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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Twelfth Session

SUMMARY RECORD OF THE TWO HUNDRED AND NINETY-EIGHTH MEETING

Held at Headquarters, New York,
on Saturday, 23 January 1960, at 10.20 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. INGLES	(Philippines)	
<u>Rapporteur:</u>	Mr. SAARIO	(Finland)	
<u>Members:</u>	Mr. ABDEL-GHANI	(United Arab Republic)	
	Mr. HALPERN	(United States of America)	
	Mr. HISCOCKS	(United Kingdom of Great Britain and Northern Ireland)	
	Mr. JUVIGNY	(France)	
	Mr. KETRZYNSKI	(Poland)	
	Mr. KRISHNASWAMI	(India)	
	Mr. MAKKAWI	(Lebanon)	
	Mr. MATSCH	(Austria)	
	Mr. MIRGHANI	(Sudan)	
	Mrs. MIRONOVA	(Union of Soviet Socialist Republics)	
	Mr. SCHAULSOHN	(Chile)	
	<u>Also present:</u>	Mrs. LEFAUCHEUX	Commission on the Status of Women
	<u>Observer from a Member State:</u>		
	Mr. RASY	Cambodia	
<u>Secretariat:</u>	Mr. HUMPHREY	Director, Division of Human Rights	
	Mr. LAWSON	Secretary of the Sub-Commission	

STUDY OF DISCRIMINATION IN THE MATTER OF RELIGIOUS RIGHTS AND PRACTICES:
REPORT PREPARED BY THE SPECIAL RAPPOREUR, MR. A. KRISHNASWAMI
(E/CN.4/Sub.2/200; E/CN.4/Sub.2/NGO/12, 13, 15; E/CN.4/Sub.2/L.167, 179,
182, 183, 191-195) (continued)

Proposal for a new rule submitted by Mr. Halpern (E/CN.4/Sub.2/L.179) (continued)

Mr. HALPERN believed that there had been some misunderstanding as to the nature and purpose of the rule he had proposed. The first paragraph stemmed directly from article 18 of the Universal Declaration of Human Rights, and in order to make that clear he would amend the paragraph to read: "Everyone shall have the right to manifest his religion or belief by teaching, either alone or in community with others and in public or private." The provision had nothing to do with systems of schools for general education; it simply asserted the right to organize, at times not conflicting with normal school hours, public classes for the purpose of religious teaching. As to the qualifications of the teachers, that was a matter for the religious leaders and, where appropriate, parents to decide.

Mr. JUVIGNY found the new text of paragraph 1 of the proposed rule acceptable and was satisfied with Mr. Halpern's explanation of its purpose.

Mr. HISCOCKS had no objection to the two paragraphs of the proposed new rule as it now stood, although he felt that the words "and, when applicable, legal guardians", at the end of the second paragraph, merely encumbered the text. He was concerned, however, at the trend now apparent to repeat principles expressed elsewhere: paragraph 1, as Mr. Halpern had just pointed out, came from the Universal Declaration; paragraph 2 was virtually identical with the fifth of the principles proposed in the Study of Discrimination in Education (E/CN.4/Sub.2/181/Rev.1, page 158). He questioned the desirability of asking Governments repeatedly to endorse the same principles.

Mr. KETRZYNSKI agreed with Mr. Hiscocks. Rule 10, already adopted, was a clear and simple rule covering generally the subject of the proposed new rule. At the same time, the problems involved had been dealt with very fully in Mr. Ammoun's report. What was proposed, therefore, was a mere repetition of the same theme without the thorough and detailed consideration which the matter had

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(Mr. Ketrzynski)

been given on the previous occasion. The present text was less open to objection than its predecessor had been, but he still doubted its value. It spoke of teaching but did not designate those to be taught. It ignored the fact that in all States certain minimum standards were laid down with respect to teachers and that Government regulations concerning education must be complied with. The reference to "Atheistic instruction" in the new paragraph 2 oversimplified a matter which was in itself very complicated and related rather to education at a much higher level, namely, the courses of philosophy given at universities, and they were compulsory. The restriction was thus, in his view, too broad, and might prevent universities from arranging courses freely and studying philosophical problems in a suitable manner. Moreover, the rule appeared to him to be unrealistic in present conditions. In Canada, for example, he understood that education was entirely under the control of the Catholic and Protestant churches: there was no other choice. It was difficult, therefore, to see how the present rule could be carried out given existing educational systems, and he would for that reason prefer the formulation of a simple rule merely stating the general principle.

Mr. SCHAULSOHN believed that the new draft of paragraph 1 of the proposed rule was an improvement on the original text, but still felt that the rule was unnecessary. Paragraph 1 was simply a repetition of part of article 18 of the Universal Declaration. The liberty to teach was obviously implicit in the liberty to "disseminate" a religion proclaimed in rule 10. The safeguards in paragraph 2 would be provided for in rule 16, paragraph 4.

Mrs. MIRONOVA agreed with previous speakers that the proposed new rule was superfluous. Rule 10, already adopted, declared the right to disseminate a religion clearly and simply. Paragraph 1 was almost identical with article 18 of the Universal Declaration which was, she considered, a better text. The whole subject of teaching had been gone into very thoroughly in Mr. Ammoun's report and certain proposals for fundamental principles were now being examined by UNESCO. Moreover, the present proposal ignored certain essentials such as the need to comply with the standards laid down by States in the training of teachers. If, therefore, a provision on teaching was considered necessary in the context of the present rules, it should be much more detailed, but she personally considered it unnecessary.

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Mr. HALPERN pointed out that the subject of the teaching of religion had been included in the progress report (E/CN.4/Sub.2/182, paragraph 68) and that he had already drawn the Special Rapporteur's attention to its omission from his final report.

The freedom to disseminate a religion proclaimed in rule 10 concerned the right to propagate the religion to persons outside the religious group; it did not cover the dispensing of religious instruction to the members of the group and their children. That was a matter of fundamental importance, and the rules could not be considered complete without a provision for such instruction. The Sub-Commission had been aware, in drafting its proposals concerning discrimination in education, that it was subsequently to take up the subject of discrimination in religion. It had nevertheless felt it advisable to insert certain provisions on religious instruction in that set of rules, but without prejudice to any which might be considered appropriate in connexion with the later study, which was to deal wholly with the matter of religious rights and practices. Mrs. Mironova's observation concerning the qualifications of teachers related to the fourth of the fundamental principles in the matter of education (E/CN.4/Sub.2/181/Rev.1, page 158). But they were concerned with general education and had nothing to do with religious instruction. The State had no say in the content of purely religious classes or in the training and selection of those who taught in those classes.

Referring to Mr. Ketrzynski's remarks, he said that he foresaw no possibility of conflict between paragraph 2 of the rule he proposed and the teaching of philosophy at universities. In any case, attendance at a university was voluntary. Moreover, Mr. Ketrzynski had been able to agree to the similar provision in the fundamental principles concerning discrimination in education and ought not, therefore, to find any difficulty in accepting the present proposal. As far as Canadian schools were concerned, it was his understanding that children attending Protestant schools were not compelled to undergo religious instruction if they were of other denominations. It might well be that there were places in the world where the principle of non-coercion was violated, but he failed to see that that was a good reason for deleting the present provision: on the contrary, it was surely the Sub-Commission's task to draw the attention of governments to that situation so that they might correct it; it could hardly be its intention to find the lowest common denominator and to set that up as the standard so that no government would have to alter its practices.

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(Mr. Halpern)

As to the charge of repetition, he felt that the advantages of completeness in the basic rules far outweighed the disadvantages. The proposals for fundamental principles on the subject of discrimination in education were now being examined by UNESCO. The view had been expressed there that the subject of religious instruction should be included in the study on discrimination in religion. The Sub-Commission ought to make sure, therefore, that the matter was covered by the basic rules on religious rights and practices where, in any case, it was more appropriate.

Mr. SCHAULSOHN still considered that it was unnecessary to have a special rule, for teaching was simply one method of disseminating a religion, and that was clearly understood and accepted by all. If such a rule were to be adopted, he would have to insist on the inclusion of a provision prohibiting the State from imparting religious instruction, since in so doing - in giving instruction on one particular religion - it would automatically be showing discrimination. He would then, he feared, incur the Sub-Commission's censure for introducing matters which were beyond its competence. He therefore urged Mr. Halpern not to press his proposal.

Mr. KETRZYNSKI echoed Mr. Schaulsohn's appeal.

Mr. KRISHNASWAMI explained that he had dropped the subject of teaching from his final report on discrimination in religion because no additional information on the subject had been received from non-governmental organizations and governments since the preparation of the study of discrimination in education. He agreed with Mr. Hiscocks that in general it was unwise to repeat rules formulated in other studies. Nevertheless, paragraph 1 of the proposed new rule appeared to be generally acceptable; he would not therefore oppose its adoption, but would simply suggest the replacement of the word "right" by the word "freedom". As to Mr. Schaulsohn's objection, he himself saw nothing wrong with repeating provisions already contained in the Universal Declaration of Human Rights; that had already been done in other rules and no one had demurred.

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Mr. HALPERN also believed that there was nothing against taking up the language of the Universal Declaration in the basic rules, as the Sub-Commission had already done, for example, in rule 3. He could accept the replacement of the word "freedom" for the word "right". Referring to Mr. Schaulsohn's remarks, he pointed out that it was clear from the body of the report (E/CN.4/Sub.2/200, paragraphs 124-132) that the word "disseminate" was considered to apply solely to the propagation of a belief to persons outside the religious group. Since that provision had been included, it was all the more necessary, he believed, to include a provision allowing for the teaching of a faith to the members of the religious group and their children. With regard to paragraph 2, a similar provision had been adopted in other contexts; it was particularly appropriate in the present context, and the fact that UNESCO was considering the matter was no justification for leaving it out.

The CHAIRMAN, speaking as a member of the Sub-Commission, recalled that he had expressed doubts about the wisdom of repeating provisions already contained in the Universal Declaration in connexion with rule 3, which dealt with one aspect of article 18 of the Universal Declaration. Since, however, that rule had been adopted, it would be only reasonable to include a provision covering another aspect of article 18. The matter might have been disposed of in rule 10 by saying, "Everyone shall be free to teach or to disseminate his religion or belief", but since rule 10 had already been adopted that would no longer be possible unless that rule was reconsidered. Alternatively, he would suggest that paragraph 1 of Mr. Halpern's proposal should read, "Everyone shall be free to teach his religion or belief, either alone or in community...".

Mr. HALPERN said that he would have been perfectly ready to agree to the incorporation of the provision he was suggesting in rule 10. Since that rule had already been adopted it might perhaps be left to the Special Rapporteur, in his editorial capacity, to rearrange the order of the rules after their completion.

Mr. HISCOCKS proposed the reopening of the discussion on rule 10.
The proposal was adopted by 9 votes to 2, with 2 abstentions.

Rule 10.

Mr. HALPERN proposed that rule 10 should read "Everyone shall be free to teach or to disseminate his religion or belief, either alone or in community with others and in public or private".

Mr. JUVIGNY was satisfied with the combination of the two provisions but doubted whether the words "alone or in community with others" had any meaning in relation to teaching. He therefore asked for a separate vote on those words.

Mr. HISCOCKS suggested that a separate vote should also be taken on the words "in public or private".

Mrs. MIRONOVA requested a separate vote on the words "to teach".

The words "to teach" were adopted by 10 votes to 1 with 2 abstentions.

The phrase "alone or in community with others" was rejected by 4 votes to 3 with 6 abstentions.

The phrase "in public or in private" was adopted by 5 votes to 3 with 5 abstentions.

The CHAIRMAN put to the vote the amended text of rule 10, paragraph 1, which now read as follows:

"Everyone shall be free to teach or to disseminate his religion or belief, either in public or private."

The above text was adopted by 11 votes to none with 2 abstentions.

Mr. HALPERN proposed that paragraph 3 of what he had originally proposed as a new rule (E/CN.4/Sub.2/L.179) should be added, as paragraph 2, to rule 10.

That proposal was adopted by 7 votes to 4 with 2 abstentions.

Rule 10, as a whole, as amended, was adopted by 11 votes to none with 2 abstentions.

Mr. SCHAULSOHN explained that he had voted against the phrase "in public or in private" not because he opposed the idea it expressed but because he considered it superfluous. He had voted against Mr. Halpern's amendment (rule 10, paragraph 2) on the ground that it created a dangerous precedent by adding a prohibition after the affirmation of the freedom to teach a religion or belief. Such a course had not been followed in the case of freedom of worship where it had been felt preferable to leave any limitation on that freedom until rule 16 was examined.

Mr. HISCOCKS said he had voted against Mr. Halpern's amendment because it seemed superfluous.

Mr. KETRZYNSKI pointed out that he had abstained on the revised text of rule 10 because the amendments had considerably weakened the text previously adopted.

Mr. KRISHNASWAMI said he had abstained on paragraph 2 on the ground that the use of the word "atheistic" might prevent the teaching of Darwin's theory of evolution in schools.

Mrs. MIRONOVA explained that she had voted in favour of Mr. Halpern's amendment (E/CN.4/Sub.2/L.179, paragraph 1) when it had been considered as a separate rule but had opposed its embodiment in rule 10. That was why she had voted against the words "to teach", which were acceptable in themselves, but out of place in that particular rule.

Mr. HALPERN said that the amendments adopted to rule 10 considerably strengthened it. He hoped that the Special Rapporteur would now add to the body of his report a section dealing with religious teaching. He saw no contradiction at all between the second paragraph of rule 10 and the teaching of the theory of evolution. It was possible to believe in that theory and at the same time profess one of the world's great religions. In any event, if the word "atheistic" was thought to be ambiguous, it could readily be replaced, upon the revision of the rules by the higher bodies, by the word "anti-religious", which was the word used in the fundamental principles in the Study of Discrimination in Education and was also the word used in the USSR Constitution.

Mr. JUVIGNY hoped that the Special Rapporteur would make clear in his report that paragraph 2 of rule 10 related solely to instruction which was designedly anti-religious and would not interfere with the factual presentation of the various philosophies concerned with the existence of God.

Mr. HALPERN drew attention to document E/CN.4/Sub.2/L.181 which proposed a new rule concerning the right to conduct meetings, lectures and forums, etc. He had originally submitted that amendment in connexion with rule 3 and with particular reference to Mr. Ketrzynski's amendment to that rule (E/CN.4/Sub.2/L.163). As Mr. Ketrzynski's amendment had not been adopted, he would not press his own amendment.

Mr. KETRZYNSKI asked the Sub-Commission to consider the new rule he had proposed in document E/CN.4/Sub.2/L.182. Throughout the rules so far adopted the rights of those professing non-religious beliefs had been recognized only by analogy with the rights of religious believers. The time had now come to acknowledge explicitly the fact that no discrimination should be allowed either against those who held atheistic beliefs or those who held theistic beliefs but did not belong to an organized religion. In many countries, including pre-war Poland, such persons had been denied certain civil rights readily accorded to adherents of recognized religions. It was to prevent that kind of discrimination and to remedy a deficiency in the existing rules that he had framed his amendment.

Mr. KRISHNASWAMI sympathized with Mr. Ketrzynski's proposal but felt it would be more in keeping with the other rules if the words "any religion or belief" - used throughout the report - were substituted for the words "non-religious beliefs".

Mr. SCHAULSOHN emphasized that the proposal merely duplicated the terms of rule 1, paragraph 1, particularly as framed in the Spanish text. If the new rule was to be inserted in section II then it would be more appropriate to say that anyone was free to manifest non-religious beliefs.

Mr. HISCOCKS agreed that the new rule as at present drafted should not form part of rule 2 but stand on its own.

Mr. HALPERN proposed that, in order to bring the new rule closer into line with the other rules, it should read as follows: "Anyone professing any religion or belief shall be free to do so without suffering discrimination of any kind on account of his religion or belief." He agreed with Mr. Hiscocks that it should form a separate rule and not be attached to rule 2.

The meeting was suspended at 12.25 p.m. and resumed at 12.40 p.m.

Mr. KETRZYNSKI said that he could accept the following text of the new rule: "Anyone professing any religious or non-religious belief shall be free to do so without suffering discrimination on account of his religion or belief". He could not agree to the wording "...shall be free to manifest..." as it limited the scope of the rule which should be as general as possible.

Mr. SAARIO expressed complete agreement with the text just put forward by Mr. Ketrzynski. He too thought that it should form a separate rule.

Mr. SCHAULSOHN said that if the word "manifest" was not used he would be compelled to vote against Mr. Ketrzynski's draft. The right to profess a religion or belief had already been set forth in rule 1, paragraph 1 and it would be pointless to repeat that principle in section II. The new rule could be retained in that section only if it embodied a manifestation of a religion or belief. If that were the case, its scope would be broadened because it would cover the freedom to profess as well as to manifest a religion or belief. He formally proposed that the text should read: "Anyone professing any religious or non-religious belief shall be free to manifest it without suffering...".

The CHAIRMAN, speaking as a member of the Sub-Commission, suggested that in the form in which Mr. Ketrzynski had redrafted it, the new rule should be placed after rule 1 and included under section I.

Mr. HISCOCKS agreed. To use the words "shall be free to manifest" and include the rule in section II would have a limiting affect. Such a positive statement of non-discrimination should be set forth in the initial section. There would then be no need for a limiting clause on that particular question in rule 16 and the text of that rule would consequently be shortened.

Mr. HALPERN thought that the new rule should be placed in section I only if the term "manifest" was not adopted. If it was, then it should remain in section II, together with the other manifestations of religion or belief. It would considerably strengthen that section but would of course be subject to a limiting clause in rule 16.

Mr. KETRZYNSKI stressed that the term "to profess" did not just mean to hold a religion or belief inwardly, but also to proclaim it publicly. In other words, his amendment did not duplicate the first paragraph of rule 1 as Mr. Schaulsohn had maintained. He agreed that it should be included in section I.

Mr. KRISHNASWAMI suggested that the new rule should begin with the words: "Anyone adhering to any religion or belief shall be free to do so...".

Mr. HISCOCKE wondered whether the two conflicting viewpoints might be reconciled by a combined text beginning: "Anyone shall be free to profess and manifest...".

Mr. SCHAULSOHN announced that he would vote against the new rule if it were inserted in section I and for it if it were inserted in section II.

Mr. HALPERN agreed that the logical place for the new rule was in section II although it would still be a valuable addition in section I. Mr. Hiscocks' suggestion to combine the two amendments was impracticable because there would then be no place to put it. From Mr. Ketrzynski's last statement it was clear that he understood the meaning of the term "to profess" as being half way between that of "to adhere to" and that of "to manifest".

Mr. KRISHNASWAMI felt that the new rule would be a valuable addition to section I in that it propounded unequivocally the principle of non-discrimination on the grounds of religion or belief. To meet Mr. Ketrzynski's interpretation of the word "profess", he would suggest that the word "openly" should be added after the words "free to do so".

Mr. KETRZYNSKI said that as his amendment obviously did not command unanimous support he would withdraw it.

Mr. HALPERN thereupon took up the amendment which had been withdrawn and proposed an amendment to the basic rules in the following terms: "Anyone professing any religious or non-religious belief shall be free to do so openly without suffering any discrimination on account of his religion or belief."

Mr. SCHAULSOHN proposed that the words "to manifest it" be substituted for the words "to do so" in Mr. Halpern's draft amendment.

The CHAIRMAN put to the vote Mr. Schaulsohn's proposal.

The proposal was rejected by 5 votes to 3, with 4 abstentions.

The CHAIRMAN then put to the vote the amendment proposed by Mr. Halpern.

The amendment was adopted by 10 votes to 1.

Preamble

The CHAIRMAN invited Mr. Abdel-Ghani to present his draft of the preamble (E/CN.4/Sub.2/L.183), to which Mr. Halpern had submitted three amendments (E/CN.4/Sub.2/L.195).

Mr. ABDEL-GHANI said that, although he had at first wished to refer in the preamble to the teachings of the great religions and beliefs and to the sufferings visited on humanity by the historic fact of discrimination, he had decided to omit any such reference because it would make the preamble too lengthy and might contain controversial matter. He had not mentioned specific articles of the Charter in the first paragraph, as had been done in the Sub-Commission's resolution on discrimination in education, but had referred to the Charter and the Universal Declaration of Human Rights as a whole. He was pleased to accept Mr. Halpern's first amendment, which improved the second paragraph by adding a reference to the efforts of private persons and groups. He felt that the word "supported" described the Sub-Commission's function exactly, but he had some misgivings about the words "more comprehensive", which might be thought to suggest that the provisions of the Charter and the Universal Declaration were not sufficiently comprehensive. In the third paragraph he had simply said "proclaimed", because the Sub-Commission could not foresee in what form or by what United Nations organ the rules would eventually be proclaimed. He could not accept Mr. Halpern's third amendment, which seemed to assume prematurely that the final form of the rules would be a declaration.

Mr. HALPERN said that the new preambular paragraph he was proposing began with a clause taken from paragraph 4 of the Sub-Commission's resolution C on discrimination in education - "Desiring to elaborate further the principles enunciated in the Universal Declaration of Human Rights". The rest of the text was new and seemed to him a fair statement of what the Sub-Commission was doing. His proposal to amend paragraph 3 of the draft preamble was intended to allay the fear, expressed in a submission by the Commission of the Churches on International Affairs to the Special Rapporteur, that the rules, if adopted by the General Assembly, might be held to limit the scope of article 18 of the Universal Declaration.

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Mr. HISCOCKS was pleased that Mr. Halpern's first proposal was to be incorporated in the draft preamble. However, the new preambular paragraph Mr. Halpern had proposed would spoil the clarity and simplicity of the preamble, and a double reference to the Universal Declaration would be clumsy. He would vote against Mr. Halpern's third amendment, since he thought it was not necessary to express misgivings in that matter.

Mr. JUVIGNY felt that the first paragraph of the preamble should refer not only to freedom of thought, conscience and religion but also to the concept of non-discrimination. As for the second paragraph, he agreed that the expression "formulating more comprehensive provisions" might imply that the Charter and Declaration were not entirely comprehensive. The meaning that should be conveyed was that the Sub-Commission was expressing in specific terms the general provisions of the Charter and Declaration. He suggested the words "formulating exact provisions, which should be as comprehensive as possible" to indicate that, while the rules attempted to spell out some of the provisions of the Universal Declaration, they had not necessarily exhausted its content.

Mr. KETRZYNSKI had no objections in principle to Mr. Abdel-Ghani's draft. He suggested that in the third paragraph "promotion" might be substituted for "protection"; the Sub-Commission was engaged in promoting the right to freedom of religion or belief, but other agencies had the duty of protecting that right. He found the new preambular paragraph proposed by Mr. Halpern too presumptuous in tone; it seemed to place the Sub-Commission in the position of criticizing the Universal Declaration. He saw no necessity for Mr. Halpern's third proposal, since a United Nations document could not properly have the purpose of narrowing or limiting the scope of the Universal Declaration. He preferred the simpler text drafted by Mr. Abdel-Ghani.

Mr. HALPERN proposed that "formulating more comprehensive provisions" be amended to read "elaborating the provisions". If that change were made, he would withdraw his second amendment, since the point he had wanted to make in the new preambular paragraph would be covered by that phrase. Mr. Ketrzynski's suggestion to change "protection" to "promotion" was valuable.

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Mr. SCHAULSOHN suggested that the expression "to make somewhat more specific" might allay the fears which had inspired Mr. Halpern's third amendment. If it was made clear in the second paragraph that the basic rules covered only part of the Declaration, that question would not arise in the third paragraph. Also, if "affirmation" was substituted for "protection" in the third paragraph, it would be entirely clear that the rules were just reaffirming what the Declaration had stated.

Mr. KRISHNASWAMI suggested that, to take account of Mr. Juvigny's suggestion for a reference to non-discrimination, the first paragraph should be worded as follows: "Whereas the Peoples of the United Nations have, in the Charter, reaffirmed their faith in Human Rights and Fundamental Freedoms and have pledged themselves to promote and encourage respect for these rights without discrimination; the principle of the right to freedom of thought, conscience and religion has been proclaimed in the Universal Declaration of Human Rights." He would also adopt Mr. Ketrzynski's suggestion to substitute "promotion" for "protection", and would change "promote" to "ensure" in the second paragraph.

Mrs. MIRONOVA felt that Mr. Abdel-Ghani's text was both specific and brief. She found the expressions which had been suggested, such as "making the provisions more specific" and "elaborating these provisions", somewhat presumptuous. The Sub-Commission should be more modest about its authority; it was for higher bodies to say whether or not the rules were complete. She agreed that it would be better to say "promotion" than "protection".

Mr. SAARIO thought that the draft prepared by Mr. Abdel-Ghani was brief, clear and acceptable. However, Mr. Abdel-Ghani himself had suggested that the word "comprehensive" might be misunderstood. Mr. Halpern's suggestion of "elaborating the provisions" was acceptable to him. The terms of the Universal Declaration were broad and needed elaboration and interpretation by more specific rules; the Sub-Commission was engaged in drawing up such rules. Perhaps "interpreting these provisions" might be used. He approved Mr. Halpern's first amendment, but found the word "groups" rather vague and colourless. Perhaps the expression "non-governmental organizations" might be used; such organizations were doing very valuable work.

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Mr. ABDEL-GHANI was grateful to Mr. Juvigny for the idea of inserting a reference to non-discrimination in the first paragraph. The idea might be expressed in the following way: "Whereas the Peoples of the United Nations have, in the Charter, reaffirmed their faith in Human Rights and Fundamental Freedoms and have taken a stand against all types of discrimination including discrimination on grounds of religion or belief". The version suggested by Mr. Krishnaswami was more comprehensive but would make the first paragraph rather lengthy; perhaps it would be preferable to have two paragraphs, one referring to the Charter and the other to the Universal Declaration. He agreed with Mr. Saario that "groups" was not the best word; on the other hand, the term "non-governmental organizations" in United Nations documents referred to associations recognized by the Economic and Social Council, and of course there were organizations that were not so recognized but were doing very fine work. In the third paragraph the words "protection and promotion" might be used, "protection" referring to existing rights and "promotion" to rights that were not yet established. He agreed that "elaboration" was what the Sub-Commission had done, and was grateful to Mr. Halpern for not insisting on his second amendment.

Mr. HISCOCKS would prefer to omit the word "the" from the phrase suggested by Mr. Halpern. It would then read: "by elaborating provisions". That would indicate that there might be some provisions not covered. He also thought that "furtherance" would be better than "promotion".

Mr. JUVIGNY agreed with Mr. Hiscocks that "the" should be deleted. He suggested that the third paragraph might be amended to read: "Now therefore the following Provisions are proclaimed to contribute to the protection etc.". That phrasing might satisfy those who feared that in the present draft the Sub-Commission took too immodest a view of its task.

The CHAIRMAN said that Mr. Abdel-Ghani would incorporate the suggestions he found acceptable in his draft, and that a new text of the draft preamble would then be circulated.

The meeting rose at 2.10 p.m.