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Eighth Session

SUMMARY RECORD OF THE HUNDRED AND EIGHTY-THIRD MEETING

Held at Headquarters, New York
on Wednesday, 11 January 1956, at 10.40 a.m.

CONTENTS

Study of discrimination in education: draft report drawn up by the
Special Rapporteur (E/CN.4/Sub.2/L.92 and Add.1-28, L.93, L.94, L.95)
(continued)

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. CHATENET	(France)
	Mr. CZARKOWSKI	(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)

Representatives of specialized agencies:

Mr. SEIERSEN	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 KAHN	World Federation of Trade Unions
	Mr. BARRET BROWN	World Federation of United Nations Associations

PRESENT (continued):

Representatives of non-governmental organizations (continued):

Category B and Register:

Mr. MICHELI	Commission of the Churches on International Affairs
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mr. JOFTES	Co-ordinating Board of Jewish Organizations
Mr. MANUILA	International Association of Penal Law
Miss LAGEMANN	International Federation of Friends of Young Women
Miss MEDLOCK	International Federation of Women Lawyers
Mrs. ROITBURT	International League for the Rights of Man
Mrs. KRIJNEN	International Movement for Fraternal Union among Races and Peoples
Mrs. KAUFMANN-FRANKENSTEIN	International Union for Child Welfare
Miss GYARMATI	International Union of Socialist Youth
Mr. HARDMOND	National Baptist Convention USA, Inc.
Mrs. FOWLER	Pacific Southeast Asia Women's Association
Mr. PERIZWEIG	World Assembly of Youth
Mrs. POLSTEIN	World Union for Progressive Judaism
Miss GARTLAN	World Union of Catholic Women's Organizations

Secretariat:

Mr. HUMPHREY	Director, Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Committee

STUDY OF DISCRIMINATION IN EDUCATION: DRAFT REPORT DRAWN UP BY THE SPECIAL
RAPPORTEUR (E/CN.4/Sub.2/L.92 and Add.1-28, L.93, L.94, L.95) (continued)

Paragraphs 186-227

Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization) said that in chapter I, section IV, the Special Rapporteur had drawn heavily on data compiled by UNESCO in the work entitled "World Survey of Education"; in using that data, however, he had tended to shift it from the national to the international level, a tendency which had already given rise to criticism from some members of the Sub-Commission. It should be stressed, with regard to paragraph 193, for example, that inequality between nations was only remotely related to discrimination. He also expressed reservations regarding the first sentence of paragraph 194, which he felt misinterpreted the statistical data on illiteracy (paragraph 190), and higher education (paragraph 191). As those statistical data were not compiled by social category, they could not serve as a basis for the conclusion that inequalities existed between social groups of a given country.

Mr. HALPERN wished to refer to the remarks that he and Mr. Hiscocks had made in the general debate; he pointed out, in connexion with paragraphs 186 and 187, that very little attention was given in the draft report to discriminatory measures based on political opinion. Mr. Ammoun had merely quoted from a memorandum from the Secretary-General, whereas he should have mentioned countries where the members of a political party enjoyed favourable treatment, particularly with regard to access to higher education, and non-conformists were subjected to discriminatory measures. Discrimination based on political opinion was not, of course, confined to the educational field but it was possibly more important in that field than elsewhere because of the influence of education on the whole life.

Mr. SANTA CRUZ oppugned the criticism expressed by the representative of UNESCO. Although Mr. Ammoun had not had any specific data on the unequal treatment of social classes within a given country, he had nevertheless been fully justified in concluding that in the under-developed countries to which he referred unequal access to education was caused by social and economic factors.

It was obvious that in a country such as Bolivia, where 80 per cent of the population was illiterate, the illiterate inhabitants did not belong to the more favoured social classes.

Mr. AWAD regretted that paragraph 187 contained an over-lengthy quotation from a memorandum by the Secretary-General (E/CN.4/Sub.2/40/Rev.1) which was more rhetorical than scientific. With regard to paragraph 189, the question of illiteracy should be kept distinct from that of higher education, for some countries, such as Egypt, still had a high rate of illiteracy although a large number of students attended institutions of higher education. Furthermore, in examining illiteracy, it was essential to consider not only the total figures but the percentages by age groups. While it was always difficult to induce adults to attend courses, many countries, such as Egypt, had succeeded in reducing illiteracy considerably in the younger generations. The Special Rapporteur had done well to use the term "enrolment" in universities, for in many countries not all those who were registered could be regarded as students in the true sense of the word. It would be wrong to foster the idea that everyone had a right to university education, regardless of his abilities, but measures which prevented access to universities by discriminating between candidates of equal merit should be combated.

Mr. FOMIN did not question the accuracy of the information given in paragraph 205 concerning the USSR but considered that the wording of the paragraph left much to be desired. It could not be said of free secondary education that the principle had been "abandoned". As a result of the devastation caused by the war, the USSR had had to adopt temporary measures designed to obtain funds for reconstruction, but the trend and the principle remained unchanged. The USSR was establishing a compulsory ten-year educational system. The fees for the last three years, which varied from 150 to 300 roubles per year, were too low to constitute an obstacle and many categories of students were exempted: war orphans, the children of members of the armed forces and of members of the teaching staff, and young workers. Furthermore, there was a boarding system in the rural, mountainous and arctic regions, the full cost of which was borne by the Government. It could therefore be said that tuition fees had already been completely eliminated for a large proportion of secondary school pupils. In

(Mr. Fomin)

higher education the cost was very low, varying from 300 to 400 roubles per year, and most students who passed their examinations received scholarships of 300 to 400 roubles a month. He hoped that the Special Rapporteur would bear that information in mind if he revised his report.

Mr. CHATENET, referring to the problems raised in that section of the report, for which the statistical data available were in many cases inadequate, wished to draw attention to some of the factors which made those problems so difficult. A simple comparison of the statistics on university attendance by social class might lead to erroneous conclusions. It was normal and desirable that students of the working class should attend university in increasing numbers and that not all children whose parents were in the liberal professions should attend courses of higher education; if, however, that result was brought about by systematic measures, those measures would in turn constitute discrimination. In other words, the absence of discrimination was not merely the sum total of measures directed against discrimination. It was essential to combat static or passive discriminatory measures favouring those whose parents were well-to-do but those measures should not be replaced by active discriminatory measures in favour of others. Moreover, he doubted whether the method of almost forcing university education on certain groups of the population could be a system of social advancement. Such a process merely reintroduced discrimination in favour of persons who, in addition to official education, had an opportunity to obtain additional instruction because of their family environment or their resources. If equal opportunity, which was of primary importance, was to be achieved, thereby ensuring social advancement, it was not enough to provide free education. The ideal system would be one that enabled selected pupils to take the fullest advantage of the education offered them. For that to be possible not only would they have to be supported but their families would have to be compensated for the wages the pupils would have earned had they chosen a trade earlier.

What was needed, therefore, was not a rigid, legal equality but an equality of opportunity which would be to the advantage of selected individuals. There must be a system of impartial selection which would make it possible to choose the future students irrespective of their background and subsequently to give those who lacked sufficient means the necessary monetary and even moral

(Mr. Chatenet)

assistance to enable them to pursue their education. The selection of the best students would be an effective means of combating discrimination and raising the general cultural level of a country.

Mr. HALPERN agreed with Mr. Fomin that paragraph 205 ought to be redrafted; he further suggested that it should be amalgamated with paragraph 204, for it appeared from Mr. Fomin's observations that the Soviet Union was as much concerned as the United States and other countries about the discrimination which resulted from a lack of means. The problem was universal: anyone who could not pay had difficulties to overcome and the Special Rapporteur ought not therefore to have laid so much stress on the importance of the economic factor in the United States.

He was surprised, moreover, at the source which the Special Rapporteur had used. Although in some cases he had rejected documents published by well-known universities, he had quoted a statement made at the annual meeting of an association. Moreover, as the meeting had been held in July 1955, he had probably drawn that information from the press, without submitting it for verification to the United States Government. Vigilance regarding sources should be the same for all countries.

There was even less reason for the Special Rapporteur to stress the importance of the economic factor in the United States in that there, more than anywhere else, there were opportunities for needy students. Many educational establishments in the United States were entirely free. Hundreds of thousands of students received free education in New York's colleges. At many State universities, such as the Universities of California at Los Angeles and Santa-Barbara, the University of Louisiana at New Orleans and the University of Florida at Gainesville, education was entirely free of charge, at least for residents of the State. In addition, housing and dining facilities were available to the students and they could work half-time if necessary. Scholarships were numerous: in 1949-1950, 1,198 higher educational establishments had granted 124,223 scholarships to a total value of \$27,000,963 and 13,659 fellowships to a total value of \$9,266,965. The Ford Foundation had announced on 1 January 1956 that it was giving a sum of \$20,000,000 to National Merit Scholarships to pay for education

(Mr. Halpern)

and maintenance of the most deserving students. With the money provided by other industrial concerns, the total sum available would amount to \$200,000,000. Finally, there was the GI Bill of Rights, which for ten years had been enabling ex-servicemen whose studies had been interrupted by the war to continue them free of charge. Between 1943 and 1953 the United States Government had paid out \$4,285,649,976 for the education and \$9,927,946,989 for the maintenance of such students.

In paragraph 205 the fact that a fee system had been imposed in the Soviet Union was mentioned, but there was no reference to the resulting economic barrier, as there was in paragraph 204 in referring to the United States. This gave rise to an unfortunate impression. Obviously economic difficulties were caused by a requirement of the payment of tuition fees in all countries of the world. He directed attention to the phrasing of those paragraphs, not for the purpose of criticizing the Soviet Union, but to point out that the problem was a world-wide one and was not peculiar to any one country. Furthermore, he pointed out that education was free throughout the United States in both elementary and secondary schools covering twelve years, whereas fees were charged in the Soviet Union for all years after the first seven. Mr. Fomin had referred to exemptions from the fees, but some authorities had pointed out that the exemptions themselves might in some cases be productive of discrimination.

The CHAIRMAN agreed with the members of the Sub-Commission who had said that it was difficult to make comparisons at the international level on the basis of statistics alone: it was essential to make first a careful analysis of the facts to which the statistics referred. For instance, the very high figure for attendance at colleges in the United States and the relatively low figures for such attendance in other countries might perhaps refer to the same age group but not necessarily to the same level of education. It was his impression that the educational level in an American college was not very different from that in a French lycée; nevertheless, from the statistical point of view the college was regarded as a higher educational institution, whereas the French lycée was included among secondary schools. There, clearly, was a possible source of error and misinterpretation.

(The Chairman)

The misleading nature of statistics was again apparent when it came to considering the distribution of students among the social classes. It was a well-known fact that in general the desire to obtain a higher education was less strong among the "lower" classes. Consequently the smaller number of students from those classes did not necessarily indicate discriminatory measures based on social origin; it could equally well be the result of freedom of choice operating differently at different social levels. Of course, the fact that the "lower" classes were less eager for education was to be explained by the greater difficulties they encountered in pursuing higher studies.

It would be useful to mention in the report the research work done under the auspices of UNESCO on the social structure of various countries. The results of that research had shown that in a number of countries, and certainly in western Europe, social progress took place gradually, often over two or three generations; a peasant's son might become a teacher and his grandson a doctor or lawyer. That slow rate of progress was not necessarily due to discriminatory measures but in some cases simply to a person's desire not to advance into a class too different from the one into which he was born.

It would be useful to distinguish between the costs of education and the costs of maintenance, for difficulties in obtaining an education might be the result of the high cost of living.

He noted with satisfaction the information in the report on the progress made in the majority of countries towards the elimination of discriminatory measures in the field of education. Nevertheless much remained to be done in that field in numerous countries and even in western Europe. It would be better for everyone to consider what was still to be done in his own country and how best to profit by the examples of others, rather than to spend time finding out what had been left undone in other countries.

Mr. CZARKOWSKI said that in general he appreciated the value of the information given and the conclusions drawn in the Special Rapporteur's report. He could not, however, agree with the opinion expressed in paragraph 212 that the removal of discrimination against children from the working classes with regard to access to secondary and higher education might entail restrictions on the rights

(Mr. Czarkowski)

of students belonging to other social groups. Poland had combated the discrimination from which its working classes had suffered in the matter of education by opening many new universities and schools for higher education. The number of students had risen from 48,000 before the war to 146,000 in 1955. In addition, a certain quota in higher educational establishments was reserved for children from the working classes; the question of discrimination did not arise so long as that proportion was no greater than the proportion of the working classes to the total population.

Mr. FCMIN associated his delegation with the Chairman's remarks. He felt that Mr. Halpern had not paid any attention to what he had said but had systematically attacked the Soviet Union. He had claimed that exemption from school fees in the USSR was discriminatory in character and based upon considerations of social origin. As he had said before, such exemptions were granted to children whose fathers had died on the battle-field - in other words, who had given their lives for the United Nations; to orphans, to the children of men disabled in the war, to the children of teachers and to those who were studying in workers' schools because the war had prevented their receiving a normal education. To say that such protective measures were discriminatory in nature was a gross distortion of the truth. Scholarships for higher education ranged from 220 to 400 roubles a month - nearly 3,000 roubles a year. School fees were never more than about 300 roubles a year and so even those students who were required to pay such fees had enough to live on without having to take employment.

Mr. Halpern had asked for paragraphs 204 and 205 of the draft report to be amalgamated, so that the examples of the Soviet Union and the United States might be placed side by side. Such a comparison was inadmissible, for, unlike the United States, the Soviet Union had assumed full responsibility for education. No discrimination of any kind was to be found in the Soviet Union, whereas discrimination based on race was practised in the United States.

There was no need for the Sub-Commission to read the books Mr. Halpern had recommended to it but that member himself might do well to peruse document E/CN.4/Sub.2/L.92/Add.11, which contained a summary of information regarding the Soviet Union.

Mr. HISCOCKS felt that the Special Rapporteur had been right in selecting marginal or borderline cases as evidence in paragraphs 204 and 205. Just because the United States was the richest country in the world and the educational opportunities in that country were excellent, it was of interest that some young people even in the United States could not obtain a higher education for economic reasons. In the same way, just because the principle of free education had prevailed in the USSR for twenty years, it was of interest that the Government had in special circumstances decided to impose fees for education at the higher levels.

Mr. HALPERN said that Mr. Fomin had misunderstood him. He had not said that all exemptions from school fees in the USSR were discriminatory measures. However, the categories Mr. Fomin had mentioned were not the only ones who were granted exemption. Other exemptions were listed in a publication by A.M. Danev entitled National Education, Basic Decrees, Orders and Instructions, published by the Ministry of Education of the RSFSR, pages 456 and 457. Some of the exemptions did not appear to be justified by need or by merit.

Mr. Halpern still thought that paragraphs 204 and 205 should be amalgamated, not for the sake of comparison, but so that there might be a general treatment of the whole subject on a world-wide basis.

Mr. KRISHNASWAMI thought that efforts should be made to strike an even balance between opposing principles which appeared to have equal claims and needed to be brought into harmony. In dealing with discrimination in the matter of admission of students to educational institutions, a distinction should be made between protection which often took the form of reservation of seats for the underprivileged and the fixing of a "quota" system. It was reasonable to assume that the average person in a given category would have roughly the same qualifications as the average in a similar group if there were no discrimination. It was true that certain groups by tradition became specially suitable for study in certain branches, but where facilities for admission to colleges were limited and they could not be expanded overnight - a balance had to be struck between giving importance to traditions built up by such groups and increasing opportunities

(Mr. Krishnaswami)

for raising the level of the more backward. It was not a case of the individual being arraigned against the State or being refused admission to a college although he qualified on the basis of merit. Where protection was given to backward communities, some qualified persons might suffer. While that might be an argument in favour of gradualism, it did not justify abolishing protection. In his view, the practice of reservation of seats had been greatly misunderstood and the Rapporteur had given undue weight to the recommendations made by certain non-governmental organizations. Surely a reservation of seats did not act as a "quota" if, for instance, for a group representing only 10 per cent of the population reservation was made in professional colleges for 15 per cent. In proportion to the population it represented over-protection, and was not fair to the rest of the community.

The reservation of seats in Indian colleges was essentially a transitional measure. Obviously the best way of solving the problem was to increase the facilities available in professional and other technical colleges. However, that would take time and depended on the resources which under-developed countries could devote to education. He therefore felt that paragraphs 212 and 227 had not given sufficient importance to these social factors and that the Rapporteur had not been quite fair to the experiment in social justice being carried out by the Government of India. It was not fair to insist that individual merit should be the sole criterion for admission to colleges without bearing in mind that in many cases merit was an ambiguous factor and could be attributed to the fact that others had not had equal opportunities. He went so far as to suggest that article 26 of the Declaration of Human Rights was itself most ambiguous. The phrase "on the basis of merit" was ambiguous because the achievement or attainment of merit might be affected by discrimination in the broader sense of gross inequalities in economic and social circumstances. While it was not open to the Sub-Commission to alter the article, he would suggest that the article should be interpreted to mean: "and thereby there should be equal opportunities to all to acquire the necessary basis of merit". Only thus could protection to backward classes be understood in the proper perspective.

Paragraphs 228 to 261

Mr. FOMIN suggested that among the constructive proposals to be included in the revised report reference should be made to the highly recommendable and successful method the USSR Government had used to combat de facto discrimination arising from special conditions prevailing in some rural, mountainous and arctic areas. Distance might have proved an insuperable barrier to the provision of education in those areas, but the USSR had overcome that obstacle by establishing boarding schools in those areas where the population was most widely dispersed. The same method might be successfully applied in other countries facing the same difficulties.

Mr. MAHEU (United Nations Educational, Scientific and Cultural Organization) said he was glad that, in opening the debate on that section of the report, Mr. Fomin had referred to geographical difficulties and regional inequalities. Inequalities were in fact what were involved, i.e., differences which, in his view, did not come within the concept of discrimination. The greatest service which an organ such as the Sub-Commission could render to such specialized agencies as UNESCO would be to give as realistic a definition as it could of what was meant by discrimination. Only a strict definition of discrimination in education would make it possible to distinguish the authentic cases of discrimination, an essential step, if an order of priority was to be established among measures to remedy the most glaring inequalities, as distinct from discrimination, in under-developed countries, rural areas, and among nomadic populations.

Contrary to the suggestion in paragraph 229, the quest for technical progress was not only not bypassing the small town, the village and the hamlet, but was actually transforming cultural and educational conditions in them. UNESCO was at present closely watching an educational experiment in Colombia in which broadcasting and visual aids were being used to increase literacy among the inhabitants of a rural area many of whom could neither read nor write. To criticize technical progress alone in that section of the report would be most unfortunate. Educational conditions in rural areas throughout the world did not appear to be as black as they had been painted in the section. Improved means of

(Mr. Maheu, UNESCO)

communication and the transportation of children in schoolbuses had met some of the difficulties due to the dispersal of homes and their distance away from schools.

The special conditions of life of nomadic or semi-nomadic peoples might have warranted a special section. However that might be, the United Nations might usefully prepare a programme of concerted action to promote the spread of education among nomadic or semi-nomadic peoples.

Mr. AWAD commended the Special Rapporteur for having devoted a section of his report to an important phenomenon of modern history, the relative isolation of the rural population which prevented it from participating as actively as the urban population in community activities, particularly cultural activities. While it was true that the peasants were placed in a position of inferiority as compared with town dwellers and that the consequences were a flight from the land and the creation of an urban proletariat, over-population was at the root of both phenomena. The Special Rapporteur might perhaps wish to amend the wording of paragraph 250 to take that point into account.

The Special Rapporteur should also be congratulated on having given considerable space in his report to the special position of nomadic or semi-nomadic peoples. To any student of the influence of ways of life on education and the resulting inequalities the nomad was a particularly interesting subject, for he possessed a remarkable intelligence due to a life of independence and to constant communion with nature to which he had to yield in order to conquer, and who nevertheless was often illiterate. The Special Rapporteur might agree to amend the sentence in paragraph 252 of the report in which he said that only relatively few countries had to deal with educational problems among nomadic or semi-nomadic populations. He himself could mention some twenty-five countries in which the population avoided the monotony of sedentary life.

The CHAIRMAN suggested that the Special Rapporteur might take into consideration the special position of boatmen, who followed the waterways and led semi-nomadic lives together with their families.

Mr. AMMOUN, Special Rapporteur, said he would gladly take account of the comments made on the section of the report under consideration. UNESCO carried out a survey of the living conditions of nomadic or semi-nomadic peoples itself; he would be happy to make use of the conclusions it reached.

Mr. INGLES wondered whether, in his final report, the Special Rapporteur could not make good the lack of statistics concerning the "other parts of Asia" to which he referred in paragraph 249 by requesting further information from Governments and by drawing on the writings of recognized scholars and scientists. Pending the completion of material he might defer his analysis that the situation in Asian countries where statistics were scarce was worse than in the countries for which full particulars were available.

Material taken from those writings and other sources might permit the Special Rapporteur to correct or at least to qualify the rather sweeping assertion in paragraph 231 that the period of elementary schooling in rural areas was much shorter than in the towns. It might be that children in rural areas spent less time at school than children in urban centres, but it was not always true to say that elementary courses were much shorter in the rural schools than in the urban schools.

A more extensive use of the various sources available might also lead him to the conclusion that the situation which he described in paragraphs 238 and following was perhaps more serious in many Trust and Non-Self-Governing Territories than in the under-developed countries of Latin America, the Near East, Asia and Africa.

Mr. HALPERN recalled that, during the general debate, he had requested the inclusion in the report of information on the position of private schools not subsidized by the State the purpose of which was to maintain a particular culture or form of cultural activity at the expense of the persons concerned. The prohibition of such schools by the institution of a State monopoly of education constituted discrimination against the groups which desired to maintain private schools. Since section V of the report dealt with discrimination conditioned by "other factors", the information he requested might well be included in that section.

Mr. FOMIN disputed the fact that a State monopoly of education in itself constituted discrimination. On the contrary, anyone who read the reports of Visiting Missions and many other United Nations documents would find that private education was often a concealed if not an open form of discrimination. If the Special Rapporteur was required to comply with the request which had just been made, the Sub-Commission would have to examine the school curricula of countries where education was exclusively in the hands of the State and of those where private education still played an important part. Such a survey would undoubtedly show that, if only because of the funds at its disposal, the quality of State education was higher than that of private education which, in some countries, was all too often the instrument of discrimination.

Mr. HALPERN stated, in answer to a statement by Mr. Fomin that private schools might be used as a means of circumventing the Supreme Court's decision prohibiting segregation, that his own reference to the right of religious or cultural groups to maintain private schools had, of course, nothing to do with the segregation problem. He had referred to the voluntary maintenance of private schools by minority groups at their own expense as a fundamental right under the Universal Declaration. That had nothing to do with a scheme for the granting of government aid to private schools in an effort to circumvent the anti-segregation decree. In his opinion such efforts were bound to fail, and the segregation decree would be enforced with respect to any school directly or indirectly supported by the State.

The CHAIRMAN announced that the Sub-Commission had completed its consideration of Part II, Chapter I, of the draft report. It would take up Chapter II at its next meeting.

The meeting rose at 1 p.m.