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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixth Session

SUMMARY RECORD OF THE HUNDRED AND FOURTEENTH MEETING

Held at Headquarters, New York,
on Friday, 8 January 1954, at 10.30 a.m.

CONTENTS

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

General debate (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. 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
	Mr. THORMANN	International Federation of Christian Trade Unions
	Miss KAHN	World Federation of Trade Unions
	Mrs. FOX	World Federation of United Nations Associations

Category B
and Register:

Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mrs. MAHON	International Alliance of Women
Miss ROBB	International Federation of University Women
Miss SMITH	International Federation of Women Lawyers
Mr. HARDMOND	National Baptist Convention of U.S.A., Inc.

PRESENT:(cont'd)

Representatives of non-governmental organizations: (cont'd)

Category B and Register:(cont'd)

Mr. PRICE	Pax Romana
Mr. JACOBY	World Jewish Congress
Mrs. ANDERSON	World's Alliance of Young Men's Christian Associations
Mr. RONALDS	World Union for Progressive Judaism
<u>Secretariat:</u> 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) (continued)

General debate (continued)

The interim report was subjected to criticism by Mr. Emelyanov on the grounds that it had not been conscientiously prepared and was not an adequate basic study, that it did not make the kind of recommendations imposed by the existence of concrete cases of de facto discrimination in education in many countries, and that it reflected political bias on the part of the Special Rapporteur. Accordingly, Mr. Emelyanov thought that the report should either be drastically revised or replaced by a new document which would recall the Assembly and Council decisions confirming the urgency of substantive recommendations to combat discrimination in education, give specific cases of such discrimination, noting the various forms it assumed in different countries, and propose methods for examining them with a view to reaching constructive conclusions.

In defence of the Special Rapporteur, Mr. Santa Cruz pointed out that the efforts of an individual rapporteur were often hampered by the absence of co-operation from the group, that Mr. Masani had not received specific directives from the Sub-Commission, and that, as his appointment had been approved less than five months previously, he had been pressed for time in preparing his report. There were no grounds, in Mr. Santa Cruz' opinion, for the charge of political bias.

The debate revealed that the consensus of opinion regarding the scope of the report was that it should be as comprehensive as possible, that it should make the fullest possible use of the vast documentation already assembled by specialized agencies, the Secretariat and non-governmental groups and draw pertinent conclusions from it - including the material on discrimination in education on grounds of sex, and on discrimination in education in the Non-Self-Governing and Trust Territories.

With regard to the Special Rapporteur's proposal for a study on a global basis (proposal V, E/CN.4/Sub.2/155), while Mr. Emelyanov considered it inapplicable to countries like the USSR and the People's Democracies where discrimination was prosecuted by law, the majority of the members did not think any given country or area should be excluded a priori from the study. Mr. Hiscocks, Mr. Sorensen and Mr. Santa Cruz agreed, however, that all countries should be treated with equal thoroughness, the object being to expose flagrant cases of discriminatory practices rather than to exhibit examples of the successful elimination of such practices. Mr. Hiscocks made the point, later supported by Mr. Halpern, that equal attention should be given to countries where information was easily and freely available and to those where it was severely restricted. He noted, however that care should be exercised in selecting material and in placing the right degree of emphasis on the various parts of the report, so as to ensure a readable and relevant overall account. Taking up a point made by Mr. Emelyanov, Mr. Halpern stressed that anti-discrimination legislation should not be taken at face value as the de facto situation often did not correspond to the de jure situation. It was generally agreed that historical background material should be taken into account primarily, as Mr. Halpern pointed out, as a basis for comparison between past and present conditions in order to ascertain whether public opinion or governments were aware of the problem and whether the trend was to exert positive efforts to resolve it. Such efforts were mandatory, according to Mr. Santa Cruz, in view of the pledge of all Member States under Articles 55 and 56 of the Charter. He added that proposal VII of the interim report, of which Mr. Emelyanov had been especially critical, actually referred to such trends, as revealed by the study of isolated cases. Only when that proposal was put into practice could some machinery be worked out to deal with specific complaints of discrimination. While he agreed with Mr. Emelyanov that there was a close interrelation between the practice of discrimination in education and the economic and social conditions in a given country, a fact amply demonstrated in his study on South Africa, he pointed out that the Sub-Commission's objective was to combat genuine cases of such discrimination rather than to improve the general economic and social levels, a task entrusted

to other United Nations organs. On the contrary, Mr. Awad would have the report clearly show how discrimination in education often was the corollary of social and economic discrimination.

The debate on the scope of the study was then directed to Mr. Hiscocks' suggestion that it should cover not only blatant cases of discrimination and inspiring examples of how some had been successfully resolved, but also what he termed "neutral" groups, including countries like India, which suffered rather from deficiencies in educational facilities arising from retarded development than from discrimination as such, and other areas where deeply imbedded social and religious customs had the effect of excluding sectors of the population from the benefits of education. The distinction between deficiencies and discrimination had originally been made by Mr. Awad and, while they recognized it, Mr. Sorensen and Mr. Halpern felt strongly that lack of facilities multiplied the risk of discrimination in favour of an economic and social elite and that therefore the background facts as to the total educational facilities and opportunities which were available in the country should be included in the study. Mr. Sorensen emphasized the Sub-Commission's responsibility to combat discrimination, that is, unequal treatment of various sectors of the population, regardless of the causes and degree of prevalence. The experience of the past was illuminating in that respect, especially in areas where women had come into their legitimate rights in the past fifty years. The criterion adopted by Mr. Ammoun, on the other hand, was the motivation for certain deficiencies: for example, he would condemn only those resulting from bad faith on the part of the authorities, and Mr. Awad agreed that deficiency became discrimination only when unequal treatment was condoned, allowed or approved by the national authorities. The approach of Mr. Santa Cruz was more absolute: States were obligated under the Charter to stamp out discrimination wherever it existed, for whatever reasons, in accordance with their pledge to ensure observance of human rights. The Charter was the sole criterion of morality with reference to discriminatory practices.

Some reference was made to Mr. Ammoun's earlier exhortation to avoid antagonizing governments by making specific recommendations to correct conditions in specific countries. Mr. Hiscocks urged the Sub-Commission to have the courage of its convictions and reveal the facts, even if that were

embarrassing, and Mr. Halpern advocated reliance on the pressure of world public opinion, enlightened by the presentation of all the facts, to develop a world conscience against discrimination and influence ruling groups everywhere. In reply, Mr. Ammoun made it clear that he simply wished to avoid stating specific adverse facts in the recommendations themselves, lest the Sub-Commission expose itself to sharp criticism and the challenge that it had not verified the facts on the spot. A final suggestion concerning the scope of the study came from Mr. Awad, who drew attention to the need to interpret the definition of discrimination liberally and deal in the report with the cultural discrimination resulting from imposition by the ruling group of the culture of the elite and disregard of indigenous traditions, language and culture.

Several suggestions regarding methods for proceeding with the education study were put forward. Mr. Hiscocks urged all members to offer concrete suggestions regarding specific questions or areas which they thought should be covered and also regarding additional bibliography, a department which Mr. Emelyanov had found notably deficient. It was generally agreed that the very comprehensive scope proposed for the study would require four stages suggested by Mr. Sorensen: collection of data, to be left in the hands of existing United Nations agencies and the Secretariat; analysis of the facts, which might be done by a research staff of the Secretariat; reporting or summarizing of the material to be assigned either, as Mr. Halpern wished, to a small sub-committee, or as Mr. Sorensen maintained, to one individual assisted by the research staff; and finally, drafting of recommendations, a task for the Sub-Commission itself. While Mr. Hiscocks was inclined to support the view that one person should assume responsibility for reporting, he feared that no such person would have been found by the close of the session and therefore suggested that the sub-committee proposed by Mr. Halpern might act as the liaison body between the Sub-Commission and the specialized agencies and Secretariat in the interim before the seventh session. The sub-committee, Mr. Halpern explained, seemed to him the only practical way to ensure continued progress in the study in the absence of a rapporteur. Of course, much would depend on the Secretary-General's replies to the questions put to his representative regarding the feasibility of securing such a rapporteur.

The meeting rose at 1 p.m.

27/1 a.m.