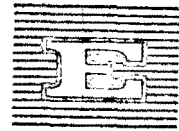


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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Sixth Session

SUMMARY RECORD OF THE ONE HUNDRED AND SEVENTEENTH MEETING

Held at Headquarters, New York
on Monday, 11 January 1954 at 2.30 p.m.

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Study of discrimination in the field of education: interim report
of the Special Rapporteur (E/CN.4/Sub.2/155) (continued)

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. EMELYANOV	(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. KLINEBERG)	United Nations Educational, Scientific and Cultural Organization
Mr. ARNALDO)	

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
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mr. LONGARZO	International Conference of Catholic Charities
Miss ROBB	International Federation of University Women
Mr. PENCE	World's Alliance of Young Men's Christian Associations
Mr. RONALDS	World Union for Progressive Judaism
Miss SCHAEFER	World Union of Catholic Women's Organizations

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)

General debate (concluded)

Mr. HISCOCKS introduced a draft resolution (E/CN.4/Sub.2/L.49) expressing appreciation to Mr. Masani for his work as Special Rapporteur on discrimination in education, and recalled the handicaps under which he had been compelled to work.

Mr. HALPERN supported the draft resolution.

Mr. EMEL'YANOV, for the reasons he had explained earlier, could not support the draft resolution and formally moved that the Sub-Commission merely take note of the interim report.

The draft resolution (E/CN.4/Sub.2/L.49) was adopted by 6 votes to 2, with 1 abstention.

Mr. KULAGA stated that he had voted against the resolution for the reasons he had given at a previous meeting.

Draft resolution submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.48, E/CN.4/Sub.2/L.50)

Introducing his proposal, Mr. HISCOCKS emphasized the importance of having Governments verify the summaries of factual material, and of making a clear distinction between the factual data per se and the recommendations for action to be based on them.

Among the significant features in the three stages of the proposed study were the use of writings by authorities in the field of education as source material, the attention to be paid to countries where data were not easily accessible, the emphasis to be placed on the de facto situation regarding discrimination in education, and the use to be made of conclusions already reached by specialized agencies and other United Nations bodies. Moreover, from the public relations angle, the study should be eminently readable; the substance and the appendices might even be printed in separate volumes.

The method of production was a knotty problem mainly for budgetary and administrative reasons, and he had tried to outline a procedure designed to avoid delay regardless of what facilities the Sub-Commission might subsequently have. In view of the tentative nature of Mr. Masani's questionnaire, and the incompleteness of his bibliography, much work remained to be done before full summaries of material could be submitted to Governments for verification by the expert or rapporteur who was to continue his task. Accordingly, a progress report should be presented to the Sub-Commission at its seventh session, and it should approve the final report during its eighth session.

As the Sub-Commission must retain full responsibility for the production of the report - the type of report would be even more important than the recommendations - the ideal situation would be to have a remunerated rapporteur directly responsible to it. Failing that, it should have an expert who was not a member of the Sub-Commission, but answerable to it, and a small standing committee to ensure liaison between the expert and the responsible organ. If all that could be obtained was an expert working for the Secretariat, Mr. Hiscocks might have to alter his proposal drastically.

The Sub-Commission accepted the proposal with satisfaction as a basis for its work, and endorsed the concept that the study should be carried out in the three stages suggested.

Turning to section I of the proposal (E/CN.4/Sub.2/L.48), Mr. INGLES thought that the enumeration of sources of material should include individuals other than educational authorities with special competence and experience in studying discrimination, since it was the aspect of education which concerned the Sub-Commission.

Mr. AMMOUN endorsed the emphasis on discrimination.

Mr. HALPERN thought that the reference to the writings of authorities should include written materials generally, to be selected by the Rapporteur or expert in the first instance and to be reviewed by the Sub-Commission. Furthermore, he would place the Secretary-General and the specialized agencies, the principal fact-gathering groups, under a separate heading, the expert or rapporteur would have to work closely with them in his evaluations.

While he did not think that individual complaints of discrimination in education should be authorized, he would not confine the source material to written documents: in cases where it was impossible to obtain written documentation - frequently in countries where the press was not free and non-governmental organizations were subject to government interference - the authority of those investigating conditions of education should be widened to include interviews with political refugees and possibly other methods of securing oral testimony. In that connexion, it was regrettable that the sample statistics, distributed by UNESCO at the meeting did not include material from the countries of Eastern Europe, an omission that surely could not be justified by the state of perfection alleged by some to exist in those countries.

Mr. SANTA CRUZ, referring to Mr. HALPERN's statement, recalled the earlier remarks of Mr. Emelyanov and the representative of the World Federation of Trade Unions regarding discrimination in the United States, and urged all present not to interject political considerations in the discussion. The Sub-Commission was a body of experts committed to fighting discrimination wherever it existed in the world and to arousing world public opinion to join in that fight, especially where the victims did not enjoy the protection of any organized group or their plight was unheeded by government. On the other hand, it should not single out for scrutiny a country where discrimination was not deliberate government policy or where there was a definite trend towards eliminating it, as in the United States.

Mr. EMELYANOV protested that he had no intention of sowing the seeds of political strife or of attacking Mr. Halpern. He had merely emphasized that discrimination existed, often to a severe degree, in many countries in various fields. The omission of data on the countries of Eastern Europe in UNESCO's files was difficult to understand as the Secretariat could provide full official information on education in the USSR and in the People's Democracies upon request. He was prepared, however, to substantiate the claim that no discrimination whatsoever existed in those areas and that the very concept of discrimination was unknown there.

Mr. ROY, reverting to Mr. INGLES' suggestion to include complaints of discrimination from other groups and persons in the source material, reminded the Sub-Commission that its parent body had declared it incompetent to consider communications, and that it should therefore clearly delimit its competence with respect to such complaints.

Mr. HISCOCKS sought to meet the objections raised to his proposal by rephrasing point (e) under section I to read: "Writings of recognized authorities in the field", and by rewording the first part of the following sentence to read: "In collecting material, investigation should be made into conditions both in countries where....". To cover the point made regarding the wide nature of the assistance that could be given by the Secretariat and the specialized agencies, he was prepared to add a specific reference to them in the first sentence under "Method of production".

Mr. SANTA CRUZ said that point should be stressed even more strongly, as proposed in his amendment (E/CN.4/Sub.2/L.50).

Mr. KLINEBERG (United Nations Educational, Scientific and Cultural Organization) reiterated his agency's vital concern with the proposed study on discrimination in education and its eagerness to provide maximum assistance, outlined the types of relevant material UNESCO had prepared or was planning to collect. It had considerable material, for example, on the position of women in education. Its Statistical Office had data on school attendance of various ethnic and religious minorities in some countries, but the figures were inadequate, and a good deal of additional research was still required before sound inferences could be drawn regarding the existence of discrimination. From its studies on the cultural assimilation of immigrant populations and on educational techniques for the integration of minority groups, the Sub-Commission might be able to draw partial conclusions on the access of such groups to educational facilities, just as it might find some of UNESCO's material on illiteracy in a number of countries indirectly relevant to its study. On the other hand, the material rarely covered all the States members of UNESCO and special research would have to be undertaken in many areas for an appreciation of the world-wide situation, as government replies to questionnaires were often very inadequate. There might be established in 1955 a research office on inter-group relations, with a network of correspondents throughout the world, providing reports on studies for all areas, as a clearing house for all research on race relations, perhaps including the participation of various ethnic groups in education. If it succeeded in carrying out that plan, it could provide valuable assistance in the study on discrimination in future, but it was not contemplating research on a world-wide basis at present.

If provision was to be made for that in the agency's 1954 budget, the United Nations should make a request to that effect for the consideration of the Director-General, who would in turn refer it to the Executive Board and the General Conference.

Mr. HALPERN, referring to the clear terms of paragraphs 4 and 5 of the Council's resolution 502 H (XVI), said that he had presumed the studies and co-operation called for from UNESCO would be carried out on a world-wide basis so that they might constitute the essential foundation for the Sub-Commission's work. He was dismayed by the prospect of having to go back to the Commission on Human Rights and the Council for a new request for UNESCO co-operation or of having the Secretariat set up a parallel research staff for studies clearly within the province of UNESCO. To confine data on education to States members of UNESCO, moreover, was to distort the Sub-Commission's report, even before conclusions were drawn with reference to discrimination in particular countries.

In connexion with Mr. Halpern's last observation, Mr. AMMOUN pointed out that a number of States Members of the United Nations were not members of UNESCO and conversely, and that additional research would therefore have to be done to correct that situation and place the study on a world-wide basis. On the other hand, many of UNESCO's studies, while not directly bearing on discrimination, contained much relevant material from which inferences could be drawn by the Sub-Commission.

Mr. KLINEBERG explained that despite its eagerness to provide as much material as possible, UNESCO would find it difficult, with the means available to it, to carry out the kind of extensive investigation required for the Sub-Commission's study. It had pledged itself to provide all the relevant facts and figures in the possession of its Secretariat, without comment, but it had not promised a direct study of discrimination in education.

Mr. ROY confirmed that such was the nature of UNESCO's co-operation by referring to the Special Rapporteur's interim report (E/CN.4/Sub.2/155, page 23).

Mr. KLINEBERG added that in order to secure authorization to extend UNESCO's research for the benefit of the Sub-Commission's study it might be advisable to give special emphasis to the terms of the Council's resolution 502 H(XVI) at the next general Conference. In addition, reference

to that resolution might usefully be inserted in the second amendment to Mr. Hiscocks' proposal submitted by Mr. Santa Cruz (E/CN.4/Sub.2/L.50). Thus, the need to go back to the Council with a request for new directives to UNESCO would be eliminated.

Mr. SANTA CRUZ stated that he was quite prepared to insert such a reference.

Mr. AWAD suggested as a possible substitute for additional special research by UNESCO or the Sub-Commission that information might be provided by unbiased persons with wide knowledge of educational facilities and conditions in all parts of the world. UNESCO's field offices might be able to establish liaison with such persons.

Mr. HALPERN said he was somewhat relieved by Mr. Kleinberg's last suggestion. He then repeated the substance of his suggestions for the factual study on discrimination in education (E/CN.4/Sub.2/L.47), placing special emphasis on the need for comparative data on earlier periods in the history of a specific country in order to draw inferences regarding the growth of an awareness of human rights.

The fact-gathering asked of UNESCO in the course of the forthcoming two years was a most far-reaching and significant enterprise. The relevant facts and statistics in its Secretariat's possession would have to be supplemented to cover all countries. The study of discrimination in education might well become a pilot study which might prove to be a model for all special studies on human rights and it might thus become the greatest project of the United Nations in the non-political field. A detailed plan of the factual content of the Sub-Commission's report would have to be drawn up so that the work could be divided between the Secretary-General's staff and UNESCO and the former would have to explain to what extent it could participate in such a comprehensive study on the basis of budgetary allocations. No other group could undertake the fact-finding work.

Mr. INGLES agreed that a plan of the factual data must be worked out for the guidance of UNESCO, the Secretary-General and the rapporteur, and noted incidentally, that the Council's original directives to UNESCO had been prepared

with the assumption that the agency would be assisting the rapporteur. Mr. Hiscocks's suggestions (E/C.4/Sub.2/L.48) were too general; unless the scope of the proposed study was made more precise, the rapporteur or expert replacing Mr. Masani would raise the same questions as he had in his interim report.

The Sub-Commission would have to determine, for example, what grounds of discrimination it wished to study: those mentioned in article 2 of the Declaration of Human Rights were not exhaustive, while those stated in Article 13 of the Charter would limit the study even more. It would have to decide quite definitely whether the definition of the prevention of discrimination previously adopted by the Sub-Commission should not be revised in the light of the Secretary-General's memorandum on the Main Causes and Types of Discrimination, with emphasis on the protection of traditional minorities. It would have to decide whether discrimination on grounds of sex entered into its study, and whether the study should cover Non-Self-Governing and Trust Territories in view of the studies already made in those fields by other competent organs of the United Nations. The question also arose whether the Sub-Commission should concern itself with private as well as public education, bearing in mind the difference in control exercised by the State over those two types of education. In connexion with the availability of facilities for education to racial, religious and national groups, it should be borne in mind that the establishment of separate schools for the different groups would constitute discrimination if against the wishes of the groups concerned. Even if segregation was in accordance with the wishes of the group concerned, inequality of treatment might result from the differences in the State expenditure devoted to each group. In general, discrimination might be shown not only by statistics on the enrolment of pupils classified according to sex, race, language, religion or national origin - which seemed to be the only type of data presently in the possession of the UNESCO - but also by factual information on the qualifications, pay and promotion of teachers, curricula, school and college activities and limitations on access to professions. In the interests of precision, the Sub-Commission might wish to impose limitations on the scope of the study to be undertaken by the Special Rapporteur in collaboration with the UNESCO.

Mr. HISCOCKS felt that too detailed a plan of work would confuse the Commission on Human Rights and hamper the expert or rapporteur. The latter should be given simple and brief terms of reference, while the broad lines of the assistance to be provided by the specialized agencies and the Secretary-General should be stated, more fully, possibly in a separate resolution. It had been agreed to include in the study discrimination on grounds of sex and to cover dependent territories and private as well as public education. Moreover, it was essential for the members of the Sub-Commission to make suggestions to the expert or rapporteur regarding the scope of and the bibliography for the study and to ascertain to what extent they had been followed from the progress report to be submitted to the seventh session. The final report would of course not be approved until all criticisms and omissions had been taken into account.

While Mr. SANTA CRUZ agreed that the resolution should not be too detailed, he thought such specific points as the definition of discrimination to be used should be made quite clear, and that the reference to the fact-gathering role of the Secretary-General and the specialized agencies should be made in a separate paragraph or resolution.

Mr. SCHWELB (Secretariat), after announcing that he would inform the Sub-Commission regarding the financial implications of Mr. Hiscocks' proposal (E/CN.4/Sub.2/L.48), suggested that a new operative paragraph might have to be added, reading: "Recommends to the Commission on Human Rights to request the Secretary-General to transmit such data to the governments concerned for their comments" or "... to authorize the rapporteur...". When the matter had arisen in the past, the Legal Department had advised that the Secretary-General could ask information of Governments at the request of the Human Rights Commission, but the practice had been to request the Council to ask Governments for such data.

Mr. SANTA CRUZ did not see how the Sub-Commission, having been established with the approval of the Council, could be prevented from asking

information of Governments and how the Secretary-General could be barred from submitting such data for verification in the interests of those Governments themselves. He would welcome clarification from the Secretary-General.

After a final brief discussion regarding the summary records of the Sub-Commission, the CHAIRMAN noted that its desire for amplification of the records had been communicated to the proper authorities and would be implemented in future and that he would also transmit its wish that the previous records should be expanded for purposes of uniformity.

The meeting rose at 5.45 p.m.