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Tenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND FIFTY-SECOND MEETING

Held at Headquarters, New York
on Tuesday, 30 March 1954, at 10.55 a.m.

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PRESENT:Acting Chairman and
Rapporteur:Members:

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| Mr. INGLES | Philippines |
| Mr. WHITLAM | Australia |
| Mr. NISOT | Belgium |
| Mr. ORTEGA | Chile |
| Mr. CHENG PAONAN | China |
| Mr. GHORBAL | Egypt |
| Mr. JUVIGNY | France |
| Mr. ROUSSOS | Greece |
| Mr. DAYAL) | India |
| Mr. RAJAN) | |
| Mr. RIZK | Lebanon |
| Mr. TYABJI | Pakistan |
| Mr. BIRECKI | Poland |
| Mr. ASIROGLU | Turkey |
| Mr. SAPOZHNIKOV | Ukrainian Soviet Socialist Republic |
| Mr. MOROZOV | Union of Soviet Socialist Republics |
| Mr. HOARE | United Kingdom of Great Britain and Northern Ireland |
| Mr. GREEN | United States of America |
| Mr. MONTERO BUSTAMANTE | Uruguay |

Representatives of specialized agencies:

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| Mr. MANNING | International Labour Organisation |
| Mr. ARNALDO | United Nations Educational, Scientific and Cultural Organization |

Representatives of non-governmental organizations:

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|--------------------|----------------|---|
| <u>Category B:</u> | Mr. JOFTES | Co-ordinating Board of Jewish Organizations |
| | Mr. LONGARZO | International Conference of Catholic Charities |
| | Mr. SIENIEWICZ | <u>Nouvelles equipes internationales</u> |
| | Mr. JACOBY | World Jewish Congress |
| | Mr. PENCE | World's Alliance of Young Men's Christian Association |
| | Mr. RONALDS | World Union for Progressive Judaism |

Secretariat:

| | |
|---------------------------|--|
| Mr. HUMPHREY | Director of the Division of Human Rights |
| Mr. SCHWELB | Assistant Director of the Division of Human Rights |
| Mrs. BRUCE) Mr. DAS) | Secretaries of the Commission |

REPORT OF THE SIXTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES (E/CN.4/703, E/CN.4/L.359)

The CHAIRMAN explained that in commenting on the report of the sixth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/703) he would be acting solely in his capacity as Philippine representative to the Commission on Human Rights, since he had completed his duties as Rapporteur of the Sub-Commission and the latter had not appointed one of its members to represent it in the Commission. He recalled that the Sub-Commission had proceeded on the basis of the work programme approved by the Commission at its ninth session, and had decided to add to its agenda an item entitled "Methods to be adopted by the Sub-Commission in carrying out its specialized studies: use of rapporteurs, assistance that can be afforded by the Secretary-General, nature of collaboration with specialized agencies and non-governmental organizations". Discussion of this item had been adjourned as the Sub-Commission had thought that consideration of the next agenda item, "Study of discrimination in education", was in fact a specialized study which would throw light on the problem as a whole; it had also thought it well to ascertain the views of the Secretary-General and of the specialized agencies before proceeding with its study of the question. The views of the Sub-Commission on the question of method finally crystallized when it considered the agenda item on its future work and those views were summarized in the preliminary statement attached to Resolution J.

As a result of its study of discrimination in education, the Sub-Commission was submitting to the Commission for consideration and adoption a draft resolution A, which appeared in Annex I of the report. Although a representative of the Secretariat's Legal Department had indicated that the Sub-Commission was competent to request the Secretary-General to forward information on discrimination in education to interested governments, the Sub-Commission had shared the Secretary-General's view that it was preferable that that request should come from the Commission. The Sub-Commission had decided that the special study of the question should be carried out in three stages: collection, analysis and verification of material, production of a report and recommendations for action. The Sub-Commission had held that the first stage could not be entrusted

solely to the Secretary-General and the specialized agencies and that the services of a special rapporteur should be enlisted. That would relieve the Secretary-General of a particularly onerous task, and greatly facilitate the work of the Sub-Commission since the latter would in any case be unable to carry out the study by itself owing to the fact that it held only one annual session of four weeks.

During the Sub-Commission's examination of the question of studying discrimination in the field of employment and occupation, some of its members who interpreted Economic and Social Council resolution 502 H (XVI) in a restrictive sense, had thought that studies of that type should be made either by the specialized agencies or other organizations concerned or by the Sub-Commission itself in collaboration with the Secretary-General. The majority, however, had decided that the Sub-Commission could adopt a third method, and that was precisely what the Sub-Commission had done in deciding that the preparatory study of discrimination in the field of employment and occupation should be undertaken by the International Labour Organisation, with the collaboration of the Secretary-General; from the material prepared both by the ILO and the Secretary-General, it was hoped that the Sub-Commission would be able to draw appropriate conclusions and formulate necessary recommendations.

The Chairman stated that it was not necessary for the Commission to vote on the Sub-Commission's resolution on that question until the proposed study had been concluded in the form of a report by the Sub-Commission to the Commission.

With regard to its further work on the prevention of discrimination, the Sub-Commission had decided to appoint three of its members to prepare and submit to the Sub-Commission at its seventh session proposals concerning the procedure to be followed in carrying out studies of discrimination in the matter of, (a) political rights proclaimed in the Universal Declaration of Human Rights, (b) religious rights and practices, and (c) emigration, immigration and travel. The Sub-Commission would decide at its seventh session, in the light of the proposals submitted, what further study of discrimination should be undertaken in 1955.

The Chairman emphasized the preliminary nature of the work so far accomplished in the field of preventing discrimination; but the necessary

groundwork had been laid and it was to be hoped that at its next session the Sub-Commission would be able to tackle the substance of the problem of discrimination in the two fields of education and of employment and occupation.

He recalled the difficulties which the Sub-Commission had encountered with regard to the definition of minorities. On two separate occasions it had submitted to the Commission a draft resolution containing a definition of minorities and on each occasion when the Commission had considered that draft resolution, it had referred it back to the Sub-Commission for further study. The Sub-Commission had therefore decided to alter its method of work and, instead of defining minorities in such a way as to permit the formulation of recommendations concerning the application of special measures for the protection of minorities, had simply adopted a definition which would enable a study of the present position as regards minorities throughout the world to be initiated. It had decided that it would use that study as a guide in deciding on the special measures necessary for the protection of minorities. Lastly, it had held the view that that study should be entrusted to an independent expert.

With regard to the future work of the Sub-Commission, the Chairman pointed out that hitherto lack of funds had proved a major handicap. To expedite its future work, the Sub-Commission was inter alia requesting the Commission on Human Rights and through it, the Economic and Social Council, to ask the General Assembly to reconsider resolution 677 (VII) so far as concerned the payment of rapporteurs or independent experts when the Sub-Commission considered it essential to appoint to prepare special studies. The Commission would clearly have to decide the matter if it wished to avoid hampering the work of the Sub-Commission.

Referring to the draft resolutions in Annex I of the report, the Chairman noted that they had been submitted under Rule 39 of the rules of procedure of the Functional Commissions of the Economic and Social Council, although the Sub-Commission had not discussed or voted on the draft resolutions. He also pointed out that the Philippine delegation had submitted a draft resolution (E/CN.4/L.359) on collaboration between the Sub-Commission and the specialized agencies.

He asked whether members wished to proceed with a general debate on the report as a whole, or whether they preferred to consider only the various questions on which the Commission had to take a decision and which were embodied in the draft resolutions in Annex I and in the Philippine proposal.

Mr. MOROZOV (Union of Soviet Socialist Republics) thought that in order to save time, the Commission should decide what method it intended to follow in examining the Sub-Commission's report. If the majority of delegations wished to have a general debate before studying the draft resolutions in Annex I of the report, he would not object to such a procedure. It might, perhaps, be better if the Commission were to proceed at once to discuss the draft resolutions in the report, the Philippine draft resolution and any other proposals which might be submitted to it, and then to vote on the various texts. Representatives could make general observations during the discussion of the texts.

As regards the draft resolutions in Annex I, it would be unnecessary to discuss draft resolution E, under which the Commission on Human Rights merely took note of the Sub-Commission's report. Accordingly, the discussion would relate solely to draft resolutions A, B, C and D. As they referred to different questions, they should be taken separately, in the order in which they appeared in the report. If they were all taken together, any comments and suggestions delegations might see fit to make on the draft resolutions individually would be somewhat scattered, and representatives would not have them in mind when the vote was taken. The Commission could then take up the Philippine draft resolution and any other proposals it had before it, unless the Philippine delegation wished its draft to be examined at the same time as one of the Sub-Commission's draft resolutions.

He suggested therefore that the general debate should not be separated from the discussion of the texts before the Commission. General observations would be made during the discussion of the draft resolutions, which the Commission would take up one after the other. The fact that those drafts had neither been discussed nor voted upon by the Sub-Commission was unimportant so far as the procedure for examining the report was concerned, since they embodied the substance and in some cases even the wording of the draft resolutions on which the Sub-Commission had voted. That procedure would enable the Commission to organize its work rationally.

The CHAIRMAN pointed out that a general debate would enable the members of the Commission to express their views on certain aspects of the report to which the draft resolution in Annex I did not relate.

Mr. NISOT (Belgium) thought that the Sub-Commission's report was a very important document and contained general ideas which might have quite serious repercussions. He did not see, therefore, why the Commission should, so to speak, cold-shoulder it by not holding a general debate.

Mr. HOARE (United Kingdom) would support the USSR representative's suggestion as regards the examination of the draft resolutions in Annex I. It seemed better that those drafts should be taken separately, in the order in which they appeared in the report, unless of course the Commission decided to follow a different order.

It would, however, be preferable not to hold a general debate at the same time as the draft resolutions were examined, as the report raised a number of important legal, administrative and financial questions, such as that of maintaining the post of rapporteur and the expenses connected therewith, and the appointment of experts, which should be examined on a general basis. Further, it might be appropriate to examine some of the questions dealt with in the draft resolutions on which the Sub-Commission had voted and which had not been submitted to the Commission on Human Rights for approval. It would be very useful to have a general debate before the examination of the proposals, first, because it would enable delegations to become more familiar with the questions on which they would have to take a decision, and, second, because the ideas and suggestions put forward in the general debate might influence the position taken by delegations when the texts in Annex I were discussed.

Mr. MOROZOV (Union of Soviet Socialist Republics) explained that the main point he had wished to make in his previous statement was that the Commission should take the draft resolutions in Annex I as a basis for its work since it was on that part of the report that the Commission had to reach a

decision. That proposal would not appear to have met with objection in the past and he saw no disadvantage in the Commission beginning with a general debate.

Mr. ORTEGA (Chile) said that it appeared, both from the draft resolutions in Annex I of the report and from the Chairman's statement, that the Sub-Commission had not reached any conclusion on the substance of the question. In the circumstances, the Chilean delegation felt that the method suggested by the USSR representative was the best. It would be better to take up immediately the specific proposals before the Commission in the order in which they appeared in the report, it being understood that representatives would not be required to confine their remarks to the text before them and could make any general comments they considered necessary with regard to the questions to which the draft resolutions referred. The Commission would then examine the Philippine proposal. Moreover, if the Commission were to hold a general debate, it would waste a lot of time since the general comments made during that debate would be reiterated when the actual proposals were discussed.

Mr. WHITLAM (Australia) pointed out that some countries were especially interested in the problem dealt with in the report and had acquired a wealth of experience in the matter which the Commission could turn to good account. They should therefore be given an opportunity of expressing their views and, for its part, the Australian delegation would like to hear their comments. Moreover, representatives would be better able to ask questions and request explanations regarding the report during a general debate. For all those reasons he would prefer a general debate in order that delegations might have an opportunity of thinking over any comments which had been made before beginning the examination of the actual proposals.

The CHAIRMAN thought that the best course was for the Commission to vote on the matter. He therefore put to the vote the question whether the Commission wished to take up immediately the draft resolutions in Annex I of the report one by one, or wished first to hold a general debate on the report as a whole.

The Commission decided, by 9 votes to none, with 7 abstentions, to hold a general debate.

MEMBERSHIP OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (E/CN.4/699)

The CHAIRMAN drew the Commission's attention to document E/CN.4/699 on the membership of the Sub-Commission on Prévention of Discrimination and Protection of Minorities. He thought the Commission should fix a time limit for the nomination of candidates to replace Mr. Masani (India) and the date on which the election should be held.

Mr. MOROZOV (Union of Soviet Socialist Republics) thought that, in accordance with established tradition, the Indian Government should nominate a candidate and that, consequently, the Soviet Union Government did not contemplate nominating one.

Mr. DAYAL (India) said that his delegation intended to present a candidate for election to the vacancy.

The CHAIRMAN pointed out that each member of the Commission was free to act as he chose in the matter.

Mr. GREEN (United States of America), supported by Mr. NISOT (Belgium), thought it should be pointed out that as members of the Sub-Commission were experts who did not represent their Government, a person who was a national of a country other than that of the person he was to replace could be appointed.

The CHAIRMAN read out paragraph 3 of document E/CN.4/699. He suggested that Friday, 2 April, should be fixed as the last day for nominating candidates, and that the election should take place on Friday, 9 April.

It was so decided.

The CHAIRMAN suggested that the Commission should meet at 2.40 p.m. in closed session in order to study the confidential list of communications.

It was so decided.

The meeting rose at 12.20 p.m.