORT BY UNESCO ON RACIAL DISCRIMINATION, SUBMITTED IN  
ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1588 (L)  
AND GENERAL ASSEMBLY RESOLUTION 2785 (XXVI)

(Racial Discrimination in the Political, Economic,  
Social and Cultural spheres)

1. General remarks

In most countries racial discrimination is not upheld either by law or by entrenched clauses in the constitution. The constitutions of many countries specifically guaranteed equality of opportunity to all citizens and some countries have passed specific legislation making it an offence to discriminate against individuals on the grounds of race or of religion. In spite of this, however, racial discrimination may continue as de facto discrimination whatever the official policy of the state. The cumulative effect of discrimination prior to laws, the effect of poverty and in particular urban poverty, the pattern of local housing may affect adversely the participation in, rather than theoretical access to, political, economic, social and cultural institutions. Moreover the social structure may be tilted in favour of dominant groups or the dominant social strata within these groups.

It should be noted that it is often difficult even for specialists to decide whether or not inequality of minority rights constitutes "racial" discrimination, or whether it does not. In a situation where the group discriminated against is also visible because of distinct physical characteristics such as skin colour, racial discrimination is easily defined. But there are many situations of a quasi-racial nature where discrimination may exist and may limit the participation of a particular ethnic group or minority in political, economic, social or cultural spheres. In addition to this most countries give forms of preferential treatment to citizens. The definition of citizenship therefore may in fact, and may be intended to, give unequal rights to certain groups classified as "aliens" or holding limited citizenship.

In most countries political rights for citizens operate without legal clauses prohibiting the participation of categories of citizens. However political rights may depend on methods of voter registration, the way electoral boundaries are drawn, the identification of political issues, the knowledge of alternative lines of action, the way in which political parties function. Minority groups may therefore be at a disadvantage while legally equal.

In the economic spheres there may be a variety of constraints which operate against the equal participation of minority or racial groups. Land tenure acts may emphasise individual ownership where collective ownership is the traditional form of land holding. There may be little understanding among some minority groups of their rights in relation to the discovery of mineral or forest wealth. There may be inadequate legal protection against profiteers operating far from main towns. Legal measures to consolidate small landholdings, while defensible in broad economic terms, may operate against a particular group forcing them into the lower rungs of the economic system, into paid agricultural labour, or into marginality in big cities. Access to particular jobs in industry may depend on skills which in turn depend on a particular type of education which is less available for minority groups than for others. The structure of industry may demand a category of workers, largely separate from the majority of workers. Promotion may depend on informal contacts or on social behaviour outside the comprehension of certain groups. Last hired first fired, may,

in an economic crisis, operate against minority groups who have recently entered a particular type of industry. Moreover, selection mechanisms might ensure that certain groups remain concentrated in certain economic sectors e.g. middle level commerce, petty trade, or low paid industrial labour.

Overt social discrimination is approved of in a relatively limited number of countries. Rather social discrimination is likely to follow de facto economic discrimination or discrimination in education or in culture. Status may be defined in ways which usually include wealth and culture. Sport, social clubs, etc. may maintain exclusivity by clauses which are not in themselves racially discriminating but which in fact limit the possibility of participation for certain minority groups. Even where there are no barriers to membership, class, lifestyle, the siting of buildings may in effect produce racially exclusive social activities. Social sanctions and not legal sanctions may affect intermarriage or participation in certain social activities.

Racial discrimination is particularly difficult to define in the cultural spheres. Access to certain cultural activities e.g. cinema, sport, opera can to some extent be made possible, although as in the case of social activities, access to, need not guarantee participation in. However "culture" may be defined in differing ways by differing sections of the population and by various racial or ethnic groups. The culture to which "access" is permitted may be the majority culture or the culture of a particular stratum within the dominant group. Less value may be placed on other cultures or they may be actively suppressed as a threat to the integration presumed necessary for the maintenance of a nation state. Certainly some separatist movements based on culture or language or religion may threaten the state. Certainly some aspects of a particular culture may in a few cases limit the access of a particular group to the technological education necessary in the present age. Certainly the maintenance of a diverse number of languages at the same level of opportunity for use and expression may be beyond the economic resources of some member states. But over and beyond this, much diversity of culture can be maintained within the same country.

Discrimination in culture may however not mean forced cultural "integration". It can also mean the opposite; forced cultural isolation. A group may be forced to maintain its so called "traditional" culture, and in doing so be cut off from important aspects of the political, economic and social life of the wider society.

This points to the difficulty of a clear universal formula as to what in fact constitutes racial discrimination in the cultural spheres. We have refrained in this first part of our submission from naming particular member states. We feel that, rather than a selectivity which may be considered unfair, it would be wiser simply to indicate some problems shared by a wide number of countries.

The Department of Social Sciences has, for the past few years, sponsored a series of studies aimed at analysing how major institutions within a given society may work to the disadvantage of some racial and ethnic groups. Our series of studies on newspapers in multi-racial or in multi-ethnic societies have been undertaken with this in mind. In the introduction to the first published project: "Race in News", the writer James D. Halloran of Leicester University, United Kingdom, sums up the "problem" that we have faced in doing these studies:

"Clearly there is no simple answer. There is no simple answer because we are not dealing with a simple problem. We are dealing with prejudice which serves both individual and social functions; and we are dealing with the mass media which are social institutions in our society and which also have their social functions. Neither prejudice nor the media can be adequately studied in isolation..."

The series of studies on Trends in Ethnic Group Relations so far carried out in two African countries, in selected countries in Latin America and the Caribbean, and recently started for the Asian region, has questioned in many ways some of the assumptions usually made about race and about what constitutes discrimination. Our aim in these studies is to test current theories of group relations by calling upon researchers to analyse the trends of group contact, conflict or accommodation in their own societies relating this to historical circumstances and to social structure. The choice of countries has been determined by the light which studying that country could throw on a problem which faced the region as a whole. The choice therefore is not indicative of the degree of discrimination. Indeed in some instances countries have been chosen precisely because the use of race as a social category seemed to be declining and other methods of classification taking its place. How this happens is obviously of great importance.

## II. Southern Africa

We need not examine the situation within the former Portuguese colonies. Decolonization is proceeding rapidly. The situation as it was before the new Portuguese government took power is described in "Portuguese colonialism in Africa: the end of an era" by Eduardo de Sousa Ferreira, published by UNESCO in November 1974. It is published in English and French and is forthcoming in Portuguese.

The situation in South Africa is analysed in two UNESCO publications: "Apartheid: its effects on education, science, culture and information" 2nd edition revised and enlarged, UNESCO, 1972 and "Racism and apartheid in Southern Africa: South Africa and Namibia", UNESCO, September 1974. This last book, based on data prepared by the Anti-Apartheid Movement includes a section on Namibia. This publication is attached.<sup>1/</sup> We would like to call attention to the following sections which are relevant to General Assembly resolution 2785 (XXVI):

South Africa	Pages 44 to 84
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Namibia	Pages 129 to 132 and pages 142 to 145
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<sup>1/</sup> A reference copy is available on request.