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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 EIGHTY-SIXTH MEETING

Held at Headquarters, New York,
on Thursday, 12 January 1956, at 3.20 p.m.

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Special Rapporteur (E/CN.4/Sub.2/L.92 and Add.1 to 27, E/CN.4/Sub.2/L.95
and Add.1)(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 Ireland)
	Mr. KRISHNASWAMI	(India)
	Mr. ROY	(Haiti)
	Mr. SANTA CRUZ	(Chile)
<u>Also present:</u>	Miss BERNARDINO	Commission on the Status of Women
<u>Representatives of specialized agencies:</u>		
	Mr. SEIERSEN	International Labour Organisation
	Mr. MAHEU	United Nations Educational, Scientific and Cultural Organization
<u>Representatives of non-governmental organizations:</u>		
<u>Category A:</u>	Mr. THORMANN	International Federation of Christian Trade Unions
	Miss KAHN	World Federation of Trade Unions
	Mr. BROWN	World Federation of United Nations Associations

PRESENT: (continued)

Representatives of non-governmental organizations (continued)

Category B and Register:

Mr. LEWIN	Aguilas Israel World Organization
Mrs. GIROUX	Catholic Union for Social Service
Mr. MICHELI	Commission of the Churches on International Affairs
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations
Mr. FRASER	Friends World Committee for Consultation
Mr. LONGARZO	International Conference of Catholic Charities
Mrs. MENDEZ	Pan-Pacific Southeast Asia Women's Organization
Mrs. WALSER	Women's International League for Peace and Freedom
Mr. PENCE	World Alliance of Young Men's Christian Associations
Mr. PERLZWEIG	World Assembly of Youth
Mr. JACOBY	World Jewish Congress
Miss ZIZZAMIA	World Union of Catholic Women's Organizations

Secretariat:

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

STUDY OF DISCRIMINATION IN EDUCATION: DRAFT REPORT DRAWN UP BY THE SPECIAL
RAPPORTEUR (E/CN.4/Sub.2/L.92 and Add.1 to 27, E/CN.4/Sub.2/L.95) (continued)

Paragraphs 509-518 and Mr. Awad's draft resolution (E/CN.4/Sub.2/L.95) (continued)

Mr. AMMOUN, Special Rapporteur, apologizing for what was necessarily his subjective approach to the problem, said that he would have preferred to have both the draft report and the recommendations go forward to the Commission on Human Rights at the close of the current session. While undue importance should not be attached to considerations of prestige, he felt that failure to transmit the draft report might lead the Commission on Human Rights to conclude that he, the Special Rapporteur, had been unable to complete his task in two full years. Moreover, in view of the delays which would necessarily accompany the implementation of the recommendations, they, too, should be in the Commission's hands by the time of its next session. Certain of the recommendations would require financial commitments by Governments and should be examined with caution; those, however, which stated general principles might well be adopted by the Sub-Commission, unanimously if possible, and sent on to its parent body. Those recommendations were not likely to be altered substantially even when the draft report itself was revised. The body of the draft report, which could obviously not be adopted as it stood, could be sent on to the Commission on Human Rights for comment with the explanation that it was a preliminary text. At least it would provide some basis for understanding the recommendations.

Mr. AWAD recalled that he had greeted with relief the Sub-Commission's tentative decision to allow the Special Rapporteur another year in which to revise and complete the draft report before it was sent on to the Commission on Human Rights in its definitive form. Now, however, it was being suggested that the recommendations, which formed the third part of the draft report and must be read in that context, should be divorced from the body of the text and sent on to the parent organ. Such a procedure was not in conformity with the Sub-Commission's original resolution (section II (a), (v)) which attributed a dual function to the report: it was to educate world opinion as well as to serve as a basis for recommendations. The argument to the effect that it could not serve that dual

(Mr. Awad)

function unless it was in complete and final form should apply equally to the recommendations: they should not be sent on to the Commission on Human Rights until 1957, when the text on which they had been based would also be ready for transmission.

In respect of the draft resolution he had introduced (E/CN.4/Sub.2/L.95), he would accept the verbal amendments put forward at the previous meeting, and agreed that operative paragraph 4 should indicate, in line with the Sub-Commission's earlier decision, that a copy of the draft report would be sent to the Commission on the Status of Women. Furthermore, in order to emphasize the importance of Economic and Social Council resolution 545 E (XVIII), he would redraft operative paragraph 5 to read: "Notes with satisfaction that resolution 545 E (XVIII) of the Economic and Social Council, by facilitating direct contact with the specialized agencies, will be of considerable help in accelerating the work of the Sub-Commission, both with regard to the present project and with regard to any other project which might be undertaken in future by the Sub-Commission."

Mr. CZARKOWSKI could not support Mr. Awad's draft resolution because it was tantamount to a further deferment of action on the vital question of discrimination in education. Having produced a comprehensive study which could serve as a basis for recommendations, the Sub-Commission should transmit those recommendations to the Commission on Human Rights immediately, as the positive results of the Sub-Commission's efforts. Moreover, the draft report could also be sent on without precluding further consideration of it by the Sub-Commission. It was a valuable piece of work and might serve as a basis for discussion by another United Nations organ.

Mr. HALPERN concurred in the view expressed by Mr. Awad that until the draft report was in its revised and final form, there was no point in sending it or the recommendations to the Commission on Human Rights. The Sub-Commission was not a working party set up by its parent body to draft recommendations; it was a body of experts instructed under the Economic and Social Council's resolution to prepare a series of studies and, as an integral part of such studies, to prepare recommendations based on the data collected and analysed. The body of the draft

(Mr. Halpern)

report and the recommendations must be considered as a single entity; the Commission on Human Rights should not have one without the other; it should receive both in their final form. For that reason, Mr. Awad's draft resolution deserved the Sub-Commission's approval. The clause: "or submitted in writing after the session" might, however, be added at the end of operative paragraph 3.

Mr. HISCOCKS saw no need to specify in operative paragraph 4 of Mr. Awad's draft resolution that a copy of the draft report should be sent on to the Commission on the Status of Women. That decision had already been taken by the Sub-Commission, and a reiteration of it would unnecessarily encumber and therefore weaken the draft resolution. On the other hand, in view of the close co-operation between the Special Rapporteur and UNESCO at all stages of the draft report, the reference to the specialized agency was fitting.

The considerations of prestige to which Mr. Ammoun had alluded in his earlier remarks should not be disregarded, provided they helped to strengthen the position of the Sub-Commission in carrying out its task. It should be recalled that the Sub-Commission had barely survived in 1952. It had since built up a reputation for effectiveness in international work and should guard that prestige jealously.

Mr. Ammoun had said that, just as the Sub-Commission had expected a progress report from the International Labour Organisation, so the Commission on Human Rights would expect some recommendations from the Sub-Commission this year. Mr. Hiscocks did not consider that this parallel was valid. The Sub-Commission was a specialized body, brought into existence by the Commission on Human Rights to deal with certain problems, and it was its duty to complete the studies that it was called upon to do before reporting back to the Commission on Human Rights. In the case of the Report on Discrimination in Employment and Occupation, the study had been initiated by the Sub-Commission, which had then asked the ILO to carry it out. The relationship between the two bodies was quite different from that between the Sub-Commission and the Commission on Human Rights. A specialized body on problems of discrimination had asked the specialized agency dealing with labour and employment problems to undertake a study in which both bodies were interested, and it was natural that the Sub-Commission wished to be kept in touch with the progress of the ILO's work.

(Mr. Hiscocks)

Furthermore, the recommendations finally evolved by the Sub-Commission should be at least as balanced and definitive as the report. Consequently, they should be discussed provisionally at the current session, and the members should be given time to reflect upon them during the year. Neither the report nor the recommendations should go forward until they were in finished form.

Finally, it was desirable that the Sub-Commission should adopt all its decisions either unanimously or by a very strong majority if they were to have any impact on higher United Nations bodies and that would be impossible at the present stage.

The CHAIRMAN pointed out that the inclusion of a reference to the Commission on the Status of Women in operative paragraph 4 of the draft resolution would be by way of taking a formal decision to give effect to a previously-agreed principle.

Mr. AWAD proposed that operative paragraph 4 should accordingly be redrafted to read as follows: "Decides further that a copy of Mr. Ammoun's draft report be sent to the Commission on the Status of Women for consideration and comment of the section dealing with discrimination based on sex, and another copy to the Director-General of UNESCO, inviting the Organization to comment on the report etc. ..."

Miss BERNARDINO (Commission on the Status of Women) urged the Sub-Commission to approve Mr. Awad's amendment to operative paragraph 4. Reference to the Commission on the Status of Women, far from weakening the draft resolution, enhanced it by showing that the Sub-Commission was fully aware that other United Nations bodies were also deeply concerned with the total eradication of discrimination based on sex.

Mr. HISCOCKS explained that in his earlier objection to a reference to the Commission on the Status of Women he had used the word "weakening" in a purely stylistic sense. He had always been one of the strongest advocates of sending the draft report on to that Commission for comment and amplification.

Mr. SANTA CRUZ recalled the earlier decision to insert the word "draft" in all cases before the word "report".

(Mr. Santa Cruz)

He thought that Mr. Ammoun was being too modest when he feared that the Commission on Human Rights might reproach him with being unable to finish his task in two years. The Sub-Commission had every admiration for the brilliant work of its Special Rapporteur and was confident that he would bring it to a successful conclusion. That attitude should be duly reflected in the resolution.

Mr. FOMIN stressed that, under paragraph 2 of the preamble to resolution 532 (B) (VI) of the General Assembly, the basic function of the Sub-Commission was the submission of recommendations to the Commission on Human Rights. Although the draft report by the Special Rapporteur was not yet complete, that was no reason for not submitting it to the parent body with the conclusions of the Sub-Commission. Since no document could ever be prepared without comments, postponement for a further year would lead only to a resumption at the next session of the many controversial arguments already heard. He himself had objected to the incompleteness of the draft report in that it made no reference to the People's Republic of China, and he had pointed out other shortcomings of the report. However, he did not intend on that account to recommend that it should not be forwarded to the Commission, since as he had said earlier, he believed that those shortcomings could be remedied by methods other than postponing for a year the preparation of recommendations on so important a subject as promoting the elimination of discrimination in education.

Mr. Hiscock's plea for more time for reflection was pointless. It was a request that could be made over and over again. The Sub-Commission's plain task was to submit conclusions and have done with the dilatory attitude it had displayed hitherto.

He had every regard for the excellent work of UNESCO and the Commission on the Status of Women, but if the draft report were transmitted to those two bodies and not to the Human Rights Commission, the Sub-Commission could itself be justly accused of discrimination.

He hoped that it would be possible to vote separately on operative paragraph 1 of the resolution, since he wholeheartedly subscribed to the sentiments it contained, but it should be understood that if he was unable to vote for the resolution as a whole, that was in no way intended as a reflection on Mr. Ammoun's work.

Mr. AWAD refuted the suggestion that the Sub-Commission's agenda at the next session would be so heavy that it would be unwise to defer further consideration of the draft report until that time. It was unlikely that the document relating to whatever new study was shortly to be undertaken would be anything more than a progress report. As for the report by the International Labour Organisation on discrimination in employment and occupation, all that the Sub-Commission would be asked would be to comment upon it. There would thus be ample time for consideration of Mr. Ammoun's text, which could not but benefit thereby.

Mr. FOMIN said that he had no objection in principle to written observations but he thought that they should be kept to a minimum. After all, the views of the members and the discussion of those views had been recorded and each member had the right to send in corrections to the summary records. He wondered to what extent the Special Rapporteur would find useful any written observations by a member on which other members had not commented, and what Mr. Ammoun's attitude towards such observations would be. He urged Mr. Halpern not to press his amendment to operative paragraph 3.

Mr. AMMOUN, Special Rapporteur, said that in general he approved Mr. Awad's draft resolution but would abstain from the vote for obvious reasons. He wished to be clear on one point: he took it that the reference in operative paragraph 3 to revision of his draft report in the light of fresh information applied to information from Governments which had not yet replied and did not mean a revision of the country studies already completed.

In reply to Mr. Fomin's question, he said that he would have the same discretion with respect to members' written observations as Mr. Awad's draft resolution accorded him with respect to the opinions that had been expressed in the course of the session. The conditional sense of the words "might wish to take into consideration" in the last paragraph of the preamble made the position perfectly clear.

Mr. KRISHNASWAMI, in line with his remarks at the previous meeting, proposed that the words "governments, the Secretary-General, or the specialized agencies" in paragraph 3 should be replaced by the words "the sources enumerated in resolution E of the Sub-Commission adopted at its sixth session".

Mr. AWAD accepted Mr. Krishnaswami's amendment. He recalled that during the consideration of the draft report the Special Rapporteur had requested members to transmit to him in writing their suggestions and opinions on the various sections. Many members would not have time during the session to comply with that request and would therefore have to communicate with the Special Rapporteur by correspondence.

In that connexion, he suggested that the Secretariat might go through the summary records and classify the opinions that had been expressed on the various sections of the draft report in a way that would be useful to the Special Rapporteur.

The CHAIRMAN said if Mr. Halpern's amendment were adopted, it would be on the understanding that no new issues could be raised in the written observations. They should relate to points of view that had already been expressed orally in the Sub-Commission or to new developments which might possibly have occurred in the interim but no new evaluations should be made on which other members of the Sub-Commission had not had an opportunity to comment.

Mr. SANTA CRUZ proposed the deletion of everything in operative paragraph 3 after the words "observations and suggestions of the members of the Sub-Commission". Written observations sent to the Special Rapporteur would be covered by that description provided that they conformed to the interpretation given by the Chairman in his last statement.

Mr. AWAD accepted Mr. Santa Cruz's amendment.

Mr. HALPERN said that this was satisfactory to him, provided that wholly new observations could be made with respect to the new country studies which were to be distributed before the final revision of the draft report.

Mr. CHATENET requested that operative paragraph 4 should include an explicit invitation to the specialized agencies to give their support to the Special Rapporteur, since he would still require their help during the coming year. He also felt that there should be some expression of thanks to the Lebanese Government for its great courtesy in making Mr. Ammoun's services available for so long.

The CHAIRMAN suggested that the words "and its Special Rapporteur" should be inserted in operative paragraph 4 between the words "Sub-Commission" and the words "as may be considered appropriate".

He also suggested the insertion, after paragraph 1 of the operative part, of a new paragraph similar to that included in a resolution adopted at the last session. The text would be as follows:

"Expresses also its appreciation to the Government of Lebanon for its co-operation in making it possible for Mr. Ammoun to do the work entrusted to him by the Sub-Commission."

He would prefer "field" to "domain" in operative paragraph 3.

Mr. AWAD accepted the Chairman's suggestions.

The CHAIRMAN drew attention to document E/CN.4/Sub.2/L.95/Add.1 which described the financial implications of Mr. Awad's draft resolution.

In reply to a question from Mr. ROY, the CHAIRMAN said that the vote on Mr. Awad's draft resolution would be without prejudice to the position the Sub-Committee might take on the Special Rapporteur's proposals at the end of his draft report. It was understood that there would be an exchange of views on those proposals and it would be for the Sub-Commission to decide whether it wished to incorporate any of them into one or more resolutions to be transmitted to higher bodies.

Mr. CHATENET felt that the word "remanier" in the French text of operative paragraph 4 (formerly 3) implied a more drastic operation than did the English word "revision". He suggested that the French text should be corrected.

Mr. FCMIN requested a separate vote on the first three paragraphs of the operative part and proposed that the operative part of the draft resolution should be divided into two parts, the first comprising the three paragraphs expressing the Sub-Commission's appreciation and the second the remaining paragraphs. He would abstain from voting on the draft resolution as a whole, for reasons which he had already explained in detail, but would vote in favour of the first three operative paragraphs.

Mr. AWAD accepted Mr. Fomin's amendment.

The first three paragraphs of the operative part as amended were adopted by 10 votes to none, Mr. Ammoun, Special Rapporteur, not participating in the vote.

Mr. Awad's draft resolution as a whole, as amended, was adopted by 8 votes to none, with 2 abstentions, Mr. Ammoun, Special Rapporteur, not participating in the vote.

The meeting rose at 5.10 p.m.