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COMMISSION ON HUMAN RIGHTS

Seventeenth Session

SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-FIRST MEETING

Held at Headquarters, New York,  
on Thursday, 9 March 1961, at 3.20 p.m.

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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/Rev.1, L.592/Rev.1, L.593/Rev.1, L.595, L.596, L.597)  
(continued)

PRESENT:

<u>Chairman:</u>	Mr. ERMACORA	(Austria)
<u>Rapporteur:</u>	Mr. BRILLANTES	Philippines
<u>Members:</u>	Mr. PAZHWAQ	Afghanistan
	Mr. ABREU )	Argentina
	Mr. AMADEO )	
	Mr. QUIJANO)	
	Mr. ZENKER	Austria
	Mr. CHENG PAONAN)	China
	Mr. TSAO )	
	Mr. MADSEN	Denmark
	Mr. JUVIGNY	France
	Mr. BHADKAMKAR	India
	Mr. KITTANI	Iraq
	Mr. BEAUFORT	Netherlands
	Mr. HAKIM	Pakistan
	Mr. ILLUECA	Panama
	Mr. WYZNER	Poland
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV )	Union of Soviet Socialist Republics
	Mr. SAPOZHNIKOV)	
	Sir Samuel HCARE	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. NAGASHIMA	Japan

Representatives of specialized agencies:

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

PRESENT (continued):

Representative of a non-governmental  
organization in category B:

	Mrs. BAKER	Women's International League for Peace and Freedom
<u>Secretariat:</u>	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. DAS	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/Rev.1, L.592/Rev.1, L.593/Rev.1, L.595, L.596, L.597) (continued)

Mr. AKRAWI (United Nations Educational, Scientific and Cultural Organization) recalled that at the 689th meeting he had described the numerous activities undertaken by UNESCO since the adoption of the Universal Declaration of Human Rights with a view to eliminating racial, national and religious prejudice and promoting respect for human rights, and had outlined the action planned for 1961 and 1962. It could be said that, for UNESCO, every year was a "Human Rights Year".

In addition, every year UNESCO observed a Human Rights Day on 10 December, the anniversary of the adoption of the Universal Declaration of Human Rights. In co-operation with the United Nations, the member States, the national commissions for UNESCO, the non-governmental organizations and, in particular, the teachers' associations, UNESCO organized public events on that occasion and ensured that the day was observed in the schools. The very purpose of UNESCO was, in fact, to have prevail throughout the world a spirit of understanding which excluded all racial prejudice and all forms of national and religious intolerance.

Although the revised three-Power draft resolution (E/CN.4/L.592/Rev.1) no longer called directly on UNESCO to organize a Freedom from Prejudice Year, he wished to point out that the agency's programme and budget for 1961-1962 had already been adopted and it would therefore be impossible for UNESCO to undertake a fairly substantial additional responsibility during the next two years. Moreover, any new programme had to be approved by the Executive Board and the General Conference of UNESCO and the next General Conference would not be held until November 1962. Finally, UNESCO would have to know beforehand the scope, nature and financial implications of any obligations it would be called upon to undertake.

Since the revised draft resolution had been submitted, several members of the Commission had raised the question whether UNESCO and some other specialized agencies might not be consulted regarding the idea of organizing a Freedom from Prejudice Year. In that connexion, UNESCO was prepared to co-operate with the Commission and, to the extent that its financial resources permitted and subject, naturally, to the consent of its higher organs, to study the possibility of

(Mr. Akrawi, UNESCO)

organizing a Freedom from Prejudice Year, the procedure to be followed, the methods to be employed and the aims to be achieved.

Mrs. BAKER (Women's International League for Peace and Freedom) said that, while she appreciated the intention underlying the three-Power draft resolution (E/CN.4/L.592/Rev.1), she had had some experience, as a teacher and as a member of a non-governmental organization, of efforts to eliminate prejudice in the field of education, and she considered that the subject of freedom from prejudice was not one in which the organization of an international year or day would be likely to yield results. The action already taken in the areas where prejudice and discriminatory practices still existed was far more effective, as had been demonstrated by the measures taken by UNESCO in the field of education.

Mr. PAZHWAK (Afghanistan) stated that he was surprised that the representative of a non-governmental organization, instead of co-operating with the Commission, actually advised the Commission against taking certain measures against prejudice and discrimination.

Mr. BEAUFORT (Netherlands) said that he had not been convinced by the arguments advanced in favour of the three-Power draft (E/CN.4/L.592/Rev.1). He still believed that the organization of "world years" should be resorted to only in truly exceptional cases, otherwise such observances would lose all value. When a representative considered that a draft resolution was undesirable and did not meet a particular need, he should assume his own responsibility and not refer the matter to other bodies. That applied also to United Nations Commissions. However, his position was based primarily on a desire not to impair the prestige of the United Nations. People who had the highest regard for the United Nations were often disappointed to note that it did not succeed in solving the real problems of the present-day world and continued to adopt countless resolutions on matters of secondary or no importance. He could not, therefore, vote in favour of a draft resolution calling for inadequate measures, even though its aims were of the noblest.

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Mr. ARRAIZ (Venezuela) considered that the expression "Freedom from Prejudice Year" was not a very happy one and might be misunderstood by persons who were not familiar with United Nations terminology. He had been unable to find in Spanish any more appropriate phrase which would render the idea both accurately and fully. He did not think that the problem of translating the phrase into Spanish could be solved later by the Secretariat, by the Economic and Social Council or by the Governments themselves. Obviously the Secretariat could only translate the English title literally. The Commission could not transmit an incomplete draft resolution to the Economic and Social Council and, if the choice of name for the international year was to be left to the Governments themselves the names would vary greatly from one country to another, depending on the interpretation of the English title. Lastly, the Secretariat, the Economic and Social Council and the Governments would all encounter the same difficulties as had the Commission on Human Rights.

Although he approved whole-heartedly of the idea expressed in the three-Power draft resolution (E/CN.4/L.592/Rev.1), he could not support the proposal as long as a suitable phrase had not been found which could be understood by all Spanish speakers. In the circumstances, he wondered whether it would not be preferable, for the time being, merely to put forward the idea of organizing a Freedom from Prejudice Year and to consult the Governments of Member States on the matter, as the United States representative had proposed.

Mr. JUVIGNY (France) remarked that the proposal to institute a Freedom from Prejudice Year had given rise to few objections of principle. The main difficulty was one of terminology; each State could not be left to translate the English term as it thought best. There were also numerous difficulties of practical implementation which remained unsolved. It was still not clear what forms the co-operation between the United Nations, the specialized agencies and the Governments of Member States would take. The United Nations might prepare for Governments a technical guide for the organization of the various events, similar to that used for the celebration of the tenth anniversary of the Universal Declaration of Human Rights. In view of the narrow margin of uncertainty which still remained, it would be disappointing if such a laudable proposal were adopted - assuming that it would be - by a small majority. It

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(Mr. Juvigny, France)

would therefore be preferable to wait a little and study more thoroughly in what specific ways the idea put forward by the three Powers could be put into effect. As the United States representative had proposed, the Governments of Member States might be consulted either before the Council's summer session or before the sixteenth session of the General Assembly. Alternatively, following the precedent established for the celebration of the tenth anniversary of the Universal Declaration of Human Rights, the Commission might appoint a small committee from among its members to study the question and report back to its eighteenth session. Finally and perhaps preferably, the Sub-Commission on Prevention of Discrimination and Protection of Minorities might be asked to study the question in consultation with the specialized agencies (primarily UNESCO) and to report back to the Commission at its eighteenth session. In its report the Sub-Commission might indicate the most appropriate methods of organization and the aims to be sought, in order to ensure a minimum of uniformity in the various countries. It might also suggest an appropriate title. At the present stage, he would not submit any formal amendments; the sponsors could thus choose which of the three plans they liked best or even reject them all. Any one of the solutions he had put forward might facilitate an agreement on a valuable idea and would prevent the matter being prematurely decided by a hasty vote which did not reflect the various shades of opinion expressed.

He therefore suggested to the sponsors that the operative part might be replaced by some such text as:

"1. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the interested specialized agencies to study the conditions in which a Freedom from Prejudice Year might be organized in the near future, to be followed by the observance of a Freedom from Prejudice Day every year;

"2. Requests the Sub-Commission to report to it on the subject at its next session."

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(Mr. Juvigny, France)

He would have no objection if the Commission altered that text slightly by inserting in paragraph 1 after the word "study" the words "in the light of discussions in the Commission on Human Rights" or if it signified its agreement in principle by saying "should be organized" instead of "might be organized".

Mr. CHENG PAONAN (China), speaking on a point of order, proposed, in accordance with rule 49 of the rules of procedure, that the meeting should be suspended for a short time in order to give the sponsors of the draft resolution an opportunity to examine the French representative's proposal.

The Chinese representative's motion was adopted by 8 votes to 6, with 1 abstention.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

Mrs. TREE (United States of America) said that her delegation would support the revised draft resolution (E/CN.4/L.592/Rev.1), but proposed an amendment (E/CN.4/L.596) adding a part B in which States would be invited to submit to the Economic and Social Council prior to its thirty-second session comments on the recommendation set forth in the resolution.

Her delegation would vote against the USSR amendment (E/CN.4/L.595) since the first point appeared inappropriate and the second might complicate the matter still further.

Mr. NEDBAILLO (Ukrainian Soviet Socialist Republic) said that, on the whole, he supported the revised draft resolution (E/CN.4/L.592/Rev.1). What was important was to assert the principle of observing a Freedom from Prejudice Year and subsequently a Freedom from Prejudice Day. The practical methods of organization were of secondary importance and could be worked out by Governments.

His delegation supported the second USSR amendment (E/CN.4/L.595) because the addition of the word "discrimination" in the title was essential to clarify the aim sought and explain the meaning of the word "prejudice". It might event be better to speak of "freedom from racial, national and religious prejudice and discrimination".

The additional paragraph proposed in the first USSR amendment was not new since it was taken from the preamble of General Assembly resolution 1510 (XV); the case for its inclusion was therefore incontestable. Indeed, a direct reference to that resolution might also be made.



Sir Samuel HOARE (United Kingdom) said that the Commission's discussions and some of the amendments submitted revealed that the members were uncertain and divided about the very aim of the proposed Year and Day, not merely about the title. In any case, since the concept of prejudice was purely subjective and involved difficulties of interpretation, his delegation, while recognizing the noble intentions of the sponsors, was not satisfied with the present form of the draft.

It was, however, ready to consider other solutions. For example, the Commission might adopt a resolution requesting that in a given year Human Rights Day should be specially devoted to the question of discrimination. He was also prepared to support the suggestion put forward by the French delegation.

With regard to the United States amendment (E/CN.4/L.596), it seemed unlikely, to judge by experience and the special difficulties faced by certain countries, that enough comments from Governments would reach the United Nations by next July. He therefore proposed an amendment (E/CN.4/L.597) inviting the Secretary-General to transmit the draft resolution and the records of the Commission's discussions to Governments and the specialized agencies and to request them to submit their comments to the Commission by its next session.

Mr. KITTANI (Iraq) requested the sponsors of the revised draft (E/CN.4/L.592/Rev.1) to make known their views on the French suggestion and the amendments to their text.

Mr. PAZHWAQ (Afghanistan), speaking on behalf of the sponsors of the revised draft resolution, thanked the French representative for his interest and for his efforts to find common ground. The French delegation's suggestion was not without merit, but the sponsors felt that it would be simpler to consider the proposed amendments, some points of which coincided with the French suggestion.

As regards the USSR amendments (E/CN.4/L.595), the sponsors had regretfully decided not to incorporate them in their draft, in order not to increase the number of factors which might give rise to controversy. That did not prejudice in any way the positions which they might individually adopt when those amendments were put to the vote.

On the other hand, the sponsors agreed to include in the draft resolution the part B proposed in the United States amendment (E/CN.4/L.596). Besides the fact that it was always desirable to consult Governments and the specialized

(Mr. Pazhwak, Afghanistan)

agencies, the proposal did not alter the substance of the draft resolution, and although it implied further consideration of the question, it would not cause any delay.

The United Kingdom amendment (E/CN.4/L.597) showed a regrettable lack of enthusiasm for the idea put forward by the sponsors of the draft resolution. The sponsors were ready, however, to consider any other wording which might seem more felicitous than "Freedom from Prejudice Year" (or "Day").

Mr. MADSEN (Denmark) fully approved of the intentions of the sponsors of the draft resolution (E/CN.4/L.592/Rev.1), who were seeking to intensify the campaign against racial, national and religious prejudice, but he thought that before organizing a Freedom from Prejudice Year it would be better to study the idea further. He supported the United Kingdom proposal and hoped that the sponsors of the draft resolution would take it into account.

Mr. KITTANI (Iraq) considered that the intentions of the sponsors of the draft resolution were highly praiseworthy and stated that he was ready to support it. He was not, however, completely convinced that there was anything to be gained by observing a Freedom from Prejudice Day every year. The struggle against prejudice came within the field of human rights and a Human Rights Day was already celebrated every year. He was not certain, either, that there were grounds for organizing a Freedom from Prejudice Year. He would nevertheless support the draft resolution, because the importance he attached to its aims was greater than any doubts he might have about the methods to be employed.

His delegation would vote in favour of point 1 of the USSR amendment (E/CN.4/L.595). It had not understood the distinction made by the United Kingdom representative between the words "prejudice" and "discrimination" in point 2 of that amendment. He recognized that no one was without prejudices, whether good or bad. But it was clear that within the framework of the present discussion, the word "prejudice" was pejorative. It was thus impossible, particularly in the field of human rights, to make a distinction between "prejudice" and "discrimination". For his part, he thought that the two words had the same meaning and he proposed that they should both be retained.

His delegation thought that it could support the United States amendment although it agreed with the United Kingdom representative, that the time allowed to Governments to submit their comments was too short.

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(Mr. Kittani, Iraq)

Finally, where the United Kingdom amendment was concerned, he was totally opposed to the idea of submitting the draft resolution to Governments. It was the responsibility of the Commission on Human Rights to take a decision and that decision must be final.

He had understood the United Kingdom representative to say, when proposing that the question should be referred to Governments, that such a procedure might raise difficulties for some States, particularly those which had recently become independent. For his part, he could not see what difficulties new countries might encounter, since it was precisely in those countries that discrimination and prejudice were least common.

Mr. CHENG PAONAN (China) considered that point 1 of the USSR amendment went beyond the ideas underlying the draft resolution. That text dealt with the social aspects of discrimination and prejudice and it would not be appropriate to introduce a political note.

Under both the United States and the United Kingdom amendments, Member States and the specialized agencies would be requested to submit their comments. According to the United States amendment, those comments would have to be communicated to the Economic and Social Council before its thirty-second session. According to the United Kingdom amendment, they would have to be submitted to the Commission on Human Rights at its next session. In either case, the time allowed to Governments seemed very short. For that reason we would suggest to the sponsors, who had accepted the United States amendment, that they should propose that Governments should submit their comments to the Council at its thirty-fourth session. If the sponsors accepted that suggestion, the United Kingdom representative might perhaps be able to withdraw his amendment.

Mr. AMADEO (Argentina) said that he hoped to be able to support the draft resolution; he approved of its aims, but he had some doubts about the method proposed.

He supported the United States amendment, which, while preserving the original idea of the draft resolution, would enable Governments, including those of countries represented on the Commission, to make known their opinions on the matter. He would therefore support the draft resolution as modified by the United States

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(Mr. Amadeo, Argentina)

amendment. It would be a good idea, as the representative of China had suggested, to allow more time for comments to be submitted to the Council and he hoped that the sponsors would not oppose that suggestion. He too felt that the United Kingdom representative might then be able to withdraw his amendment.

He could not support point 1 of the USSR amendment, since it touched upon a political question which was outside the Commission's competence. He thought that the wording proposed in point 2 of that amendment was too long and should not be adopted.

Mr. PAZHWAQ (Afghanistan) stated that the sponsors of the draft resolution had agreed to ask the United Kingdom representative to withdraw his amendment. They would consider the Chinese representative's suggestion. They hoped, also, that the USSR representative would consent to withdraw his amendment, since in their opinion the draft resolution would then have a better chance of obtaining unanimous approval.

Sir Samuel HOARE (United Kingdom) said that he was ready to withdraw his amendment, if the United States amendment was modified in the way indicated by the representative of China. He explained, for the benefit of the representative of Iraq, that when he had alluded to the difficulties which might be encountered by the under-developed countries, he had been thinking of administrative difficulties in transmitting comments within the period proposed. He had not intended to imply that discrimination was more common in those countries and fully accepted that it was often less common than in some developed countries.

The meeting rose at 6 p.m.