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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 TWENTY-SEVENTH MEETING

Held at Headquarters, New York,
on Monday, 18 January 1954, at 2.30 p.m.

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Sub-Commission relating to the prevention of discrimination
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PRESENT:

<u>Chairman:</u>	Mr. SØRENSEN	(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)
<u>Also present:</u>	Miss MANAS	Commission on the Status of Women

Representatives of specialized agencies:

Mr. MANNING	International Labour Organisation
Mr. KLINEBERG) 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
<u>Category B:</u>	Mr. BLOMGARDEN	Consultative Council of Jewish Organizations
	Mrs. RUNEL	International Alliance of Women
	Mr. LONGARZO	International Conference of Catholic Charities
	Mr. PRICE	Pax Romana
	Mr. JACOBY	World Jewish Congress
	Mrs. POLSTEIN	World Union for Progressive Judaism
	Mrs. SCHAEFER	World Union of Catholic Women's Organizations

PRESENT (continued):

Secretariat

Mr. SCHWELB

Deputy Director, Division of
Human Rights

Mr. COIDAN

Chief, Budget Division

Mr. LAWSON

Secretary of the Sub-Commission

FURTHER CONSIDERATION OF THE GENERAL WORK PROGRAMME OF THE SUB-COMMISSION
RELATING TO THE PREVENTION OF DISCRIMINATION (E/CN.4/Sub.2/153,
E/CN.4/Sub.2/L.62) (continued)

Mr. AWAD recalled that the Sub-Commission had already decided to undertake two pilot projects, one, on discrimination in education, to be undertaken directly by the Sub-Commission in collaboration with UNESCO, and the other, on discrimination in employment and occupation, to be carried out chiefly by the ILO. He thought that the Sub-Commission's programme was already full enough and reminded members that they had as yet devoted no attention to the equally serious problem of the protection of minorities, which constituted the second part of the Commission's work programme.

At the moment, the Sub-Commission had to decide on whether work was to be undertaken on discrimination in political rights, religious rights and practices, residence and movement, emigration and travel, and perhaps also the right to choose a spouse and the enjoyment of family life. It must first consider which of the studies should be undertaken by specialized agencies or other bodies concerned and which directly by the Sub-Commission in collaboration with the Secretary-General. With regard to discrimination in the various fields listed in paragraph 16 of document E/CN.4/Sub.2/153, it was already understood that the Sub-Commission would be responsible for the main part of the work and that the specialized agencies would only be able to furnish assistance. There were two possible courses open. The first would be to choose one of the subjects, but the Sub-Commission was not yet able to decide which was the most important; the second course would be merely to announce that the Sub-Commission would need funds in 1955 to carry out one of the studies mentioned, without specifying which one, and to ask the Secretary-General to take the necessary steps to obtain the appropriations required. In that case, however, it might well be that the Secretary-General would wish to have more concrete information on the nature of the study to be carried out and the methods to be used. Those points should therefore be cleared up before any decision was made on whether to undertake one or more of the possible studies. In that connexion, Mr. Santa Cruz's draft resolution (E/CN.4/Sub.2/L.62) was a useful contribution to the work of the Sub-Commission. Mr. Santa Cruz had proposed the inclusion in the agenda of the Sub-Commission's seventh session

of an item calling for the consideration of procedure to be followed in carrying out a study of discrimination in the matter of (a) political rights, (b) religious rights and practices and (c) immigration and travel. The Sub-Commission would then determine which study or studies should be undertaken in 1955. Although no mention was made of the financial implications of that proposal, the fact that there was a reference to studies to be undertaken in 1955 necessarily implied that the required appropriations would have to be made in December of the current year. It would therefore be necessary to specify before that date the number of studies for which the Sub-Commission would be requesting funds. As the studies were to be made on a global basis, it might be expected that the work would be entrusted to a team, each member of which would study each one of the three points separately as it affected the world as a whole, or the three points might be covered by a single study, which would proceed region by region until the whole world had been covered.

In conclusion, he called upon the Sub-Commission, first, to decide which further studies it would undertake in 1955; second, to explain the methods to be followed and, third, to request the Secretary-General to take the necessary steps with regard to the financial implications of those studies.

Mr. SANTA CRUZ stressed the danger of undertaking work on too large a scale; obviously, all problems involving discrimination, in whatever field, were of equal urgency, but he wondered if a study dealing with all the subjects at once might not be too diffuse. As, however, the Sub-Commission might not be in a position the following year to make any recommendations concerning discrimination in education or in employment and occupation, it would be advisable for it to undertake the study of discrimination in other fields. The Economic and Social Council had not asked the Sub-Commission to decide forthwith whether the study should be undertaken by the Sub-Commission itself or by specialized agencies. The Sub-Commission could not come to a decision until it had obtained sufficient information. It might in its future work follow the procedure adopted in the study of discrimination in education, employment and occupation. None of the studies listed in paragraph 16 of document E/CN.4/Sub.2/153 was properly within the purview of a specialized agency or existing body other than the Sub-Commission. As for the question whether the

study should be global or, as suggested by Mr. Awad, regional, he thought a regional study would encounter political opposition from some countries. A global study was preferable, judging by past United Nations experience.

With regard to the financial implications, the Sub-Commission would recall that the Secretary-General was to provide the necessary appropriations for the following year and that he was not bound to base himself on a resolution which was a year old in order to include the appropriation in his budgetary estimate. Hence, the Sub-Commission need not adopt a final resolution immediately. In referring to "study or studies" in paragraph 4 of his draft resolution (E/CN.4/Sub.2/L.62) he had purposely employed a rather vague term. The fact was that the Sub-Committee might undertake studies which could be completed forthwith if it were found that certain preliminary stages could be rapidly gone through, whereas other studies might take several years to conclude. He was nevertheless prepared to delete the words "or studies" if a more specific term were desired. He felt that an over-all appropriation would be difficult to obtain despite the precedent established in connexion with the United Nations Commission on the Racial Situation in the Union of South Africa. He asked the representative of the Secretariat to provide the Sub-Commission with some information on that point.

Referring to the style of his draft resolution, he noted that "preliminary suggestions", the English translation for the term "indicaciones preliminares", did not reproduce the meaning of the Spanish expression. Moreover, the term "organismos de la familia de las Naciones Unidas", which he had purposely selected, had not been translated verbatim. Finally, the word "serían" in the Spanish text of paragraph 2 should read "serán".

Mr. EMELYANOV felt that the Sub-Commission had reached an extremely important stage in its deliberations, namely the consideration of its programme of work. The United Nations had recognized that discrimination existed and that it created a serious problem. Hence, the Organization must study the question. The Sub-Commission had provided in its programme of work not only for the study of discrimination but also for the drafting and presentation of recommendations. The Sub-Commission's work was expected to yield fruitful results in the form of practical recommendations. The Sub-Commission should have those practical results in mind when it decided on the methods it would adopt. At the previous

session of the Sub-Commission and of the Commission on Human Rights, some representatives had proposed to broaden the scope of the question by pointing out, for instance, that discrimination in education and employment should form part of an economic and social context which should be taken into consideration if it was intended to adopt a procedure which was equitable from the political, social and scientific points of view. The members of the Sub-Commission no doubt agreed with him, although no formal decision had been taken in the matter. The Sub-Commission should, for the time being, attempt to decide on its programme of work without making the new tasks it might undertake dependent on the success of those it had already embarked upon. He favoured the draft resolution presented by Mr. Santa Cruz which would further the Sub-Commission's work by enabling it to arrive at practical decisions at its seventh session. The financial implications were as yet of minor significance.

Mr. KLINEBERG (United Nations Educational, Scientific and Cultural Organization) observed that UNESCO was currently concerned with the points mentioned in paragraph 2 of the draft resolution. It was prepared to make available to the members of the Sub-Commission the documentation actually in its possession or which it might gather in future. With regard to political rights, he mentioned recent studies concerning the status of ethnical minorities in a number of countries. As to freedom of religion and religious practices, UNESCO had published a number of pamphlets on the position of various religious organizations with respect to racial questions. Finally, in the matter of discrimination in immigration, a series of studies on the cultural assimilation of immigrants in several countries was currently being prepared. Moreover, a book would soon be published dealing with the contribution immigrants might make to the cultural life of several host countries. That documentation might assist the Sub-Commission in its campaign against prejudice and discrimination in immigration. UNESCO would welcome any suggestion from the Sub-Commission with respect to work which should be done in the field of the protection of minorities.

Mr. HALPERN thanked the representative of UNESCO. That organization could clearly make a useful contribution to the studies envisaged in the draft resolution submitted by Mr. Santa Cruz (E/CN.4/Sub.2/L.62). Under Economic and Social Council resolution 502 H (XVI), it was for the Sub-Commission to decide whether its future studies were within the purview of the specialized agencies or whether it should undertake them itself in collaboration with the Secretary-General. The three proposed studies obviously belonged to the latter category. The Sub-Commission should therefore define its position in the matter as clearly as possible. In that connexion, the text of the draft might be clarified.

However attractive Mr. Awad's proposal, compelling political reasons precluded regional studies, as Mr. Santa Cruz had pointed out. Should the Sub-Commission decide to confine for the time being one of its studies to a single region, it would have to account for such a decision, and rightly or wrongly, political motives would be imputed to it. Hence, the three proposed studies should cover discrimination throughout the world.

The Sub-Commission could take another decision without being required to determine the order of priority in which it would undertake the three studies. Nothing prevented it from immediately requesting the Secretary-General to provide for the services of an expert or a consultant in 1955 by including an appropriation to that effect in his budgetary estimate for 1955. It was to be expected that the expert's salary, travelling expenses and per diem would be about the same whichever subject was selected. Rather than apply for an appropriation in respect of a specific programme and then find that it was compelled to work on something else, the Sub-Commission should request an appropriation which it could apply to any one of the three proposed studies.

The wording of paragraph 2(c) of the draft resolution should be amended so as to define more precisely the scope of the study on discrimination in the matter of immigration and travel. The Sub-Commission should, in that connexion, refer to the Universal Declaration of Human Rights. Under article 14, everyone had the right to seek and to enjoy in other countries asylum from persecution. However, the article by no means provided for the unlimited right of immigration. The Commission on Human Rights had considered the matter and had concluded that questions of immigration were essentially within the domestic jurisdiction of States. The Economic and Social Council and the General Assembly - the latter

at its third session - had endorsed that view. It appeared to be the opinion of the majority of the States that immigration was not a fundamental human right. The policy to be followed with regard to immigration was laid down by national legislative bodies upon the basis of their views of various social, economic and political factors. The Institute of Jewish Affairs of the World Jewish Congress, in its comments on the Universal Declaration on Human Rights had accurately summarized the views expressed on that point in the process of the formulation of the Declaration. The Sub-Commission ought not to undertake a study with respect to a matter which had not yet been recognized as a universal human right. It ought to address itself first to studying the rights enumerated in the Declaration. There was no right of immigration in international law except in certain specific cases of the nationals of a State which had signed a bilateral agreement with the State to which immigration was sought. On the other hand, the text of the Declaration did impose upon the Sub-Commission the duty of studying discrimination in the matter of emigration. Article 13 defined the right of everyone to leave his country and to return thereto. The problem of certain religious groups which were now seeking to emigrate from certain countries but were being denied that right was a matter of serious concern and great urgency at the present time.

Mr. HISCOCKS felt, like Mr. Halpern, that the Sub-Commission should clearly indicate in the draft resolution that none of the three studies contemplated came within the competence of one or other of the specialized agencies. It would be premature to give priority to one of those studies or to enquire into the procedure to be followed. It would be the duty of the three members of the Sub-Commission specially appointed for that purpose to make proposals on those two points after making a preliminary enquiry and consulting the Secretary-General. He supported the deletion of the words "or studies" in paragraph 4 of the operative part of the draft resolution and thought that, to avoid any ambiguity, the words "or new study should be undertaken" might be substituted.

The CHAIRMAN explained the position as regards the financial implications of the draft resolution submitted by Mr. Santa Cruz (E/CN.4/Sub.2/L.62). Its adoption would not involve any special expenditure in 1954 since the consultations

between the Secretary-General and the three members of the Sub-Commission entrusted with the preliminary studies would take place by correspondence. On the other hand, there was the question whether the Secretary-General would be agreeable to the inclusion in the 1955 budget estimates of a sum to enable the Sub-Commission to engage the services of an expert, a consultant or a paid special rapporteur should it not be in a position to state before its seventh session which of the three studies contemplated would be carried out in 1955.

Mr. HISCOCKS said that if the Secretary-General could not meet such a request, the Sub-Commission's work would unquestionably be delayed as a result.

Mr. AWAD wondered whether the Secretary-General could take such a decision if the Sub-Commission was unable to give him any definite information on the procedure it intended to follow, especially as it had not yet decided whether it wished to entrust such a study to a paid rapporteur or to an expert.

Mr. COIDAN (Secretariat) felt that the Secretary-General would realize the special position of the Sub-Commission and would agree to recommend the granting of funds for a study on discrimination, even though the nature of such a study could not be defined until later. However, an appropriation for a clearly specified purpose would, generally speaking, have more chance of being approved by the General Assembly.

Mr. AMMOUN asked whether a global sum could not be appropriated for the Sub-Commission, as had been done in the case of certain political committees.

Mr. COIDAN (Secretariat) doubted whether that could be done. It was true that the General Assembly had agreed in certain exceptional cases to grant global sums, but, to the best of his knowledge, no subsidiary body of the Economic and Social Council had so far been granted such sums. The financial organs of the General Assembly would certainly make formal reservations if such a request was made to them.

Mr. HALPERN wondered what form the Sub-Commission's request should take in order to meet with the greatest success.

Mr. HISCOCKS thought it would be useful to specify in a separate resolution what conditions should be fulfilled in order that the Sub-Commission might avoid in future the delays and postponements which had marked its work in the past. The Budgetary Committee should be asked to make a general appropriation to cover the expense of work initiated by the Sub-Commission so that the latter's effectiveness should not be hampered by financial difficulties. The Commission on Human Rights should be asked to consider the Sub-Commission's work as soon as possible after each session of the Sub-Commission. The Economic and Social Council should in turn be asked to deal with the recommendations of the Commission on Human Rights on the subject with the least possible delay. He thought that the three requests should be embodied in a resolution, and that it should be carefully explained that the Sub-Commission's object in so doing was to remove the obstacles which had so far hampered its work.

The CHAIRMAN said that the Secretary-General's representative would in due course reply later to the last question.

Mr. SANTA CRUZ noted with satisfaction that the Secretary-General seemed inclined to grant the Sub-Commission the necessary funds to undertake a new study on discrimination in 1955. It was obvious that the Secretary-General would be able to put the case of the Sub-Commission before the Advisory Committee on Administrative and Budgetary Questions more convincingly if the Sub-Commission explained the situation by adding at the end of paragraph 1 a phrase on the following lines: "It being understood that the Sub-Commission considers that studies which are outside the competence of the specialized agencies should be undertaken by the Sub-Commission itself in collaboration with the Secretary-General."

He approved Mr. Hiscocks' proposal. The Sub-Commission should adopt a resolution in which it indicated the factors, mainly financial, which had so far prevented it from carrying out its mission as well as it would have liked to do.

Lastly, he did not wholly share the views of Mr. Halpern as regards the study called for in sub-paragraph (c) of paragraph 1 of draft resolution E/CN.4/Sub.2/L.62. Article 13 of the Universal Declaration of Human Rights recognized that everyone had the right to leave his country, and it was true that that was an important right with which the Sub-Commission should deal. There was therefore no reason why the study contemplated should not cover simultaneously

discrimination in the matter of residence and the right to freedom of movement and in the matter of immigration and travel. As regards the right to immigrate, it should not be forgotten that the object of the Universal Declaration of Human Rights was not to set forth in a limitative manner all the rights recognized to the human person. In any case, the adoption of the Universal Declaration of Human Rights had not removed the more general obligations which each Member State had assumed under the United Nations Charter. When the Commission on Human Rights had sought to define the right to immigrate, it had met with insuperable difficulties. That right was subjected to numerous restrictions, especially of an economic and social nature. However, the question of discrimination in the matter of immigration did not give rise to the same difficulties. Certain States adopted discriminatory measures to prohibit or obstruct the entry into their territory of certain classes of persons. The plight of stateless and needy persons who were thus refused entry into countries of immigration caused deep concern. It was an extremely serious problem and the Sub-Commission would be failing in its task if it ignored it. The study which it was about to undertake should thus include discrimination in the matter of immigration and travel.

Mr. INGLES agreed with Mr. SANTA CRUZ that immigration should continue to be included among the items which required the urgent attention of the Sub-Commission and, in that connexion, he rejected the argument according to which the only internationally recognized right of the individual with respect to immigration was that of returning to his homeland. Indeed, the sponsors of the draft covenants on human rights had gone further than those of the Universal Declaration since they had included in the concept of immigration a prohibition forbidding signatory States to expel an alien residing in their territory, except in certain given circumstances. Moreover, the text itself of the draft covenant on economic, social and cultural rights stated that the covenant did not embrace all human rights. A provision of article 5 of the draft covenant expressly laid down that "No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present covenant does not recognize such rights or that it recognizes them to a lesser extent." Consequently, the Sub-Commission would be failing in its duty if it excluded the

question of immigration from its field of study, even if the Universal Declaration proclaimed that right only incompletely or indirectly.

However, before taking a decision in the matter and expressing an opinion on the draft resolution before it, the Sub-Commission should, in accordance with the directives contained in paragraph 6, sub-paragraph (a) of resolution 502 H of the Council, undertake further consideration of its programme of work. In the Council, opinions had been divided on the list of studies to be included in the Sub-Commission's programme of work; certain members had found it incomplete, others too ambitious. The Sub-Commission should now examine it very closely to see whether it should not be reduced or, on the contrary, expanded by adopting, for example, the suggestions made by the Swedish representative in the Council concerning discrimination before the law or discrimination in land tenure or social security. Such a review would enable the Sub-Commission to establish an order of priority and to decide, in accordance with paragraph 6, sub-paragraph (b) of resolution 502 H, which of the studies should be undertaken by specialized agencies or other bodies concerned and which it should undertake itself in collaboration with the Secretary-General.

Reverting to the draft resolution under discussion, he drew attention to the need for defining clearly the respective fields of the proposed studies. In paragraph 2, sub-paragraph (a) of the operative part, the question of discrimination in the matter of political rights was raised. The framers of the draft covenants had classified human rights under five main headings, one of which embraced all the so-called "political" rights as opposed to economic, social, cultural or civil rights. The discussion had made it clear that the rights mentioned in sub-paragraph (a) referred exclusively to those proclaimed in article 21 of the Universal Declaration and not to certain other political rights such as the right of association or the right of nationality, the inclusion of which would extend unduly the scope of the proposed study. Sub-paragraph (a) should therefore be made more precise.

Finally, it would be advisable to adopt the expression used in Council resolution 502 H and add at the end of the phrase which Mr. Santa Cruz had proposed to add to paragraph 1 of the operative part, the words "and other bodies

concerned" for, in the opinion of the Council, account should be taken not only of the competence of the specialized agencies but of other United Nations bodies as well, which were also concerned with the prevention of discrimination and could give the Sub-Commission expert assistance.

Mr. HALPERN said that Mr. Ingles had made it perfectly clear how important it was not to depart from the Universal Declaration of Human Rights. Of course, the Declaration was far from complete, but once every human being was assured of enjoying all the rights it proclaimed, human dignity would no longer be a dead letter.

The Sub-Commission should base itself entirely on the Universal Declaration of Human Rights. The Declaration might not be complete but if every human being was assured of enjoying all the rights it proclaimed they would have a paradise on earth. Their task was great enough without going afield into matters not covered by the Universal Declaration. A subsidiary body like the Sub-Commission should not question those decisions.

It would be extremely dangerous for the Sub-Commission to try to conduct an inquiry into the subject of immigration without basing itself on the Universal Declaration of Human Rights. In the absence of any clear provision proclaiming the right to immigrate, the Sub-Commission could only attempt to ascertain whether the laws in force in the various countries were respected. Otherwise, it would be venturing upon ground riddled with legal pitfalls. Furthermore, it would find itself in a paradoxical situation, since those States which did not admit any aliens into their territory and therefore could not be guilty of discrimination in immigration would by that very fact be exempt from the Sub-Commission's inquiry.

In any event the time had not yet come to fix the limits of the study contemplated; the immediate need was simply to assign a member of the Sub-Commission to consider the method to be followed should the Sub-Commission decide to undertake such a study. For the present he would be content if emigration were added to the topic of the study and he would reserve the right to raise the question of the propriety of a study of immigration at the next session.

He did not believe that the over-all revision of the Sub-Commission's work programme proposed by Mr. Ingles was necessary. Mr. Santa Cruz' draft resolution, proposing three subjects of study for the following year, was precisely what the Council expected of the Sub-Commission. On the other hand, he unreservedly supported Mr. Ingles' pertinent observation on political rights.

Mr. AWAD recognized that the problems of immigration were extremely delicate and fell within the domestic jurisdiction of States still so jealously guarded by them.

The Sub-Commission's terms of reference, however, were not confined to the rights set forth in the Universal Declaration of Human Rights. They provided that the Sub-Commission should study discrimination particularly in the light, but not solely in terms, of the Declaration. There was nothing in its terms of reference to prevent the Sub-Commission from studying immigration questions.

The Sub-Commission was not proposing to attack the sovereign rights of States, but merely to study the immigration situation to see whether discriminatory measures or practices occurred in connexion with immigration. Such a study was entirely within its competence; no harm could come of it, and it might do a great deal of good.

Finally, the Sub-Commission had already informed the Commission on Human Rights, and through that body the Council, that the question of immigration would be included in its work programme. Neither the Commission nor the Council had raised any objection; far from opposing the decision, they had approved it. There was accordingly no reason to challenge it at the present stage.

Mr. HISCOCKS thought that there were good reasons why the Sub-Commission should not limit its work to the rights set forth in the Universal Declaration of Human Rights. In the first place, the Sub-Commission had been established before the adoption of the Universal Declaration, and its members had always believed that their work should dovetail into that of the Commission on Human Rights, its parent body. But the Commission on Human Rights, in drafting the covenants on human rights, had gone outside the Universal Declaration. In the second place, the discussion had shown that, while the victims of discrimination sought equal

treatment, minorities, in contrast, wished to receive special treatment: they claimed not only the rights set forth in the Declaration, but extra rights as well. Accordingly the Sub-Commission was in a position to depart from the specific provisions of the Universal Declaration, and he was in favour of retaining the word "immigration" in the draft resolution under discussion. Moreover, he did not feel that the Council had bound the Sub-Commission to reconsider its entire work programme point by point: the Sub-Commission should adopt Mr. Santa Cruz' draft resolution, which was an excellent compromise between not looking far enough and looking too far ahead.

Mr. ROY noted that the Sub-Commission had already discussed at length the question of its competence to study immigration problems, and had settled it in the affirmative by deciding at its previous session to include the study of immigration in its work programme. If necessary, therefore, he would move the closure of the debate on the subject when the Sub-Commission came to consider operative paragraph 2 (c) of the draft resolution.

Mr. SANTA CRUZ expressed his ready acceptance of Mr. Ingles' suggestion that the words "and other organizations concerned" should be added to the first operative paragraph, and that paragraph 2 (a) should specify that the political rights referred to were those set forth in article 21 of the Universal Declaration.

On the question of immigration he emphasized his view that freedom to travel throughout the world was a fundamental right. He did not ask the Sub-Commission to define that right, but merely to study the conditions of its application in order, if possible, to make a contribution to man's enjoyment of one of his fundamental freedoms.

Mr. AMMOUN considered that, like all the works of man, the Universal Declaration of Human Rights must constantly develop if it was to retain its full value. In the past the Sub-Commission had originated some of its provisions; if in the course of its work it was moved to propose others, the world stood only to gain thereby. Mr. Halpern himself had said that emigration and immigration were the two sides of the same medal; hence it would not be possible to study the one without studying the other.

Mr. HALPERN explained that the question he had raised was not one of competence, but of policy. He did not challenge the Sub-Commission's right to study immigration, but considered that such a study should not be undertaken at present. He would not press at the present time for the elimination of immigration from the scope of the contemplated study but would merely ask that the study should cover discrimination in emigration, which at the present time was much more serious and urgent, especially for certain religious groups.

The Sub-Commission decided to hear the representatives of the World Federation of Trade Unions and the World Jewish Congress.

Miss KAEN (World Federation of Trade Unions) appealed to the Sub-Commission on her organization's behalf to give questions of residence and freedom of movement the attention they deserved. Such questions were part of the general problem of social environment; the studies of education and of employment and occupation, to which the Sub-Commission had decided to give priority, were part of the same context. Discrimination in those directions was perhaps of greater importance than discrimination in immigration and travel in view of the number of people concerned. The WFTU Executive Bureau, which agreed with the views expressed on the subject by the Swedish representative at the sixteenth session of the Council, ventured to urge the Sub-Commission not to neglect the fundamental rights proclaimed in the first part of article 13 of the Universal Declaration of Human Rights.

Mr. SANTA CRUZ pointed out that he had already stated his intention of so amplifying paragraph 2 (c) of his draft resolution as fully to satisfy WFTU.

Mr. JACOBY (World Jewish Congress) wished to give an explanation in order to dispel any misunderstanding about the commentary published by the Institute of Jewish Affairs of the World Jewish Congress, which Mr. Halpern had mentioned. The World Jewish Congress had always considered that the right of immigration and travel was immensely important to the victims of discrimination throughout the world, and that the Sub-Commission was competent to study the matter. In the

communications it had had the honour of submitting to the Sub-Commission at its fifth and sixth sessions (E/CN.4/Sub.2/NGO.2 and E/CN.4/Sub.2/NGO.7), the World Jewish Congress had specifically asked the Sub-Commission to undertake such a study without delay.

Mr. HALPERN replied that the representative of the Consultative Council of Jewish Organizations, to which the American Jewish Committee was affiliated, had expressed the opposite view and had emphasized the extreme importance of discrimination in emigration.

Mr. HISCOCKS questioned whether the scope of sub-paragraph (c) should be extended. The problem of residence and movement involved many complicated and highly controversial matters linked up with the recent peace treaties. For example there were at present in Europe millions of people who were dissatisfied with their place of residence. The attempt to combine consideration of that problem with the problem of emigration and travel would be most confusing and neither subject would be dealt with satisfactorily. It seemed better to retain Mr. Santa Cruz's original version.

The meeting rose at 5.30 p.m.