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COMMISSION ON HUMAN RIGHTS

Seventeenth Session

SUMMARY RECORD OF THE SIX HUNDRED AND EIGHTY-NINTH MEETING

Held at Headquarters, New York,
on Wednesday, 8 March 1961, at 3.15 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. ERMACORA	(Austria)
<u>Rapporteur:</u>	Mr. BRILLANTES	Philippines
<u>Members:</u>	Mr. PAZEWAK	Afghanistan
	Mr. AMADEO	Argentina
	Mr. ZENKER	Austria
	Mr. TSAO	China
	Mr. MADSEN	Denmark
	Mr. JUVIGNY	France
	Mr. BHADKAMKAR	India
	Miss KAMAL)	Iraq
	Mr. KITTANI)	
	Mr. BEAUFORT	Netherlands
	Mr. HAKIM	Pakistan
	Mr. ILLUECA	Panama
	Mr. WYZNER	Poland
	Mr. NEDBAILO	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

Observers from Member States:

Mr. ELIZUR	Israel
Mr. FRANZI	Italy
Mr. NAGASHIMA	Japan

Representatives of specialized agencies:

Mr. ZMIROU	International Labour Organisation
Mr. AKRAWI	United Nations Educational, Scientific and Cultural Organization

Secretariat:

Mr. HUMPHREY	Director, Division of Human Rights
Mr. DAS	Secretary of the Commission

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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, L.592, L.593) (continued)

The CHAIRMAN said that the Commission would continue its consideration of the Indian draft resolution (E/CN.4/L.593).

Sir Samuel HOARE (United Kingdom) congratulated the Indian delegation on its initiative. He considered the draft resolution definitely superior to the text proposed by the Sub-Commission in its resolution 5 (XIII), and he entirely supported its aims and most of its provisions. However, recalling the clear distinction drawn at the previous meeting by the representative of Afghanistan, he said that the draft resolution should not be regarded as the result of the special studies on manifestations of anti-Semitism but as a text dealing with the larger theme of racial prejudice and national and religious intolerance which had been at the bottom of those manifestations. The first preambular paragraph should none the less make some reference to the study of the particular manifestations on which Governments had reported, since the whole resolution had resulted from that study.

He agreed with the suggestion made by the Argentine representative, which had been accepted by the Indian representative, that the words "racial, national and religious prejudices" should be replaced by the words "racial prejudice and national and religious intolerance". The expression "religious prejudice" might be construed as an attack on Churches enjoying a special status in some countries where there was a State religion, and it might be thought that operative paragraph 2 called upon such States to rescind the laws which granted such status to those Churches. Moreover, in the nature of things, every Church believed that it was preaching the only true religion, and in the same way every man had a natural prejudice in favour of his own country, so that the expression "national prejudice" should also be avoided.

The words "racial, national and religious prejudice(s)" in operative paragraphs 1 and 2 should, therefore, be replaced by "racial prejudice and national and religious intolerance". The word "hatred" should also be deleted from operative paragraph 1, since hatred was merely a consequence of prejudice

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and intolerance. The expression "such prejudice and intolerance" should be used in operative paragraph 2, and intolerance should also be mentioned in operative paragraph 3.

He felt, however, that operative paragraph 3 was unnecessary; the expression "other appropriate measures" in operative paragraph 2 was sufficiently broad to cover the measures provided for in the following paragraph. As the French representative had pointed out, operative paragraph 3 ventured into a very delicate field in which Governments should be the sole judges of the measures to be taken, in the light of their traditions and of their particular situation, to maintain the required balance. The United Kingdom Government, for example, had never thought it right or necessary, even at the height of the war, to ban Hitler's "Mein Kampf", any more than it banned the works of Marx, Gobineau or other authors, which were freely available. Care should be taken not to surround with an aura of mystery writings which fostered prejudice.

Regarding the "severe penalties" called for in the same paragraph, it was a well-known fact that the deterrent power of a penalty was by no means related to its severity; and in the present circumstances, re-education of the culprits was more important than punishment. He therefore hoped that the Indian delegation would agree to delete the reference to penalties in operative paragraph 3 and, if possible, to delete the whole paragraph.

Subject to those reservations, the United Kingdom delegation, while hoping that its own suggestions would be well received, was prepared to support the Indian draft resolution and also the amendments proposed by the French representative.

Mr. ARRAIZ (Venezuela) thought that the Indian draft resolution (E/CN.4/L.593), which took into account most of the ideas put forward during the debate, was an excellent compromise text. He agreed with the Argentine and United Kingdom representatives in preferring the words "racial prejudice and national and religious intolerance", which now appeared in the first preambular paragraph of the draft resolution recommended to the General Assembly, to the words "racial, national and religious hatred" used by the Sub-Commission, as

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being more precise, more correct and more complete. While prejudice in the true sense existed in relations between races, relations between nationals of different countries or adherents of different religions were marked rather by manifestations of intolerance, since everyone tended to believe that those who thought or acted differently from himself were wrong. The present text of the first preambular paragraph was therefore a very accurate reflection of the true situation, and the same wording should be used in operative paragraphs 1, 2 and 4. In operative paragraph 2, the word "still" should also be inserted before the word "exist", since in many countries most discriminatory laws had been rescinded. That more punctilious phrasing would also make the provisions of operative paragraphs 3 and 4 conditional, since the request to Governments and the invitation to non-governmental organizations would only apply to countries and situations where discriminatory laws still existed. Finally, he agreed with the French representative that it would be appropriate to add a further preambular paragraph recalling the Sub-Commission's resolution 5 (XIII), on which the Indian draft resolution was based.

Mr. AMADEO (Argentina) recalled that he had suggested at the previous meeting that the words "racial prejudice and national and religious intolerance" should be used in operative paragraphs 1, 2 and 4 and the word "hatred" deleted wherever it appeared. He entirely agreed with the United Kingdom representative's views on operative paragraph 3 and, although at the 688th meeting he had directed his criticism primarily to the words "providing for severe penalties", he was in favour of deleting the whole of operative paragraph 3, or at least the last phrase, beginning with the word "including".

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) thought that the Commission should take care, when dealing with so important a question, not to adopt minimum recommendations which would have no real effect in combating racial, national and religious discrimination.

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(Mr. Sapozhnikov, USSR)

On the whole, his delegation approved of the Indian draft resolution (E/CN.4/L.593), which was an improvement on the Sub-Commission's resolution 5 (XIII). Despite some reservations on points of detail, including the regrettable omission of any mention of the need to prohibit racist organizations, his delegation felt that the text of the draft resolution offered a satisfactory compromise; but he would like to emphasize that racial, national and religious "hatred" was not a matter of mere prejudice.

Operative paragraph 3, which some representatives would like deleted, was in fact, in the view of his delegation, the most important paragraph of the draft resolution. It was not sufficient to combat manifestations which had already taken place; it was necessary also to forestall racist crimes and other manifestations of national, racial and religious hatred which might break out in the future and, to that end, to provide for legislation and penalties against spreading the prejudice and hatred which caused such manifestations.

With reference to the comments made by the representatives of the United Kingdom and France regarding freedom of the Press and freedom of expression, he agreed that it was essential to safeguard the exercise of those freedoms; but he did not understand the kind of freedom which, for example, would allow discrimination against a person because of the colour of his skin. Measures should, therefore, be taken to put an end to the dissemination of racist ideas, and he thought that the Commission should take into account the suggestion made by the working group of the Second Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination that a study should be undertaken of legislative measures to forbid the dissemination of racial, national and religious hatred.

He was surprised that the United Kingdom representative had spoken in the same breath of the writing of Karl Marx and of Hitler. Karl Marx had been the first scholar to place the question of national liberation on a scientific basis and to raise his voice against all forms of oppression, whether racial, national or otherwise. His writings did not spread any evil ideas, since he had merely

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advocated equality between men, nations and races. The same could certainly not be said of Hitler's writings, and his book "Mein Kampf", as everyone knew, was a kind of bible of racism. Yet the United Kingdom representative had admitted that in his country that work, which spread racist ideas, was not banned.

In conclusion, he said that the Indian draft resolution provided a satisfactory basis on which it should be possible for the Commission to reach a decision.

Mrs. TREE (United States of America) commended the Indian representative on his draft resolution. Although she generally supported it, she thought it might be well to include the word "anti-Semitism", as the French representative had suggested. She would furthermore prefer to see the words "including the enactment of appropriate legislation providing for severe penalties" deleted from operative paragraph 3, and the word "hatred" deleted throughout the text.

Sir Samuel HOARE (United Kingdom), replying to the USSR representative, said that he had never sought to draw a parallel between Karl Marx and Hitler. He had cited "Mein Kampf" as an extreme example of the doctrine of racism and had wished merely to note that religious intolerance was discernible in the works of Karl Marx, from whom, after all, derived the idea that religion was the opium of the people. Those were only examples; he could just as well have cited Freud, who had also been prejudiced against religion. His point was that there had never been any question of banning any of these works in the United Kingdom, but he would never seek to put Karl Marx on the level of Hitler.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) also congratulated the Indian representative on his draft resolution and observed that a distinction should be drawn between racial prejudice and racial hatred. An illiterate person might be prejudiced because of his ignorance, and no one would seek to punish him, but rather to educate him. Racial hatred, on the other hand, presupposed action, and it had led, among other things, to the extermination of millions of Jews under the Hitler régime. Those were the acts which had to be punished, and therein lay the importance of preventing the diffusion of racial hatred. For that

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(Mr. Nedbailo, Ukrainian SSR)

reason, he believed that the word "hatred" should be retained in the draft resolution, and that operative paragraph 3, which included a reference to strict legislation, should be maintained. It would also be well to repeat the wording of resolution 5 (XIII) of the Sub-Commission: "Deeply disturbed by the manifestations of racial, national and religious hatred ...".

The draft resolution as a whole was satisfactory to his delegation, which would support it, believing it to represent a step forward.

Mr. ARRAIZ (Venezuela) said that in view of the controversial nature of the word "hatred", the expression "hatred on which racial, national and religious prejudice is based" might be found preferable. That wording might, however, detract from the draft resolution, since hatred would then be prohibited and prejudice ignored. He therefore felt that the retention of the word "hatred" was the best solution.

Mr. MADSEN (Denmark) felt that the Indian draft resolution was of great importance. He agreed with the French representative that resolution 5 (XIII) of the Sub-Commission should be referred to, and he also supported the United Kingdom representative's suggestion that operative paragraph 3 should be deleted.

Mr. AKRAWI (United Nations Educational, Scientific and Cultural Organization) observed that UNESCO had always fought against racial, national and religious prejudice. Its activities in that regard were diversified and included both general and international action and special projects (monographs and the like).

Pursuant to a request made by the Economic and Social Council in 1948, UNESCO had endeavoured to inform the public of the current state of scientific knowledge of racial matters. It had published two series of pamphlets, in English and French, on "The Race Question in Modern Science" and "The Race Question and Modern Thought", written by well-known scientists in various fields.

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UNESCO's recommendations regarding equal educational opportunities for all, regardless of race, sex and economic or social status, carried considerable weight. UNESCO had published a number of works relevant to that subject, including "The Right to Education" by Professor Piaget, "Race Prejudice and Education" by Professor Bibby, "La educación ante la discriminación racial" by Professor Comas (intended especially for school teachers in Latin America), and a small pamphlet for school use, entitled "What is Race?".

At a more general level, the Major Project on Mutual Appreciation of Eastern and Western Cultural Values, intended to promote better understanding among peoples in cultural and religious matters had entered its fifth year. The UNESCO Department of Mass Communication had also taken various steps to inform the general public. In addition, the General Conference of UNESCO had recently adopted a Convention and Recommendation on Discrimination in Education.

The text of the Convention and Recommendation would be transmitted to Member States. The Director General of UNESCO would act as depositary of the instruments of ratification of the Convention and would discharge the administrative duties related to the implementation of the Convention and Recommendation. Accession to the Convention would be promoted through the National Commissions and through non-governmental organizations. A leaflet containing the text of the instruments would be issued in the four working languages of UNESCO, and a pamphlet on the instruments and on discrimination in education would be produced.

During the current year, the secretariat of UNESCO was to prepare a draft protocol providing for the establishment of a conciliation and good offices committee to settle disputes which might arise regarding the interpretation or application of the Convention. The draft protocol would be submitted to a committee of experts in 1962, and then placed before the General Conference.

As a result of the Second Conference of interested non-governmental organizations, UNESCO planned to organize, in co-operation with some of them, an international seminar on teaching techniques for combating discrimination in education. In 1962 UNESCO would also produce a publication on the Declaration of

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the Rights of the Child, for the use of teachers, and would conduct scientific surveys on new subjects, such as racial equality in Latin America, Islam and the race question, and industrialization and the race problem. Sociological and psychological studies of young people's attitudes towards the race problem would also be undertaken in 1961-1962. Lastly, UNESCO planned to explore the possibility of helping to set up an international body for the permanent centralization of documentary material and studies relating to racial questions.

Following an exchange of views between Mr. PAZHWAQ (Afghanistan), Mr. JUVIGNY (France), Sir Samuel HCARE (United Kingdom) and Mr. BHADKAMKAR (India), the CHAIRMAN suggested that the Commission should begin consideration of the draft resolution submitted by Afghanistan, India and Pakistan (E/CN.4/L.592) in order that the Indian representative might have an opportunity to study the amendments to his text (E/CN.4/L.593) proposed by various members and possibly to submit a revised version.

It was so decided.

Mr. BEAUFORT (Netherlands) regretted that he was unable to support the joint draft resolution (E/CN.4/L.592), but he could not see that it had any practical value. There had been a trend recently to establish a "Year" for all kinds of endeavour. The World Refugee Year and Freedom from Hunger Year had certainly yielded excellent results, but the method should not be over-used, for repetition often bred indifference. Also - although that was a minor point - "Freedom from Prejudice Year" was a difficult expression to render into Dutch. Nevertheless, although he was unable to support the proposed "Year", he recognized the full gravity and danger of racial, national and religious prejudices and believed that legislative and educational measures would be necessary to obliterate them.

Sir Samuel HCARE (United Kingdom) noted with interest the distinction made by certain representatives between the expressions "national and religious prejudice" and "national and religious intolerance". There were very few people who were completely devoid of prejudice. Many thought that their religion was the only true one or that their country was the best. Those were prejudices, but

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could they really be condemned? Discrimination, on the other hand, was a wilful act which could be controlled. He therefore considered that the expression "Freedom from Prejudice Year" was ill chosen. A better title would be "Freedom from Discrimination Year". He agreed with the representative of the Netherlands that the holding of "Years" for various purposes should not be abused. Furthermore, the draft resolution did not indicate how the "Year" in question would be organized. Its scope, the part to be played by UNESCO, States and non-governmental organizations, and its connexion with the activities of the United Nations should all be defined. No opportunity should be given for criticism by people who would find this expression difficult to understand and were ready to believe that the United Nations took decisions of no importance. Accordingly, before adopting the draft resolution, the Committee should determine whether the "Year" would really be useful, what its purpose would be and how it should be organized.

Mr. ARRAIZ (Venezuela) considered that the three-Power draft resolution (E/CN.4/L.592) reflected quite legitimate preoccupations. Racial prejudice and national and religious intolerance must be combatted by all possible means, and the holding of a Freedom from Prejudice Year and Day could be an effective means. However, he agreed with the representative of the United Kingdom that the choice of the name was not a happy one, since not only prejudice, but national and religious intolerance, too, must be combatted. Moreover, the word "prejudice" was itself unsuitable, since there were prejudices of all kinds and types. Some were serious, others of no importance. There were favourable and unfavourable prejudices, evil prejudices and others which displayed a degree of common sense. Lastly, many prejudices were quite unrelated to questions of race, nationality or religion. More precise titles should therefore be given to the proposed Year and Day. Referring to operative paragraph 2, he pointed out that, if it was decided to hold a Freedom from Prejudice Year, it would be the Member States and not the specialized agencies, which would have to organize it. He therefore suggested that the order of operative paragraphs 2 and 3 should be reversed.

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Mrs. TREE (United States of America) warmly congratulated the three Powers on the proposal they had made. There were many groups and organizations in the United States which would enthusiastically welcome the institution of a Freedom From Prejudice Year. The proposal was worthy of careful consideration, in order to decide the question of the name and to define the objectives of the proposed observances.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) unreservedly supported the idea contained in the three-Power text (E/CN.4/L.592) and said that the comments he was about to make on the working of the draft resolution were prompted solely by the desire to express that idea more forcefully. He noted that the sixth preambular paragraph of the draft resolution to be submitted to the General Assembly mentioned both prejudices and discrimination; in his view, both terms should be used in all the other preambular and operative paragraphs, in particular in the fourth preambular paragraph. Thus, for clarity's sake, the proposed observances could be called "Freedom From Prejudice and Discrimination Year" and "Freedom From Prejudice and Discrimination Day" and, in order to take into account the remarks made by the representative of Venezuela, it could be specified that what was meant were "racial, national and religious" discrimination and prejudices. The word "prejudices" was perhaps not the right term in all languages, but the idea of discrimination was clear and should be retained.

In addition, since the preamble mentioned the principal instruments which condemned discrimination, namely, the United Nations Charter, the Universal Declaration of Human Rights and the Declaration of the Rights of the Child, mention should also be made of the Declaration on the granting of independence to colonial countries and peoples, which was no less important. A reference to that text in the draft resolution would be particularly relevant. He accordingly proposed that a sub-paragraph should be added to the preamble, worded as follows: "Recalling that the Declaration on the granting of independence to colonial countries and peoples stresses the need to put an end to colonialism and to all practices of segregation and discrimination,".

Mr. PAZHWAQ (Afghanistan) said that the sponsors of the draft resolution would welcome any constructive proposals. For the present, he merely wished to

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reply, on his own behalf, to certain criticisms of the draft resolution. The Netherlands representative had said that the three-Power proposal, not being sufficiently practical in scope, would not make it possible to obtain concrete results and, without giving any further explanation, he had given World Refugee Year as an example of the practical achievement. However, since the aim of the two Years was quite different, the fact that the three-Power draft resolution was not worded in the same terms as General Assembly resolution 1235 (XIII) was not sufficient reason for considering the proposal fanciful. Furthermore, it would not be excessive to hold two Years devoted to different subjects a few years apart. Admittedly, repetition might, to some extent, weaken the psychological impact of those events, but there were some fields in which it was impossible to be over-zealous, since the task to be accomplished was immense. Even more than economic and social under-development, even more than the hunger from which much of the world suffered, the existence of prejudices and discriminatory practices constituted a threat to peace.

The representative of the United Kingdom had pointed out that there had been more justification for World Refugee Year than there was for a Freedom from Prejudice Year, because in the first case it had been necessary to raise funds for the relief of refugees. However, the aspirations of the peoples who were the victims of prejudice and discriminatory practices were just as important as money and material aid. Furthermore, the United Kingdom representative's argument that there was already a Human Rights Day could equally well have been adduced against the holding of a World Refugee Year, and the existence of that Day could then be considered an obstacle to the organization of any humanitarian observance. As in the case of refugees, the existence of a Human Rights Day was not sufficient to convince the public of the need to eliminate prejudice and discrimination.

He agreed with the United States representative that the question of the title and aims of Freedom from Prejudice Year should be studied more thoroughly. The Commission on Human Rights, however, was not required to take a final decision in the matter. If the draft resolution was adopted, it would be transmitted to the Economic and Social Council, and then to the General Assembly, where all States Members of the United Nations could make suggestions. The

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Commission should, whenever possible, take the necessary initial action, leaving it to the other United Nations organs to settle the questions of implementation which came within their competence, and relying on the public to play its part.

If, as the United Kingdom representative had suggested, no more lofty declarations were to be made which were not followed by results, the organs of the United Nations could cease to adopt, not only recommendations, but many resolutions too. Lastly, he said that he himself had to take part in the discussions in a language which was not his mother tongue, and he thought that the public would also quickly become accustomed to certain terms, which though perhaps unfamiliar at first, were not basically very different from those in everyday use. He appealed to certain members of the Commission to reconsider their position and said that the sponsors of the draft resolution were quite prepared to accept any suggestions which would improve the text.

Sir Samuel HOARE (United Kingdom) said he personally believed that too many vaguely-worded resolutions - whether or not that vagueness met a particular need - were adopted both by the General Assembly and by the various United Nations Committees. Moreover, although he was himself used to a certain type of phraseology, he feared that certain terms might have an unfortunate effect on the man in the street and make him question the seriousness of United Nations debates. Names such as "Freedom from Prejudice Year" or "Freedom from Discrimination Year" were not satisfactory. He would not be able to suggest alternative names until he knew precisely what activities were to be undertaken during the Year and what results they were expected to achieve.

The meeting rose at 5.45 p.m.