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SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES

VIEWS CONCERNING THE PROGRAMME OF WORK OF THE
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES

Statement submitted by the Consultative Council of Jewish Organizations,
a non-governmental organization in category B consultative status

The Secretary-General has received the following statement,
which is circulated in accordance with paragraphs 28 and 29
of Council resolution 288 B (X)

Submitted: 4 December 1950

Received: 5 December 1950

In a memorandum addressed to the Sub-Commission on Prevention of
Di. imination and Protection of Minorities in January 1950 (International
Pr. ction of the Human Rights of Minorities, E/C.2/239), the Consultative Council
of wish Organizations respectfully submitted that:

"The functions of the Sub-Commission is not the formulation of minority rights separate and distinct from human rights. It is, rather, the task of seeing that the various international instruments for the protection of human rights, either generally or in specific fields, are adequately constructed to meet the special requirements of minority groups; to propose separate or supplementary agreements and to draft multilateral agreements which will adequately afford protection to these groups; to utilize the special motive powers and to take account of the special experiences that are bound up with the oppression of minorities and with remedial and preventive action to counteract such oppression."

The principal considerations which led to this conclusion were:

(a) The protection of human beings against those forms of injustice which are directed against them because they are members of racial, national,

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religious or linguistic minorities, is but an aspect of the problem of protection of human rights that calls for special attention.

(b) "Prevention of discrimination" and "protection of minorities" are not mutually exclusive terms. Rather, the prevention of discrimination is one of several essential elements in the protection of minorities. While freedom from discrimination is the most insistently defended right of minority groups, there are other rights with which religious, linguistic and ethnic minorities are especially concerned and which require international definition adequate to guard against all forms of group discrimination and group oppression.

(c) The minorities which are properly the concern of the Sub-Commission are groups which have internal ties of association involving a community of nationality, language, religion or race; which are conscious of themselves as such and of their rights and grievances, and which have been in the past, and/or may be in the future, victims of oppression.

In further support of its views concerning the function of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Consultative Council desires to make the following observations:

1. The enormous task confronting the Commission on Human Rights in elaborating the International Covenant of Human Rights in conformity with the draft resolution before the General Assembly at its fifth session* requires the maximum degree of co-operation on the part of all United Nations agencies concerned with one or more aspects of human rights. The resolution envisions not only the addition of other human rights and fundamental freedoms to those already included in the first eighteen articles of the draft Covenant, but the improvement upon the texts of some of these articles in order to protect more effectively the rights to which they refer.

One of the tasks of the Sub-Commission, as formulated in its terms of reference on 12 May 1949, is, "to undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental

* See document A/1559, paragraph 65 on pages 37-40.

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freedoms and the protection of racial, national, religious and linguistic minorities."

It is, therefore, in the opinion of the Consultative Council, incumbent upon the Sub-Commission to make such recommendations to the Commission on Human Rights as would enable the latter reviewing the operative articles of the draft Covenant on Human Rights, to strengthen the provisions concerning non-discrimination if, in the opinion of the Sub-Commission, the present provisions do not wholly safeguard individuals belonging to racial, national, religious or linguistic minorities against discrimination.

Furthermore, in the register of human rights, there are certain rights with which religious, linguistic and ethnic minorities are chiefly concerned. These are: freedom of worship, freedom of communication and freedom of association. These so-called group rights must be given international definition adequate to guard against all forms of group discrimination and group oppression. There may be other rights in the draft Covenant which have a special impact on minority groups. It is within the scope of the Sub-Commission's authority to inquire into the extent to which the clauses in the draft Covenant on Human Rights referring to these rights adequately meet the special requirements of minority groups and to make the necessary recommendations.

These recommendations, of course, must be based on a careful examination of the special experiences that are bound up with the oppression of minorities. It is respectfully submitted that a study of these experiences is indispensable to a proper formulation of the problems before the Sub-Commission.

2. The Consultative Council has the honour to suggest further that all efforts be made by the Sub-Commission to study all possible express and implied remedial and preventive action against oppression of minority groups afforded by the Covenant on Human Rights, before embarking upon an examination of separate, supplementary, or multilateral agreements for the protection of these groups.

An examination of the minorities problem leads to the conclusion that beyond their aspirations for equality of treatment in law and in fact and the free exercise of their group rights, the special interests of minorities

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vary with the nature of the group and the country it is in. Some of these interests are of a political nature and cannot be satisfied within the framework of a formula of universal interest and application. Other interests, even of a non-political character, cannot be satisfied except on condition of reciprocity and, therefore, can better be guaranteed by bilateral agreements.

In these circumstances, it is respectfully submitted, the area of activity of the Sub-Commission in the field of protection of minorities outside the scope of the Universal Declaration of Human Rights and the draft Covenant on Human Rights is severely circumscribed. It would appear that any action in behalf of minorities outside the scope of these two international documents, would require the most thorough study of the situation of each minority group that might logically come within the purview of the Sub-Commission's competence.

3. Finally, the Consultative Council respectfully submits that the ultimate test of international protection of minority groups is whether it can be internationally implemented. It is, therefore, suggested that the recommendations the Sub-Commission may make to the Commission on Human Rights be so framed that they will be adaptable to international means of implementation of the Covenant on Human Rights now under consideration by the Commission.
