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COMMISSION ON HUMAN RIGHTS

Seventeenth Session

SUMMARY RECORD OF THE SIX HUNDRED AND EIGHTY-SEVENTH MEETING

Held at Headquarters, New York,  
on Tuesday, 7 March 1961, at 10.55 a.m.

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of Discrimination and Protection of Minorities (E/CN.4/815 and Corr.1;  
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PRESENT

<u>Chairman:</u>	Mr. ERMACORA	(Austria)
later,	Mr. JHA	(India)
<u>Rapporteur:</u>	Mr. BRILLANTES	Philippines
<u>Members:</u>	Mr. PAZHWAQ	Afghanistan
	Mr. AMADEO	Argentina
	Mr. ZENKER	Austria
	Mr. TSAO	China
	Mr. MADSEN	Denmark
	Mr. JUVIGNY	France
	Mr. NATH	India
	Mr. KITTANI	Iraq
	Mr. BEAUFORT	Netherlands
	Mr. HAKIM	Pakistan
	Mr. ILLUECA	Panama
	Mr. WYZNER	Poland
	Mr. NEDBAILLO	Ukrainian Soviet Socialist Republic
	Mr. SAPOZHNIKOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
	Mr. ARRAIZ	Venezuela
<u>Also present:</u>	Mrs. LEFAUCHEUX	Commission on the Status of Women
<u>Observers from Member States:</u>		
	Mr. RIOSECO	Chile
	Mr. ELIZUR )	
	Mr. RA'ANAN)	Israel
	Mr. NAGASHIMA	Japan
<u>Representative of a specialized agency:</u>		
	Mr. AKRAWI	United Nations Educational, Scientific and Cultural Organization

PRESENT (continued):

Representative of a non-governmental  
organization in category A:

Secretariat:

Mr. CONNELLY

Mr. HUMPHREY

Mr. DAS

World Federation of Trade Unions

Director, Division of Human Rights

Secretary of the Commission

REPORT OF THE THIRTEENTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (E/CN.4/815 and Corr.1; E/CN.4/L.589)  
(continued)

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic), commenting on resolution 5 (XIII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/815, page 64), said that his delegation approved in general of the draft resolution which the Sub-Commission had put forward for adoption. It believed, however, that the amendments to the draft, which had been suggested by the Venezuelan representative at the previous meeting, would improve the text.

In his opinion, means of preventing a revival of nazism and manifestations of anti-Semitism such as had taken place in 1959 and 1960 could be found only by determining the social reasons for such outbreaks. That was plainly a task for the Commission.

The United Kingdom representative had suggested that the importance of those manifestations might have been exaggerated. However, the very number of the incidents and their almost simultaneous occurrence indicated that there were forces involved which required thorough investigation. The true cause of those events was to be found in the fact that in many countries, especially in West Germany, neo-nazi and other fascist organizations existed and operated freely, that the West German authorities had deliberately failed to make known to their youth the true horrors of the nazi era and that, in addition, the country was at present being remilitarized, monopolistic forces and State authorities were inculcating in youth the spirit of nazism and revanchism and the country generally was following a policy which was linked with that of the colonial Powers.

That link between colonialism and the revival of racism was a further reason for demanding the full implementation of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples.

In its resolution 1510 (XV), the General Assembly had called upon the Governments of all States to take all necessary measures to prevent all manifestations of racial, religious and national hatred. The Commission could be more specific. A useful step would be the adoption of a draft resolution such as the one proposed by the Sub-Commission, which rightly stressed the need for legislative action to defend human rights and prevent discrimination and hatred.

(Mr. Nedbailo, Ukrainian SSR)

The emphasis on legislative measures was new, so that adoption of the draft resolution would not, as some had contended, constitute repetition of action previously taken.

Mr. HAKIM (Pakistan) said that his delegation condemned all forms of discrimination. Discrimination was based upon a concept of inequality among men, and that concept was contrary to the beliefs of his country.

He agreed with the Argentine representative's suggestion (E/CN.4/SR.685) that mere reaffirmation of the action taken by the General Assembly would serve no useful purpose. Further specific measures to combat prejudice were needed and his delegation favoured the idea of celebrating an annual "Freedom-from-Prejudice Day" in order to stimulate public opinion.

Mr. BEAUFORT (Netherlands) associated himself with those speakers who had expressed appreciation of the Sub-Commission's report. He supported, in particular, the views expressed by the Argentine and United Kingdom representatives at the two previous meetings. The discussion had been focussed mainly on the recent manifestations of anti-Semitism in various countries, which had given rise to the Sub-Commission's resolution 5 (XIII). That was only natural, as many countries, including his own, had suffered great losses as a result of the ruthless anti-Semitism which they had witnessed not so many years before.

The USSR representative had referred at the previous meeting to a wave of incidents indicative of a revival of nazism throughout Western Europe and America. That description was not entirely accurate as the symptoms had not by any means been so wide-spread. In his country, only isolated incidents had occurred which could scarcely be described as manifestations and a thorough investigation had shown that no neo-fascist or neo-nazi organization had been implicated in any way.

However, the indignation aroused by those deplorable events had certainly been wide-spread. It had clearly demonstrated that when peoples were really free and not subject to any dictatorship, they instantly expressed their revulsion at violations of human rights.

His delegation, being fully aware of the continuing danger, favoured the adoption by the Commission of an appropriate resolution. However, it shared the critical views expressed by the Argentine and United Kingdom representatives with reference to the draft before the Commission and would reserve further comment pending submission of a new text.

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Mr. WYZNER (Poland) supported the proposal to postpone action on resolution 4 (XIII) of the Sub-Commission until the draft principles had been considered.

Resolution 5 (XIII) deserved careful attention. The manifestations of anti-Semitism and other forms of racial prejudice and religious intolerance of a similar nature referred to in the resolution had occurred in various parts of the world and were clearly contrary to the purposes of the United Nations and to the rights and freedoms set forth in the Universal Declaration of Human Rights. The question had been included in the agenda of the Commission's previous session at the time of the worst outbreaks, and the Commission had adopted a resolution condemning such acts. The matter had also been extensively discussed during the first part of the fifteenth session of the General Assembly. But, in his delegation's view, the Commission and the other organs of the United Nations had not done everything that could and should be done in that respect. He was astonished to note the existence of an opinion that the manifestations which had taken place in 1959 and 1960 had been as described in the documents before the Commission, merely of a transient nature or were to be attributed to children or to irresponsible adults. Indeed, it appeared that even some members of the Sub-Commission held such views.

He believed that, in most cases, the manifestations in question revealed the existence of dangerous trends and even of organized activities in some communities. He could not agree with the Netherlands representative's view that only isolated incidents had occurred; more than 2,000 incidents could hardly be considered isolated phenomena.

It had been shown in the course of detailed discussions on the wave of neo-nazi manifestations in the Federal Republic of Germany that one of the causes of those incidents was the deficient dissemination of the knowledge of what nazism had done in the past, and the failure on the part of those responsible for denazification to carry out their task properly after the last war.

Moreover, the repercussions that such events might have in the future made them still more dangerous. The history of the last decades, particularly the history of nazism in Germany before the Second World War, provided a clear example of what such manifestations could lead to, although initially they might appear to be isolated and of minor importance. One reason why Poland had suffered so

(Mr. Wyzner, Poland)

much during the last War was that the danger of nazism had been under-estimated in the years before 1939. The recent manifestations of anti-Semitism were regarded as indubitable evidence of a rebirth of nazism and had provoked strong reactions in Poland where six million persons, half of them Jews, had lost their lives during the German occupation. Nazism was once again coming to life and once again its danger was being underestimated in some quarters. Nevertheless, it was encouraging to note that sound judgement had prevailed and that world public opinion on the whole had firmly denounced the outbreaks. It was noteworthy that many countries, particularly the Socialist countries, had escaped the wave of anti-Semitism. In Poland, for example, no manifestations of anti-Semitism or other forms of racial prejudice and religious intolerance had occurred during the period in question. Such manifestations were prohibited by Polish law and prosecuted with great severity.

The manifestations in the Federal Republic of Germany had not been confined to anti-Semitic outrages, but had also taken the form of anti-Polish and anti-Slav propaganda. The different types of racial hatred stemmed from the same root. At other times, racial hatred was directed against Negroes or so-called coloured people in general. Racism went back to the birth of colonialism, to the days of slavery. Slavery had long since been abolished and colonialism was on the decline, but it persisted in various forms, including racism.

The item under discussion should be retained on the agenda of the United Nations organs concerned because the resolutions so far adopted by those organs were insufficient to eliminate the problem. For example, operative paragraph 3 of resolution 5 (XIII) of the Sub-Commission was concerned with educational programmes - one of the essential aspects of the subject. It contained a very constructive request, but the request was addressed to UNESCO, whereas it should be addressed to Governments of all States without exception. The exclusion of non-Member States from participation in the improvement of educational programmes would be a serious obstacle to world-wide co-operation in that field. He would like to see the resolution adopted by the Commission revised accordingly.

Mr. MADSEN (Denmark) commended the Sub-Commission for the excellent report it had submitted. He believed that the Commission should accede to the Sub-Commission's request (E/CN.4/815, paragraph 243) that its fourteenth session should be of four weeks' duration.

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(Mr. Madsen, Denmark)

His country had experienced only a few isolated manifestations of anti-Semitism, but it joined in the general condemnation of such actions. He supported the view that the draft resolution which the Sub-Commission had proposed for adoption by the General Assembly should be modified so as to avoid repetition of previous declarations and to recommend specific action. The subject of the resolution should be kept under continuous study by the Commission and the Sub-Commission, and the latter should be asked to make further reports on the matter.

Mr. Jha (India) took the Chair.

Mr. BRILLANTES (Philippines) agreed that resolution 4 (XIII) of the Sub-Commission should be deferred until the following session. In the case of resolution 6 (XIII), it might be sufficient for the Commission simply to take note of that resolution. The Commission should support the request of the Sub-Commission for its fourteenth session to be of four weeks' duration.

With regard to resolution 5 (XIII) of the Sub-Commission, he was glad to note that, in operative paragraph 2, the Sub-Commission had decided to take up the item at a later session should circumstances render it necessary. In view of the danger of such manifestations to the purposes of the United Nations the Sub-Commission might be requested to keep the item continuously on its agenda. It might also be asked to consider and recommend to the Commission procedures whereby the appropriate organs of the United Nations could keep under constant review (1) manifestations of racial, national and religious hatred, including anti-Semitism, and public reaction to them and (2) their causes or motivation and the measures taken to combat them. In that way, the Commission would receive more precise recommendations and could then request the General Assembly, through the Economic and Social Council, to take more effective action.

Sir Samuel HOARE (United Kingdom), referring to the Ukrainian representative's remarks, said that he had not underestimated the danger of the manifestations in question; he had simply said that the Commission should neither underestimate nor exaggerate their importance.

The Ukrainian representative had alleged that colonialism encouraged such manifestations and, at the same time, characterized them as giving rise to nazism, fascism, revanchism and militarism. The United Kingdom's obligation in respect

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(Sir Samuel Hoare, United Kingdom)

of its dependent territories was to lead them to self-government, and there was not the slightest foundation for the implication that administration directed towards that end was a ready soil for nazism, facism, revanchism and militarism. Admittedly, there were serious problems of race relations in dependent territories as well as in sovereign States. The important question was not whether such problems existed but whether the authorities were doing their best to solve them. The Ukrainian representative's remarks had served to confuse the general problem of racism with the particular manifestations under discussion. There was a danger of the Commission ranging over the whole field of racial discrimination and prejudice and losing sight of the particular subject before it.

He could not agree with the Polish representative's association of colonialism with slavery. It was important to know how various colonies and dependent territories had been acquired; in some cases, his country had occupied certain territories in order to protect their inhabitants from slavery.

Mr. NEDAILLO (Ukrainian Soviet Socialist Republic) pointed out that the link between racism and colonialism was shown in General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples. The United Kingdom representative himself had not denied the existence of such a link.

Mr. WYZNER (Poland) thought it was undoubtedly true that one of the aims of colonialism in the past had been the search for slaves. He could not therefore agree with the United Kingdom representative's contention that colonialism and slavery were not historically connected.

Mr. BEAUFORT (Netherlands), in reply to the Polish representative's earlier remarks, wished to make it clear that when he had referred to the manifestations of anti-Semitism as isolated incidents he had been speaking merely of the Netherlands. Far from underestimating the importance of such manifestations, he had stressed that they represented a constant danger and for that very reason the Commission should adopt a resolution on the subject.

Mr. CONNELLY (World Federation of Trade Unions) recalled that trade unions throughout the world had been among the first and most vehement in condemning the world-wide manifestations of anti-Semitism which had taken place in late 1959 and early 1960 and in calling for positive and effective action in

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(Mr. Connelly, World Federation of  
Trade Unions)

the various countries to wipe out any lingering traces of nazism, one of the most virulent forms of racism. The trade unions saw in the revival of nazi racist theories a dire threat to the future peace of the world and a calculated manoeuvre to divide nations on racial lines, to revive the cold war, to thwart United Nations and other efforts to accelerate international understanding, and to rescue the colonial system from imminent destruction. The trade unions understood clearly that the giant profiteers of the cold war did not want agreement and understanding, nor the rapid disappearance of colonial empires.

In the light of those considerations, the World Federation of Trade Unions realized the importance of the prompt and unequivocal pronouncement by the General Assembly on the subject of anti-Semitic outbreaks and particularly the valuable follow-up work by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights. His organization commended the Sub-Commission for its decision to reconsider the question of anti-Semitism whenever circumstances made it necessary. It also associated itself with the remarks of some members of the Commission regarding the need to keep the item on the agenda in order to make it clear to the racists that the United Nations was vigilant and would fight any recurrence on nazism in any form. The WFTU agreed that the Commission should adopt measures to supplement the General Assembly's initial resolution and in particular it supported the Sub-Commission's resolution 5 (XIII), paragraph 4 (a). Fascism could best be eradicated by education and enlightenment. At the same time, anti-Semitic and other racist acts could and should be curbed by law.

Finally, the WFTU endorsed the Indian representative's proposal that the United Nations should organize a "Freedom-from-Prejudice Year" which would lead to the establishment of an annual "Freedom-from-Prejudice Day". Such a move would be an effective means of ensuring the kind of continuing educational activity that had been rightly proposed both by the Sub-Commission and by many members of the Commission.

Mr. ERMACORA (Austria), introducing his delegation's draft resolution on the protection of minorities (E/CN.4/L.589), explained that it had been submitted in response to the general desire of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that a special directive should be issued by the Commission on that particular subject (E/CN.4/815, paragraphs 222-234).

(Mr. Ermacora, Austria)

After the First World War the League of Nations had been concerned only with recognized minorities. With the establishment of the United Nations and the adoption of the Universal Declaration of Human Rights the concept of the protection of minorities had widened to include the individual members of all minority groups, whether officially recognized or not. The main lines of United Nations policy as regards minorities were set out in General Assembly resolution 217 C (III) which had been drafted in connexion with the preparation of the Universal Declaration. It would be wrong to regard that resolution either as superfluous or as having been fully implemented. Many subsequent General Assembly resolutions referred to it and in particular General Assembly resolution 532 B (VI) stated that the prevention of discrimination and the protection of minorities were two of the most important branches of the positive work undertaken by the United Nations. On 21 June 1946, the Economic and Social Council had established the Sub-Commission on the Protection of Minorities (which had later been merged with the Sub-Commission on the Prevention of Discrimination) and had given it the task of defining the principles which were to be applied in that particular field. Subsequently, the Council had done considerable work on the subject and produced a number of significant studies.

In spite of that important historical background, the work of both the Commission and the Sub-Commission in the matter of the protection of minorities had not yielded satisfactory results, mainly because Member States were not agreed about how the problem should be tackled. Some felt that minorities should be assimilated; others did not. Either of those views could be right, depending on the wishes of the minorities themselves. Furthermore, the situation had radically changed with the admission of so many new Member States. If the problems of minorities continued to be dealt with in the same way as before, then progress could never be achieved.

To remedy the situation, his delegation suggested that future studies should seek to identify the main differences between minorities throughout the world, should be complete and up-to-date, should deal with minority groups as well as with individuals, should try to evolve a definition of the term "minority" and should analyse the various methods of protecting minorities. To fulfil all

(Mr. Ermacora, Austria)

those aims would of course be difficult, and so in its draft resolution his delegation had singled out some of the more important ones. Austria felt a certain responsibility in the matter because it was deeply concerned with minority problems and had had considerable experience of dealing with them during the nineteenth and twentieth centuries.

The initial action proposed was purely procedural and would impose no obligations on Member States. In operative paragraph 1, the Sub-Commission was requested to evaluate the principles already embodied in international instruments concerned with the protection of minorities. It would not be required to evolve new principles. In operative paragraph 2, it was requested to analyse those internal protective measures which had already been summarized in the Secretary-General's memorandum (E/CN.4/Sub.2/L.45). That memorandum had never been properly utilized and it would be a pity if the Commission did not draw the proper conclusions from it. He stressed that the work proposed was not academic, but had a number of very practical aspects. The United Nations was confronted with many problems which concerned human rights and must deal with them constructively.

In reply to some of the criticisms which had been voiced, he would stress, first, that the Austrian proposal was fully in accordance with the terms of reference both of the Commission and of the Sub-Commission. Secondly, it was not true that minorities were already protected by general human rights legislation; in fact, they were in a special situation and therefore required special protective measures. So far, there had been no comprehensive approach to the problem of minorities. The study recommended would further such an approach and help the United Nations to formulate a constructive policy for the future. Finally, in reply to the United Kingdom representative, he emphasized that no definition of the term "minority" would be required during the initial stages of the work.

PERIODIC REPORTS ON HUMAN RIGHTS (continued)

Mrs. LEFAUCHEUX (Commission on the Status of Women) explained that she would be unable to be present when the Commission continued its discussion of item 5 but she hoped that the Commission would consider the possibility of transmitting the periodic reports on human rights to the Commission on the Status of Women.

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The CHAIRMAN replied that the Commission would certainly bear that point in mind when it concluded consideration of item 5.

Mr. PAZHwak (Afghanistan), supported by Mr. AMADEO (Argentina), moved that the Commission should adjourn until the following morning.

The motion was adopted by 10 votes to none, with 8 abstentions.

The meeting rose at 1 p.m.