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COMMISSION ON HUMAN RIGHTS

Seventeenth Session

SUMMARY RECORD OF THE SEVEN HUNDREDTH MEETING

Held at Headquarters, New York,
on Friday, 17 March 1961, at 11.5 a.m.

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Social Council (E/CN.4/L.590/Add.2-5) (continued)

PRESENT:

<u>Chairman:</u>	Mr. JHA	(India)
<u>Rapporteur:</u>	Mr. BRILLANTES	Philippines
<u>Members:</u>	Mr. PAZHWAQ	Afghanistan
	Mr. AMADEO	Argentina
	Mr. ERMACORA	Austria
	Mr. CHENG PAONAN)	China
	Mr. TSAO	
	Mr. MADSEN	Denmark
	Mr. JUVIGNY	France
	Mr. BHADKAMKAR	India
	Miss KAMAL	Iraq
	Mr. BEAUFORT)	Netherlands
	Miss FELT	
	Mr. HAKIM	Pakistan
	Mr. ILLUECA	Panama
	Mr. DELGADO	Philippines
	Mr. WYZNER	Poland
	Mr. NEDBALLO	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>Observer from a Member State:</u>	Mr. NAGASHIMA	Japan
<u>Representatives of specialized agencies:</u>	Mr. ZMIROU	International Labour Organisation
	Mr. AKRAWI	United Nations Educational, Scientific and Cultural Organization
	Dr. SACKS	World Health Organization
<u>Secretariat:</u>	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. DAS	Secretary of the Commission

DRAFT REPORT OF THE COMMISSION ON HUMAN RIGHTS TO THE ECONOMIC AND SOCIAL COUNCIL
(E/CN.4/L.590/Add.2-5) (continued)

The CHAIRMAN invited the Commission to consider chapter VI of its report
(E/CN.4/L.590/Add.2) section by section.

Paragraphs 1 and 2

Paragraphs 1 and 2 were adopted.

Paragraphs 3 to 10: "Discrimination in education"

Paragraphs 3 to 10 were adopted.

Paragraphs 11 to 15: "General debate"

Mr. BRILLANTES (Philippines), Rapporteur, recalled that the Indian representative had proposed that the following sentences should be added at the end of paragraph 15:

"One representative expressed doubts as regards the possible implications of the term 'preference' used in the definition of 'discrimination' in article 1 of the Convention, which seemed to deny to States the right to extend such necessary preferential treatment in matters of education to backward sections of their population as would bring them up to the level of the others. The representative of UNESCO explained that the definition contained in article 1 did not preclude preferential treatment for the protection or advancement of backward groups."

It was so decided.

Paragraphs 11 to 15 were adopted, subject to the above amendment.

Paragraphs 16 to 20: "Consideration of draft resolution"

Mr. BRILLANTES (Philippines), Rapporteur, noted that the USSR representative had proposed that the following two sentences should be added at the end of paragraph 18:

"Some members objected to the United Kingdom amendment, emphasizing that its approval would give a pretext not to accede to the Convention. They maintained that States should be invited to apply the provisions of the Recommendation and to become parties to the Convention."

It was so decided.

Paragraphs 16 to 20 were adopted, subject to the above amendment.

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Paragraphs 21 to 24: "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirteenth session)"

Paragraphs 21 to 24 were adopted.

Paragraphs 25 to 29: "Manifestations of racial prejudice and national and religious intolerance"

Paragraphs 25 to 29 were adopted.

Paragraphs 30 to 34: "Comments on the manifestations"

Mr. BRILLANTES (Philippines), Rapporteur, noted that the USSR representative had proposed that the word "fascist" in the second line of paragraph 32 should be replaced by the words "other racist" and that the words "the continuation of" in the fifth line and the words "in Africa" in the sixth line should be deleted.

It was so decided.

At the suggestion of Mr. PAZHWAK (Afghanistan), the CHAIRMAN proposed that the word "appropriate" should be added before the word "authorities" in the third line of paragraph 32.

It was so decided.

Sir Samuel HOARE (United Kingdom) proposed that the words "the allegation that colonialism or slavery inevitably gave rise to" in the fourth and fifth lines of paragraph 33 should be replaced by the words "the allegation that colonialism was identical with slavery and inevitably gave rise to".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, stated that the United Kingdom representative had proposed that the words "as yet" in the first sentence of paragraph 34 should be deleted.

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, recalled that the USSR representative had proposed that the words "All members" at the beginning of paragraph 34 should be replaced by "Some members".

Mr. AMADEO (Argentina) thought that the words "The majority of members" would more faithfully reflect the tenor of the debate. The other wording gave the impression that the opinion was held by a minority, which was not the case.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) thought it was not accurate to say that the majority of members had felt that all manifestations of racial hatred considered by the Sub-Commission, including manifestations of anti-Semitism, had ceased early in 1960.

Mr. WYZNER (Poland) pointed out there had been no vote on the question, and there was therefore nothing to indicate whether it was a majority opinion. Moreover, such a statement would conflict with the resolution which the Commission had unanimously decided to recommend to the General Assembly and which stated that the Assembly was "deeply disturbed by the continued existence and manifestations of racial prejudice and national and religious intolerance in different parts of the world".

Mr. PAZHWAQ (Afghanistan) and Mr. ERMACORA (Austria) also thought that the words "Some members" would be more accurate.

The CHAIRMAN said that the best solution might be to say "Many members".
It was so decided.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) said that that amendment would logically entail the deletion of the words "For this reason" at the beginning of the second sentence of paragraph 34.

It was so decided.

Mr. PAZHWAQ (Afghanistan) asked the Rapporteur what was meant by the words "it was generally agreed" in the second sentence of paragraph 34.

Mr. BRILLANTES (Philippines), Rapporteur, replied that the words did not imply a formal agreement on the question but merely a general consensus of opinion in the Commission, which had emerged from the statements made by its members.

Paragraphs 30 to 34 were adopted, subject to the above amendments.

Paragraphs 35 to 41: "Comments on the Sub-Commission's proposal"

Paragraphs 35 to 41 were adopted.

Paragraphs 42 to 49: "Examination of the Indian proposal"

Mr. BRILLANTES (Philippines), Rapporteur, remarked that the Indian representative had proposed that the following sentence should be added at the beginning of paragraph 42:

"In introducing this proposal, the Indian representative explained that he had revised the text of the draft resolution recommended by the Sub-Commission in order to lay special emphasis on the role of educational measures which were fundamental in the effort to combat prejudices and intolerance."

It was so decided.

Mr. AMADFO (Argentina) felt that paragraph 43 did not reflect with sufficient clarity the distinction which the United Kingdom representative had made between the words "racial prejudice" and the words "national and religious intolerance". He therefore proposed that the following sentence should be added after the first sentence:

"Some members considered that the expression 'prejudices' could be used to refer to racism, but that it was not adequate to refer to any type of national or religious feeling."

The third sentence would then begin with the words: "It was therefore agreed ...".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed that the words "after a proposal to this effect had been made by the United Kingdom" in the first sentence of paragraph 48 should be deleted.

It was so decided.

The CHAIRMAN pointed out that the beginning of the second sentence of paragraph 48 was not an accurate reflection of the way in which the vote had been taken. He suggested that the sentence should be replaced by the following:

"These words were not retained by a roll-call vote, the vote being 8 in favour, 9 against, with 1 abstention."

Mr. WYZNER (Poland) supported the Chairman's suggestion. In its present form, in the draft report, the sentence suggested that eight countries had voted for the deletion, which was clearly untrue, since they had in fact voted for the retention of the phrase.

It was so decided.

Paragraphs 42 to 49 were adopted, subject to the above amendments.

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Paragraphs 50 to 63: "Examination of the three-Power proposal"

Mr. BRILLANTES (Philippines), Rapporteur, proposed that the phrase "In moving the proposal" at the beginning of the second sentence of paragraph 50 shall be deleted, and that the sentence should read: "The sponsors explained that the main purpose of this proposal was, etc. ...".

He also suggested that the words "precise date" in the last sentence should be replaced by "precise day or year".

It was so decided.

Mr. PAZHAK (Afghanistan) proposed that in the last sentence of paragraph 50 the words "because they had in mind the consideration that should be given to the preliminary organizational work" should be substituted for the phrase "because they did not know how long the preliminary organizational work might require".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed that the word "clumsy" should be replaced by "vague" in the last sentence of paragraph 51.

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, stated that the representative of India had proposed the addition to paragraph 52 of the following phrase: "while some others pointed out that prejudices were the roots of such actions and manifestations, and our task was to eliminate the disease at its source".

Sir Samuel HOARE (United Kingdom) pointed out that "our task was" could not be written in the report; instead, the phrase should be "the task of the Commission was".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed that the last phrase in paragraph 53 should be replaced by the following, as requested by the representative of India: "and that the celebration of a Human Rights Day was devoted in general to all human rights and therefore was not sufficient to convince the public of the need to eradicate prejudice and discrimination, which was the specific objective of the proposal".

Mr. CHENG PAONAN (China) proposed that the word "celebration" in that phrase should be replaced by "observance".

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Sir Samuel HOARE (United Kingdom) proposed that the words "convince the public of" in that phrase should be replaced by "impress upon the public".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed the replacement in the first sentence of paragraph 55 of the phrase "suggested amendments to" by "offered suggestion in regard to".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed the addition of the following phrase at the end of the second sentence of paragraph 57, as requested by the USSR representative: "but reserved the right to raise this question in the Economic and Social Council and in the General Assembly".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed the deletion of the words "for the General Assembly" in the third line of paragraph 58.

It was so decided.

Paragraphs 50 to 63 were adopted, subject to the above amendments.

Paragraphs 64 to 67: "Observations on the proceedings of the Second United Nations Conference of Non-Governmental Organizations Interested in the Eradication of Prejudice and Discrimination"

Paragraphs 64 to 67 were adopted.

Paragraphs 68 to 75: "Protection of minorities"

Mr. BRILLANTES (Philippines), Rapporteur, proposed that the words "it was" in the second and fifth lines of paragraph 69 should be replaced in both cases by the phrase "some members of the Commission".

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed the insertion, as requested by the representative of Austria, of the words "summarize the development of the problems of minorities since the First World War and" after the words "the author" in the first line of paragraph 71.

It was so decided.

After an exchange of views between Mr. BRILLANTES (Philippines), Rapporteur, Mr. PAZHwak (Afghanistan) and Mr. ERMACORA (Austria), the CHAIRMAN suggested that the first sentence of paragraph 72 should be replaced by the following: "Some members of the Commission felt difficulties in accepting the Austrian proposal as formulated."

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed the insertion, as the representative of India had requested, between the first and second sentences of paragraph 72 of the following new sentence: "Some members felt that the question of minorities - a term which presented well-recognized difficulties of definition - should not be over-emphasized at the present time."

It was so decided.

Mr. BRILLANTES (Philippines), Rapporteur, proposed the replacement, as requested by the representative of Austria, of the words "it was pointed out" in the first sentence of paragraph 74 by the phrase "one view was" and the replacement of the words "Further, it was maintained that" at the beginning of the second sentence by the words "Another view was".

It was so decided.

Sir Samuel HOARE (United Kingdom) proposed that the words "it was useless" in the fourth line of paragraph 74 should be replaced by the phrase "it was difficult" and that the following new sentence should be added after the first sentence: "It was also pointed out that the Sub-Commission could prepare and submit to the Commission such a programme without a directive from the Commission."

Mr. ERMACORA (Austria) proposed the addition of the phrase "at the present time" after the word "proposal" in the last sentence.

The CHAIRMAN suggested the deletion in the same sentence of the word "hasty".

It was so decided.

Mr. AMADEO (Argentina) proposed the addition in paragraph 75, after the word "Panama" of the phrase "under rule 45 of the rules of procedure".

It was so decided.

Paragraphs 68 to 75 were adopted, subject to the above amendments.

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Paragraph 76: "Duration of the next session of the Sub-Commission"

Paragraph 76 was adopted.

Paragraph 77: "Remainder of the report on the Sub-Commission"

Mr. NEDBALLO (Ukrainian Soviet Socialist Republic) proposed that the first sentence of paragraph 77 should be deleted, since chapters V and VI of the Sub-Commission's report had not been examined by the Commission, as was stated in paragraph 23 of the draft report.

It was so decided.

Paragraph 77, as amended, was adopted.

Chapter VI of the draft report of the Commission on Human Rights, "Prevention of Discrimination and Protection of Minorities" (E/CN.4/L.590/Add.2), as a whole, as amended, was adopted.

The meeting rose at 1 p.m.