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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON THE PREVENTION OF
DISCRIMINATION AND THE PROTECTION
OF MINORITIES
Fifth session

OBSERVATIONS CONCERNING THE TASKS AND THE
FUTURE PROGRAMME OF THE SUB-COMMISSION ON
THE PREVENTION OF DISCRIMINATION AND THE
PROTECTION OF MINORITIES

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

Dated: 19 September 1952

Received: 19 September 1952

Summary

1. Referring to criticisms voiced in the past concerning the ability of the Sub-Commission to carry out its tasks under present world conditions, the Consultative Council of Jewish Organizations points out that the very complexity and urgency of the problems the Sub-Commission has been called upon to tackle, emphasize the need for continued effort. It suggests that the solution of these problems is a responsibility which the United Nations cannot disavow and that the main problem is whether a programme can be devised to meet the present needs of the international Organization.

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/2. Answering in
E/CN.4/Sub.2/NGO/3

2. Answering in the affirmative, the Consultative Council submits that the reasons why the Sub-Commission has been unable in the past to carry out its programme properly were threefold and that once these are recognized many obstacles in the path of the Sub-Commission will have been removed. The reasons are: (a) There has been a lack of co-ordination between the Sub-Commission and its parent body - the Commission on Human Rights; (b) The terms of reference of the Sub-Commission are too broad and vague and impose an almost impossible task on that body; (c) The Sub-Commission has been labouring under the handicap arising from a misunderstanding of the relationship to each other of the tasks assigned to it; (i) prevention of discrimination and (ii) protection of minorities, and of the relationship between the concepts of prevention of discrimination against groups and the protection of the rights of the individual.

3. The Consultative Council refers to a communication it had submitted to the Sub-Commission on 5 December 1950 (E/CN.4/Sub.2/NGO/1) in which these relationships are discussed in full and draws the following conclusions: (a) The discrimination with which the Sub-Commission is concerned is a discrimination which denies to racial, linguistic and religious minorities their human rights and freedoms enjoyed by the rest of the population in a particular country; (b) The protection of minorities which is properly within the purview of the Sub-Commission's programme would ensure the minorities the enjoyment of these rights and freedoms; (c) While freedom from discrimination is the most insistently defended right of minority groups, there are other rights of religious, linguistic and ethnic minorities which, unless properly construed and safeguarded, may result in group discrimination and group oppression. The Consultative Council points out that the success of its efforts require the Sub-Commission to function within the framework of the programme of its parent body, namely, within the realm of human rights and fundamental freedoms.

4. Accordingly, the Consultative Council submits the following suggestion: (a) The Sub-Commission, as a first step, ought to examine certain articles in the Universal Declaration of Human Rights and in the draft covenants on human rights to determine whether their formulation is adequate to meet the special needs of minorities - particularly the articles relating to freedom of religion, communication and association, with respect to which

/minorities have

minorities have in the past often complained of discrimination. The problem is to determine the extent to which minorities are entitled to special assistance to enable them to exercise these rights and freedoms on a footing of equality with the rest of the population. The Consultative Council adds that an authoritative interpretation of the articles in question is of immediate and future importance to the programme of the Human Rights Commission.

(b) Since discrimination is the most common form of assault upon the human rights and liberties of individuals belonging to minority groups and since the problem can best be attacked by studying specific situations, the Consultative Council suggests as a long term project the undertaking by the Sub-Commission of systematic studies of discrimination in respect to all rights embodied in the Universal Declaration of Human Rights and particularly in the draft covenants. It associates itself with the suggestions made by the Secretary-General for studies of specific types of discrimination in such fields as education, employment and occupation, residence and movement, etc.

5. In conclusion, the Consultative Council points out that while discrimination in matters of immigration may be considered as outside the realm of human rights and fundamental freedoms in the sense of the Universal Declaration and the draft covenants, nevertheless because of the impact of practices in this field on domestic policy, a study of the forms of and reasons for discrimination in immigration might help to explain the nature and scope of the problem and the limits of its solution.