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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Third Session

SUMMARY RECORD OF THE FORTY-THIRD MEETING

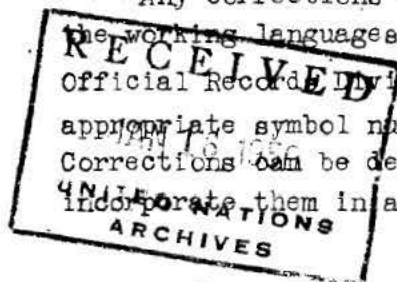
Held at Lake Success, New York,
on Wednesday, 11 January 1950, at 10.30 a.m.

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Prevention of discrimination: recommendations thereon, including any which may arise out of consideration of Chapter VI (Legal Measures) and Chapter VII (Educational Measures) of document E/CN.4/Sub.2/40, and the reports of the ILO (E/CN.4/Sub.2/93), the IRC (E/CN.4/Sub.2/88), UNESCO (E/CN.4/Sub.2/90) and WHO (E/CN.4/Sub.2/87).

<u>Chairman:</u>	Mr. MASANI	India
<u>Vice-Chairman:</u>	Mr. WINIEWICZ	Poland
<u>Rapporteur:</u>	Mr. MENESES PALLARES	Ecuador
<u>Members:</u>	Mr. CHANG	China
	Mr. DANIELS	United States of America
	Mr. EKSTRAND	Sweden
	Mr. FORMASHEV	Union of Soviet Socialist Republics
	Miss MONROE	United Kingdom of Great Britain and Northern Ireland
	Mr. NISCT	Belgium
	Mr. ROY	Haiti
	Mr. SHAFAG	Iran

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Also Present: Miss KENYON Commission on the Status of Women

Representatives of specialized agencies:

Dr. ANGELL United Nations Educational, Scientific and
and Cultural Organization (UNESCO)

Mr. Soto de la JARA International Labour Organisation (ILO)

Consultant from a non-governmental organization (Category A):

Miss T. SENDER American Federation of Labor (AF of L)

Consultants from non-governmental organizations (Category B):

Mrs. AIETA Catholic International Union for Social
Service

Mr. STEINER Commission of the Churches on International
Affairs

Mr. MOSKOWITZ Consultative Council of Jewish Organizations

Mr. BERNSTEIN Co-ordinating Board of Jewish Organizations

Mr. GROSSMAN World Jewish Congress

Secretaries Mr. HUMPHREY Director of the Human Rights Division

Mr. LAWSON Secretary of the Sub-Commission

PREVENTION OF DISCRIMINATION: RECOMMENDATIONS THEREON, INCLUDING ANY WHICH MAY ARISE OUT OF CONSIDERATION OF CHAPTER VI (LEGAL MEASURES) AND CHAPTER VII (EDUCATIONAL MEASURES) OF DOCUMENT E/CN.4/Sub.2/40, AND THE REPORTS OF THE ILO (E/CN.4/Sub.2/93), THE IRO (E/CN.4/Sub.2/88), UNESCO (E/CN.4/Sub.2/90) AND WHO (E/CN.4/Sub.2/87)

1. The CHAIRMAN, after welcoming Miss Kenyon, representative of the Commission on the Status of Women, announced that the Sub-Commission would begin discussion of item 6 on its agenda, the prevention of discrimination.

2. Miss MONROE (United Kingdom) pointed out that a number of proposals had already been submitted to the Sub-Commission; two by Mr. Shafaq (E/CN.4/Sub.2/91 and E/CN.4/Sub.2/92), one by Mr. Daniels (E/CN.4/Sub.2/95) and her own (E/CN.4/Sub.2/96). It was therefore necessary for the Sub-Commission to decide under which agenda items those proposals should be considered.

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3. After some discussion, the CHAIRMAN announced that Miss Monroe's proposal (E/CN.4/Sub.2/96) and Mr. Daniels' proposal (E/CN.4/Sub.2/95) would be considered in connexion with item 6. Mr. Shafaq's proposal for on-the-spot surveys (E/CN.4/Sub.2/91) would be considered in connexion with items 6 and 7, and his proposal for the study of the status of newly created minorities (E/CN.4/Sub.2/92) in connexion with items 7 and 8.

4. The Sub-Commission would deal first with the educational aspect of the problem, and would begin its discussion with the reports of the specialized agencies. He accordingly invited Dr. Angell (UNESCO) to introduce that organization's memorandum (E/CN.4/Sub.2/90).

5. Dr. ANGELL (United Nations Educational, Scientific and Cultural Organization) observed that his organization appreciated the importance of the Sub-Commission's work and was very anxious to offer its collaboration in every possible way.

6. Introducing the memorandum transmitted by UNESCO (E/CN.4/Sub.2/90), he first drew attention to the information given in Section A (General Principles). At the meeting of experts held in November 1949, particular stress had been laid on the principles set forth in sub-paragraph (c)(1) on page 4 of the document. As regards Section B (Scientific material concerning questions of race), he explained that the draft declaration on scientific knowledge concerning race and racial relations prepared at another meeting of experts held in December 1949 was still undergoing a process of checking; it had been decided not to make it public until it had taken final shape. A programme of dissemination of special booklets based on the draft declaration had been worked out. With respect to Section C, he considered that the work of Dr. Klineberg, mentioned on page 7 of the UNESCO report, would be of particular interest to the Sub-Commission. In connexion with Section D, he pointed out that, in order to secure the adoption of legal measures against discrimination, preliminary education might be necessary. Educational and legal measures were in fact two aspects of the same line of effort.

7. Mr. SHAFaq (Iran) stressed the desirability of taking practical action on the UNESCO report in view of the importance of education in the campaign against discrimination. He would submit a proposal to the Sub-Commission recommending publication, under the auspices of UNESCO, of a series of pamphlets /exposing

exposing the fallacies underlying racial discrimination, which would be available for distribution by every Member State.

8. In reply to Miss MONROE (United Kingdom), Dr. ANGELL (United Nations Educational, Scientific and Cultural Organization) stated that the draft declaration on scientific knowledge concerning race and racial relations mentioned on page 5 of the UNESCO report (E/CN.4/Sub.2/90) would not be available to members of the Sub-Commission at the current session. It was hoped to publish it as an official document by 1 March 1950.

9. The CHAIRMAN inquired whether the representative of the ILO wished to make a statement pending the circulation of the ILO report (E/CN.4/Sub.2/93).

10. Mr. Soto de la JARA (International Labour Organisation) said that the ILO report was self-explanatory and that no introductory statement was therefore necessary.

11. The CHAIRMAN invited Miss Monroe to introduce her proposal relating to item 6.

12. Miss MONROE (United Kingdom) said that, while much work admittedly remained to be done by UNESCO and other agencies in the analysis of discrimination, it was nevertheless desirable to consider recommendations for practical action. The UNESCO report contained a number of general recommendations, from which she had selected those which appeared to be capable of practical implementation. Wherever concrete action was possible, UNESCO should be given every encouragement.

13. The first proposal in her draft resolution related to the production of text books, a field in which UNESCO action was of very great importance. The second and third proposals, relating to educational seminars, were based on the view that the holding of such seminars by UNESCO, and the publication of their results for the benefit of a large number of teachers unable to attend in person, would constitute an important contribution to the eradication of prejudice.

14. Mr. SHAFAG (Iran) reminded the Commission of the proposal made at its first session to set up a committee of world leaders in educational theory and practice to select the basic principles of democratic education, and suggested that an international text book should be drawn up on that basis.

/15. Mr. DANIELS

15. Mr. DANIELS (United States of America), in introducing his draft resolution (E/CN.4/Sub.2/95), said that its purpose was to make available to the Sub-Commission, at its fourth session, full information on the steps taken in all the countries of the world with a view to preventing discrimination. Since it was desirable that such information should be as complete as possible, he proposed that point (1) of the operative part of his draft resolution should be amended to include not only Member Governments but all other Governments.

16. Mr. FORMASHEV (Union of Soviet Socialist Republics) opposed the suggested amendment to Mr. Daniels' draft resolution on the grounds that the extension of the Sub-Commission's activities to non-member States was contrary to its terms of reference and to the Charter.

17. The CHAIRMAN drew attention to the fact that a resolution similar to that proposed by Mr. Daniels had been adopted at the previous session and had not yet been discussed by the Commission on Human Rights. Since, however, it dealt with the question of minorities and not with the question of discrimination, he suggested that the two resolutions should be submitted separately and that the Commission on Human Rights should decide whether or not they should be amalgamated before submission to the Economic and Social Council.

18. Mr. WINIEWICZ (Poland) suggested that the Sub-Commission should first consider the problem in general terms, and should return to a discussion of individual proposals at a later stage.

It was so decided.

19. Miss KENYON (Commission on the Status of Women) remarked that although women did not constitute minorities, they were discriminated against. She asked whether the proposal submitted by Mr. Shafaq regarding on-the-spot surveys could not be amended to include studies on the conditions of women.

20. Mr. SHAFQAQ (Iran) pointed out that the Secretary-General's memorandum on the Main Types and Causes of Discrimination defined discrimination as the

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denial of the right to equality, from which it followed that the grant of complete equality was essential to combat discrimination. It was, however, difficult to reconcile the grant of such equality with the retention of the anti-social customs common to many minority groups, which were frequently at a backward stage of development.

21. Mr. CHANG (China) said that in view of the importance of educational measures in the campaign against discrimination, it was regrettable that UNESCO appeared to have insufficient funds at its disposal for work in that field, and that all Members of the United Nations did not yet participate in that work.

22. Mr. WINIEWICZ (Poland) remarked that the Sub-Commission should take great care to avoid a purely mechanical approach to the problems before it. It was true that, as Miss Monroe had pointed out, prejudice was the main source of discrimination in the world: but prejudice itself was the product of certain types of society. The United Nations, concerned as it was with the future state of the world, should constantly bear in mind that prejudice developed in an atmosphere of hatred, lack of understanding, and incitement to war. By printing and distributing books, however enlightened, the organization would solve only a very small part of the problem of discrimination. Really effective action could be taken only in the light of the fundamental provisions of the Preamble to the Charter.

23. Conditions prevailing within individual States were also decisive in creating or preventing prejudice and discrimination. It was obvious, for example, that the educational problems of minorities in countries where there was much unemployment were quite different from those in countries where the economic needs of the population were adequately safeguarded. Similarly, the position as regards racial discrimination was naturally quite different in countries subjected to colonial exploitation as compared to those where such exploitation was unknown.

24. The Secretary-General's memorandum (E/AC.4/Sub.2/40/Rev.1) failed to analyze the underlying causes of discrimination and prejudice; the approach it advocated was too superficial. If the Sub-Commission meant to strike at the roots of the grave problem before it and to find a speedy solution, it must endeavour to take a much broader view.

/25. Miss SENDER

25. Miss SENDER (American Federation of Labor) agreed with the substance of Mr. Winiewicz's remarks. She stressed the importance of preventing discrimination in the political field, and pointed out that minority rights in that field were not as yet adequately protected. In view of that fact, it was essential that the approach of various United Nations organs to the problem of political discrimination should be unified. Miss Sender remarked, in that connexion, that the terms of the ILO Charter made specific reference to political discrimination, and drew attention to the fact that that form of discrimination was taken into account also in the Secretary-General's memorandum (E/CN.4/Sub.2/40/Rev.1) and in Mr. Shafaq's proposal for on-the-spot surveys (E/CN.4/Sub.2/91).

26. Mr. FORMASHEV (Union of Soviet Socialist Republics) observed that the Sub-Commission's task was rendered particularly urgent and important by the grievous situation of minorities in a number of Member States, and of the populations of colonial territories under the administration of Member Governments.

27. Chapter VI of the Secretary-General's memorandum, now under consideration by the Sub-Commission, tended to minimize the importance of legislative measures in the prevention of discrimination. In particular, the assertion in paragraph 139 that the effectiveness of legal measures was subject to social conditions was a dangerous one because, regardless of the intentions of its authors, it might be used as an excuse for failure to prevent discrimination. Experience showed that legislation, if strictly applied, could prevent discrimination and even eliminate it altogether, thus ensuring the protection of the rights of minorities. On the other hand, in States where discrimination against national, racial, religious and other minorities was widely practised, anti-discriminatory legislation was either totally absent or practically ineffective because it did not enjoy the support of the Government concerned.

28. Paragraph 145 of Chapter VI implied that the law might, in some circumstances, be incompatible with individual freedom. That was, of course, a mere pretext used by reactionaries in the interests of continued discrimination. In democratic States, the law protected individual freedom; consequently, prevention of discrimination meant prevention of infringements of individual freedom.

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29. A further defect of the Secretary-General's memorandum was that it included racial, national and religious minorities under the single general term "social groups". The use of such a nebulous expression could only serve to confuse the issue.

30. Furthermore, the memorandum attempted to divert the Sub-Commission's attention from the basic tasks before it to questions outside its competence, such as the rights of women, of illegitimate children and so forth.

31. Turning to Chapter VII (Educational Measures), Mr. Formashev remarked that educational measures were of secondary importance in the matter of prevention of discrimination and protection of minorities. Paragraph 157 implied that it might be possible to prevent discrimination by educational measures without destroying its causes. Such a view was basically incorrect: only by combatting the causes of discrimination, and in particular the ideology of nazism and fascism in all its forms, would it be possible to abolish discrimination.

32. In that connexion, Mr. Formashev remarked that the nazi theory of racial supremacy was still being disseminated by Mr. Churchill and his followers. Racial theories were being advanced by the Anglo-American countries to justify claims to world domination and, on the home front, to disrupt the unity of the working class, thus forming one of the most important causes of discrimination in the United States.

33. Mr. Formashev then reviewed instances of discrimination against Negroes and American Indians in the United States, referring in particular to the number of lynchings in the years 1945-1949, discriminatory practices in education, poor economic conditions in Indian reservations and high morbidity and mortality rates among the Navajos and Papagos. Other national minority groups, such as Mexicans, Puerto Ricans, Italians, Slavs and others, were also subject to discrimination in the United States. In a number of Latin-American countries, particularly Peru, Chile, Brazil and Bolivia, the indigenous population was exposed to humiliating discriminatory practices and merciless economic exploitation, leading in some instances to the virtual extermination of Indian tribes. The question of racial discrimination against Indians and Africans in the Union of South Africa had been on the General Assembly's agenda ever since its first session. In Australia, a theory of white

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supremacy had been evolved which provided for the exclusion from that country of all immigrants from East Asia and the South Pacific area. The Australian aborigines, decimated by a process of gradual extermination, were subject to appalling exploitation and persecution.

34. Mr. Formachev cited instances of discrimination practised by colonial Powers against the inhabitants of territories under their administration, drawn from information submitted to the Trusteeship Council. In particular, he referred to labour conditions and inequality in wages as between indigenous and European workers in various colonies and Trust Territories, as well as to unsatisfactory health and educational conditions in French Equatorial Africa, Nyasaland, Uganda and British Somaliland.

35. Against that background of racial discrimination and inequality, the achievements of the Soviet Union in solving the question of nationalities were truly remarkable. All national privileges had been abolished; the principle of national equality had been put into effect, and the right of national minorities to free national development had been ensured by the very nature of the Soviet system. The Constitution of the USSR and the criminal codes of the Soviet Republics guaranteed full equality of all Soviet citizens regardless of nationality or race, and provided for severe penalties for all propaganda designed to create national hatreds or provoke discrimination.

36. Within the space of a short period of history, the Soviet Union had succeeded in raising the economic and cultural level of all its peoples to a degree which was particularly striking if compared to conditions prevailing in certain neighbouring countries. Thus, while the Azerbaijan and Uzbek SSR's had been transformed into highly industrialized territories, Turkey and Iran remained backward agrarian countries. Similarly, while illiteracy had been eradicated in the Azerbaijan and Uzbek SSR's, the percentage of illiteracy in Turkey and Iran was still 60 per cent and 85 per cent respectively. Those facts exemplified the economic and cultural growth of all the Republics composing the Soviet Union.

37. The triumph of the Soviet people in the Second World War had conclusively demonstrated that the USSR was a perfect model of a multi-national State, in which the national question and the problem of co-operation had been solved with greater success than in any other country.

38. The Charter provided for equal rights for men and women and for nations large and small, and for respect of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. In the light of those high principles, the Secretary-General's memorandum and the proposals it contained were unsatisfactory and ineffective. The Sub-Commission was in duty bound to work out concrete measures for the prevention of discrimination and the protection of minorities.

39. To that end, the Sub-Commission should lay down that States should grant full political rights to all their citizens, regardless of race, colour, nationality, class, economic and social position, language, religion or sex. Educational and property qualifications limiting the electoral rights of citizens should be abolished. All peoples should have the right to national self-determination. States responsible for the administration of Non-Self-Governing Territories should work towards the realization of that purpose in the light of the principles of the United Nations. States should guarantee to national minorities the right to their language, their national schools, libraries, museums and other cultural and educational institutions. Any form of nazi or fascist propaganda, as well as dissemination of theories of racial or national superiority, should be prohibited by law.

40. Only the implementation of those provisions by all States would prove a really effective means of prevention of discrimination and protection of minorities.

41. Mr. DANIELS (United States of America) supported the views expressed by Mr. Winiewicz. The Sub-Commission should indeed strive to take a wider view of the problems confronting it, and to avoid antagonism and hatred. To proclaim the superiority of any nation over all others was to do precisely what the Sub-Committee was called upon to combat.

42. Mr. BERNSTEIN (Co-ordinating Board of Jewish Organizations) noted with pleasure the Sub-Commission's concern with educational and legal methods of preventing discrimination and protecting minorities. He hoped, however, that the Sub-Committee would also consider certain other measures, both at the national and the international level.

43. In the first place, Mr. Bernstein suggested the creation of national commissions on human rights in Member States. Such commissions would occupy themselves with the investigation of complaints, and give minority groups the opportunity to state their grievances. The possibility of creating such commissions had already received serious consideration in the United States.

44. Secondly, Mr. Bernstein supported the creation of an organ under the auspices of the United Nations to carry out on-the-spot surveys of discriminatory acts against national and other minority groups. The existence of such a body, whether within the Secretariat or under the Human Rights Commission or the Sub-Commission itself, would offer facilities for closer investigation of cases of discrimination.

45. Mr. MENESES PALLARES (Ecuador) felt that the USSR representative had made a somewhat one-sided approach to the question of discrimination. Most of the countries he had listed as guilty of serious negligence in the matter of discrimination were in a position to say that they were, to a greater or lesser degree, doing all they could to improve the situation. In Latin America, Peru, Chile and Bolivia were doing their utmost to fight discrimination. Ecuador, which Mr. Formashev had not mentioned by name, was also endeavouring to improve the lot of its native population, and had in many instances succeeded in doing so. Mr. Meneses Pallares stressed that the Indians of Ecuador had shown a strong will to improve their condition and had, with some help from the Government, attained a high measure of self-sufficiency.

46. Miss MONROE (United Kingdom) endorsed the remarks made by Mr. Daniels. Replying to Mr. Formashev, she pointed out that conditions in the countries he had mentioned, though admittedly imperfect, were open for inspection; it was to be hoped that the manner in which the Soviet Union had dealt with the problem of minorities might soon be observed at first hand.

47. Mr. WINIEWICZ (Poland), amplifying his earlier statement, observed that hatred grew from warmongering; those who wished to do away with discrimination should therefore proscribe warmongering and take a firm stand for peace.

48. Referring to Mr. Formashev's speech, he stressed that the Sub-Commission should base its work on facts, even though those facts might not be pleasant. In that connexion, he remarked that it was becoming increasingly difficult to ascertain facts with regard to colonial administration, since some administering Powers had refused to submit information on Non-Self-Governing Territories as required by the Charter.

49. Mr. SHAFIQ (Iran), replying to Mr. Formashev, said that Iran was indeed an agricultural country; however, it was doing its best to develop its industries, and industrial development was abreast of agricultural development.

The meeting rose at 12.50 p.m.