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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixth Session

SUMMARY RECORD OF THE ONE HUNDRED AND TWELFTH MEETING

Held at Headquarters, New York,
on Thursday, 7 January 1954, at 10.45 a.m.

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of the Special Rapporteur (E/CN.4/Sub.2/155)

54-00803

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. EMELIANOV	(Union of Soviet Socialist Republics)
	Mr. HALPERN	(United States of America)
	Mr. HISCOCKS	(United Kingdom of Great Britain and Northern Ireland)
	Mr. KULAGA	(Poland)
	Mr. ROY	(Haiti)
	Mr. SANTA CRUZ	(Chile)

Representatives of specialized agencies:

Mr. MANNING	International Labour Organisation
Mr. ARNALDO	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER	International Confederation of Free Trade Unions
	Miss KAHN	World Federation of Trade Unions
	Mrs. FOX	World Federation of United Nations Associations

Category B and Register:

Mr. LEWIN	Agudas Israel World Organization
Miss GIROUX	Catholic International Union for Social Service
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations

Category B and Register(continued):

Mrs. MAHON)	International Alliance of Women
Miss WOODSMALL)	
Mrs. PARSONS	International Council of Women
Miss SMITH	International Federation of Women Lawyers
Mr. HARDMOND	National Baptist Convention of U.S.A., Inc.
Mr. JACOBY	World Jewish Congress
Mr. PENCE	World's Alliance of Young Men's Christian Associations
Mr. RONALDS	World Union for Progressive Judaism

Secretariat:

Mr. SCHWELB	Deputy Director of the Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Commission

STUDY OF DISCRIMINATION IN THE FIELD OF EDUCATION: INTERIM REPORT OF THE SPECIAL
RAPPORTEUR (E/CN.4/Sub.2/155)

In the absence of Mr. Masani, the Special Rapporteur, the Chairman introduced the interim report and suggested that the Sub-Commission might wish to give more particular consideration to the definition of discrimination, the limits of the study, the comprehensiveness of the source material and the proposals for proceeding with the study. Various suggestions were put forward for dealing with the interim report. Mr. Halpern urged that the general debate should be divided into two parts - one dealing with methods for pursuing the study and the other with its substantive scope. Mr. Amoun wished to avoid any further discussion of methods and to consider forthwith the concrete proposals bearing on the study's scope (proposals V, VI, VII and VIII). Since the questions of method and scope overlapped and it would be difficult to draw a clear line of demarcation between them, several members advocated a thorough general debate on all aspects of the agenda item. Mr. Emelyanov, for example, was anxious that the debate should lead to agreement on concrete recommendations; Mr. Awad wanted full latitude to relate the item to the remainder of the Sub-Commission's work programme; Mr. Hiscocks also favoured great flexibility in the discussion, but would start it off either on methods or scope for purposes of orderliness; while Mr. Santa Cruz, convinced that methods and scope were inextricably linked, wished the Sub-Commission to embark on a comprehensive consideration of both.

The Sub-Commission decided to hold a general debate on the item after hearing statements by representatives of non-governmental organizations.

Statements by representatives of non-governmental organizations

Mr. Lewin of the Agudas Israel World Organization thought that the proposed study on discrimination in education would be of vital importance as a pattern for future studies. The Special Rapporteur's proposals V and VI were especially welcome. However, as experience had shown that the Jews had frequently been victims of discrimination in education as a result of the skilful manipulation of legal safeguards, and as the lessons of the past must be studied for a proper evaluation of present problems and guidance for future action, the study suggested

in proposal V should be undertaken not only on a global basis, as suggested by the Special Rapporteur, but on an historical basis as well.

Miss Sender of the International Confederation of Free Trade Unions agreed that the study on discrimination in education quite properly should be given priority and emphasized the need for the Sub-Commission to draw a balance-sheet showing what factual material it could obtain from the specialized agencies and other groups working in the field - in particular, the ILO and UNESCO, which had done much spadework in the field - and what original research still remained for it to carry out. Its study should deal not only with education on the primary, secondary and higher levels, but with vocational education as well.

The ICFTU was convinced that labour should contribute more than it had previously to the study of discrimination and was prepared to co-operate fully not only in the field of education but in that of employment. It felt that the education of peoples receiving technical assistance, for example, was essential for the success of the technical assistance programme, and that education and economic development should be evaluated in relation to one another. Toward that end, comparison would have to be made between the de facto and de jure situations in many areas. Many good laws banning discrimination remained unimplemented, and the Sub-Commission would have to recommend ways of giving them effect. To argue that the matter was solely within the jurisdiction of national authorities was to nullify the Sub-Commission's work. The Sub-Commission's programme was an implicit recognition that it was, on the contrary, a matter of international concern. The Sub-Commission's recommendations should be easily capable of implementation both at the national and international levels. Finally, discrimination should be fought not only by means of legal provisions but also by co-operation between the two parties concerned; negotiations between those parties were likely to be more successful, however, if there were legal provisions on which to base them. The ICFTU was prepared to offer its good offices for such negotiations.

General debate

As previously agreed, the debate centred on the methods for pursuing the study of discrimination in education and on the scope of the study. Mr. Halpern was concerned to avoid the delay threatened by the difficulty and improbability of replacing Mr. Masani, the Special Rapporteur, in view of the Assembly's decision not to compensate such an officer. On the other hand, in accordance with the Economic and Social Council's directive to utilize the specialized agencies and interested non-governmental organizations in collecting factual material, Mr. Halpern urged prompt negotiations with UNESCO for use of its ample documentation. ILO would be able to supply valuable facts on vocational education and WHO on health education. Further fact-gathering should be entrusted to the Secretariat, which had shown its competence in compiling data, although certain notable gaps remained to be filled. Finally, sufficient funds were available to pay a special consultant, if that were necessary, to complete the gathering of data. In no case, however, should any of those research bodies be expected to assume the responsibilities clearly incumbent on the Sub-Commission to fix the scope of the study and to draw conclusions from the facts and make recommendations accordingly. To discharge those responsibilities effectively, the Sub-Commission should place its study in its realistic context by assembling background data on educational facilities available and the use thereof, and by drawing on history for guidance.

He proposed that a three-member sub-committee should be set up, with the Chairman as an ex-officio fourth, to co-ordinate the factual material and draft recommendations. It would be appointed by the Chairman and would hold several meetings a year; it would allocate specific tasks among the members and the bulk of its work could be done by correspondence. It would itself decide on its procedure. He hoped that its conclusions and recommendations would be ready for the Sub-Commission to consider at its seventh session. In support of his proposal, Mr. Halpern cited, as precedents, the Ad Hoc Committee on Forced Labour and the Commission appointed to study the racial situation in South Africa. It

was his conviction that the past "failures" of the Sub-Commission were largely due to the fact that it was forced to work on the basis of a two-week (now a four-week) session annually.

In connexion with Mr. Halpern's reference to UNESCO as the main source of factual material, Mr. Arnaldo, representing that specialized agency, said that UNESCO was prepared to supply all the relevant facts and figures in its possession without comment, leaving the political responsibility for the study to the Sub-Commission. He reviewed the documentation on hand as well as that to be made available upon publication and stated that Mr. Otto Klineberg UNESCO's Special Representative from its headquarters in Paris, would give the Sub-Commission a fuller report on that data at a subsequent meeting.

Mr. Halpern's proposal to set up a sub-committee met with opposition from Mr. Ammoun, Mr. Roy and Mr. Santa Cruz. In the view of Mr. Ammoun, the creation of a sub-committee would result in a dispersal of effort: the Sub-Commission itself was not numerically too unwieldy to carry out the study, and, in any case, it would have to examine and approve the results submitted by the smaller group. Moreover, Mr. Ammoun found the more general procedure advocated by Mr. Halpern both difficult and dangerous: fact-finding by the Sub-Commission would duplicate the work of UNESCO and the International Bureau of Education; study of historical background would lead it too far afield and could not be objective. Finally, he did not think recommendations should be made to specific countries, lest the Sub-Commission, an independent expert body, incur the disfavour of governments.

The principal argument of Mr. Santa Cruz and Mr. Roy was that the Sub-Commission was bound by the method of the special rapporteur which the Human Rights Commission and the Council had approved. It was both necessary and feasible to have such a rapporteur. In effect, according to Mr. Santa Cruz, Mr. Halpern was asking for three rapporteurs to remain in continuous contact. Obviously, no three members of the Sub-Commission could be so designated without authorization by the Council. Moreover, even with two or three meetings during the year - for which funds would have to be approved - they could not complete the work: as Chairman and Rapporteur of the Commission on the racial situation in South Africa, Mr. Santa Cruz had worked five months full time to prepare his

report. Nor could the Secretariat be assigned the task of co-ordinating the facts because it was not sufficiently independent to deal with so controversial an issue as discrimination in education.

The special rapporteur, according to Mr. Santa Cruz, need not necessarily be a member of the Sub-Commission. A replacement for Mr. Masani could certainly be found: the Chairman should be asked to consult with the Secretary-General to that end. Mr. Roy added that the special rapporteur should, after his appointment, be given time to collect and analyze additional data - assuming that the interim report was found to be inadequate - and that the drafting of conclusions and recommendations should be deferred until the Sub-Commission's seventh session.

The meeting rose at 1.05 p.m.