

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



GENERAL

E/CN.4/Sub.2/SR.87
14 October 1952

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

Fifth Session

SUMMARY RECORD OF THE EIGHTY-SEVENTH MEETING

Held at Headquarters, New York
on Wednesday, 24 September 1952, at 2:30 p.m.

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52-10141

PRESENT:

Chairman: Mr. ROY

Members: Mr. BLACK *
Mr. EKSTROM
Mr. FENGSEN *
Mr. FOMIN *
Mr. HISCOCKE *
Mr. MASANI
Mr. NISOT
Mr. SHATAQ
Mr. WINIEWICZ

Also present:

Miss MANAS Commission on the Status of Women

Representative of a specialized agency:

Mrs. MYRDAL United Nations Educational, Scientific
and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

Category A: Miss SENDER International Confederation of Free Trade
Unions (ICFTU)

Miss KAHN World Federation of Trade Unions (WFTU)

Category B and Register:

Mr. MOSKOWITZ Consultative Council of Jewish
Organizations

Mr. BERNSTEIN Co-ordinating Board of Jewish Organizations

Mr. BEER International League for the Rights of Man

Mrs. POLSTEIN World Union for Progressive Judaism

Secretariat:

Mr. HUMPEREY Director, Division of Human Rights

Mr. LAWSON Secretary of the Sub-Commission

* Alternates

/ACTION

ACTION TO BE TAKEN UNDER THE ECONOMIC AND SOCIAL COUNCIL RESOLUTION OF
26 JUNE 1952 (E/2281, E/2229)(continued)

The CHAIRMAN invited further debate on the Secretary-General's report (E/2229), in particular suggestion M in paragraph 63.

Mr. NISOT thought that no further action was required. The Secretary-General himself should decide under Council resolution 303 F (XI) whether to urge governments to send fuller reports and whether to apply once more to governments which had not supplied information. There were no further questions that the Sub-Commission could properly submit to governments since the Economic and Social Council had not yet defined the term "minority" and the meaning of "discrimination" would be defined only when the covenants on human rights had been finally drafted.

Mr. SHAFaq said that the Secretary-General should continue to ask for regular periodic reports even if some governments failed to comply with his request. The Sub-Commission need take no further action, since the Secretary-General was empowered to ask for such reports under the existing resolution.

Mr. EKSTRAND believed that the inadequacy of the information supplied might be due to the fact that the governments had not understood exactly what information was requested. The standard form suggested in sub-paragraph (d) would certainly elicit more adequate information.

Mr. HISCOCKS said that occasional requests for specific information would produce better results than a special periodic reporting procedure. Experience showed that governments tended to become lax in their replies if they were faced with the same standard form over and over again.

Mr. FOMIN said that all members agreed that it was desirable to collect information, but it should be quite clear that governments were not bound to supply it unless they wished to do so or unless the procedure laid down in Article 64 of the United Nations Charter was not applied. Any implication that they were bound to do so would conflict with Article 64 of the Charter.

Replying to questions by Mr. BLACK and Mr. WINIEWICZ, Mr. HUMPHREY (Secretariat) explained the methods of collecting information employed in compiling the Yearbook on Human Rights and by the Commission on the Status of Women. For the former, governments were asked by the Secretary-General to appoint an official correspondent who supplied the relevant legislative texts and similar material. After some editing if necessary, usually in agreement with the governments concerned, it was published in the Yearbook. Thus, machinery for obtaining material relating to the prevention of discrimination and the protection of minorities was already in existence, and the Secretariat was also receiving information under Council resolution 303 F (XI). He was not certain, however, whether the Secretariat was empowered by that resolution to apply for information to governments which had not complied with the original request. Suggestion M went further than the resolution in proposing, purely for discussion, a special periodic reporting procedure and the drafting of a standard form.

For the Commission on the Status of Women the Secretary-General, acting under the relevant Council resolution, sent out a detailed questionnaire dealing with the legal status of women. Studies were prepared on the basis of the replies and had provided the background for some of that Commission's most important work.

Mr. BLACK wondered whether the suggested standard form was realistic, and why governments were to be asked to report in what way the enjoyment of human rights was impaired by discrimination instead of being asked to report positive achievements in combating it. That form of negative approach seemed to be unprecedented in such questionnaires.

Mr. HUMPHREY (Secretariat) pointed out that the Secretary-General's report had been prepared at the express request of the Economic and Social Council at the time when it was thought that the Sub-Commission would be discontinued and the problem had been to find some machinery to replace it. The Secretary-General had therefore attempted to put all possibilities before the Council for discussion. He could answer Mr. Black's questions more fully after he had studied the questionnaire sent out by the Trusteeship Council.

/Mr. WINIEWICZ

Mr. WINIEWICZ said that he was satisfied with Mr. Humphrey's explanations.

The CHAIRMAN proposed that Mr. Humphrey should give a fuller explanation when the Sub-Commission considered any draft resolutions that might be submitted in connexion with suggestion M.

It was so agreed.

Suggestion N

Mr. SHAFaq thought it extremely unlikely that any government would ask the United Nations for technical assistance in dealing with domestic problems of discrimination.

Mr. HISCOCKS said that the suggestion was superfluous and confusing. Furthermore, since the Technical Assistance Programme was primarily economic in scope, such a suggestion, if adopted, would require a thorough revision of the whole idea of technical assistance.

Mr. MASANI disagreed with Mr. Hiscock's view that the Technical Assistance Programme was purely economic in scope; it should also cover social matters, particularly in the under-developed countries. Even the more advanced countries might have special problems with regard to discrimination and minorities and might well use technical assistance supplied by the United Nations. That might not require any drastic change in the concept of technical assistance, but even if it did, he would welcome what would amount to an expansion of its scope.

Mr. HISCOCKS explained that he did not dispute Mr. Masani's view that technical assistance could be used to deal with social problems, but he agreed with Mr. Shafaq that very few countries would be likely to apply for it to further studies of discrimination and minorities within their own frontiers. To introduce a radical change in the concept of technical assistance would therefore be a waste of effort. Action should rather be concentrated on the abolition of discrimination everywhere.

/Mr. HUMPHREY

Mr. HUMPHREY (Secretariat) said that the suggestion went beyond the existing procedures with regard to technical assistance. Normally, technical assistance was granted only to under-developed countries and when the conditions to be combated were the consequences of economic causes. If the suggestion was adopted, it would mean that technical assistance could also be granted to advanced countries for social purposes.

Mr. BLACK suggested that such technical assistance might be rendered under Council resolution 51 (IV) rather than, as proposed, under 222 A (IX), although under the former the expenses entailed were born by the governments concerned.

Mr. HUMPHREY (Secretariat) doubted whether Council resolution 51 (IV) applied; it concerned mainly such activities as social welfare work. Technical assistance had never been intended to extend to human rights. A new General Assembly resolution would be required if the Sub-Commission wished it to be extended to include them. The Sub-Commission might usefully hear further statements in that connexion from representatives of the Legal Department and of the Technical Assistance Administration and the Department of Social Affairs, which were responsible for applying resolution 51 (IV). That resolution had been adopted in pursuance of Article 66, paragraph 2, of the Charter; any further action would also have to be taken under that Article.

Mr. WINIEWICZ thought that Mr. Humphrey's statement showed that the Secretary-General's suggestion at least merited discussion. The Sub-Commission should inform the competent body that it believed that technical assistance could and should be used for the prevention of discrimination and the protection of minorities.

Mr. MASANI agreed that discussion would be helpful and supported the Secretary-General's suggestion. If it was not adopted, he would introduce a draft resolution embodying it.

/The CHAIRMAN

The CHAIRMAN personally agreed with Mr. Shafaq's view and doubted the need for a draft resolution on the subject. The Sub-Commission should concentrate on the principle involved and leave it to the Economic and Social Council to work out the machinery required. Mr. Masani should submit his draft resolution and the Sub-Commission should discuss it on that basis. In the meantime, the Sub-Commission would await the statements by the representatives of the Legal and of the Social Affairs Departments and of TAA, as suggested by Mr. Humphrey.

It was so agreed.

Suggestion O

Mr. NISOT said that an international convention offered the best means of abolishing the types of discrimination mentioned in suggestion O. Such a convention - the covenants on human rights - had already been drafted by the Commission on Human Rights; thus, there was no more action that the Sub-Commission could properly take.

The CHAIRMAN observed that a distinction should be drawn between the preparation of the text of the covenants and studies prepared by the Secretariat for the use of the Sub-Commission; there was no connexion between them.

Mr. MASANI agreed. The covenants were legislation, but the enactment of a law did not remove the need for educational methods. The Sub-Commission should request studies of the application of the legislation.

Mr. HISCOCKS asked who would prepare the studies and what form they would take.

Mr. HUMPHREY (Secretariat) said that the Secretary-General's suggestion had originally been drafted at a time when it was expected that the Sub-Commission would be discontinued. The studies might now be carried out by the Secretariat under the Sub-Commission's guidance, if the latter so wished, or by the Sub-Commission itself with full assistance from the Secretariat.

/The CHAIRMAN

The CHAIRMAN observed that one of the draft resolutions submitted by a member dealt with that point, which would be more fully discussed when that document was examined.

It was so agreed.

Suggestion P

In reply to a question from Mr. BLACK, Mrs. MYRDAL (United Nations Educational, Scientific and Cultural Organization) said that UNESCO's programmes and activities relating to the prevention of discrimination and the protection of minorities were summarized in document E/CN.4/Sub.2/146, which was before the Sub-Commission. UNESCO would be happy to devote a section of its annual report to the progress of its educational activities in eradicating prejudice and discrimination, if the Sub-Commission adopted a resolution along the lines of suggestion P.

Those educational activities were continued in the 1953/1954 draft programme. UNESCO would continue the publication of its series of pamphlets, mainly addressed to teachers and leaders in adult education, presenting in semi-technical language the results obtained in various sciences with regard to racial problems. A second series, under the title The Race Question in Modern Thought, would present the views of Catholic, Protestant and Jewish groups. UNESCO also hoped to carry its programme into primary and secondary schools through the textbooks dealing with the race problem. Suggested texts, adapted to the needs of the various areas, would be brought to the attention of the inter-governmental conference on public education, Geneva 1954, which, it was hoped, would recommend methods for dealing with the race problem in school curricula in connexion with a review of the teaching of civics.

Mr. HISCOCKS and Mr. NISOT thought suggestion P constructive and said they would support a draft resolution along those lines.

Suggestion Q

Mr. NISOT pointed out that the convening of periodic conferences, as suggested in paragraph (b), would involve expenditure which would have to be authorized by the General Assembly.

/Mr. SHAFQA

Mr. SHAFaq suggested that the same purpose might be served by informal consultations among members of the non-governmental organizations for which the Secretary-General could arrange without cost to the United Nations.

The CHAIRMAN shared Mr. Shafaq's view. The Secretary-General could obtain particulars of its activities from each non-governmental organization and circulate the data to other organizations for their information. He feared that the General Assembly might consider the cost of periodic conferences prohibitive.

Mr. FOMIN agreed that the Sub-Commission should endeavour to carry out its task effectively at the least possible cost to the United Nations.

Mr. HUMPHREY (Secretariat) conceded that the Secretary-General could indeed arrange for such consultations with representatives of non-governmental organizations and circulate the information obtained; but the conference method would achieve far better co-ordination and would be more effective in inspiring them to increase their efforts. Education was the best weapon against discrimination, and the non-governmental organizations exerted a powerful influence upon public opinion. The Sub-Commission would be taking a constructive step if, firstly, it appealed to those organizations to increase their efforts to eradicate discrimination and, secondly, recommended that the United Nations should assist in that work by convening conferences at which representatives of the organizations concerned could exchange views, perhaps share responsibilities and work out co-ordinated programmes.

If the Sub-Commission adopted such a resolution, he would submit a statement of the financial implications of the recommendation.

In response to a request from Mr. SHAFaq, Mr. HUMPHREY (Secretariat) circulated a list of the non-governmental organizations in consultative status with the United Nations. He pointed out, however, that the list was to be brought up to date in the near future, so that it would include the other organizations which had been granted consultative status since the first list was compiled.

/In reply

In reply to Mr. NISOT, who asked why suggestion Q was limited to non-governmental organizations, Mr. HUMPHREY (Secretariat) recalled that the Sub-Commission had already asked the specialized agencies directly concerned with those matters for co-operation on specific questions.

Mr. EKSTRAND agreed that the conference method would achieve more useful results than informal consultations. He favoured the adoption of a resolution closely following suggestion Q.

Mr. BEER (International League for the Rights of Man), speaking in support of suggestion Q, hoped that the Sub-Commission would adopt a resolution opening the way to systematic co-operation among the non-governmental organizations, and between them and United Nations bodies, in the fight against discrimination. He added that while most of the non-governmental organizations in consultative status with the United Nations were international bodies, discrimination must necessarily be fought mainly on the national level. Certain organizations doing important work in that respect were not in relationship with the United Nations; those groups should not be passed over when the proposed conferences were convened.

Mr. Beer observed that his organization had always thought that the prevention of discrimination should be dealt with separately from the protection of minorities. The two covenants on human rights, when finally drafted, should prove of great assistance in the fight against discrimination, but they did not cover the protection of minority rights. During its seven years of existence the United Nations had, regrettably, not done as much constructive work as the League of Nations to protect minority rights; accordingly the Sub-Commission might find instruction in the achievements of the League, its recommendations to governments and the contractual mechanism it had used. The only effective method of protecting minority rights was to conclude multilateral treaties, or else a general convention under the auspices of the United Nations.

/Suggestion R

Suggestion R

Mr. MASANI approved the suggestion but said that since the Sub-Commission was continuing in existence, it should itself consider initiating the survey in question, requesting the necessary authority from the Council.

ORGANIZATION OF FUTURE WORK

After some discussion, the CHAIRMAN proposed that at the following meeting the general debate should continue, including discussion of chapters I and II of document E/2229 and of the three amendments previously proposed by the Secretariat. The Sub-Commission could then also hear statements by members of the Secretariat concerning suggestion N.

It was so decided.

The meeting rose at 5:15 p.m.