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PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Report by the Secretary-General under Council resolution 414 B II (XIII)
on the future work of the United Nations in the fields of prevention
of discrimination and protection of minorities

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INTRODUCTION

A. Request of the Council to the Secretary-General, and action taken

1.88 By resolution 414 (XIII) the Economic and Social Council decided to discontinue the Sub-Commission on Prevention of Discrimination and Protection of Minorities, after a final session in October 1951, until 31 December 1954, its work being taken over by the Council, the Commission on Human Rights, the Secretary-General or ad hoc bodies as appropriate. By the same resolution the Council requested the Secretary-General to conduct an enquiry among Member States concerning:

"(a) the items relating to prevention of discrimination and protection of minorities which should be placed on the agenda of forthcoming sessions of the Council;

(b) procedures for the preliminary study of these items and for the preparation of reports to provide a basis for profitable discussion of such items by the Council; and

(c) the lines along which the Council might be called upon to continue the performance of its tasks in the field of prevention of discrimination and protection of minorities."

2.16 The Council further requested the Secretary-General, after consultation with the specialized agencies concerned, and in particular with UNESCO, "to report to an appropriate session of the Council in 1952 on the result of his enquiry, on his own suggestions, and on any that may be formulated by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fourth session."

3. This Report deals with the following questions:

Part I: result of the Secretary-General's enquiry among Member States;

Part II: review of the suggestions formulated by the Sub-Commission at its fourth session; and

Part III: supplementary suggestions of the Secretary-General.

B. Activities to date of the United Nations relating to, or affecting, prevention of discrimination or protection of minorities

4. The Council will recall that in four different articles (1, 13, 55 and 76), the Charter of the United Nations emphasizes the promotion of respect for

/human rights

human rights and fundamental freedoms "for all, without distinction as to race, sex, language or religion". The General Assembly endorsed the principle of non-discrimination in resolution 103 (I), adopted 19 November 1946, in which it declared "that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination," and called "on the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end".

5. In June 1946, before this resolution was adopted, the Economic and Social Council had empowered the Commission on Human Rights to establish two sub-commissions to advise it on protection of minorities and prevention of discrimination respectively.

6. The Commission, however, decided that these two subjects were so closely linked that it would be preferable to set up only one sub-commission, to be known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It decided further that the functions of the Sub-Commission should be, in the first instance, "to examine what provisions should be adopted in defining the principles to be applied in the field of prevention of discrimination on grounds of race, sex, language or religion, and in the field of protection of minorities, and to make recommendations to the Commission on urgent problems in these fields". Later these terms of reference were revised (see paragraph 15).

7. The Commission further decided that the Sub-Commission would be composed of twelve persons selected by the Commission in consultation with the Secretary-General and subject to the consent of the Governments of which the persons are nationals; that not more than one person be selected from any single country, and that the term of office of members be, in the first instance, two years. At its fifth session (1949) the Commission extended the term of office of the Members of the Sub-Commission for a period of three years.

8. In March 1947, eleven of the twelve members of the Sub-Commission were elected by the Council, at the request of the Commission from among lists of persons submitted by members of the Commission. They were: Mr. A.P. Borisov of the Union of Soviet Socialist Republics, Mr. C.F. Chang of China, Mr. Jonathan Daniels of the United States of America, Mr. Erik Einar Ekstrand of Sweden, Mr. M.R. Masani of India, Mr. Arturo Meneses Pallares of Ecuador,

/Miss Elizabeth Monroe

Miss Elizabeth Monroe of the United Kingdom, Mr. Joseph Nisot of Belgium, Mr. Herard Roy of Haiti, Mr. Rezazada Shafagh of Iran, and Mr. Samuel Spanien of France. The twelfth member, Mr. Joseph Winiewics of Poland, was elected in 1949, replacing Mr. William J. McNamara of Australia who had resigned.^{1/}

9. The Sub-Commission held its first session in Geneva from 24 November to 6 December 1947. It discussed the meaning of its terms of reference, examined and commented on those articles of the draft Declaration of Human Rights which related to prevention of discrimination and protection of minorities, and laid down a programme of future work and studies. It proposed new texts for those articles of the draft Declaration which dealt respectively with (a) the right of everyone, without distinction, to all the rights set forth in the Declaration (article 6 of the Drafting Committee's text); (b) freedom of movement and free choice of residence (article 13); (c) the right to hold public office (article 28); and (d) the rights of ethnic, linguistic or religious minorities (article 36, omitted from later drafts and not included in the Declaration). These recommendations were taken into consideration by the Commission on Human Rights in its subsequent work on the Declaration.

10. At the same session, the Sub-Commission prepared, for the consideration of the Commission on Human Rights, the following descriptions of the terms "prevention of discrimination" and "protection of minorities:"

"1. Prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish.

"2. Protection of minorities is the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population. The protection applies equally

^{1/} Although by resolution 236 (IX) the Council approved the decision of the Commission on Human Rights to add one additional member to the Sub-Commission to make it more representative from the point of view of geographical distribution, no nomination of a member to replace Mr. McNamara was proposed, and the Commission at its sixth session recommended that the number of members should be reduced from thirteen to twelve. The Council approved this decision by resolution 303 B (XI).

to individuals belonging to such groups and wishing the same protection. It follows that differential treatment of such groups, or of individuals belonging to such groups, is justified when it is exercised in the interest of their contentment and the welfare of the community as a whole. The characteristics meriting such protection are race, religion, and language. In order to qualify for protection a minority must owe undivided allegiance to the Government of the State in which it lives. Its members must also be nationals of that State.

"If a minority wishes for assimilation and is debarred, the question is one of discrimination and should be treated as such."

11. The description of "prevention of discrimination" was approved by the Commission on Human Rights at its second session (E/600, par. 39). However, the Commission referred the description of "protection of minorities" back to the Sub-Commission for further study. The results of this further study appear in the reports of the second, third, and fourth sessions of the Sub-Commission.

12. The Council, meeting in February-March 1948, and acting on further recommendations of the Sub-Commission, forwarded to it by the Commission on Human Rights, requested the Secretary-General (resolution 116 B and C (VI)) to undertake studies and analyses of "the main types of discrimination that impede the equal enjoyment by all of human rights and fundamental freedoms," and to study the question of the present validity of the so-called "minorities treaties". The Council also suggested collaboration between the United Nations and UNESCO in the formulation of effective educational programmes in the fields of prevention of discrimination and protection of minorities; and further gave the members of the Sub-Commission, with respect to communications dealing with discrimination and minorities, the same facilities as are enjoyed by members of the Commission on Human Rights under resolution 75 (V) as amended.

13. In adopting the final text of the Universal Declaration of Human Rights, the General Assembly, by resolution 217 (III) on 10 December 1948, included two articles (articles 2 and 7) dealing specifically with the principle of non-discrimination, and incorporated this principle in nearly every article of the Declaration by the use of such words as "everyone", "no one", and "all".

/14. The General

14. The General Assembly did not, however, include in the Declaration specific measures for the protection of minorities. It found "that it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises". It therefore requested the Economic and Social Council to ask the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities "to make a thorough study of the problem of minorities in order that the United Nations may be able to take effective measures for the protection of racial, national, religious or linguistic minorities" (resolution 217 (III) C).

15. At the fifth session of the Commission on Human Rights, this request of the General Assembly was referred to the Sub-Commission. At the same time, the scope of the terms of reference of the Sub-Commission was extended: it was empowered "to undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities".

16. Under these terms of reference the Sub-Commission has held three sessions. The reports of its second and third sessions were considered simultaneously by the sixth session of the Commission on Human Rights. The Commission forwarded to the Council a recommendation by the Sub-Commission that Governments be requested to furnish certain information required for its work, (a) in the field of prevention of discrimination and (b) in the field of protection of minorities. As a result the Council adopted resolution 303 F (XI).

17. Information received from thirty-eight Governments was made available to the Sub-Commission at its fourth session (E/CN.4/Sub.2/122 and Add. 1 to 37).

18. The sixth session of the Commission on Human Rights also forwarded to the Economic and Social Council a resolution drafted by the Sub-Commission, on educational measures for the prevention of discrimination. This draft resolution was subsequently amended and adopted by the Council (resolution 303 G (XI)).

19. Other proposals made by the Sub-Commission at its second and third sessions, which included articles to be inserted in the draft International Covenant on Human Rights, a draft definition of minorities for purposes of protection by the United Nations, and a draft resolution on interim measures to be taken by

Governments in the interest of enabling recognized minority groups to maintain their cultural heritage when they desire to do so, were not considered in the substance by the sixth session of the Commission on Human Rights. At the Commission's request these proposals were re-examined by the Sub-Commission at its fourth session in the light of information received from Governments in response to the request referred to in paragraph 16 above.

20. At its fourth session, the Sub-Commission made a number of suggestions on the future work of the United Nations in the field of prevention of discrimination and protection of minorities. These suggestions, with the exception of those addressed to the Commission on Human Rights (E/CN.4/641, annexes I and II), are reviewed by the Secretary-General in part II of this report.

21. At its sixth session the General Assembly adopted resolution 532 B (VI), in which, considering "that the prevention of discrimination and protection of minorities are two of the most important branches of the positive work undertaken by the United Nations", it invited the Council (a) to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities "to continue its work so that it may fulfil its mission, and especially to convene a session in 1952", and "(b) to take any practical steps that may be necessary for the continuance, within the framework of the United Nations, of the work on prevention of discrimination and protection of minorities".

22. Attention is drawn to the following documents which contain additional information relevant to this report:

- (a) Memoranda on the activities of organs of the United Nations other than the Economic and Social Council and its subsidiary bodies, in the field of prevention of discrimination and protection of minorities (E/CN.4/Sub.2/5, 81, 83, 86 and 128);
- (b) Working paper on the future work of the Committee on Information from Non-Self-Governing Territories (A/C.4/L.147);^{2/}

^{2/} The General Assembly, by resolution 565 (VI) approved the arrangements proposed by the Committee for its work in 1952. These arrangements provide for the examination of the topics set forth in the above document including the following:

"Race relations, including a summary of any existing regulations establishing distinctions between members of various races in respect of social conditions, a summary of legislation prohibiting and penalizing measures of a discriminatory character, and a summary of practical measures taken to further closer collaboration between members of various races in the consideration and treatment of their own social problems".

- (c) Standard form for the guidance of Members in the preparation of information to be transmitted under Article 73 e of the Charter (General Assembly resolution 551 (VI));^{3/}
- (d) Report on education in Non-Self-Governing Territories, approved by General Assembly resolution 445 (V), (ST/TRI/SER.A/5/Add.2);^{4/}
- (e) Provisional Questionnaire adopted by the Trusteeship Council (T-44), Trusteeship Agreements (T/Agreements/1 to 10), relevant portions of the reports of the Trusteeship Council to the General Assembly (A/312, A/603, A/933, A/1306, and A/1856);
- (f) Memoranda on the activities of UNESCO in the fields of prevention of discrimination and protection of minorities (E/CN.4/Sub.2/90, 121 and 121/Add.1);
- (g) Memoranda on the activities of the ILO in these fields (E/CN.4/Sub.2/10, 93 and 141);
- (h) Memorandum on the activities of the WHO in these fields (E/CN.4/Sub.2/87);
- (i) Memorandum on the activities of the IRO in these fields (E/CN.4/Sub.2/88);
- (j) Memoranda by non-governmental organizations on the future work of the United Nations in these fields:
 - (i) Consultative Council of Jewish Organizations (E/CN.4/Sub.2/NGO.1);
 - (ii) World Jewish Congress (E/CN.4/Sub.2/NGO.2).

3/ The standard form invites the Members concerned to provide as complete and up-to-date information as possible on the subjects covered which include:

"Human Rights

"1. Description of the manner in which human rights, in accordance with the principles set forth in the Universal Declaration of Human Rights, are protected by law, particularly in respect of:

- (a) Legal principles and procedures;
- (b) Basic legislation and its application;
- (c) Anti-discrimination legislation."

4/ Containing a section on equal treatment in matters relating to education.

1. RESULTS OF THE SECRETARY-GENERAL'S ENQUIRY
AMONG MEMBER STATES

23. By a circular letter dated 7 December 1951 the Secretary-General drew to the attention of the governments of all States Members of the United Nations the parts of Council resolution 414 (XIII) relating to future work of the United Nations in the fields of prevention of discrimination and protection of minorities, and invited them to transmit their views on this question to him at their earliest convenience and, if possible, not later than 15 February 1952.
24. Up to 15 May, thirteen replies, other than routine acknowledgements, had been received.^{5/} The reply of the National Government of China suggested that the United Nations should formulate specific rules for the prevention of discrimination in the matter of immigration and treatment of aliens. Three replies, from India, New Zealand, and Sweden, contained comments on the report of the fourth session of the Sub-Commission, and on the Sub-Commission's suggestions on future work in the fields of prevention of discrimination and protection of minorities. The Government of Ecuador commented on the decision of the General Assembly to invite the Economic and Social Council to authorize the Sub-Commission to continue its work, and expressed its approval of this decision in view of the past record of the Sub-Commission. It expressed great satisfaction with this record, noting that in spite of the complexity and delicacy of the problems with which the Sub-Commission has had to deal, its work has been extremely effective. The Government of Canada stated that, in view of the General Assembly's decision (resolution 532 B (VI)), it assumed that the statement of views requested by the Secretary-General was no longer required, and accordingly did not submit such a statement. The Government of the United States stated that it was not at this time commenting on the question in view of the anticipated consideration of the report of the fourth session of the Sub-Commission at the current session of the Commission on Human Rights; and added that the United States would be prepared to submit its views concerning the Sub-Commission to the Economic and Social Council when the work of the Sub-Commission was considered at the fourteenth session of the Council. The French Government, after noting with satisfaction the efforts of the Sub-Commission at its fourth session to bring the studies undertaken to a

^{5/} Replies received after 15 May will be circulated separately.

satisfactory conclusion, and referring to the decision concerning the Sub-Commission taken by the General Assembly, suggested that it would be desirable for the Commission on Human Rights, after examining the report of the fourth session of the Sub-Commission, to undertake to define the nature of the tasks which might be entrusted to this organ. The Government of Denmark referred also to General Assembly resolution 532 B (VI), and stated that it had no further comments with regard to the Secretary-General's note. The Governments of Colombia, Luxembourg, the Netherlands, and South Africa stated that they had no comments to make on the question. The relevant parts of the replies of the Governments of China, India, New Zealand and Sweden are as follows:

25. China: "A great many States have either included in their constitutions a special chapter on, or made express provision in their legislation for, the protection of minorities within their borders, and these legislative provisions are often effectively applied. It is however found that in inter-State relations, discrimination as between members of different ethnic groups or peoples of different nationalities is not infrequently condoned or even encouraged. This is particularly evident in the matter of immigration and the treatment of aliens. Unreasonable discriminatory restrictions are frequently imposed in respect of immigration quotas or quotas issued on a geographical basis, or of the property rights of immigrants or of their employment. This is quite contrary to the fundamental principles and the spirit both of the United Nations Charter and of the Universal Declaration of Human Rights.

"The Chinese Government accordingly suggests that the United Nations Commission on Human Rights should formulate specific rules for the prevention of discrimination in the matter of immigration and the treatment of aliens. These principles should be incorporated in a resolution of the United Nations General Assembly to be adopted on the recommendation of the Economic and Social Council. In this resolution the General Assembly should call upon States Members and States not Members of the United Nations to make an extensive survey of their immigration treaties and acts and other laws and regulations concerning the treatment of aliens, and to introduce reasonable amendments of any provisions therein which entail discriminatory or differential treatment so that peoples of all races and nations could be given

/really fair

really fair and equitable treatment, and that all unjustifiable discrimination, artificially created under various pretexts, could be stopped. This would serve to promote peaceful relations between the peoples of the world."

26. India: "The recommendations contained in the report of the fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be considered by the Commission on Human Rights and by the Council with a view to their implementation wherever desirable and necessary. The Commission on Human Rights should consider whether the provisions suggested by the Sub-Commission in annex II to E/CN.4/641 should not be included in the draft International Covenant on Human Rights, and also the desirability of implementing resolution J of the Sub-Commission. The other suggestions made by the Sub-Commission should be placed on the agenda of the Council with a view to appropriate action."

27. New Zealand: "It will be recalled that in the programme of future work prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fourth session, certain proposals were made for action by the Commission on Human Rights in this field. It appears desirable that the Commission on Human Rights should examine these proposals in connexion with its work on the Draft Covenant on Human Rights during 1952. The New Zealand authorities therefore consider that action by the Economic and Social Council at this stage might be limited to a request to the Human Rights Commission to give general consideration to the question of prevention of discrimination and protection of minorities in connexion with its work on the draft Covenant on Human Rights and to report on what action, if any, is appropriate within the context of the Covenant."

28. Sweden: "Considering the prevention of discrimination and protection of minorities to be of the utmost importance to world peace and to the general welfare of the peoples concerned, (the Swedish Government) will always support any action of the United Nations in this field in so far as it can be expected to produce significant results. But, in the opinion of the Swedish Government, it is subject to considerable doubt whether a body such as the Sub-Commission will, at least at this stage, be able to carry out successfully the tasks entrusted to it. This criticism does not reflect on the members of the Sub-Commission, who are undoubtedly highly qualified, but rather on the main idea of method underlying its creation. Thus, the Swedish Government held that the decision

/of the Economic

of the Economic and Social Council to discontinue the Sub-Commission was well-founded and, as you may recall, supported the resolution adopted by the Council to that effect.

"On the other hand, it has felt that some method whereby more positive action in this field would be made possible should be sought. The Swedish Government do not wish at present to express any definite opinion on this matter, but would nevertheless like to suggest certain tentative lines of approach for further consideration.

"1. The responsibility for any study of principles and definitions should rest, primarily, with the Commission on Human Rights which has to bear in mind the important problem of discrimination and protection of minorities when completing its work on the Covenant.

"2. It has long been recognized that the prejudices against racial minorities or national groups may be acquired or strengthened through education, and that even schools in the teaching, for instance, of history, may contribute towards the creation or conservation of prejudiced attitudes. It may be considered whether educational measures could be taken to bring about better relations between racial or other groups. This matter should be dealt with by UNESCO which has already begun work along these lines.

"3. In order to pave the way for more direct reforms, objective studies of actual conditions in various parts of the world might be undertaken. For the consideration of this problem it would be of great value to have a list drawn up of the various research projects in this field which have already been initiated or are being planned by the various United Nations organs, the specialized agencies and other international bodies.^{6/} In the planning of new research work it should be considered whether it would not be preferable to give independent authority and responsibility to high-ranking social

6/ In this connexion the Secretary-General draws the attention of the Council to the Catalogue of Economic and Social Projects, published annually since 1949. The Catalogue lists, describes, and classifies the work of the secretariats of the United Nations and the specialized agencies in the economic and social fields, in accordance with Council resolutions 128 (VI) and 259 (IX). Reference to all projects relating to prevention of discrimination and protection of minorities may be found in the general index of these catalogues. However, in view of the Swedish suggestion, a consolidated and up-to-date list of research projects in these fields will be prepared and circulated separately.

/scientists,

scientists, acting as research leaders and attached to the staff of the United Nations or specialized agencies, rather than to have the studies directed by ad hoc committees.

"It has to be borne in mind that the task is one of considerable magnitude and complexity and that the risk of failure would be great if the attempt were made to accomplish too much in a short time. It will certainly be necessary to break down the problems into smaller projects, a few of which might be carried out during the next few years whereas others would have to be postponed. However, any planning in that direction should be postponed until the Council has had the opportunity to consider the main idea underlying these suggestions.

"In reply to question (a) in Council resolution 414 (XIII), the Swedish Government wishes to suggest that the question of methods which should be used in attacking the problem of discrimination and the protection of minorities should be discussed at the next session of the Council. The items to be discussed at subsequent sessions would depend, inter alia, on the nature of the decisions adopted at the fourteenth session.

"As far as question (b) is concerned, it is felt that, in addition to the material contained in the answers from the Governments and the specialized agencies, and the suggestions by the Secretary-General to the Council, it would be of value to have a list prepared of projects of concrete research in the matters that have been initiated or are planned by various United Nations organs, the specialized agencies and other international bodies, including measures taken by UNESCO in order to combat racial and similar prejudices.

"With regard to question (c), the Swedish Government hope that the suggestions presented above for further consideration will help in providing a starting point for a discussion at the next session of the Council. It is further hoped that this discussion will result in a decision as to the lines along which the Council should proceed with its task in this field."

29. The Secretary-General wishes also to draw the attention of the Council to document E/CN.4/Sub.2/NGO 2, in which the World Jewish Congress, a non-governmental organization in category B consultative status, suggested to the Sub-Commission that the Council might usefully place on the agenda of a

/forthcoming

forthcoming session, because of their immediate and urgent character, the following items:^{7/}

1. Discrimination in immigration regulations.
 2. Discriminatory restrictions on freedom of movement.
 3. Discrimination in the admission of members of certain religious groups to schools, and especially to schools of higher learning and universities.
 4. International safeguards for minority rights in newly-established States.
30. Summary: The suggestions put forward to date by Governments and non-governmental organizations are as follows:

(a) Suggested items relating to prevention of discrimination and protection of minorities which should be placed on the agenda of forthcoming sessions of the Council:

India: The suggestions made by the Sub-Commission, other than those directed to the Commission on Human Rights, should be placed on the agenda of the Council with a view to appropriate action.

New Zealand: Action by the Economic and Social Council at this stage might be limited to a request to the Commission on Human Rights to give general consideration to the question of prevention of discrimination and protection of minorities in connexion with its work on the draft Covenant on Human Rights and to report on what action, if any, is appropriate within the context of the Covenant.

Sweden: The question of methods which should be used in attacking the problem of discrimination and the protection of minorities should be discussed at the next session of the Council. The items to be discussed at subsequent sessions would depend, inter alia, on the nature of the decisions adopted at the fourteenth session.

^{7/} In this connexion, the Secretary-General draws the attention of the Council to the documents listed in paragraph 22 above, relating to Non-Self-Governing Territories.

World Jewish Congress:

1. Discrimination in immigration regulations.
2. Discriminatory restrictions on freedom of movement.
3. Discrimination in the admission of members of certain religious and racial groups to schools, and especially to schools of higher learning and universities.
4. International safeguards for minority rights in newly-established States.

(b) Suggested procedures for the preliminary study of the above items, and for the preparation of reports to provide a basis for profitable discussion of such items by the Council:

Sweden: In addition to the material contained in the answers from the Governments and the specialized agencies, and the suggestions by the Secretary-General to the Council, it would be of value to have a list prepared of projects of concrete research in the matters that have been initiated or are planned by various United Nations organs, the specialized agencies, and other international bodies, including measures taken by UNESCO in order to combat racial and similar prejudices. ^{8/}

(c) Suggested lines on which the Council might be requested to continue the performance of its tasks in the fields of prevention of discrimination and protection of minorities:

China: The Chinese Government ... suggests that the United Nations Commission on Human Rights should formulate specific rules for the prevention of discrimination in the matter of immigration and the treatment of aliens. These principles should be incorporated in a resolution of the United Nations General Assembly to be adopted on the recommendation of the Economic and Social Council. In this resolution the General Assembly should call upon States Members and States not Members of the United Nations to make an extensive survey of their immigration treaties and acts and other laws and regulations concerning the treatment of aliens, and to

^{8/} See footnote to paragraph 28.

introduce reasonable amendments of any provisions therein which entail discriminatory or differential treatment so that peoples of all races and nations could be given really fair and equitable treatment, and that all unjustifiable discrimination, artificially created under various pretexts, could be stopped.

Sweden: The Swedish Government hope that the suggestions presented above for further consideration will help in providing a starting point for a discussion at the next session of the Council. It is further hoped that this discussion will result in a decision as to the lines along which the Council should proceed with its task in this field.

II. REVIEW OF THE SUGGESTIONS FORMULATED BY THE SUB-COMMISSION AT ITS FOURTH SESSION

31. The Report of the fourth session of the Sub-Commission contains a number of recommendations to the Commission on Human Rights (E/CN.4/641, annexes I and II) which are now on the agenda of the eighth session of the Commission. Some of these recommendations relate to future work in the fields of prevention of discrimination and protection of minorities.

32. Other suggestions of the Sub-Commission on future work were addressed either to the Secretary-General, the Economic and Social Council, or to the United Nations. These suggestions are reviewed below.

Suggestions of the Sub-Commission to the Secretary-General

SUGGESTION A

33. The Sub-Commission suggested^{9/} (5 votes to 4 with 2 abstentions) "that the Secretary-General periodically review all activities of the United Nations and its subsidiary bodies, verify that these activities are in accordance with the principle of non-discrimination, and report on these matters to the General Assembly, in order to ensure full realization and implementation of the principle of non-discrimination."

34. The position of the Secretary-General with respect to this suggestion was reserved when the matter was discussed by the Sub-Commission. The Secretary-General considers that it would not be appropriate for him to exercise the functions contemplated in the suggestion of the Sub-Commission. Under the rules of procedure of the various organs of the United Nations, the Secretary-General or his representative may make oral as well as written statements concerning any question under consideration and could therefore, in appropriate cases, draw the attention of such organs to the principle of non-discrimination when that principle seemed to have been overlooked.

SUGGESTION B

35. The Sub-Commission suggested^{10/} (7 votes to 4) "that the Secretary-General study the possibility and desirability of formulating standard provisions on

^{9/} E/CN.4/641, page 30.

^{10/} Ibid.

/non-discrimination

non-discrimination which may be used when constitutional provisions are to be elaborated, particularly in the case of new States, by the United Nations or under its auspices."

36. In connexion with this suggestion the Secretary-General wishes to draw the attention of the Council to the fact that anti-discrimination provisions have been included in various instruments, such as trusteeship agreements, constitutions and statutes prepared by or under the auspices of the United Nations. Experience has proved that such provisions, although presenting certain fundamental common characteristics, differ in other respects because of local conditions. It may be considered desirable that existing anti-discrimination clauses should be made available as precedents for the convenience of organs or authorities having to formulate similar provisions, whether or not under the auspices of the United Nations. The Secretary-General therefore submits the following amended suggestion:

Suggestion B as amended

It is suggested that the Council arrange for all anti-discrimination provisions formulated by organs of, or under the auspices of, the United Nations, to be collected, made available, and kept up to date, to serve as a body of suitable precedents for use when constitutional or statutory provisions are to be elaborated, particularly in the case of new States.

Suggestions of the Sub-Commission to the Economic and Social Council

SUGGESTION C

37. The Sub-Commission unanimously put forward the following suggestion:^{11/}

It is suggested "that the Economic and Social Council recommend to all States Members of the United Nations that they incorporate, in any appropriate international instrument to which they become parties, adequate safeguards against violation of the principle of non-discrimination as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights."

^{11/} E/CN.4/641, page 29.

/The Secretary-

The Secretary-General has no comments to present on this suggestion.

SUGGESTION D

38. The Sub-Commission unanimously suggested^{12/} "That the Economic and Social Council recommend that in the preparation of international treaties which establish new States, nor new boundary lines between States, special attention should be paid to the protection of any minorities which may be created thereby."

39. Attention is drawn to the fact that new States, or new boundary lines between States, are not always established by international treaties but, in certain cases, by decisions of international organs as in the case of Libya, or by acts of State authorities as in the cases of India, Pakistan and Burma. The Secretary-General therefore would suggest that the expression "international treaties" be replaced by the expression "any international treaties, decisions of international organs, or other acts."

The Secretary-General therefore submits the following amended suggestion:

Suggestion D as amended

It is suggested that the Economic and Social Council recommend that in the preparation of any international treaties, decisions of international organs, or other acts which establish new States, or new boundary lines between States, special attention should be paid to the protection of any minority which may be created thereby.

SUGGESTION E

40. The Sub-Commission suggested^{13/} (8 votes to 3 with 1 abstention) "that the Economic and Social Council arrange for the preparation of an international convention for the protection of minorities."

41. In connexion with this suggestion, the Secretary-General reminds the Council that the General Assembly, in resolution 317 C (III), requested the Council "to ask the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make a thorough study of the problem of minorities, in order that the United Nations be able to take effective measures for the protection of racial, national, religious or linguistic minorities." In view of the results achieved to date on this study,

^{12/} E/CN.4/641, page 29.

^{13/} Ibid.

/the Secretary-

the Secretary-General feels that it may be premature to decide whether or not arrangements for the preparation of an international convention for the protection of minorities should be made.

42. Furthermore, the Secretary-General draws the attention of the Council to the view expressed by the Consultative Council of Jewish Organizations, a non-governmental organization in category B consultative status (E/CN.4/Sub.2/NGO/1, page 3) that all efforts should be made by the Sub-Commission "to study all possible express and implied remedial and preventive action against oppression of minority groups afforded by the Covenant on Human Rights, before embarking upon an examination of separate, supplementary, or multilateral agreements for the protection of these groups."

SUGGESTION F

43. The Sub-Commission (11 votes to 1) put forward the following suggestion:^{14/}

It is suggested "that the Economic and Social Council recommend to Governments of States Members of the United Nations that they review their national legislation and administrative practices with a view to abolishing all measures of discrimination that may exist in territories under their jurisdiction, and of taking effective measures for the protection of minorities, if any, in those territories."

44. The Secretary-General understands, in the light of the general discussion which took place in the Sub-Commission, that the phrase "territories under their jurisdiction" was intended to refer to all territories, including metropolitan countries as well as non-self-governing territories for which any metropolitan government may be responsible. He would draw attention to the fact that resolutions along the same general lines have, in so far as prevention of discrimination in trust territories is concerned, already been adopted by the General Assembly in resolution 324 (IV) and by the Trusteeship Council in resolution 127 (VI).

SUGGESTION G

45. The Sub-Commission suggested ^{15/} (8 votes to 2 with 2 abstentions) "that the Council recommend to Governments, Members of the United Nations, that they

14. E/CN.4/641, page 29.

15. Ibid.

encourage the establishment of national and local committees composed of highly qualified persons, including members of minorities, if any, to study and survey the extent to which measures of discrimination on grounds of race, nationality, religion or language may exist in law or in fact within territories under their jurisdiction, and to recommend to their Governments legal, educational, and other appropriate means whereby such discrimination may be eliminated and prevented from occurring in the future."

46. In connexion with this suggestion, attention is drawn to the fact that the Commission on Human Rights has on the agenda of its current (eighth) session an item, "Local Human Rights Committees or Information Groups," and that the Secretary-General has presented to the Commission certain observations regarding functions which such committees or groups might perform (E/CN.4/519). He also has drawn the attention of the Commission to the above suggestions of the Sub-Commission (E/CN.4/519/Add.1).

Other Suggestions of the Sub-Commission

SUGGESTION H

47. The Sub-Commission recommended^{16/} (10 votes to 2) "prompt action upon the measures for improving international protection set out in part II, recommendation 1, above."

48. Part II, recommendation 1, of the Sub-Commission's resolution on future work (E/CN.4/641, page 33), relates to special protection by the United Nations of the right of minorities to use their own language, and outlines measures to be taken to achieve this end. The Sub-Commission has included similar recommendations on this subject in the Reports of this second, third, and fourth sessions to the Commission on Human Rights. The problem is now on the agenda of the current (eighth) session of the Commission. The question of protection of linguistic traditions and characteristics of minorities is dealt with also in Suggestion R of the Secretary-General (see part III).

SUGGESTION I

49. The Sub-Commission has taken the following decision^{17/} (8 votes to 0 with 3 abstentions):

^{16/} E/CN.4/641, page 35.

^{17/} Ibid.

^{17/} "The Sub-Commission

"The Sub-Commission recommends prompt and continuous action, taking into consideration in particular the results of UNESCO's surveys on racial problems and other relevant social tensions, to promote educational activities designed to reduce prejudice both against minorities and on the part of minorities."

50. In connexion with this recommendation the Secretary-General wishes to remind the Council that he has for some time collaborated with UNESCO, under the terms of Council resolutions 116 B (VI) and 313 G (XI), in the promotion of educational activities designed to reduce prejudice; and to state that he will continue such collaboration. He has brought to the attention of UNESCO the desire expressed by the Sub-Commission that such educational activities should be designed "to reduce prejudice both against minorities and on the part of minorities."

SUGGESTION J

51. The Sub-Commission unanimously recommended^{18/} "encouragement of the improvement of domestic measures, and of an increase of local international instruments for the protection of minorities, by devoting a section of a forthcoming Yearbook on Human Rights to examples of existing legislation in both fields, and by keeping this section up to date in successive Yearbooks."

52. In accordance with Council resolution 303 H (XI), the Secretary-General has prepared a plan for future Yearbooks on Human Rights (E/CN.4/522, appendix A). At its fourth session the Sub-Commission took note of this plan and unanimously expressed the desire that information on the right, or group of rights, relevant to the work of the Sub-Commission be included in future volumes of the Yearbook on Human Rights in as comprehensive a form as possible (E/CN.4/641, paragraph 46). The Secretary-General's plan is yet to be considered by the Commission on Human Rights, in connexion with the item "Yearbook on Human Rights," which is on the agenda of its current (eighth) session.

SUGGESTION K

53. The Sub-Commission recommended^{19/} (10 votes to 0 with 2 abstentions) "drafting of model clauses for inclusion in international instruments which deal with protection of minorities, and notably for safeguarding minority rights in newly-established States."

54. It has been pointed out above, in connexion with Suggestion B, concerning the drafting of model anti-discrimination provisions, that such provisions, although presenting certain fundamental common characteristics, differ in other respects because of local conditions. This is even more true in the case of provisions for the protection of minorities.

55. In this connexion the Secretary-General wishes to remind the Council that a certain number of clauses for the protection of minorities are to be found in instruments drafted in connexion with protection of minorities under the League of Nations system. Clauses for the protection of minorities have also been prepared by organs of the United Nations in connexion with the Palestine question and the disposal of former Italian colonies.

56. As in the case of anti-discrimination provisions, it may be useful to make available the existing provisions for the protection of minorities for use as precedents when drafting clauses to be included in any international instrument which may deal with the protection of minorities, notably in cases when minority rights are to be safeguarded in newly-established States, but also in cases when minorities are to be protected following upon the establishment of new boundary lines between States. The Secretary-General therefore submits the following amended suggestion:

Suggestion K as amended

It is suggested that the Council arrange for all existing provisions for the protection of minorities to be collected, made available, and kept up to date, to serve as a body of suitable precedents for use in the drafting of clauses to be included in international instruments which deal with the protection of minority rights, notably in cases when minority rights are to be safeguarded in newly-established States, but also in cases when minorities are to be protected following upon the establishment of new boundary lines between States.

SUGGESTION L

57. The Sub-Commission recommended^{20/} (10 votes to 0 with 2 abstentions) "establishment, as part of the general implementation of the International Covenant on Human Rights, of international machinery directly accessible to

minorities, a method which would remedy the situation that, as matters now stand, a minority cannot put its case before the United Nations except through a foreign Government whose intervention may create international tension."

58. This recommendation, which relates to the International Covenants on Human Rights and Measures for their implementation, an item on the agenda of the current (eighth) session of the Commission on Human Rights, has been brought to the attention of the Commission.

III. SUPPLEMENTARY SUGGESTIONS OF THE SECRETARY-GENERAL

SUPPLEMENTARY SUGGESTIONS RELATING BOTH TO PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

1. Collection of information relating to prevention of discrimination and protection of minorities

59. The Secretary-General to date has circulated, pursuant to Council resolution 303 F (XI), information relating to prevention of discrimination and protection of minorities from the Governments of thirty-eight countries (see Introduction, paragraph 17).

60. When the Sub-Commission examined this information at its fourth session, the view was put forward that it was insufficient, as replies were not available from all Governments and the information they contained was in some cases incomplete. The Sub-Commission expressed the hope that Governments which had not furnished such information would do so as soon as possible. It stated its desire that all Governments keep up to date the information which they had already furnished, in order that the appropriate bodies of the United Nations might have it before them when dealing with questions relating to prevention of discrimination and protection of minorities (E/CN.4/641, paragraph 35).

61. The attention of the Council is drawn to the fact that the request for information contained in resolution 303 F (XI) was couched in general terms and that, should the Council decide that further information should be collected it might be easier for Governments to supply the desired information if they were provided with a standard form.

62. It will be recalled that at the fifth and sixth sessions of the General Assembly, in the course of discussion of the Draft International Covenants on Human Rights and measures of implementation, certain delegations expressed the opinion that all Member States, whether or not parties to the proposed Covenants, should be requested to report periodically on the observance of the rights set forth in the Covenants. It was said that this reporting procedure could be initiated by a recommendation of the General Assembly or of the Economic and Social Council. This question is now before the Commission on Human Rights, which has on the agenda of its current (eighth) session such items as annual

/reports

reports on human rights, and the creation of a system of periodic reports to be established under the Covenants on Human Rights.

63. Nevertheless, in view of the fact that the General Assembly, in resolution 532 B (VI), emphasized that "the full application and implementation of the principle of non-discrimination ... are matters of supreme importance and should constitute the primary objective in the work of all United Nations organs", and considered "that the prevention of discrimination and the protection of minorities are two of the most important branches of the positive work undertaken by the United Nations", the Council may wish to recommend to the General Assembly the immediate establishment of a special periodic reporting procedure covering all the rights and freedoms set forth in the Universal Declaration of Human Rights, or such of them as the Council may select for the purpose, and in addition, any special measures taken for the protection of minorities where minorities exist; and to recommend that Member Governments co-operate in this reporting scheme. In order to eliminate any possible overlapping, such a reporting procedure would take account of existing provisions in respect of Trust and Non-Self-Governing Territories and would, of course, have to be merged with any other general procedure for reporting on the implementation of human rights which may be adopted at a later stage. Since, however, a certain time may elapse before any general human rights reporting procedure can be worked out and brought into force, the Secretary-General puts forward the following suggestion:

SUGGESTION M

It is suggested:

- (a) that the Council consider whether or not it is necessary to continue the collection of information on prevention of discrimination and protection of minorities, initiated under its resolution 303 F (XI), and to keep such information up to date;
- (b) that, should the Council decide that it is necessary to continue the collection of such information, and to keep such information up to date, it take appropriate steps to this end;
- (c) that, should the Council decide that the collection of further information is desirable, it also consider whether or not it should

/recommend

recommend to the General Assembly the immediate establishment of a special periodic reporting procedure, taking account of procedures already established in respect of Trust and Non-Self-Governing Territories, on measures taken to prevent discrimination with respect to all the rights and freedoms set forth in the Universal Declaration of Human Rights and on measures taken for the protection of minorities, if any;

(d) that the collection of any additional information be undertaken for the convenience of Governments, by means of a standard form, for the preparation of which the Council would arrange, which would contain, in particular, questions along the following lines:

A. Prevention of discrimination

- (i) is each of the rights and freedoms (or certain specific rights and freedoms) set forth in the Universal Declaration of Human Rights, equally enjoyed by all without discrimination?
- (ii) if any such right or freedom is not equally enjoyed by all, what is the reason or ground for the distinction?

B. Protection of minorities

- (i) are there in the country minorities in need of protection otherwise than by implementation of the principle of non-discrimination?
- (ii) if so, what are the legislative, administrative, and other measures taken for the protection of such minorities?

2. Expert advice to Governments aimed at the eradication of prejudice or discrimination or at the protection of minorities

64. According to resolution 222 A (IX) of the Economic and Social Council the various organizations participating in technical assistance programmes should assist Governments desiring to undertake social improvements that are necessary to permit effective economic development and to mitigate such social problems as may arise as a concomitant of economic development. Under the existing arrangements for technical assistance, in particular under Council resolution 222 A (IX), the United Nations and the participating specialized agencies may, at the request of Governments, provide technical assistance in fields which

/include

include public finance and fiscal policy, public administration, social welfare and development, measures for the purpose of improving the status of minorities and aboriginal populations, assistance in the solution of employment problems of women and young workers, development of wage policies, handling of labour and social problems of indigenous populations, protection of local cultures, fundamental and adult education, health education and similar matters.

65. The Council has stated that participating organizations, in deciding on a request for assistance, should be guided solely by the Charter of the United Nations, the principles of the United Nations programme for technical assistance and appropriate resolutions of the General Assembly and of the Economic and Social Council. The services envisaged should aim at increased productivity of material and human resources, and a wide and equitable distribution of the benefits of such increased productivity, so as to contribute to the realization of higher standards of living for the entire population. The Council has further emphasized that, in granting technical assistance, the United Nations and specialized agencies should pay due attention and respect to the social conditions which directly affect the economic development of the countries concerned.

66. In a number of countries having heterogeneous populations, the pace of economic development may be slowed down, and the increased production of wealth - so necessary for improved living standards - considerably handicapped by tension resulting from prejudice and discrimination, and consequent insecurity. Where this is the case and where Governments intend to combat such conditions which stand in the path of economic and social developments, Governments may already under the existing provisions submit requests for technical assistance in connexion with measures aimed at the eradication of prejudice or discrimination or at the protection of minorities. It may be appropriate to assure Governments that such requests for technical assistance will receive sympathetic consideration by the participating organizations.

67. The Council may feel, however, that cases may arise which do not come within the scope of the existing technical assistance programme, particularly where Governments wish to introduce reforms which are not directly connected with economic development but where it would nevertheless be appropriate for the United Nations to grant requests for technical advice without regard either

/to the economic

to the economic development of the country concerned, or to whether or not the measures of discrimination to be fought are either causes or consequences of economic conditions.

68. Under Article 66 (2) of the Charter, the Economic and Social Council, may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies. A general authorization might be sought from the General Assembly under which the Secretary-General of the United Nations could assist Governments of Member States which request it by furnishing expert advice and other services in the matter of the eradication of prejudice or discrimination and the protection of minorities. Such assistance could include, but need not be restricted to, expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery, and also educational programmes designed to combat prejudice and discrimination. The Secretary-General therefore submits for the consideration of the Council the following suggestions:

SUGGESTION N

(a) It is suggested that consistently with the terms of the resolutions establishing the technical assistance programmes, the Economic and Social Council recommend to the organizations participating in these programmes that they give sympathetic consideration to the requests which Governments may submit for technical assistance in connexion with measures aimed at the eradication of prejudice or discrimination or at the protection of minorities.

(b) It is further suggested that the Economic and Social Council submit, for the approval of the General Assembly, a resolution under which the Secretary-General would be authorized to render, at the request of Members of the United Nations, expert technical advice and other services in order to assist Governments of Members of the United Nations in the eradication of prejudice or discrimination or in the protection of minorities. The services to be authorized could include, but need not be restricted to, technical expert advice regarding the drafting of legislation and the establishment of administrative and judicial machinery, and also regarding

/educational programmes

educational programmes designed to combat prejudice and discrimination. The authorization should make it possible to render technical advice at the request of Members of the United Nations irrespective of the state of their economic development and also irrespective of whether or not the conditions to be combatted are the consequence of economic causes or are themselves the reasons for economic distress or obstacles to the improvement of the state of the national economy.

SUPPLEMENTARY SUGGESTION RELATING TO PREVENTION OF DISCRIMINATION

3. Studies of some major forms of discrimination

69. In its resolution 116 B (VI), the Council requested the Secretary-General, inter alia, "to organize studies and prepare analyses designed to assist the Sub-Commission on Prevention of Discrimination and Protection of Minorities in determining the main types of discrimination which impede the equal enjoyment by all of human rights and fundamental freedoms and the causes of such discrimination, the results of such studies and analyses to be made available to members of the Sub-Commission."

70. The Secretary-General submitted a memorandum on "The Main Types and Causes of Discrimination" (E/CN.4/Sub.2/40/Rev.1, published under Sales No. 1949.XIV.3) to the third session of the Sub-Commission, in 1949. The Sub-Commission, however, has not as yet designated any particular forms of discrimination to be studied further.

71. In this connexion it will be recalled that the reply of the Government of Sweden to the Secretary-General's letter relating to future work of the United Nations in the fields of prevention of discrimination and protection of minorities (part I, paragraph 28) included the following comment:

"In order to pave the way for more direct reforms, objective studies of actual conditions in various parts of the world might be undertaken.... In the planning of new research work it should be considered whether it would not be preferable to give independent authority and responsibility to high-ranking social scientists, acting as research leaders and attached to the staff of the United Nations or specialized agencies, rather than to have the studies directed by ad hoc committees."

/72. It will

72. It will also be recalled that the National Government of China has suggested that the United Nations Commission on Human Rights should formulate specific rules for the prevention of discrimination in the matter of immigration and the treatment of aliens (part I, paragraph 25).

73. The Secretary-General further reminds the Council of the agenda items suggested by the World Jewish Congress (paragraph 29 above), which included inter alia:

- (1) Discrimination of immigration regulations.
- (2) Discriminatory restrictions on freedom of movement.
- (3) Discrimination in the admission of members of certain religious groups to schools, and especially to schools of higher learning and universities.

74. In the light of the comments of the National Government of China and the Government of Sweden, and of the items suggested by the World Jewish Congress, and on the basis of the studies and analyses organized by him under resolution 116 B (VI), the Secretary-General concludes that among the forms of discrimination that might be the subject of further study and possible action by the Council are the following:

discrimination in education
discrimination in employment and occupation
discrimination in residence and movement
discrimination in political rights
discrimination in immigration and travel
discrimination in the right to choose a spouse, and in the enjoyment of family rights.

75. The Secretary-General emphasized that he does not consider the above list to be exhaustive, nor has he meant to suggest any order of priority. With this understanding, he submits the following suggestion:

SUGGESTION O

It is suggested:

- (a) that the Council decide whether particular studies should be initiated on measures to be taken to achieve the elimination of

/some major forms

some major forms of discrimination, such as:

discrimination in employment
discrimination in education
discrimination in employment and occupation
discrimination in residence and movement
discrimination in political rights
discrimination in immigration and travel
discrimination in the right to choose a spouse and in the enjoyment of family rights.

(b) that should it decide that such studies should be initiated, the Council further establish an order of priority among such studies, and determine the manner and time-limit in which each should be completed and submitted for further action.

4. Reporting by UNESCO on the results of its activities designed to eradicate prejudice and discrimination

76. By resolutions 116 (VI) and 303 G (XI), the Council has called for collaboration between the United Nations and UNESCO, and has requested UNESCO to undertake educational activities designed to eradicate prejudice and discrimination.

77. The Secretary-General, feeling that it may be of interest for the Council and the General Assembly to be in a position to appraise the results achieved by UNESCO as a result of such activities, makes the following suggestion:

SUGGESTION P

It is suggested that the Council invite UNESCO to devote a section of its annual report to its educational activities designed to eradicate prejudice and discrimination, in order to enable the Council and the General Assembly to appraise the results achieved.

5. Co-operation of non-governmental organizations in the work of the United Nations designed to eradicate prejudice and discrimination

78. Many non-governmental organizations, including a number in consultative status with the Council, are actively engaged in activities designed to eradicate prejudice and discrimination. However, unco-ordinated action in this field is conducive to duplication; furthermore, certain important aspects of the work

/may be overlooked

may be overlooked. In addition, some organizations having as their objective the promotion of social progress generally might well be encouraged to devote a larger proportion of their resources to the vital problem of eradicating prejudice and discrimination. The Secretary-General therefore makes the following suggestion:

SUGGESTION Q

It is suggested that the Council:

(a) appeal to non-governmental organizations active in the field of eradicating prejudice and discrimination, or having as their objective the promotion of social progress generally:

(i) that they devote as large a proportion of their resources as possible to activities designed to eradicate prejudice and discrimination; and

(ii) that they co-ordinate their endeavours in this work;

(b) request the Secretary-General to convene periodic conferences of non-governmental organizations in consultative status with the Council, in order that they may co-ordinate their endeavours in this work and establish common objectives and programmes.

SUPPLEMENTARY SUGGESTION RELATING TO THE PROTECTION OF MINORITIES

6. Survey of various positive measures which States have undertaken to protect the ethnic, religious and linguistic traditions and characteristics of such minorities as may exist within their jurisdiction

79. It is recognized that certain minorities, in order to preserve their distinctive group characteristics, claim, in addition to implementation of the principle of non-discrimination, certain specific measures of protection. The claim of any minority to implementation of the principle of non-discrimination cannot be questioned, since this principle is proclaimed unequivocally in the Charter of the United Nations and in the Universal Declaration of Human Rights. The validity of the claim of specific minorities to additional protective measures is however, a question normally to be decided on the basis of the conditions and arrangements under which the minority was included in the State, and of all other relevant circumstances. Hence, it would appear that each such case must be passed upon separately.

/80. However,

80. However, the work of the Sub-Commission to date has indicated clearly the need for further study of the question of what protection minorities generally need, aside from prevention of discrimination, in particular in order to preserve stable ethnic, religious, or linguistic traditions or characteristics which they wish to preserve. The Secretary-General has already pointed out, in connexion with Suggestion E of the Sub-Commission above, that it may be premature to decide at this stage whether or not arrangements for the preparation of an international convention for the protection of minorities should be made. The Council nevertheless may wish to consider the advisability of initiating a survey of positive measures which States have undertaken to protect the ethnic, religious and linguistic traditions and characteristics of such minorities as may exist under their jurisdiction, in order to enable the Council to decide what, if any, general measures of protection may be formulated.

81. The Secretary-General therefore puts forward, for the consideration of the Council, the following suggestion:

SUGGESTION R

It is suggested that the Council consider the advisability of initiating, on the basis of information available from Governments under its resolution 303 F (XI), and supplementary information, a thorough survey of various positive measures which States have undertaken to protect the ethnic, religious and linguistic traditions and characteristics of such minorities as may exist within their jurisdiction, in order to enable the Council to decide what, if any, general measures of protection may be formulated.
