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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 NINETEENTH MEETING

Held at Headquarters, New York,  
on Tuesday, 12 January 1954, at 2.30 p.m.

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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
Mr. KLINEBERG )	

Representatives of non-governmental organizations:

<u>Category A:</u>	Miss SENDER	International Confederation of Free Trade Unions
	Miss KARN	World Federation of Trade Unions
	Mrs. FOX	World Federation of United Nations Associations

<u>Category B and Register:</u>	Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
	Mr. LONGARZO	International Conference of Catholic Charities
	Miss SMITH	International Federation of Women Lawyers
	Mr. BEER	International League for the Rights of Man
	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)

Draft resolution submitted by Mr. Hiscocks (E/CN.4/Sub.2/L.48, 50, 51, 52 and 53)  
(continued)

Mr. HALPERN suggested that part II (a) of Mr. Hiscocks' draft resolution (E/CN.4/Sub.2/L.48) should include a statement which might be worded as follows:

"The report should include background information as to the educational facilities and opportunities which are available in practice in each country."

Such information might help to ascertain whether there was discrimination in the use of facilities actually available in the various countries.

Mr. AMMOUN expressed misgivings about the implications of the suggested text. If it meant examining the facilities of every educational system in the world before dealing with the question of discrimination, many years of fact-finding would be necessary before a report could be produced. If that was not what was meant, a clearer wording should be used.

Mr. ROY noted that there were different ways of translating the word "background" into French. It was not clear to him whether Mr. Halpern wished to have the historical background or some other kind of background studied.

It seemed to him that if the suggestion were adopted, the study would deal with education rather than with discrimination in education.

Mr. HISCOCKS thought the following text might make it clear that no general survey of educational facilities was intended:

"The report should include background information, where relevant, as to the educational facilities and opportunities available in each country that is considered."

Mr. HALPERN accepted the amended text and explained that the reference was to background information on the existing situation, not historical background.

Mr. AMMOUN suggested that the word "background" should be retained in the French text to avoid translation problems.

Mr. ROY observed that Mr. Hiscocks' draft resolution already provided for a description of "the de facto as well as the de jure position regarding discrimination in education". Unless it was intended to broaden the scope of the study, he saw no need for Mr. Halpern's suggestion.

The CHAIRMAN, speaking in his personal capacity, thought that the suggestion aimed at maintaining the distinction between discrimination and deficiency. However, as that was a distinction which would unavoidably be taken into account in a study of the kind envisaged, he did not think the suggested statement essential.

Mr. EMELYANOV said that he could foresee situations where some mention might have to be made of the absence of educational facilities in explanation of the fact that a certain group had no access to education. It was not necessary, however, to include a corresponding directive in the proposed resolution. In that respect, the study would be guided by the Sub-Commission's wishes as reflected in the summary records and the report to the Commission on Human Rights.

Mr. HALPERN did not think that his suggestion would burden the authors of the study. It would be useful if they bore in mind the factor of available facilities. For example, in a country where educational facilities were available for only ten per cent of the population, the report should note that fact and carefully show how the facilities were distributed, since it was precisely in such a situation that the tendency towards discrimination was strong. The information on available facilities would be included only if it related to the question of discrimination.

Mr. AMMOUN supported the view expressed by Mr. Roy. If the suggested directive was included, the study might go beyond its scope and deal with such questions as the relative merits of free, subsidized and private schools. It would be best to confine the study strictly to the question of education.

Mr. SANTA CRUZ appreciated the arguments on both sides. He felt that the study should be guided by the discussion in the Sub-Commission and the suggested statement on background information should not be included in the proposed resolution.

The CHAIRMAN suggested that if Mr. Halpern wished to press his suggestion, he should submit it in writing.

Mr. HISCOCKS regretted that he could not agree with the view that the report could be ready at the seventh session of the Sub-Commission. The discussion had shown that there was no possibility of producing a satisfactory report in a matter of eight months. A poor report would mean the failure of the Sub-Commission as a United Nations body, and to announce a schedule it could not keep would only bring it into discredit. The mere collection of the material would require correspondence with Mr. Masani, enquiries with the specialized agencies, UNESCO in particular, and preparation of the bibliography.

That could probably not be achieved before April, although the UNESCO representative had told him that his organization might not even be able to provide all the information desired by July. Reading, arranging and summarizing the material would require three more months at least. The next stage would be the reference of summarized material to governments for verification of its accuracy. After that the report would have to be redrafted in the light of the government replies. Finally a last revision would have to be made by the person ultimately responsible for the report.

He did not see how such a report could be produced before the eighth session, and then only if there were no unforeseen delays.

Mr. SANTA CRUZ said he was not as pessimistic as Mr. Hiscocks. If there was full co-ordination between UNESCO's part in the study and the work the Secretariat had to do, a report by the seventh session was possible.

He suggested that the representative of the Secretary-General should be asked to estimate how much time the Secretariat would require to collect, analyse and verify the material required for the report.

Mr. AMMOUN expressed surprise that UNESCO would not be able to provide its part of the material before July despite the fact that its competent organs had already adopted a resolution making its data available for the purposes of the study.

Mr. KLINEBERG (United Nations Educational, Scientific and Cultural Organization) said that the material which UNESCO had already prepared would be made available to the Sub-Commission immediately. More time would be required if the Sub-Commission requested further research work to obtain information not yet published or not currently accessible. UNESCO might then have to release some members of its staff to carry on the research. Moreover, budgetary considerations would be involved which might entail further delay and require a decision by the UNESCO Executive Board or Conference.

Mr. HALPERN agreed with Mr. Hiscocks that the Sub-Commission would need time in order to prepare a complete report. The importance of its report and the weight of its recommendations would depend upon the soundness of the research. However, the Sub-Commission need not remain inactive while the groundwork was being laid. A progress report might be made available for consideration at its next session, at which time it could deal with any difficulties which might have arisen in compiling the necessary information. It could also give some thought to the recommendations it might wish to make on the subject of discrimination in education.

Mr. EMEL'YANOV considered the proposal to set a two-year time limit for the preparation of the report most disappointing. It would mean that the Sub-Commission, which had already devoted a year and a half to its task, would require three and a half years in all to complete its work. Account should be taken of the fact that both the Commission on Human Rights and the Economic and Social Council had pointed out the pressing need for a study on discrimination in education. The Sub-Commission should therefore make every effort to complete its report as soon as possible. In that connexion, Mr. Halpern had made an excellent suggestion. The Sub-Commission could consider a progress report at its seventh session and find sufficient material in it with which to reach some preliminary conclusions. Failure to take any action on the pressing problems which had come to light would most certainly lower the Sub-Commission's prestige and that could be avoided if it decided that its seventh session should at least be the target date for completion of its report and its recommendations.

Mr. ROY concurred in the views expressed by Mr. Emelyanov. The Sub-Commission would be ill-advised to request the Commission on Human Rights and the Economic and Social Council to grant it additional time for the preparation of its report. The least it could do was to provide for consideration of the report at its seventh session.

Mr. KULAGA considered that Mr. Hiscocks was unduly pessimistic. He appeared to have based his contention on the mistaken impression that the Sub-Commission did not have any available information which would enable it to proceed with the preparation of its report. The debate had indicated that considerable material was already available. Furthermore, the Sub-Commission could rely on the full co-operation of the United Nations Department of Social Affairs. Therefore, a decision to defer completion of its report until its eighth session could not be justified.

Mr. AMMOUN observed that other organs had prepared useful economic reports on the situation in Europe and the Middle East within six months. The Sub-Commission could follow their example instead of postponing its task for

academic reasons. It had already been severely criticized in the Commission on Human Rights and the Economic and Social Council. Neither organ had prolonged the Sub-Commission's term of office with much enthusiasm.

The CHAIRMAN, speaking in his personal capacity, observed that the Sub-Commission was faced with a dilemma. It was expected to prepare a thorough report in a relatively short period of time. Surely the quality of the report would be the ultimate criterion by which the Sub-Commission's work would be judged. Hence, quality should not be sacrificed to speed. However, the report could be included in the agenda of the seventh session. A full debate could take place in the light of the progress made at that point, and a final decision taken as to when the report should be completed.

Mr. SANTA CRUZ requested a reply from the representative of the Secretary-General to the questions he had put earlier.

Mr. SCHWELB (Secretariat) said that the Secretariat could probably complete the processing of the material already available within two months following the adjournment of the Sub-Commission's current session. The next step would depend upon the views of the rapporteur. If he felt that more material was required, an additional two or three months might be needed. A further delay of several months would be entailed if Mr. Hiscocks' suggestion were followed of first transmitting the material to governments for comment. In short, it might be barely possible to complete the task six weeks before the seventh session, as provided in the rules for the distribution of documents.

Mr. EMEL'YANOV observed that the Sub-Commission could, if it adopted a practical approach and availed itself of the assistance offered by the Secretariat, complete its report in time for consideration at the seventh session. In that connexion, he was prepared to waive the six-week rule for the distribution of documents. He would be satisfied to receive the report two weeks before the opening of the seventh session. An additional month would thus be available for drafting.



Mr. SANTA CRUZ agreed that every effort should be made to expedite the preparation of the report. The specialized agencies, the non-governmental organizations concerned and the Secretariat should fully co-operate in that task. After all, the Sub-Commission was acting on behalf of the United Nations in the field of discrimination, one of the most important subjects dealt with in the Charter. He could not agree that the Sub-Commission's work was any less important than that of other United Nations organs.

On the other hand, the Chairman and Mr. Hiscocks had presented weighty arguments against the setting of an arbitrary time limit which the Sub-Commission might not be able to observe. He therefore proposed a compromise solution, in the form of an amendment (E/CN.4/Sub.2/L.53) to paragraph 2(i) of his original amendment (E/CN.4/Sub.2/L.52) to section II, paragraph (b) of Mr. Hiscocks' proposal (E/CN.4/Sub.2/L.48). The new sub-paragraph would read:

"(i) A special rapporteur shall draw up a draft report along the lines laid down in paragraph (a) and shall submit it, if possible, for the seventh session.

"Should he fail to complete his work for that date, he shall submit a progress report in which he shall give an account of the material assembled and of the methods adopted or which he intends to adopt in carrying out his work." <sup>1/</sup>

The Chairman had observed that the work of the Sub-Commission would ultimately be judged by the quality of its report, which should therefore be complete. On the other hand, the fact that the Sub-Commission's term of office might not be prolonged militated in favour of the presentation of a concrete report at its seventh session.

Mr. HISCOCKS said that he was unable to agree with Mr. Schwelb's suggestion that the Rapporteur should at some stage decide whether or not the material available was adequate. A decision of that nature had to be made by the Sub-Commission itself. If, despite the UNESCO representative's statement that all relevant material was not ready, the Sub-Commission wished to reach conclusions on incomplete evidence, it should say so and not make vague optimistic plans that it was impossible to carry out.

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<sup>1/</sup> Provisional translation.

It was generally agreed that the bibliography submitted was incomplete, and prolonged study would be necessary even when the material was ready. Certain speakers had suggested that the Sub-Commission was spending too much time on study, but in fact no study of value had up to the present been completed. That fact emerged clearly from the Special Rapporteur's interim report (E/CN.4/Sub.2/115), and seemed to cast doubt on Mr. Schwelb's assertion that a rapporteur could work more speedily than a standing committee.

It had to be borne in mind that the members of the Sub-Commission required at least six weeks for study of the report before any recommendations could be made. If, with due regard to all those factors, the Sub-Commission considered that the work could be completed ~~within~~ one year, it should specify the proposed programme in detail.

In conclusion, he hoped that the Sub-Commission would be given time to study the compromise resolution which Mr. Santa Cruz wished to submit, since the matter was of vital importance.

Mr. HALPERN said that, in his opinion, the question was being approached from the wrong angle. Since the UNESCO representative had said that the material immediately available was incomplete, and no clear indication had been given by the Secretary-General of the data at his disposal, the first prerequisite was to obtain from both those sources estimates as to what they could accomplish. No work could be undertaken on a global basis unless proper assistance were forthcoming.

The arguments that had been advanced against Mr. Hiscocks' proposal seemed devoid of substance. The proposed two-year period was in itself only an estimate, since no definite blueprints were available.

The advocates of a one-year deadline were manifesting the Sub-Commission's general desire to expedite the matter. Such differences as existed were not fundamental, but related only to the public relations aspect of the problem. The desire to phrase an announcement in the form most acceptable to public opinion should not, however, be permitted to cloud the issue. The nature and extent of the evidence available should first be ascertained.

The CHAIRMAN observed that no useful purpose would be served by further discussion on the time limit at the present stage, and suggested that the Sub-Commission should pass to the other matters arising from Mr. Hiscocks' draft resolution (E/CN.4/Sub.2/L.48).

Mr. SCHWEIB (Secretariat) said that he would consult with the UNESCO representative in order to ascertain what material could be supplied to the Sub-Commission by that body and by the Secretary-General respectively.

As had already been pointed out, the Secretary-General foresaw no difficulty in obtaining from the advisory committee its concurrence on the necessary funds if a special rapporteur were named.

If, on the other hand, as Mr. Hiscocks suggested, the Sub-Commission were to decide to set up a standing committee, he was authorized to state that the Secretary-General was prepared to give the required agreement under rule 20, so that the committee could sit while the Sub-Commission was not in session. Nevertheless, the Advisory Committee would have to be consulted on the question of the expenses involved, which came under the category of unforeseen expenses.

As far as the appointment of an expert, preferably in comparative education, was concerned, the Secretary-General's views were not favourable. If the expert were responsible directly to the Sub-Commission, he would in fact be a rapporteur without being a member of the Sub-Commission, as was pointed out by Mr. Schachter at the 115th meeting, was not in line with general United Nations practice. If, on the other hand, the expert were to be a member of, or consultant to, the Secretariat, the Secretary-General would have no objection of principle against such an appointment. That line of action was taken in servicing the United Nations Commission on the Racial Situation in South Africa. But, in the particular case now under discussion, the Secretary-General was satisfied that an appointment of such an expert was unnecessary since all the services which the expert might render could be furnished by the present members of the Secretariat staff.

Lastly, turning to the final paragraph of Section I of Mr. Hiscocks' draft resolution, providing that summaries of material dealing with each country would be forwarded to governments concerned for observations, he said that the Secretary-General would hesitate to submit to governments such summaries which would include material gathered from various sources, including non-governmental sources, on the strength only of a request addressed to him by the Sub-Commission. He wished, consequently, to repeat his suggestion made at the 117th meeting that the draft

resolution should request the Commission on Human Rights to take appropriate action in that regard, if the Sub-Commission wished such a step to be taken in the process of verification.

Mr. ROY was gratified to note that the Secretary-General supported the position adopted by the Sub-Commission since its inception. As a special rapporteur could be kept in being and the expenses met, any change would only weaken the Sub-Commission's position.

Mr. HISCOCKS said that in the light of the Secretary-General's ruling, he would withdraw items (ii), (iii) and (iv) of section II (b) of his draft resolution. The standing committee had been intended only as a device to secure proper liaison.

It seemed appropriate to pause at the present stage and to prepare a full revised version of the draft resolution. He would gladly co-operate with Mr. Santa Cruz in preparing an agreed text.

Mr. SANTA CRUZ welcomed Mr. Hiscocks' suggestion. The Secretary-General's assurance that there was qualified Secretariat staff available, so that an expert could be dispensed with, would simplify the Sub-Commission's task.

Mr. HALPERN enquired whether the Secretary-General's reluctance to forward material on the strength only of a request addressed by the Sub-Commission signified that all the Sub-Commission's material had to be submitted to the Commission on Human Rights for approval. Such a course might involve serious delay.

Mr. SCHWELB (Secretariat) replied that, as the matter could be referred to the spring sessions of the Economic and Social Council and the Commission on Human Rights, no serious delays need ensue.

The meeting rose at 5.40 p.m.