



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/Sub.2/SR.188
15 February 1956

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
Eighth Session

SUMMARY RECORD OF THE ONE HUNDRED AND EIGHTY-EIGHTH MEETING

Held at Headquarters, New York,
on Friday, 13 January 1956, at 3.15 p.m.

CONTENTS

Study of discrimination in education: draft report drawn up by the
Special Rapporteur (E/CN.4/Sub.2/L.92 and Add.1-27) (concluded)

Procedure to be followed in carrying out studies of discrimination
in the matter of (a) political rights mentioned in the Universal
Declaration of Human Rights, (b) religious rights and practices,
and (c) the right of everyone to leave any country, including his
own, and to return to his country, as provided in Article 13,
paragraph 2, of the Universal Declaration of Human Rights
(E/CN.4/Sub.2/L.97)

PRESENT:

<u>Chairman:</u>	Mr. SORNGSEN	(Denmark)
<u>Vice-Chairman:</u>	Mr. AWAD	(Egypt)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	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)

Also present:

Miss BERNARDINO Commission on the Status of Women

Representatives of specialized agencies:

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

Representatives of non-governmental organizations:

Category A:

Miss SENDER	International Confederation of Free Trade Unions
Mr. THORMANN	International Federation of Christian Trade Unions
Miss KAHN	World Federation of Trade Unions
Mr. BROWN	World Federation of United Nations Associations
Mr. KATEL	World Veterans Federation

PRESENT (cont'd):

Representatives of non-governmental organizations (cont'd):

Category B and Register:

Mr. LISKOFKY	Consultative Council of Jewish Organizations
Miss ROITBURD	International League for the Rights of Man
Miss KRIJNEN	International Movement for Fraternal Union among Races and Peoples
Miss GYARMATI	International Union of Socialist Youth
Mrs. FOWLER	Pacific Southeast Asia Women's Association
Mr. PENCE	World's Alliance of Young Men's Christian Associations
Mr. PERLZWEIG	World Assembly of Youth
Mr. JACOBY	World Jewish Congress
Mrs. ZIZZAMIA	World Union of Catholic Women's Organizations

<u>Secretariat:</u>	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.1-27) (concluded)
Paragraphs 509-518 (concluded)

Mr. FOMIN disagreed with the UNESCO representative's view that a convention on the prevention of discrimination would have no important effects. In his opinion, the adoption of recommendations, a procedure which he had always advocated, would have even greater influence if it were coupled with the signature of a convention. It was a negative approach to say that because some States might refuse to become parties, it would be pointless to sponsor such a convention. The same argument could be applied to recommendations. Mr. Maheu had not of course been giving the official view of his organization, since UNESCO itself had launched more than one highly successful convention. Admittedly, a convention applying to the educational field would be dealing with only one aspect of discrimination, but much time would be wasted if it was decided to wait until the Sub-Commission had examined studies on other questions in its work programme.

The Sub-Commission over the past few years had devoted much thought to many forms of discrimination in different fields, and it was only proper that they should make periodic recommendations from which the Commission on Human Rights could at least see the pattern which was being followed.

There appeared to be no great divergence of view on the establishment of the Fund suggested by the Special Rapporteur, who had rightly stressed that discrimination was often linked with a lack of adequate funds for educational purposes. Thought should be given to the advisability of extending the scope of existing educational facilities as a means of eliminating discrimination.

Mr. HALPERN associated himself with almost all the views expressed at the previous meeting by Mr. Hiscocks and Mr. Awad. He wished, however, to stress a number of additional points.

With respect to the statement of fundamental principles, he had three suggestions. First, with respect to the individual's right to emigrate to take advantage of educational facilities abroad, set forth as principle "F" in paragraph 509, he thought it would be useful to refer to article 13 (2) of the Universal Declaration of Human Rights. At every point, attention should be drawn to the

(Mr. Halpern)

manner in which the Universal Declaration bore upon discrimination in education. It was a fundamental principle that human beings were not chattels or natural resources of the State to be retained within the country's borders, but were free to go wherever they wished in furtherance of their education or their personal interests or ambitions.

Second, principle "E" should be enlarged to include the principle that no person should be compelled to receive anti-religious instruction contrary to his own convictions and, furthermore, that all persons should have an opportunity to receive formal religious instruction in accordance with their religious affiliation.

He next turned to the right of parents to choose the type of education they considered best for their children. The importance of that aspect had been stressed by Mr. Chatenet, and the Special Rapporteur, when revising his text in the light of the Sub-Commission's comments, might well use the wording of article 14 (iii) of the draft covenants, which was an elaboration of article 26 (3) of the Universal Declaration.

With regard to national measures (paragraphs 510 to 512), he considered the suggested recommendations were sound. Among them, the prime importance of educating public opinion as a means of eradicating prejudices had been rightly emphasized.

He would like to see the emphasis placed on national measures, since it was the Sub-Commission's function, as an international body, to stimulate national action. The term "national" must, of course, be used in this connexion in a sense which took account of the constitutional structure of each country; in some nations organized as federal States, the whole problem of education was entrusted to the State, subject only to the overriding federal guarantee of equal protection, which was sufficient to prevent discrimination by the action of any State.

The representative of UNESCO had made an eloquent plea for a realistic approach. The present world was one of sovereign States; it was not yet ready for a super-State; and the Sub-Commission should work realistically within the existing framework. It could do a great deal within that framework by utilizing the existing organs of the United Nations. A citizen's rights, as the fearful regime of Nazi Germany had shown, still depended upon his enjoying the protection of his own Government. There was no international army or other weapon whereby a State violating those rights could be penalized; consequently, the struggle against discrimination in education still hinged principally on the good faith of Governments and their willingness to take measures at the national level.

(Mr. Halpern)

Where a Government sinned through blindness, it could generally be induced to mend its ways. But where discrimination was deliberate, the strongest weapon was the mobilization of public opinion in the world. Happily for mankind, no Government today was totally impervious to public opinion, and therefore it was essential to give the widest publicity to the Sub-Commission's study, as Mr. Hiscocks had urged. Its reproduction in popular form, preferably illustrated, would be a powerful means of conveying its message to the masses. Moreover, the mere fact that almost all Governments had been approached for comments in preparing the draft report should in itself have led some of them to begin setting their houses in order. The Sub-Commission should not underestimate the importance of the work it had set in motion.

The recommendations to Governments were to be based on the findings of the Special Rapporteur's report. There was a firm foundation for the recommendations in the provisions of Articles 55 and 56 of the Charter, under which the Members of the United Nations pledged themselves to take action jointly and severally to ensure universal respect for human rights and fundamental freedoms. Those provisions should be utilized to the fullest extent possible before any new treaties were recommended.

There was no way in which treaties in the field of human rights could really be enforced against recalcitrant countries. All that the draft covenant on economic, social and cultural rights provided as a measure of international implementation was the making of progress reports in compliance with the provisions of the covenant. The same result could be achieved by the programme of studies, in the course of which all Members of the United Nations would be asked to report. Furthermore, it appeared that new covenants would be ratified only by a limited number of nations; that would have the effect of weakening the force of the Universal Declaration of Human Rights, which had world-wide support. It might be argued that a new treaty in the field of human rights would have the effect of overriding any possible objections which might be raised under Article 2 (7) of the Charter, which forbade intervention in matters essentially of domestic jurisdiction. But the invoking of Article 2 (7) with respect to recommendations resulting from world-wide studies would be unsound, since human rights were matters of international concern under the Charter and the making of world-wide recommendations did not constitute intervention. In any event, no one had raised

(Mr. Halpern)

any objection under Article 2 (7) to the study of discrimination in education and no member had challenged the Sub-Commission's right to conduct a study dealing with the conditions in each country by name or to make recommendations upon the basis of the study. It was to be assumed that no one would raise that objection when other studies were taken up in which countries not criticized in the education study might be found to be vulnerable.

There might be some grounds for applying a new procedure if it were shown that the method now in use, the study method, was not the right approach, but there had been nothing to warrant such a view so far.

In conclusion, he thought that the establishment of the fund proposed by the Special Rapporteur would only weaken the prospect of a more general fund, and he therefore opposed the idea.

Mr. SANTA CRUZ said that when the Sub-Commission made its recommendations the least it could do, if it did not wish to endorse the idea of an international fund for the prevention of discrimination in education, was to emphasize the need for strengthening the financing of education as a part of economic development.

He could not follow Mr. Halpern's argument against international action. The very Articles of the Charter Mr. Halpern had invoked, Articles 55 and 56, indicated that States Members should take international and national action to achieve universal respect for, and observance of, human rights. While it was true that the United Nations consisted of sovereign States, the world had not stood still in the last twenty years. Political and technical developments had brought about a change in the concept of sovereignty, and the protection of international rights had become a part of international law. Even a regional organization like the Council of Europe, while not asking its members to surrender their sovereignty in the matter, had established a system for the protection of human rights.

To say that an international convention was not a proper instrument for promoting and protecting human rights was to set the clock back ten years. Since the Charter expressly recognized the close connexion between the maintenance of

(Mr. Santa Cruz)

international peace and security, and respect for human rights, the United Nations could not forego the use of collective measures in a field that was directly linked to its principal mission. Moreover, the majority of the United Nations was still wedded to the idea of human rights covenants and, while there might be a question of the timeliness of a convention for the prevention of discrimination in education and there might be certain defects in Mr. Ammoun's proposal such as his failure to provide for measures of implementation, there could be no doubt that the majority of the members of the Sub-Commission supported the principle that conventions and covenants were suitable instruments for promoting and protecting human rights.

Mr. FOMIN could not agree with many of the arguments advanced by Mr. Halpern. Not only did Articles 55 and 56, or, for that matter, any other Article of the Charter not support Mr. Halpern's view that the United Nations should limit itself to mere recommendations for national action but Article 62, which described the functions and powers of the Economic and Social Council, specified in paragraph 3 that the Council was authorized to prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

While the United States Government had officially announced that it would not sign the covenants on human rights, that had not prevented the General Assembly from deciding to proceed with the drafting of those covenants, and he could not agree with Mr. Maheu's and Mr. Halpern's estimate of the international climate. If anything, the recent relaxation of international tensions would not support their argument. In any case, the suggestion that some States might not sign a convention could not justify a failure by the Sub-Commission to carry out its duty.

Similarly, it was inconsistent to argue that a convention on the prevention of discrimination in education should not be drafted during the preparation of more inclusive instruments on human rights and at the same time that there was no need for such more inclusive instruments.

Mr. Halpern had touched on the question of measures of implementation. There were different kinds of conventions and the terms of some might constitute interference in the internal affairs of States. It was useless to discuss

conventions which assumed that the States Parties were some kind of villains. However, it was his personal view that a convention which, for example, bound the States Parties (1) to abolish all forms of segregation in schools, (2) to abolish all racial privileges in education, and so forth, and (3) to adopt all necessary legislative and administrative measures, which could be defined in the first two articles, in order to ensure that the fulfilment of those obligations would not require separate measures of implementation, for such a convention would already contain its own measures of implementation. He considered that the measures of implementation should be stated in the body of the articles relative to the substance of the question, in order that the obligations of Governments should be made as clear as possible.

Mr. Halpern had mentioned the problem of States with a federal form of government. The problem had been exaggerated. Even in the United States the federal Constitution made foreign treaties binding on the individual States irrespective of state laws and constitutions, and it seemed to him that a convention would be of great assistance to the admittedly strong progressive forces in the United States which were fighting racial discrimination in the field of education.

Messrs. Hiscocks and Halpern had alleged that conventions against discrimination defeated their purpose. That view was not shared by the International Labour Organisation, which was already considering the preparation of a draft convention on discrimination in labour and employment. The Sub-Commission, having before it a draft report indicating the existence of cases of discrimination in education, could not do less. The prevention of discrimination in education was, for example, just as important as the suppression of pornographic publications, which was the object of a convention that had proved to be very effective.

Mr. Halpern, and to some extent Mr. Hiscocks, had said that the objective of the study on discrimination in education should be limited to educating world opinion. That was not borne out by resolution B, adopted at the Sub-Commission's sixth session, which provided that the education of world opinion should be an additional objective of a report that would serve as a basis for the Sub-Commission's recommendations.

(Mr. Fomin)

The question of private schools had been discussed at length. He would not pursue the debate except to say that in referring to "kind of education", the Universal Declaration of Human Rights had in view different objectives of education but not the distinction between private and public schools.

The discussion had been useful and had strengthened his opinion that the Sub-Commission should give very serious thought to the question of preparing a draft convention on the prevention of discrimination in education and to the advisability of asking its Special Rapporteur to bear that objective in mind when revising his proposals if the recommendations were not to be transmitted to the Commission on Human Rights.

Mr. HISCOCKS denied that he had said that the report was limited to its educational effect on world opinion.

Mr. HALPERN also denied that he had said the report was limited to its educational significance, and added that long before the United States representative in the Commission on Human Rights had announced that his Government did not think that the time was appropriate, in the existing state of world affairs, for covenants on human rights, the Soviet representative had stated that the Soviet Union would sign no covenants which provided for international measures of implementation. Mr. Fomin's statement of his conception of the meaning of measures of implementation confirmed that position. In Mr. Halpern's opinion, measures of implementation which left it to each country to decide for itself whether it was carrying out the terms of the convention did not constitute measures of implementation at all.

As to the constitutional situation in the United States, there was no need for any treaty to enlarge the federal power, which had a wholly adequate base in the fourteenth amendment to the federal constitution for eliminating segregation in the public schools.

Finally, the ILO had not committed itself on the form of the international instrument it envisaged. In his view, the study of the ILO would result in a recommendation or a resolution rather than a convention.

Mr. FOMIN was glad that Mr. Halpern no longer insisted on his previous remarks, the inadequacy of which he (Mr. Fomin) had pointed out in his preceding statement. He declared that, so far as he knew, no such categorical and general statement as that referred to by Mr. Halpern had ever been made by the Soviet representative in the Commission on Human Rights, who had justifiably criticized the shortcomings of the measures of implementation.

The CHAIRMAN invited the Special Rapporteur to wind up the debate on his proposals.

Mr. AMMOUN, Special Rapporteur, said that the observations he had heard had been most valuable and instructive. In the revision of the draft report he would include a paragraph summarizing the points of view that had been expressed with respect to his proposals.

He could only say to Mr. Krishnaswami that the draft resolution on the international fund conformed to the practice of the United Nations because it was a repetition, *mutatis mutandis*, of the text adopted in the case of the Special United Nations Fund for Economic Development.

For Mr. Fomin's benefit he would clarify his views of the way in which the fund might operate. UNESCO would be better equipped than the United Nations to manage the fund, which might be operated either as a separate fund or as a part of the fund for the improvement of culture. He hoped that the representative of UNESCO would elicit, and transmit to him, the views of UNESCO on the matter. In any case, he could take advantage of his own position as Lebanon's representative to UNESCO to make the necessary inquiries at Paris.

He had been struck by Mr. Santa Cruz's view that proliferation of covenants would weaken the whole structure of human rights. In view of the great difficulties encountered in drafting comprehensive covenants, it would be for the Sub-Commission to decide whether it would be easier to reach agreement on a specific question.

Mr. Awad had touched on an interesting question but it was very difficult in a report of the kind he was to prepare to analyse the distinction between national and international action. They had completely different juridical bases although the object of every international action was to stimulate national action. Mr. Halpern had made an excellent summary of that problem.

(Mr. Ammoun)

Although the United Nations had at one time been overcome by timidity in the matter of human rights, it was now emerging from that stage. Without going into the pros and cons of international conventions and special funds, he must take issue with the representative of UNESCO on the concept of realism. The late 1930's had witnessed what had been termed a realistic policy and the whole world knew how that policy had ended. It was sometimes better to cherish certain illusions than to hold so-called realistic views that led to surrender or complicity. As he saw it, while taking realities into account, he must be activated by faith in the work he was doing.

He did not understand Mr. Hiscock's objections to his description of certain United States bodies as administrative organs. They were empowered to make inquiries and hold hearings but could not enforce their findings. They could only bring cases of non-compliance to the attention of the attorney-general. He failed to see how such bodies could be called judicial organs. Mr. Hiscocks had placed him in a dilemma. Mr. Hiscocks had originally cautioned him not to make "safety first" his motto and now he accused him of not wishing to attract the sympathy of Governments.

As to the desirability of conventions, in 1948 he had participated in the preparation of the United Nations draft convention on prostitution, and had recently signed on behalf of Lebanon a UNESCO convention for the preservation of cultural monuments in time of war. The Sub-Commission should show the same concern for discrimination against human beings that other bodies had shown for ancient monuments and vice. Discrimination was a major international issue, as the Bandung Conference had shown, and the Sub-Commission had a crucial part to play. The world asked for action and the Sub-Commission should overcome its timidity.

He would carefully study the comments that had been made but he was not sure that they would make him change his proposals. If he accepted all the suggestions he had heard his report would be worthless. It was his duty as Special Rapporteur to present all the solutions he considered practical and it was for the Sub-Commission to accept or reject them.

The CHAIRMAN observed that there had been no formal request that the Sub-Commission should adopt any of the Special Rapporteur's proposals at the present session and he took it to be the prevailing opinion that action on those proposals should be postponed to the next session.

Mr. FCMIN felt that the question of postponement should be put to the vote. He realized that further consideration of the proposals might consume some time but the time-factor should not be allowed to interfere with important tasks of the Sub-Commission. Mr. Ammoun had not withdrawn his proposals and the Sub-Commission was formally seized of them.

Mr. ROY also called for a vote. At the 186th meeting the Chairman had made it clear that the adoption of Mr. Awad's draft resolution would be without prejudice to any action the Sub-Commission might wish to take on the Special Rapporteur's proposals. He, for one, would have no difficulty in voting for the statement of fundamental principles and for the idea of a draft convention.

In reply to a question from Mr. SANTA CRUZ, Mr. AMMOUN, Special Rapporteur, said that while he would like to see his proposals endorsed, he would not press for an immediate vote if there was no prospect of unanimity.

Mr. SANTA CRUZ proposed under rule 61 (3) of the rules of procedure that further consideration of the Special Rapporteur's proposals should be postponed to the next session.

Mr. Santa Cruz's proposal was adopted by 6 votes to 3, with 2 abstentions, the Special Rapporteur not participating in the vote.

Mr. ROY and Mr. FCMIN explained that they had voted against the proposal because they felt that some of the Special Rapporteur's proposals should have been considered for transmittal to the Commission on Human Rights.

The CHAIRMAN thanked the Special Rapporteur for the patience he had shown during the examination of his draft report. He hoped that everyone concerned would do his best to facilitate Mr. Ammoun's remaining task of revision. He was sure that the whole Commission agreed that he should request the Secretary-General to bring the resolution adopted at the 186th meeting to the attention of the Government of Lebanon.

PROCEDURE TO BE FOLLOWED IN CARRYING OUT STUDIES OF DISCRIMINATION IN THE MATTER OF (a) POLITICAL RIGHTS MENTIONED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, (b) RELIGIOUS RIGHTS AND PRACTICES, AND (c) THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY, AS PROVIDED IN ARTICLE 13, PARAGRAPH 2, OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (E/CN.4/Sub.2/L.97)

The CHAIRMAN recalled that although the Sub-Commission had decided at its seventh session to undertake two further studies in 1956, the Economic and Social Council (resolution 586 C (XX)) had authorized only one further study in 1956 and another, if possible, in 1957.

Mr. CHATENET presented a draft resolution (E/CN.4/Sub.2/L.97) which reviewed the background of the question, underlined the necessity for completing studies on the three topics discussed at the seventh session, and called for the study on religious rights and practices to be carried out in 1956. The decision taken by the Economic and Social Council at its twentieth session, to which paragraph 2 of the preamble referred, was binding upon the Secretary-General: it was his duty to provide the administrative and financial means required to undertake the two studies approved by the Council.

Mr. Chatenet considered that priority should be given in 1956 to the study on religious rights and practices despite his belief that the three topics discussed at the seventh session were equally important. His selection had been based on practical considerations: of the three fields of discrimination, the religious one was most clearly defined and least complex, making it possible to complete the study most rapidly.

Mr. FOMIN agreed that the three studies discussed at the seventh session should eventually be carried out. In his view, however, while a case could be made for initiating the study of religious rights in 1956, a much stronger case could be made for a study of political rights on grounds of urgency. Moreover, for economy reasons, it would be wiser to entrust the study to the United Nations Secretariat. That suggestion should not be construed as a reflection on Mr. Ammoun's work as Special Rapporteur on discrimination in education. On the contrary, if the Sub-Commission should decide to entrust the 1956 study to a rapporteur, he should utilize Mr. Ammoun's draft report as a model and be guided

(Mr. Fomin)

by the methods used by Mr. Ammoun in the preparation of material. He should be appointed by unanimous decision of the Sub-Commission. Mr. Fomin thought it essential, however, to decide from the outset, as a matter of principle, whether the Secretariat or a special rapporteur should carry out the study envisaged. For his own part, he considered that such a study must be entrusted to the United Nations Secretariat.

Mr. SANTA CRUZ, intervening on a point of order, and **supported** by Mr. FOMIN, requested the representative of the Secretary-General to explain the budgetary situation in order to enlighten the Sub-Commission regarding the feasibility, from a financial point of view, of entrusting the 1956 study to a rapporteur. The budgetary aspect of the question might prove decisive.

Mr. HUMPHREY (Secretariat) explained that the budget estimates submitted by the Secretary-General to the General Assembly at the tenth session had been based on the understanding that the Sub-Commission would undertake one further study in 1956 within existing Secretariat resources. In anticipation of a decision by the Sub-Commission that the study should be carried out by a rapporteur, however, he had estimated travel and subsistence costs at \$2,400, and suggested that an amount not exceeding that sum should be provided in the draft resolution on unforeseen and extraordinary expenses rather than in the budget itself. In the Fifth Committee, the Under-Secretary for Economic and Social Affairs had supported the Secretary-General's recommendation. Although the Secretariat was very glad to assist in any technical study, the topics selected by the Sub-Commission were somewhat delicate and the Secretary-General would prefer not to assume responsibility for studying them.

The Advisory Committee on Administrative and Budgetary Questions, however, through its Chairman, had told the Fifth Committee that for policy reasons, the Sub-Commission's 1956 study should be carried out by the Secretariat. The Secretariat was to participate in all aspects of United Nations work; its international character and the high standards of integrity and competence required of it constituted adequate safeguards of its impartiality. Of course, in carrying out the study, the Secretariat was not to be precluded from requesting the necessary information from Member States or from submitting to them the necessary proposals for action, irrespective of the delicate nature of the subject.

(Mr. Humphrey, Secretariat)

Accordingly, the Advisory Committee had proposed that no special provision of funds should be made either in the regular budget or in the draft resolution on unforeseen and extraordinary expenses. Nevertheless, in the event that the Sub-Commission should insist that a rapporteur should carry out its 1956 study and that a special provision should consequently prove indispensable, the Secretary-General could make application through the Advisory Committee to withdraw the necessary funds from the Working Capital Fund, and the Advisory Committee could authorize that procedure without calling a special meeting.

It was the possibility of recourse to that machinery that offered some grounds for optimism, despite the rejection by the Fifth Committee, by a vote of 17 to 6, with 20 abstentions, of the proposed resolution on unforeseen and extraordinary expenses authorizing the Secretary-General to commit an amount not exceeding \$2,400 for a rapporteur, should the Sub-Commission decide to appoint one

Mr. SANTA CRUZ pointed out that despite Mr. Humphrey's optimism, the Sub-Commission was still, at least theoretically, in doubt whether it could, for budgetary reasons, carry out its 1956 study in the manner it wished. Already in 1954, budgetary considerations had barred it from undertaking a study, and it had been most fortunate that Mr. Ammoun had been able to work in Paris where UNESCO, the specialized agency directly concerned in the study on discrimination in education, had its headquarters. The attitude of United Nations budgetary authorities in respect of the rapporteur system was most regrettable. It was, unfortunately, typical of their attitude towards all human rights studies and studies on international co-operation in the economic and social fields. The Sub-Commission should make every effort to combat it. There was no moral justification for asserting that a rapporteur was not necessary; the Secretary-General and other United Nations bodies supported the view that the Secretariat was not suited to carry out studies on subjects involving controversial political considerations. It had been seen that such considerations had had a bearing on discrimination in education; they would certainly affect even more directly the studies on religious and political rights.

The Sub-Commission should give priority to political rights for its 1956 project. While he conceded that no right was more important than any other and that religious discrimination was a vital question, there was far greater urgency

(Mr. Santa Cruz)

to eliminate discrimination in the granting and exercise of political rights, which were being repressed or restricted in an area representing more than half the world. Analysis would show that religious discrimination was gradually being eliminated as a result of historical developments. That favourable trend might be given greater impetus by the Sub-Commission's future work. Political discrimination, on the other hand, was a festering sore. It resulted in some cases from historical factors, but in others from new factors developed only in recent years. In Latin America, for example, political situations which he would describe as artificial because they did not result from historical development, were continuing to dominate many countries in violation of the rights of the masses of the population, and were being ignored by world opinion. While the Sub-Commission was precluded from considering the specific cases of such political repression, it could at least draw attention to them, perhaps condemn them and recommend remedies. The Sub-Commission might well be the only United Nations body in a position to deal with the problem and to speak out in favour of restoring political freedom to the millions who had lost it or had never enjoyed it. Political freedom was perhaps the most serious problem of human rights in the contemporary world, in particular the freedom to elect and to stand for election and to participate in government. Moreover, political discrimination was the basis for many other types of discrimination.

Mr. HISCOCKS felt that the decisive factor in favour of a study of religious rights and practices in 1956 was the delicate situation resulting from the division of the world into two main groups of countries with totally different and conflicting political ideologies. In a study of political discrimination, either the Special Rapporteur would have no clear political convictions - in which case his report would be worthless - or he would lean towards one or the other of the opposing ideologies, and could not, in all sincerity, make an impartial study that might not be resented by those holding the contrary views. Consequently, a study on political discrimination, given the prevailing atmosphere in the world, would merely serve to sharpen the conflict that existed. It was to be hoped that at a later date world developments would enable it to carry out such a study in a more harmonious and conciliatory atmosphere.

Mr. INGLES was inclined to give priority to political rights as a subject for the Sub-Commission's 1956 study because the problem was more urgent than that presented by religious discrimination and because it acutely affected a far bigger area of the world. A majority of the peoples of the world, in dependent territories as well as in independent States, were struggling against varying forms of political discrimination. Moreover, the eradication of political discrimination would facilitate the eradication of discrimination in many other fields, for people who enjoyed full and unrestricted political freedom possessed a powerful weapon with which to combat discrimination of other kinds, and it was denial of political freedom which made possible denial of equality to groups in the exercise of other human rights. If the study on political discrimination was to be deferred because the world was split into two ideological camps, it might have to be put off for several decades. He hoped that neither the existence nor the relaxation of international tension would be used as an argument to defer the study on political rights. He could not therefore support Mr. Chatenet's draft resolution.

Mr. ROY also considered that priority should be given to political rights as the subject of the Sub-Commission's 1956 study. He fully endorsed the reasons put forward by Mr. Santa Cruz and Mr. Ingles, and would invoke Mr. Hiscocks' argument against a study on political discrimination to support such a study.

Mr. AWAD thought that the budgetary implications of the new study were not likely to prove a deterrent. The study of discrimination in education had cost some \$10,000 per year, whereas the figure now mentioned was only \$2,400.

In regard to the choice of the further study, he considered that all the subjects were equally important. The theme of discrimination on religious grounds would probably provide a respite between the more controversial issues of education and politics. He disagreed with Mr. Hiscocks' view that political discrimination was an unsuitable policy because it would lead to excessively acrimonious discussion. He was optimistic that the Sub-Commission would overcome that difficulty, as it had in the past, when faced with similar embarrassments.

The criterion was to decide which form of discussion was a greater menace to world peace, or caused greater suffering. In the enjoyment of religious

rights and practices, the world had taken great steps forward of late, and a study in that field would, in effect, be a study of tolerance. He doubted if the same could be said in regard to the exercise of political rights.

He would like to propose a middle course: the Sub-Commission should decide to study religious discrimination in 1956, but should deal with political discrimination in 1957 and should already appoint its Special Rapporteur on that subject, who would give preliminary thought to it during the present year and receive Secretariat assistance in 1957. In that way there would be no additional budgetary implications in 1956.

Mr. AMMOUN agreed with Mr. Awad that the middle course he had suggested was the wisest.

Mr. FCMIN suggested that it should be discussed further at the following meeting, and moved adjournment in view of the lateness of the hour.

The meeting rose at 6.20 p.m.