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REPORTS OF THE FOURTH AND FIFTH SESSIONS OF THE SUB-COMMISSION
ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Note by the Secretary-General

1. By its resolution 443 (XIV) of 26 June 1952, on prevention of discrimination and protection of minorities, the Economic and Social Council invited the Commission on Human Rights "at its ninth session to consider the reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its fourth and fifth sessions and to report to the Council...".
2. In the reports of its fourth and fifth sessions (E/CN.4/641 and 641/Corr.1, and E/CN.4/670 respectively), the Sub-Commission has submitted a number of recommendations to the Commission for consideration and adoption. The Commission may find it convenient to examine these recommendations in three main groups as follows:
 - (a) recommendations relating to prevention of discrimination;
 - (b) recommendations relating to protection of minorities; and
 - (c) general recommendations.

PREVENTION OF DISCRIMINATION

3. In the field of prevention of discrimination, the Sub-Commission has made recommendations on:

Collection of anti-discrimination provisions (E/CN.4/670, paragraph 30, and Annex I, Draft resolution B);

Abolition of discriminatory measures (E/CN.4/670, paragraph 33 and Annex I, Draft resolution E);

Preparation of studies on erroneous views concerning religion (E/CN.4/670, paragraph 58 and Annex I, Draft resolution J);

Co-operation of non-governmental organizations (E/CN.4/670, paragraph 61 and Annex I, Draft resolution L);

Position of persons born out of wedlock (E/CN.4/641, paragraph 39 and Annex I, Draft resolution V); and

Acceleration of ratification of the Convention on Prevention and Punishment of the Crime of Genocide (E/CN.4/641, pages 30-31, and Annex I, Draft resolution VI).

4. The Sub-Commission has also requested the Commission to approve its Resolution on Programme of Work (E/CN.4/670, paragraph 48). In the field of prevention of discrimination, the Sub-Commission proposes:

"that among the measures to combat discrimination that it will study, with a view to recommending further action to be taken by the Commission on Human Rights and the Economic and Social Council, will be those in the fields of education, employment and occupation, political rights, ~~religious rights and practices~~, residence and movement, immigration and travel, the right to choose a spouse, and the enjoyment of family rights..."

It will be noted that the Sub-Commission has decided to initiate the study of discrimination in the field of education immediately and has, for this purpose, appointed a Special Rapporteur and directed him to formulate a provisional plan of work.

PROTECTION OF MINORITIES

5. In the field of protection of minorities, the Sub-Commission has made recommendations on:

Definition of minorities for purposes of protection by the United Nations

(E/CN.4/641, paragraphs 18 to 30; Chapter X, pages 30-31; Annex I, Draft resolution II; and E/CN.4/670, paragraph 26);

Interim measures to be taken for the protection of minorities

(E/CN.4/641, paragraph 28; Chapter X, pages 33-35; Annex I, Draft resolution III; and E/CN.4/670, paragraphs 27 and 28; Annex II, Section A);

Protection of newly-created minorities (E/CN.4/670, paragraph 31, and Annex I, Draft resolution C);

Collection of provisions on protection of minorities (E/CN.4/670, paragraph 32; and Annex I, Draft resolution D).

6. The Sub-Commission's Resolution on Programme of Work, which it has requested the Commission to approve, proposes that at its sixth session the Sub-Commission study, on the basis of a memorandum to be prepared by the Secretary-General, the variety and scope of:

"measures for the protection of all minority rights through legislative measures, judicial decisions, and administrative practices...with a view to:

- "(a) recommending action that it may be desirable for the Council to take for the protection of minorities;
- "(b) collecting existing measures on the protection of minorities which may be given publicity in order to promote higher standards in this field; and
- "(c) drafting legislative and administrative proposals that may be made available to governments desiring to take action in this field."

GENERAL RECOMMENDATIONS

7. The Sub-Commission has also made recommendations on:

Reports on the relevant work of UNESCO (E/CN.4/641, paragraph 38; Annex I, Draft resolution IV; and E/CN.4/670, paragraph 58; Annex I, Draft resolution K; and Annex III, Section IV (financial implications));

Technical assistance (E/CN.4/670, paragraph 58; Annex I, Draft resolution K; and Annex III, Section IV (financial implications));

Publications (E/CN.4/670, paragraphs 55, 56 and 57; Annex I, Draft resolutions G, H, and I; and Annex III, Section III (financial implications)).

8. In Draft resolution A (Annex I) of the report of its fifth session, the Sub-Commission proposes that the Commission consider at its ninth session not only the reports of the Sub-Commission's fourth and fifth sessions, but also "such parts of the report of the third session as have not yet been given full consideration". The reference is to the Sub-Commission's draft resolution, in the report of its third session (E/CN.4/358, draft resolution VI), on the handling of petitions and communications. This recommendation was considered by the Commission at its sixth session (E/1681, paragraph 56), without any final decision being taken thereon. The Commission may wish to consider this recommendation under item 20(b) of its provisional agenda, procedure for handling of communications relating to human rights.

9. As regards the provisions on prevention of discrimination and protection of minorities proposed by the Sub-Commission at its fourth session for inclusion in the draft International Covenants on Human Rights (E/CN.4/641, Annex II), the Commission considered at its eighth session Recommendations I, III and IV (E/2256, paragraph 148, and E/CN.4/SR.272-273). Two of the recommendations, Nos. II and V, are to be examined by the Commission at its ninth session when it discusses proposals for additional articles relating to the draft Covenant on Civil and Political Rights (E/2256, Annex II, Section A). The Sub-Commission's suggestions on measures of implementation (Recommendation VII) may be considered by the Commission when it deals with this subject.

NEXT SESSION OF THE SUB-COMMISSION

10. According to the Calendar of Conferences approved by the Economic and Social Council at its 664th plenary meeting on 29 July 1952, the next (sixth) session of the Sub-Commission is scheduled from 1 to 11 September 1953, subject to a decision of the Council that the Sub-Commission shall convene in 1953.^{1/} The Sub-Commission at its fifth session, on 10 October 1952, requested the Secretary-General to take all necessary measures to arrange for a session of the Sub-Commission to be convened in 1953 (E/CN.4/670, paragraph 50). It further requested the Commission on Human Rights to arrange for extension of the scheduled 1953 session to three weeks, in order that adequate time may be available for consideration of the questions of prevention of discrimination and protection of minorities, and other items (E/CN.4/670, paragraph 49, Part C). Pursuant to these requests the Secretary-General sought from the resumed fourteenth session of the Council (December 1952) an expression of its attitude toward the holding of a session of the Sub-Commission in 1953 so that, contingent upon any recommendation by the Commission on Human Rights, funds could be requested from the General Assembly (then in session) for a session in 1953. The Council decided (E/SR.671) that it would not take any action on this matter before knowing the opinion of the Commission, but that it would be prepared to take up the question at its fifteenth session (March-April 1953) if the Commission had already made a recommendation, and if not, at its sixteenth session (July-August 1953).

^{1/} Rule 67 of the rules of procedure of functional commissions reads: "Each Sub-Commission should meet once a year unless otherwise decided by the Council."
