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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES
Fifth Session
SUMMARY RECORD OF THE NINETY-SEVENTH MEETING
Held at Headquarters, New York,
on Wednesday, 1 October 1952, at 2.30 p.m.

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E/CN.4/Sub.2/L.25, E/CN.4/Sub.2/L.27, E/CN.4/Sub.2/L.40)

(continued)

PRESENT:

Chairman:

Mr. ROY

Members:

Mr. DANIELS

Later: Mr. BLACK*

Mr. EKSTRAND

Mr. FOMIN*

Mr. HISCOCKS*

Mr. MASANI

Mr. MENESES PALLARES

Mr. NISOT

Mr. SHAFAQ

Mr. TSAO*

Mr. WINIEWICZ

Also present:

Miss MAÑAS

Commission on the Status of Women

Representatives of specialized agencies:

Mrs. MYRDAL

United Nations Educational, Scientific
and Cultural Organization (UNESCO)

Representatives of non-governmental organizations:

Category A: Miss KAHN

World Federation of Trade Unions (WFTU)

Category B and Register:

Mr. BARNETT
JANNER

Co-ordinating Board of Jewish
Organizations

Miss ROEB

International Federation of University
Women

Mr. BEER

International League for the Rights
of Man

Mrs. POLSTEIN

World Union for Progressive Judaism

Miss ZIZZAMIA

World Union of Catholic Women's
Organizations

Mr. PENCE

World's Alliance of Young Men's
Christian Associations

Secretariat:

Mr. HUMPHREY

Director, Division of Human Rights

Mr. LAWSON

Secretary of the Sub-Commission

ACTION TO BE TAKEN UNDER THE ECONOMIC AND SOCIAL COUNCIL RESOLUTION OF 26 JUNE 1952 (E/2281, E/2229; E/CN.4/Sub.2/L.14, E/CN.4/Sub.2/L.15/Rev.1, E/CN.4/Sub.2/L.20, E/CN.4/Sub.2/L.24, E/CN.4/Sub.2/L.25, E/CN.4/Sub.2/L.27, E/CN.4/Sub.2/L.40) (continued)

Proposals relating to future work:

Mr. Masani, Mr. Meneses Pallares and Mr. Shafaq: joint proposal
(E/CN.4/Sub.2/L.14)

Mr. Fomin: draft resolution (E/CN.4/Sub.2/L.15/Rev.1);

Mr. Daniels: amendment (E/CN.4/Sub.2/L.40)

Mr. HISCOCKS said that the Sub-Commission was engaged in the difficult task of organizing its future work. It had before it a proposal prepared jointly by three members of the Sub-Commission and the Secretariat (E/CN.4/Sub.2/L.14), a draft resolution by Mr. Fomin (E/CN.4/Sub.2/L.15/Rev.1) and an amendment by Mr. Daniels (E/CN.4/Sub.2/L.40). The question was also dealt with in other texts, for example in the last paragraph of document E/CN.4/Sub.2/L.36. A number of suggestions made during the discussion should also be taken into account. His own suggestion was that the Sub-Commission should first study the educational measures taken by UNESCO and the Secretariat to prevent discrimination and to protect minorities, and then consider what further action should be taken.

First, the members of the Sub-Commission should agree on a simple procedure, on methods of work and on the order of priority of studies.

As regards method, the first point to be settled was whether the Sub-Commission would appoint a rapporteur already in the first year, as Mr. Humphrey had suggested, and if so, whether he should be remunerated; and the second, what would be the nature and scope of the work to be done between sessions.

In whatever order of priority they might be arranged, all the studies proposed in the draft resolutions and amendments and during the debate should be included in the programme.

Preferably, several members of the Sub-Commission should confer and work out a revised text to take into account the various proposals made. For his part, he would gladly meet with the sponsors of the joint proposal, and he felt sure that Mr. Daniels and Mr. Fomin shared his view.

Mr. FOMIN accepted Mr. Hiscocks' suggestion as likely to expedite proceedings and to avoid confusion.

Mr. EKSTRAND thanked Mr. Hiscocks for his suggestion which, while involving some members in extra work, would save a good deal of time.

Mr. TSAO noted that the two resolutions, which at first sight might seem diametrically opposed to each other, were essentially complementary and he hoped that the authors of the different proposals would have no difficulty in reaching agreement.

The CHAIRMAN was glad to note that the members of the Sub-Commission were determined to find common ground, and had agreed to postpone the general discussion until the redraft was circulated. He reserved the right to speak then.

He proposed that the discussion should be adjourned until Monday, 6 October.

It was so decided.

Mr. Masani; proposal in connexion with suggestion N in document E/2229

(E/CN.4/Sub.2/L.20)

Mr. MASANI wished to amend paragraph (a) in his proposal to read:
"to the organizations participating in the technical assistance and other programmes providing aid or advice at the request of Member States that they give sympathetic consideration to the requests which Governments may submit for such technical aid in connexion...".

The second sentence in paragraph (b) would become paragraph (c).

The proposal was self-explanatory. In the past, the purpose of technical assistance had been to promote the material economic development of countries. His proposal was designed to broaden the concept of technical assistance, to humanize it and extend its scope to include things of the mind. It would, of course, be for the Member States to request such assistance.

Following a remark by Mr. NISOT, Mr. MASANI agreed to change, in paragraph (b), the words "Governments of Members of the United Nations" to "Governments of these Members".

In reply to Mr. WINEWICZ, who enquired what were the "other programmes" referred to in paragraph (a) of Mr. Masani's revised text, Mr. HUMPHREY (Secretariat) explained that UNESCO offered to States, at their request, advice which was not within the scope of the technical assistance programme.

Mr. FOMIN, asking for particulars, enquired if the ordinary programme or the expanded programme of technical assistance was meant, and what would be the financial implications of the draft resolution.

Mr. HUMPHREY (Secretariat) referred to the explanation given by Mr. Schacter at the 88th meeting of the Sub-Commission. The case under consideration did not come under any General Assembly or Economic and Social Council resolution. In reply to Mr. Fomin's question, he did not anticipate that Mr. Masani's draft resolution would involve any financial implications, at least for the time being. It would be another matter, however, if a government decided to request the Secretary-General to give it aid or advice in accordance with the terms of the resolution; in that event special arrangements would have to be made. In his opinion, however, the Secretary-General would to a large extent be able to satisfy governments' requests without employing outside consultants.

Mr. MENESES PALLARES said he had pointed out before that governments which so requested should be helped to combat discrimination and protect minorities.

The last sentence in Mr. Masani's text dealt with economic conditions and hence had no place in a proposal relating to social matters; he moved that it should be deleted.

Mr. MASANI agreed to its deletion.

The CHAIRMAN put Mr. Masani's proposal, as amended, to the vote.
The proposal, as amended, was adopted by 8 votes to none, with 2 abstentions.

Mr. HISCOCKS, explaining his abstention, said he was not convinced of the wisdom of emphasizing the particular point, and so diverting attention from other, more important, questions. Requests for that kind of technical assistance were very rare, most governments firmly believing that discrimination did not exist in their countries.

Mr. BLACK said that he had abstained in the vote as he felt that that programme could be carried out under Economic and Social Council resolution 51 (IV).

Mr. Hiscocks: draft resolution No. 4 on public relations (E/CN.4/Sub.2/L.24).

Mr. Ekstrand: draft resolution (E/CN.4/Sub.2/L.25). Mr. Meneses Pallares: draft resolution (E/CN.4/Sub.2/L.27).

Mr. HISCOCKS remarked that he, Mr. Ekstrand and Mr. Meneses Pallares had observed that although their respective draft resolutions were not at all incompatible, they suggested slightly different methods and therefore ought preferably to be dealt with separately. They all agreed, however, to support those resolutions. Personally, he would vote in favour of the draft resolutions submitted by Mr. Ekstrand and Mr. Meneses Pallares.

Introducing his own draft resolution, he said that the Sub-Commission's relations with the public had suffered because the main recommendations it had drafted at its third and fourth sessions had not yet been put into effect. To remedy that a pamphlet should be prepared to explain the Sub-Commission's work, its proposals and its objectives in simple language, so that the victims of discrimination and members of minority groups would know what the Sub-Commission had accomplished and what it was planning on their behalf.

Mr. FOMIN approved the idea behind Mr. Hiscocks' draft resolution but thought that the text might place the Sub-Commission in an awkward position. The Commission on Human Rights had not yet considered the Sub-Commission's reports for the third and fourth sessions. Hence world public opinion could hardly be informed of decisions which the Commission, the Council and the General Assembly might later modify. Besides, the impression would be conveyed that the Sub-Commission was praising itself and entertaining ideas of itself which others might not share.

Mr. EKSTRAND, in submitting his draft resolution (E/CN.4/Sub.2/L.25) recalled that an analysis of information submitted by the governments of many States Members and non-members of the United Nations had been placed before the Sub-Commission at its fourth session. Meanwhile, other countries were forwarding data to the Sub-Commission. That information should not be consigned to the archives of the United Nations but should be arranged in a simple, clear pamphlet accessible to the general public. Perhaps the Secretariat could even prepare more than one pamphlet with that information. Such was the purpose of his draft resolution.

Mr. MENESES PALLARES, in introducing his draft resolution, said the Sub-Commission had taken note of the descriptive list of research projects and action programmes on discrimination and minority problems and also of the reports on the activities of the United Nations in the fields of prevention of discrimination and protection of minorities. Those documents contained very valuable data. The object of his draft resolution was the publication and wide circulation of a pamphlet setting forth the information in a form accessible to all.

He pointed out that in the second paragraph of the preamble to his draft resolution, the words "and in the reports" should be added after the words "in this descriptive list".

Mr. HUMPHREY (Secretariat) said the preparation and printing of the pamphlets referred to in the two draft resolutions before the Sub-Commission would involve expenditure. For that reason the action proposed in Mr. Hiscocks' and Mr. Meneses Pallares' draft resolutions would have to be approved by the Council, and, possibly, by the General Assembly. He suggested that the form of the draft resolutions should be amended slightly in order to bring them into line with other proposals submitted by the Sub-Commission to the Council.

Mr. NISOT asked Mr. Hiscocks if he would agree to the insertion of the words "when he deems it advantageous" in paragraph 1 of the operative part of his draft resolution after the words "to produce a popular booklet". He also suggested that paragraph 2 of the operative part should be deleted, for he thought that the staff of the Department of Public Information could take over the job of preparing the pamphlet. A journalist's viewpoint very frequently differed from that of the Secretariat. A journalist might tend to give prominence to points which would appeal to the masses without considering very deeply whether he was giving an accurate picture.

In reply to Mr. FOMIN, Mr. HISCOCKS said that he had in mind a booklet which would present in simple language the various aspects of the problem of discrimination, the conditions in which the Sub-Commission had been established and the purpose of its work.

In reply to Mr. HUMPHREY (Secretariat), Mr. HISCOCKS said he favoured the simplest method possible. If the Secretariat felt that the approval of the Council and of the General Assembly was absolutely essential, he would, of course, conform to that procedure.

He added that he could not agree to the amendment proposed by Mr. Nisot to the text of paragraph 1 of the operative part, for he felt that the booklet could with advantage be prepared forthwith. Moreover, he saw no objection to asking a journalist to draft the text. Such a person would obviously be given wide latitude but his draft pamphlet would of course be submitted to the Secretary-General's office for approval.

Mr. HUMPHREY (Secretariat) pointed out that the Department of Public Information frequently undertook work similar to the type of project Mr. Hiscocks suggested should be entrusted to a journalist. Moreover, there were precedents for such action. The Secretariat had published pamphlets dealing with the work of the Commission on the Status of Women.

With regard to the first paragraph of the preamble of Mr. Hiscocks' draft resolution, he pointed out that the Sub-Commission was not the only body which had done useful work in the field of discrimination. In a booklet intended for the general public it would be well to mention, for example, the General Assembly's adoption of the Universal Declaration of Human Rights on 10 December 1948. Mr. Hiscocks could, therefore, enlarge the scope of his draft resolution and mention the work of the United Nations and particularly the Sub-Commission for the elimination of discrimination and the protection of minorities.

Mr. HISCOCKS said that if the proposed booklet referred to the Universal Declaration of Human Rights, it might equally well speak of the work of the Commission on Human Rights and of the relationship between that body and the Council. Rather, the publication should keep to a simpler subject which the general public could grasp more easily. Although he was not categorically opposed to having the booklet prepared by the Department of Public Information, he feared that the Department might not produce a booklet that was sufficiently simple and popular.

Mr. FOMIN said that Mr. Hiscocks had not completely dispelled his doubts. Documents E/CN.4/Sub.2/40 and E/CN.4/Sub.2/35, cited in Mr. Hiscocks' draft resolution, did of course contain interesting information but they had not yet been approved by the Commission on Human Rights and in his opinion they had certain serious shortcomings. Nor had the Sub-Commission's definition of minorities been approved either by the Commission or by the Council. That being so, the definition could hardly be mentioned in a pamphlet intended for the general public. He also did not think that a journalist should be commissioned to prepare a publication describing the Sub-Commission's work and aims.

/Mr. WINIEWICZ

Mr. WINIEWICZ asked Mr. Hiscocks if he would agree to the deletion of the word "progressive" in the first paragraph of the preamble of his draft resolution. So far as possible the Sub-Commission should eliminate discrimination forthwith. The deletion of that word would strengthen the text of the paragraph.

If the Sub-Commission decided to adopt Mr. Hiscocks' draft resolution the text of the proposed booklet should be submitted, before publication, to the Sub-Commission for its approval.

Mr. HISCOCKS agreed to the deletion of the word "progressive" in the first paragraph of the preamble of the draft resolution.

In reply to a question by Mr. FOMIN, Mr. HUMPHREY (Secretariat) observed that a pamphlet describing the work of the Commission on the Status of Women had been submitted for the Commission's approval. The final text of the pamphlet had been drafted in the light of comments by members of the Commission, but the Secretary-General had assumed full responsibility for the text.

Mr. WINIEWICZ proposed that paragraph 2 of the operative part of Mr. Hiscocks' draft resolution be replaced by the text of paragraph 2 of section C of resolution 385 (XIII), slightly amended: the paragraph would read as follows: "Requests the Secretary-General to circulate to members of the Sub-Commission the text as drafted by him and, having received their comments, to prepare a final text for distribution and dissemination on a wide basis".

In reply to Mr. EKSTRAND, Mr. HUMPHREY (Secretariat) confirmed that there were precedents. The Department of Public Information had published many pamphlets dealing with the United Nations. But in the case in point the suggestion was to request the Secretariat to submit the draft text to members of the Sub-Commission and to draft the final text in the light of their comments; if members expressed differing opinions, what would be the Secretary-General's position? Therefore, if the Sub-Commission meant to scrutinise the booklet, it would have to do so collectively.

Mr. FOMIN pointed out that the preparation of the publications referred to by Mr. Humphrey was one of the normal duties of the Department of Public Information which, accordingly, was responsible for them. In the particular case the initiative came from the Sub-Commission and it would therefore be the duty of the members of the Sub-Commission to supervise the preparation of the pamphlet.

Mr. HUMPHREY (Secretariat) pointed out that when he had spoken previously he had not expressed any opinion as to the organ to which the preparation of the booklet should be entrusted. He had merely referred to the functions of the Department of Public Information.

Mr. WINIEWICZ asked what had happened in the case of the Economic and Social Council resolution concerning the pamphlet on the political education of women. The terms of that resolution seemed to him very clear and he did not think that it could have given rise to difficulties.

Mr. HUMPHREY (Secretariat), referring to the booklet on the status of women, explained that the Secretary-General, in keeping with the Economic and Social Council's instructions, had consulted the members of the Commission and had then drafted the final text, taking their observations into account.

Mr. MASANI thought the Sub-Commission would be wrong to wish to control the drafting of the pamphlet; it should leave that to the competent bodies, which would consult specialists. He therefore proposed that Mr. Hiscocks' text should stand as drafted.

The CHAIRMAN said that the Sub-Commission had two contradictory proposals before it: first, Mr. Winiewicz's amendment, which was to take the place of paragraph 2 of the operative part and, secondly, Mr. Masani's proposal. Personally, because of the difficulties explained by Mr. Humphrey, he proposed that Mr. Winiewicz's amendment should be changed, the words "...to circulate to members of the Sub-Commission the text as drafted by him and, having received their comments..." being replaced by the words "..., after approval by the Sub-Commission,...".

Mr. HISCOCKS said he was prepared to withdraw paragraph 2 of his draft resolution. However, time would be wasted if the members of the Sub-Commission had to be consulted either by letter or during a session, and hence the task of drafting the pamphlet should preferably be left to the Secretary-General.

Mr. MASANI and Mr. EKSTRAND were of the opinion that the Sub-Commission could trust the Secretariat to write a faithful account of its activity.

Mr. FOMIN said the question should not be presented as one of confidence in the Secretariat. Needless to say, such confidence existed, but it could also happen that the writer of the pamphlet involuntarily made some slight mistakes in the presentation of the facts. It was for the members of the Sub-Commission to exercise supervision over what was written about it and they should not waive that right.

Mr. WINIEWICZ emphasized that he was not questioning the Secretariat's objectivity but thought that, after having co-operated for so many years in a common task, members of the Sub-Commission should have the right to express their opinion on the way in which it would be presented to the public. Besides, even if their observations did not agree, the Secretariat would certainly be able to take them into account.

Mr. FOMIN suggested that Mr. Hiscocks might wish to withdraw the fourth paragraph of the preamble to his draft resolution; it was unnecessary to recall that the Sub-Commission's recommendations had not yet been put into effect.

Mr. HISCOCKS accepted Mr. Fomin's suggestion.

The CHAIRMAN put to the vote Mr. Nisot's amendment to paragraph 1 of the operative part of Mr. Hiscocks' draft resolution.

Mr. Nisot's amendment was rejected by 6 votes to 3.

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The CHAIRMAN put his own amendment to Mr. Winiewicz's amendment to the vote.

The Chairman's amendment was rejected by 7 votes to 2.

The CHAIRMAN put the amendment proposed by Mr. Winiewicz to the vote.
Mr. Winiewicz's amendment was rejected by 7 votes to 2.

The CHAIRMAN put Mr. Hiscocks' draft resolution to the vote, with the amendments agreed to by the author.

The draft resolution was adopted by 7 votes to none, with 3 abstentions.

Mr. NISOT said that he had abstained because the resolution seemed likely to misrepresent the Sub-Commission in the eyes of the public.

Mr. WINIEWICZ and Mr. FOMIN explained that, although favourable to the publication of a booklet relating to the Sub-Commission's work, they had had to abstain because of the method agreed to by the Sub-Commission for the preparation of the publication.

Mr. Ekstrand: draft resolution (E/CN.4/Sub.2/L.25)

The CHAIRMAN put the draft resolution submitted by Mr. Ekstrand to the vote.

The draft resolution was adopted by 10 votes to none.

Mr. Meneses Pallares: draft resolution (E/CN.4/Sub.2/L.27)

Mr. FOMIN said he could not support the draft resolution because it provided for the publication and distribution of documents, some of which he considered unacceptable. However, he realized that it would be difficult to alter the draft resolution to take his views into account and, consequently, he would abstain from voting on it.

The CHAIRMAN put the draft resolution submitted by Mr. Meneses Pallares to the vote.

The draft resolution was adopted by 8 votes to none, with 2 abstentions.

/Mr. WINIEWICZ

Mr. WINIEWICZ said he had abstained because the resolution proposed the publication of documents to which neither he nor his country's delegation could subscribe.

Mr. MISOT said that his affirmative vote did not mean that he approved of all the decisions referred to in the draft resolution.

The meeting rose at 5 p.m.