

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/CN.4/Sub.2/124
18 July 1951

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Fourth session

ACTION TAKEN UPON DECISIONS REACHED BY THE SECOND AND THIRD
SESSIONS OF THE SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES

(13-27 June 1949, 9-27 January 1950)

(Memorandum by the Secretary-General)

TABLE OF CONTENTS

	<u>Paragraphs</u>
INTRODUCTORY NOTE	
I. INFORMATION FROM GOVERNMENTS RELATING TO THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES	1 - 6
II. EDUCATIONAL MEASURES FOR THE PREVENTION OF DISCRIMINATION	7 - 10
III. DEFINITION OF MINORITIES AND INTERIM MEASURES TO BE TAKEN FOR THE PROTECTION OF MINORITIES	11 - 13
IV. CO-OPERATION OF NON-GOVERNMENTAL ORGANIZATIONS	14
V. NATIONAL CO-ORDINATING COMMITTEES	15 - 16
VI. RIGHT OF THE SUB-COMMISSION TO FORWARD PROPOSALS TO THE ECONOMIC AND SOCIAL COUNCIL	17 - 18
VII. THE HANDLING OF PETITIONS	19 - 20

INTRODUCTORY NOTE

The purpose of this report is to indicate briefly the outcome of such decisions reached by the second and third sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as called for action on the part of the Commission on Human Rights, the Economic and Social Council, or the Secretary-General, and to furnish references whereby the action taken on them may be studied in greater detail. In the Report of the third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recommendations decided upon at both the second and third sessions are set forth in the form of draft resolutions submitted to the Commission on Human Rights for consideration and adoption (Annex, E/CN.4/358). Decisions of the Commission on these recommendations are recorded in Chapter VII of the Report of the Sixth Session (E/1681). The action of the Economic and Social Council on the relevant recommendations of the Commission is to be found in its Resolutions 303 F and G (XI).

I. INFORMATION FROM GOVERNMENTS RELATING TO THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

1. At its second session the Sub-Commission adopted a resolution on information on the Status of Minorities (resolution IV, E/CN.4/358, Annex) in which it called upon the Secretary-General "to request the various Governments to furnish him with full information regarding legislative measures for the protection of any minority within their jurisdiction, in the light of the definition of minorities adopted by the Sub-Commission, and regarding the status of such minorities in the light of the provisions of the Universal Declaration of Human Rights."
2. At its third session the Sub-Commission adopted a resolution on legal measures for the prevention of discrimination (resolution I, E/CN.4/358, Annex) requesting the Secretary-General:

"(a) To make arrangements with each Member Government, and other Governments, to furnish him as soon as practicable but in any case not later than 31 December 1950, examples (with appropriate citations where possible) of legislation, judicial decisions, and other methods which have been found to be especially useful in that country in preventing discrimination, in one or more of the fields covered by the Universal Declaration of Human Rights; and
(b) To distribute a brief summary of that material to the members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities prior to its fourth session."

3. The Ad Hoc Committee on Prevention of Discrimination and Protection of Minorities, established by the Commission on Human Rights at its sixth session, combined and amended these two requests of the Sub-Commission, and submitted a draft resolution to the Commission on Human Rights (resolution B, E/CN.4/450, Annex).
4. The Commission on Human Rights, at its 180th meeting, adopted this draft resolution (resolution VI, E/1681) by 14 votes to none, with one abstention (E/CN.4/SR.179 and 180), and submitted it to the Economic and Social Council.
5. At its eleventh session the Council adopted the Commission's draft resolution, with minor amendments, in the following form (resolution 303 F (XI)):

The Economic and Social Council,

Considering the need for thorough and precise information relating to the prevention of discrimination and the protection of minorities,

Requests the Secretary-General:

(a) To invite Governments, Members and non-members of the United Nations;

(i) To furnish him, as soon as practicable, examples (with appropriate citations, where possible) of legislation, Judicial decisions, and other types of action which have been found to be especially useful in that country in preventing discrimination in one or more of the fields covered by the Universal Declaration of Human Rights;

(ii) To furnish him, as soon as practicable, full information regarding the protection of any minority within their jurisdiction by legislative measures and in the light of the Universal Declaration of Human Rights; and

(iii) To furnish him, in particular, such information as could serve as a basis for defining the term "minorities";

(b) To distribute the information received from Governments in response to this invitation to the members of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities prior to its fourth session.

6. The Secretary-General circulated this resolution to all governments, Members and non-Members of the United Nations, on 28 September 1950. On 24 May 1951 he sent a second letter to all governments which up to that time had not furnished the requested information. The replies received have been circulated to members of the Sub-Commission in documents E/CN.4/Sub.2/122 and addenda.

II. EDUCATIONAL MEASURES FOR THE PREVENTION OF DISCRIMINATION

7. At its third session the Sub-Commission adopted a resolution on educational measures for the prevention of discrimination (resolution II, E/CN.4/358, Annex), recommending adoption by the Council of a draft resolution on this subject. The draft resolution (i) drew the attention of Member States to the urgent necessity of taking steps to eliminate all forms of discrimination in the schools;

(ii) emphasized the part which private educational establishments and non-governmental organizations must play in combating prejudice and discrimination;

(iii) referred to the activities of the United Nations Educational, Scientific and Cultural Organization, inviting it to give due emphasis to those practical

/activities.

activities in the field of education which are likely to lead to the eradication of prejudice and the elimination of discrimination and, in this connexion, to bear in mind the opportunities for progress afforded by adult educational activities; (iv) noted certain resolutions adopted by UNESCO in 1950 concerning the improvement of textbooks and teaching materials, the conduct of educational seminars and the publication and distribution of selected materials from each seminar; (v) referred to UNESCO's forthcoming statement on race from the viewpoint of present scientific knowledge, and requested UNESCO "to give priority and the necessary funds to the preparation, publication, and dissemination of simple and readable books or pamphlets, based on scientific facts, explaining the fallacies of exaggerated race theories and religious and other prejudices; and invited Member States to distribute such books or pamphlets widely among all their peoples and to disseminate these ideas in their public education programmes.

8. The resolution was referred to, and was discussed by, the Ad Hoc Committee, which adopted a draft resolution on this subject (resolution D, E/CN.4/450, Annex).

9. The Commission on Human Rights unanimously adopted the draft resolution proposed by the Committee after amending it (E/CN.4/SR.180).

10. The Council agreed, in principle, with the draft resolution (resolution VII, E/1681, Annex IV) proposed by the Commission. It noted that the references to UNESCO required amendments in the light of subsequent developments, and made the necessary alterations. In connexion with the recommendation concerning the publication of books and pamphlets it was suggested that they should be based on the general moral principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights, as well as on scientific knowledge. The resolution finally adopted by the Council (resolution 303 G (XI)) reads as follows:

"The Economic and Social Council,

Believing that education plays a great part in the prevention of discrimination, and that positive and lasting results in preventing discrimination are attainable in educational establishments,

Affirming its conviction that one of the principal goals of education should be to eliminate all forms of discrimination and to eradicate such prejudices as may lead to the commission of acts of discrimination,

/Emphasizing

Emphasizing that considerable assistance in this matter may be given by non-governmental organizations and private institutions,

Noting with satisfaction the initiative taken in this field by the United Nations Educational, Scientific and Cultural Organization in the improvement of text-books and teaching materials, in the conduct of educational seminars in the training of teaching personnel, and in the preparation of a statement on race from the viewpoint of present scientific knowledge,

Recommends that Member States:

- (a) Adopt measures to be applied in educational establishments designed to eliminate discrimination;
- (b) Distribute the books and pamphlets referred to in sub-paragraph (b) below as widely as possible among all their peoples; and
- (c) Introduce, in so far as possible, the ideas contained in the books or pamphlets referred to in sub-paragraph (b) below into their education programmes; and

Recommends that the United Nations Educational, Scientific and Cultural Organization:

- (a) Give emphasis to such practical educational activities as are likely to eradicate prejudice and discrimination, bearing in mind the opportunities afforded through adult education; and
- (b) Undertake, as soon as practicable, preparation and widest possible dissemination of information through suitable books and pamphlets based on scientific knowledge as well as general moral principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights and designed to expose fallacies of race theories and to combat prejudices which give rise to discrimination."

III. DEFINITION OF MINORITIES AND INTERIM MEASURES TO BE TAKEN FOR THE PROTECTION OF MINORITIES

11. At its third session the Sub-Commission adopted a resolution on the definition of minorities for purposes of protection by the United Nations (resolution III, E/CN.4/358).

12. At the same session it adopted a resolution on interim measures to be taken

/for the protestic

for the protection of minorities (resolution V, E/CN.4/358, Annex) recommending that the Economic and Social Council adopt and transmit to the General Assembly a draft resolution on interim measures to be taken for the protection of minorities. Both proposals were referred to the Ad Hoc Committee for consideration. The Committee also had before it a draft resolution proposed by the Representative of the United States of America (E/CN.4/AC.11/L.1). It adopted the latter text, after amending it, recommending that the Commission on Human Rights should not forward these two proposals of the Sub-Commission to the Council, but should request the Sub-Commission to give further study to the problem of the protection of minorities with a view to the development of further proposals. The Committee also suggested certain amendments (resolution E, E/CN.4/450 Annex).

13. The Commission on Human Rights, after discussing the proposal submitted by the Ad Hoc Committee (E/CN.4/SR.180) adopted amendments proposed by the representative of Belgium (E/CN.4/467) and the United Kingdom (E/CN.4/464). The Commission then adopted by 12 votes to none, with three abstentions, the following resolution (resolution J, E/1681, paragraph 67):

"The Commission on Human Rights,

"Having considered the draft resolutions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to a definition of minorities and interim measures to be taken for the protection of minorities,

"Recognizing that the Sub-Commission decided at its third session that the protection of minorities by international agreement should be considered further at its next session, and

"Recognizing that the Sub-Commission will have additional information at its next session from Member Governments regarding minorities which it proposes to consider before completing its recommendations relating to their protection by international agreement,

"Decides that it is premature to forward to the Economic and Social Council the resolution relating to a definition of minorities and the resolution on interim measures to be taken for the protection of minorities;

"Decides accordingly not to forward these two draft resolutions to the Economic and Social Council in order to enable the Sub-Commission to use

/them if necessary

them if necessary for the development of its further proposals on minorities drawing the attention of the Sub-Commission to the discussion of these draft resolutions in the Commission on Human Rights."

IV. CO-OPERATION OF NON-GOVERNMENTAL ORGANIZATIONS

14. At its second session the Sub-Commission adopted a resolution on "co-operation of non-governmental organizations, proposing that the Secretary-General be requested to request non-governmental organizations to furnish to the Sub-Commission, annually, certain factual material relevant to the Sub-Commission's terms of reference (resolution VII, E/CN.4/358/Annex). The resolution was referred to, and discussed by, the Ad Hoc Committee. The Committee submitted the following revised version of it (resolution C, E/CN.4/450, Annex) to the Commission:

"The Commission on Human Rights,

"Recognizing the valuable co-operation already given by various non-governmental organizations which have been brought into consultative status with the United Nations,

"Recognizing the special and important role that such organizations can play in the development of the tasks of the Sub-Commission,

"Requests the Secretary-General:

"(a) To invite all such organizations to furnish annually, and at any other time desired by them, factual information relevant to the Sub-Commission's terms of reference; in particular, factual and statistical information such as may assist the Sub-Commission with respect to Article 2 of the Universal Declaration of Human Rights;

"(b) To submit information received from such non-governmental organizations to the Governments concerned, and to furnish to the members of the Sub-Commission the information received from the non-governmental organizations, accompanied, if available, by any relevant commentaries or other data received by the Secretariat from the Governments concerned."

This text failed of adoption in the Commission by 8 votes to 4 with 4 abstentions. Members of the Commission observed that non-governmental organizations having consultative relationship with the Economic and Social Council already were

/entitled,

entitled, by resolution 288 B (X) of the Council, to submit statements to the Sub-Commission (E/CN.4/SR.180).

V. NATIONAL CO-ORDINATING COMMITTEES

15. At its second session the Sub-Commission adopted a resolution on national co-ordinating committees, requesting the Secretary-General (resolution VIII, E/CN.4/358, Annex):

"(a) To take whatever steps may be most practicable to achieve in each State the establishment of a national co-ordinating committee of national sections of non-governmental organizations holding consultative status with the United Nations;

"(b) To request such national co-ordinating committees, when established, to form a Human Rights Standing Committee;

"(c) To obtain annually from such above committees as may be established, a report as to the result of their activities; and to furnish a summary of such report to the members of the Sub-Commission prior to each session."

16. The Ad Hoc Committee proposed that no action be taken on this recommendation (E/CN.4/450, paragraph 15). The Commission on Human Rights adopted this proposal.

VI. RIGHT OF THE SUB-COMMISSION TO FORWARD PROPOSALS TO THE ECONOMIC AND SOCIAL COUNCIL

17. At its second session the Sub-Commission submitted to the Commission on Human Rights a draft resolution recommending "that the Council grant the Sub-Commission the right to forward proposals, which the Sub-Commission specify as being urgent proposals direct to the Economic and Social Council," (resolution IX, E/CN.4/358, Annex).

18. The Ad Hoc Committee decided unanimously to recommend that no action be taken by the Commission on this proposal (E/CN.4/450, paragraph 16). The Commission on Human Rights accepted this recommendation.

VII. THE HANDLING OF PETITIONS

19. At its second session the Sub-Commission adopted a resolution on the handling of petitions (resolution VI, E/CN.4/358, Annex), recommending "that the Economic and Social Council amend its resolution 75 (V) with a view to granting the Sub-Commission on Prevention of Discrimination and Protection of Minorities

/the right

the right to make reports on matters brought to its attention in the course of examining communications relative to the prevention of discrimination and the protection of minorities;" and suggesting a procedure for the handling of urgent problems in the field of discrimination pending the establishment of measures for the implementation of the International Covenant on Human Rights.

20. This proposal was considered by the Ad Hoc Committee on Communications at its meeting on 1 May 1950 (E/CN.4/AC.13/SR.1). The report which this Committee submitted to the Commission (E/CN.4/460/Rev.1), which was unanimously adopted at the 179th meeting (E/CN.4/SR.179), expressed the opinion that until measures of implementation of the International Covenant of Human Rights have been decided upon, it would be premature to sanction any procedure for handling complaints or petitions by a Sub-Commission other than that at present in force for dealing with communications relating to human rights.
