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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Eighth Session

SUMMARY RECORD OF THE HUNDRED AND SEVENTY-FOURTH MEETING

Held at Headquarters, New York  
on Wednesday, 4 January 1956 at 3.30 p.m.

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Special Rapporteur (E/CN.4/Sub.2/L.92 and Add.1 to 27)

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMNOUN	(Poland)
	Mr. AWAD	(Egypt)
	Mr. CHATENET	(France)
	Mr. CZARKOWSKY	(Poland)
	Mr. FOMIN	(Union of Soviet Socialist Republics)
	Mr. HALPERN	(United States of America)
	Mr. HISCOCKS	(United Kingdom of Great Britain and Northern Ireland)
	Mr. KRISHNASWAMI	(India)
	Mr. ROY	(Haiti)
	Mr. SANTA CRUZ	(Chile)

Also present: Miss BERNARDINO Commission on the Status of Women

Representatives of specialized agencies:

Mr. METALL	International Labour Organisation
Mr. MAHEU	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category A:</u> Mr. THORMANN	International Confederation of Christian Trade Unions
Miss SENDER	International Confederation of Free Trade Unions
Miss KAHN	World Federation of Trade Unions
Mr. BARRET BROWN	World Federation of United Nations Associations
Mr. ARNEMAN	World Veterans Federation

PRESENT (continued):

Representatives of non-governmental organizations (continued):

Category B and Register:

Mr. MICHELI	Commission of the Churches on International Affairs
Mr. FRASER	Friends World Committee for Consultation
Mr. MANUILA	International Association of Penal Law
Mr. MACEOIN	International Catholic Press Union
Mr. LONGARZO	International Conference of Catholic Charities
Mrs. CARTER	International Council of Women
Mr. GRANT	International League for the Rights of Man
Mrs. KRIJNEN	International Movement for Fraternal Union Among Races and Peoples
Mrs. WALSER	Women's International League for Peace and Freedom
Mr. PERLZWEIG	World Assembly of Youth
Mr. JACOBY	World Jewish Congress
Mr. PENCE	World's Alliance of Young Men's Christian Associations
Miss SCHAEFER	World Union of Catholic Women's Organizations
Mrs. PEZZULLO	Young Christian Workers

Secretariat:

Mr. SCHWELB	Deputy Director, Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Commission

STUDY OF DISCRIMINATION IN THE FIELD OF EMPLOYMENT AND OCCUPATION: REPORT  
BY THE INTERNATIONAL LABOUR OFFICE (E/CN.4/Sub.2/173, E/CN.4/Sub.2/176 and  
Rev.1) (continued)

The CHAIRMAN announced that the drafting committee set up at the previous meeting had revised the draft resolution on the study of discrimination in the field of employment and occupation. In preparing the new text (E/CN.4/Sub.2/176/Rev.1), the drafting committee had tried to take into account the comments made by the various members of the Sub-Commission.

Mr. FOMIN thought it would be useful to reconsider the revised text, because owing to lack of time the drafting committee had been unable to go into the question as a whole.

The last paragraph but one in particular gave the impression that the Sub-Commission took a narrow view of its task. Only the comments which would be submitted by it to the International Labour Conference were mentioned, though the Sub-Commission had been unanimous in thinking that in addition to those comments it should prepare recommendations of its own for the higher organs of the United Nations. The last paragraph but one should refer specifically to that double task.

Furthermore, the preamble was much too long. The third sub-paragraph of the preamble in particular was of doubtful value as the concept of "close interrelation" of all studies on discrimination was as unimportant as it was lacking in precision. But he did not wish to stress that point. He could not, however, vote for the revised draft resolution unless the amendment which he had suggested to the last paragraph but one was incorporated.

The CHAIRMAN thought that the text for the last paragraph but one could easily be amended as suggested by Mr. Fomin.

Mr. FOMIN suggested that the text should be drafted as follows: "in order to afford the Sub-Commission the opportunity to prepare recommendations to the higher organs of the United Nations and to submit its comments for consideration by the Conference". But he thought that only the sponsors of the draft resolution could submit a formal proposal to that effect.

Mr. HISCOCKS doubted whether it was desirable to stress the distinction drawn by Mr. Fcmin in the draft resolution. Out of courtesy to the specialized agency responsible for drafting the report, the Sub Ccmmission should refrain frcm laying any stress on its rights before it had received the report in its final form.

Furtherhmore, he suggested that in the last paragraph of the revised text the word "study" should be replaced by the word "consideration". As the Econcmic and Social Council in its resolution 586 C (XX) had empowered the Sub-Ccmmission to undertake "one further study in the field of discrimination in 1956", the last paragraph as it stood gave the impression that the Sub-Ccmmission would have ccmpleted that study when it had examined the ILO report. The Sub-Ccmmission was intending to reserve the right to undertake one study in 1956, quite apart frcm that made by ILO on discrimination in the field of employment.

Mr. FCOMIN regretted that at the present stage in the debate a member of the Sub-Commission had seen fit to raise doubts that would destroy the unanimity achieved at the morning meeting. During that meeting it had been understood that the Sub-Ccmmission had full competence to prepare its own reccmmendations after a thorough examination, carried out independently of the work of the ILO, on the question of discrimination in the field of employment. The decision taken by the ILO to prepare recommendations also could not in any way affect the Sub-Commission's powers. It was for that body to submit reccmmendations to the higher organs of the United Nations on the one hand, and, on the other, to submit ccmments to the ILO. There were no grounds for the objection that the Econcmic and Social Council allowed only one study a year, as the report prepared by ILO would not entail any additional expenditure for the United Nations.

Mr. HISCOCKS still thought that the final paragraph would be clearer if the word "study" were replaced by the word "consideration"; but if the majority did not think the present text ambiguous, he saw no objection to retaining the word "study". He protested that he had not cast any doubt on the Sub-Ccmmission's right to undertake a study of discrimination in the field of employment. He had simply suggested that, out of deference to the ILO, that right should not be too much stressed at this stage.

The CHAIRMAN noted that there was only one question to be settled, whether the word "study" should be replaced by the word "consideration" in the final paragraph. He was sure that the sponsors of the draft resolution would not object to that amendment, but suggested that if they did, the word "study" should be retained and interpreted very broadly.

Mr. INGLES pointed out that the sponsors of the revised draft resolution had taken into consideration the dual function incumbent upon the Sub-Commission in the study of discrimination in the field of employment; if they had mentioned only "comments" in the last paragraph but one, it was because they had thought the scope of the last paragraph wide enough to cover both functions. To remove all ambiguity, he suggested that, if the other sponsors of the draft resolution approved, that the following phrase should be added at the end of the final paragraph: "with a view to making recommendations for action within the framework of the United Nations". He also suggested that the words "study of discrimination" in that paragraph should be replaced by the words "the consideration of the item of discrimination".

Mr. HALPERN agreed with Mr. Ingles' suggestion but he thought that the word "subject" would be better than the word "item" so that the phrase would read "the consideration of the subject of discrimination". The use of the word "consideration" seemed to him to be better than the word "study" because it enabled the Sub-Commission to proceed in the way which seemed best to it at the time. In the last paragraph but one, he thought that it would be better to replace the words "in order to" by "in time to" because the purpose of the draft resolution was to make sure that the study would be submitted to the Sub-Commission in time to enable it to transmit its comments to the ILO.

Mr. FOMIN said that he found the draft resolution fully acceptable with the amendments suggested by Mr. Ingles.

The CHAIRMAN proposed that in order to take into account the comments made by the members of the Sub-Commission, the final paragraph should be drafted as follows:

(The Chairman)

"Decides to give priority to the consideration of the subject of discrimination in the field of employment and occupation at its ninth session, with a view to making recommendations within the framework of the United Nations."

He also suggested that in the last paragraph the words "in order to" should be replaced by the words "in time to".

The proposals were adopted.

The revised draft resolution (E/CN.4/Sub.2/176/Rev.1) as amended, was adopted unanimously.

STUDY OF DISCRIMINATION IN EDUCATION: REPORT DRAWN UP BY THE SPECIAL RAPPORTEUR (E/CN.4/Sub.2/L.92 and Add.1-27)

The CHAIRMAN invited Mr. Ammoun, Special Rapporteur, to present his report (E/CN.4/Sub.2/L.92).

Mr. AMMOUN, Special Rapporteur, wished first of all to thank everyone who had helped him in his work: the staff of the Division of Human Rights, whose unwearying activities were all the more praiseworthy in that their numbers had been reduced; his helpers in Paris, Mr. de Seynes, Under-Secretary for Economic and Social Affairs and UNESCO. Furthermore, he could have done nothing without the goodwill and encouragement of his colleagues.

In his work he had tried in the first place not to be aggressive and to produce a constructive piece of work rather than a weapon of attack. He had refrained from presuming that their motives behind discrimination were evil. As a man of good faith, he had assumed that the authors of discriminatory measures themselves were acting in good faith.

There was a philosophy of discrimination that was revealed most clearly in the field of education. The prejudices that were a symptom of discrimination were generally based on economic interests.

The main conclusion to be drawn from the report was that there could be no international understanding if there was no struggle against discrimination. The Bandung Conference had been an echo of that struggle, which affected millions of persons.

There was in the world a clearly perceptible and encouraging trend towards the progressive and final suppression of discrimination. The fact that that process had been accelerated during the past three years bore witness to the effectiveness of the Sub-Commission's persevering efforts.

The CHAIRMAN thanked Mr. Ammoun for the valuable comments in his report. To complete the Sub-Commission's heavy task he proposed that a short general debate should first take place, after which the report could be considered in detail chapter by chapter or by groups of paragraphs.

There was no need to examine in detail the many addenda, which at present numbered twenty-five. They could be simply used for reference in case of disagreement on the interpretation of any passage in Mr. Ammoun's report.

In any event, it would be advisable to study first Parts I and II of the report and to leave until the end Part III, which contained the Special Rapporteur's conclusions and proposals and on the basis of which the Sub-Commission could make its own recommendations.

Mr. AMMOUN, Special Rapporteur, emphasized that the studies published as addenda to his report were of great value. He would have been unable to carry out his work without them. They represented an almost superhuman task accomplished by a handful of people and it would be well to arrange for their definitive publication at a future date. In any event, as not all the studies had been published, it would be preferable to discuss the report first and to postpone the consideration of the separate studies.

Mr. FOMIN supported the procedure suggested by the Chairman, but thought that some questions might have to be examined in detail during the general debate. To give but one example, in paragraph 2 of his report the Special Rapporteur raised the possibility that, if the report were adopted by the Sub-Commission, it would be presented as a work of the Sub-Commission as a whole. Mr. Fomin felt that the decision on that point would affect the ensuing debate and that the Chairman should be free to group the various questions as he thought best. For his part, he wished the report to be presented as the Special Rapporteur's and not as coming from the Sub-Commission itself.

Mr. HISCOCKS associated himself with Mr. Fomin's remarks, but recalled that there was the question of time to be considered. The Sub-Commission could hardly undertake a detailed discussion without knowing whether it would have only two weeks for that purpose or whether it would be able to complete its examination the following year. In any case, the various questions to be studied should be



(Mr. Hiscocks)

taken up separately. For example, in Part II, Chapter I, each of the five forms of discrimination should be considered separately. Lastly, where the studies by country were concerned, each country should be accorded the right to state its point of view in any summaries that might be published.

Mr. AMMOUN, Special Rapporteur, wished to reassure Mr. Hiscocks on that point. All the information had already been submitted to the States concerned and nothing had been published without their consent.

Mr. HISCOCKS replied that he was aware of that fact. Nevertheless, the Governments concerned should, if necessary, be informed of the intention to publish studies.

Mr. AWAD recalled that Mr. Ammoun's report was not final. A Special Rapporteur was to complete the study and it was important to decide whether or not the draft report before the Sub-Commission should be regarded as a progress report.

Having glanced over the English text, he wondered whether the drafting should not be changed; two drafting committees, one for the English and the other for the French text, might be set up for that purpose. It might also be advisable to alter the present division into parts, chapters, sections and paragraphs; he regretted in particular that some paragraphs were very long whereas others ran to only one or two lines.

Mr. FOMIN felt that that would be going too far. It would be discourteous towards Mr. Ammoun to propose the redrafting of the report, to say nothing of the fact that the Special Rapporteur had had the use of many documents, and the Sub-Commission did not. It should be borne in mind that the Sub-Commission's primary task was to prepare recommendations. He considered that the report should be transmitted in its present form to the Commission on Human Rights.

Mr. HALPERN was surprised by Mr. Awad's remarks. The general debate should deal with basic principles and not with drafting details.

Mr. KRISHNASWAMI paid a tribute to Mr. Ammoun whose report was most informative and gave definitions which would enable the Sub-Commission to define the various problems. Members might make suggestions to the Special Rapporteur, but they should refrain from amending his text. They must first consider the general principles set forth in Parts I and III and only then take up special questions. Those questions were of great interest but some of them, like that of

(Mr. Krishnaswami)

languages in certain countries, including India, were controversial. The recommendations the Sub-Commission was to prepare were of two kinds: some should be addressed to Governments and others should appeal to the general public to combat prejudice.

Mr. ROY said that, after ten years' experience of international meetings, he was somewhat concerned over the idea of a general debate. Such a debate all too often provided an opportunity for windy oratory and it would be useful to determine in advance the scope and purpose of the proposed debate.

Mr. AWAD concurred, but remarked that, if kept within reasonable bounds, a general debate was useful, for it enabled members to express ideas which would be out of place in a discussion chapter by chapter or paragraph by paragraph. In addition, as Mr. Fomin had rightly pointed out, the Sub-Commission must decide whether to endorse the Special Rapporteur's report. Lastly, his remarks regarding the drafting of the report applied mainly to the English text.

Mr. FOMIN, while sharing Mr. Roy's views on general debate, said that the situation in the Sub-Commission was very different from that in some other organs. If each one of the Sub-Commission's twelve members spoke for half an hour, the entire general debate would take only one day and would enable the various problems to be seen in their proper perspective. He proposed that the general debate should begin forthwith.

Mr. CHATENET shared Mr. Roy's opinion of general statements. They might be useful when basic documentation was lacking, but when, on the contrary, there was an exceptional wealth of documentation defining and analysing the problem, he failed to see what questions should be discussed during a general debate which could not be taken up during a chapter by chapter discussion, particularly as in the introduction to his report Mr. Ammoun mentioned the basic principles involved. The greatest tribute that could be paid to the report would be to begin discussing it at once.

Mr. HISCOCKS was in favour of a general discussion to be limited to one day. In the absence of such a discussion, members would have to deal with general subjects in a roundabout way and confusion might ensue.

The CHAIRMAN said that he would endeavour to prevent such a development. Before the general debate began, the Sub-Commission must decide how to organize its work in the time at its disposal. There were two possibilities. The Sub-Commission might, in spite of the difficulties, attempt to draw up the report in its final form; In that case, after the general debate, the Rapporteur should be given several days to amend the report in the light of the preliminary comments. At the end of its session, the Sub-Commission would then vote on the final report.

The other solution would be to regard the report as provisional. The Sub-Commission would have to decide whether the report was to be provisional or final.

Mr. FOMIN thought that it would be premature to settle that point now. The Sub-Commission must first form an opinion on the value of the report. He saw no reason why it should not adopt the report. The Sub-Commission was to prepare recommendations, beginning with the present session.

The usual procedure might well be followed: a very short general debate followed by a detailed discussion. The observations of the members of the Sub-Commission would appear in the report of the Sub-Commission and in the records of its meetings, so that the Commission on Human Rights would be fully able to inform itself of the views of the members of the Sub-Commission. He therefore proposed that the Sub-Commission should immediately begin the general debate or at the least vote on the question of whether or not to hold a general debate.

Mr. HALPERN said that he was in favour of a general discussion. He hoped that Mr. Ammoun's answers would enable members to form definite opinions, and thus to save time. He agreed with the Chairman that the Sub-Commission should decide how it would employ its time before it proceeded to examine the report.

He noted that Mr. Fomin felt that amendments should be proposed, whereas other members had merely spoken of suggestions.

He had been struck by the vastness of the Sub-Commission's task and did not think that its members could examine all the relevant documentation, particularly as not all of it had been distributed to them. It would not seem possible to complete the examination of the report at the present session.

The CHAIRMAN suggested that the Sub-Commission should proceed on the principle that it did not have to complete its work during the present session. If it should progress more rapidly than expected, it could always change its mind.

Mr. ROY thought that the Sub-Commission could easily adopt the report at the present session. The adoption of the report would not bring to an end the study of discrimination in education and would not prevent the appointment of another rapporteur to prepare a supplementary report.

Mr. FOMIN agreed with Mr. Roy. Obviously, as the situation changed in any country, the report would have to be brought up to date.

The Sub-Commission should: (1) ask the Secretariat to prepare a note on the time at the Sub-Commission's disposal; (2) postpone the procedural discussion until the end of the general debate and then consider the order in which the report should be discussed. Time would thus be saved.

To state in advance that the report was not final would be tantamount to telling the Special Rapporteur that his work was not satisfactory.

The CHAIRMAN agreed with Mr. Fomin. The Sub-Commission should not decide on whether the report was final or provisional until after members had commented on it. He suggested that the Sub-Commission should begin a general debate, which should be as brief as possible and should deal only with truly general questions. After the general discussion, he would endeavour to confine the debate to specific and concrete problems. The following points might be examined:

The method followed in preparing the study: paragraph 2 of the preface dealing with the manner in which the study had been prepared;

The Sub-Commission's terms of reference;

The sources of information;

In part I, the fundamental principles and definitions of the terms used. The Sub-Commission should examine separately each sub-section: "What is meant by discrimination in education", "Static discrimination" and "active discrimination", etc.

Mr. AMMOUN, Special Rapporteur, thought that the Sub-Commission might use the preface as the starting point for a debate of a general character which would confine itself to the report.

He recalled that the Special Rapporteur's terms of reference expired that year. That was the explanation for certain features which had been ascribed to the Special Rapporteur's modesty.

The meeting rose at 5.30 p.m.