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

Seventh Session

SUMMARY RECORD OF THE HUNDRED AND SIXTY-SIXTH MEETING

Held at Headquarters, New York,
on Friday, 21 January 1955, at 11 a.m.

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55-03714

PRESENT:

<u>Chairman:</u>	Mr. SORENSEN	(Denmark)
<u>Rapporteur:</u>	Mr. INGLES	(Philippines)
<u>Members:</u>	Mr. AMMOUN	(Lebanon)
	Mr. AWAD	(Egypt)
	Mr. CASANUEVA	(Chile)
	Mr. CHATENET	(France)
	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. KULAGA	(Poland)
	Mr. ROY	(Haiti)

Representatives of specialized agencies:

Mr. DUNAND	International Labour Organisation
Mr. METRAUX } Mr. ARNALDO }	United Nations Educational, Scientific and Cultural Organization

Representatives of non-governmental organizations:

<u>Category A:</u>	Mr. THORMANN	International Federation of Christian Trade Unions
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Category B and Register:

Mr. LEWIN	Agudas Israel World Organization
Mr. MOSKOWITZ	Consultative Council of Jewish Organizations

Representatives of non-governmental organizations: (continued)Category B and Register: (continued)

Miss GUTHRIE	International Alliance of Women
Miss SMITH	International Federation of Women Lawyers
Mr. BAKER	International League for the Rights of Man
Mr. SIENIEWICZ	<u>Nouvelles Equipes Internationales</u>
Mrs. WALSER	Women's International League for Peace and Freedom
Mr. JACOBY	World Jewish Congress
Mr. PEICE	World's Alliance of Young Men's Christian Associations
Mrs. POLSTEIN	World Union for Progressive Judaism
Miss SCHAEFER	World Union of Catholic Women's Organizations
Mr. de SEYNES	Under-Secretary in charge of the Department of Economic and Social Affairs
<u>Secretariat:</u>	
Mr. HUMPHREY	Director, Division of Human Rights
Mr. LAWSON	Secretary of the Sub-Commission

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) EMIGRATION, IMMIGRATION AND TRAVEL
Consideration as to which further study of discrimination should be undertaken in 1955; draft resolutions submitted by Mr. Ammoun, Mr. Roy and Mr. Casanueva (E/CN.4/Sub.2/L.85/Rev.1 and Add.1, E/CN.4/Sub.2/L.86/Rev.1, E/CN.4/Sub.2/L.87)
(continued)

Mr. ROY, introducing his revised draft resolution (E/CN.4/Sub.2/L.86/Rev.1), said that the text had been modified in three respects: the third paragraph of the preamble now included a reference to the relevant provision in the Universal Declaration of Human Rights; the first operative paragraph had been completely reworded and was no longer a statement of interpretation; the final operative paragraph had been modified. In that connexion, he felt that the proper beginning for that paragraph should be: "Invites the Commission on Human Rights to request the Economic and Social Council..."; moreover the words "d'ores et" in the French text of the first operative paragraph should be deleted.

The revised draft resolution (E/CN.4/Sub.2/L.86/Rev.1) was adopted by 8 votes to none, with 4 abstentions.

Mr. HALPERN said that the modifications introduced to the text had enabled him to abstain, whereas he would have been obliged to vote against Mr. Roy's original proposal. There was now no suggestion that the Sub-Commission was interpreting a higher body's decision in a manner contrary to its plain meaning. He had not supported the resolution, because he felt that the Economic and Social Council should not be asked to reconsider a decision reached after an exhaustive debate. New matter had been added to the resolution as to the importance of the discrimination in immigration as a subject, but since it did not assert that immigration was to be regarded as a human right, he had not felt it necessary to vote against the resolution.

Mr. CHATENET said that he had abstained because each body had its specified competence and the request addressed to the Economic and Social

(Mr. Chatenet)

Council seemed out of place. He would have supported the original proposal whereby the Sub-Commission stated its own interpretation.

Mr. HISCOCKS said that he had abstained because the question had already been fully debated by the Economic and Social Council.

The CHAIRMAN invited comments on the revised draft resolution proposed by Mr. Ammoun (E/CN.4/Sub.2/L.85/Rev.1) and the draft resolution proposed by Mr. Casanueva (E/CN.4/Sub.2/L.87).

Mr. AWAD felt that it might be possible to reconcile the two proposals. Emphasis should be laid on a basic point where there was full agreement; it was recognized that a study of discrimination in the field of political rights was of vital importance and those who considered that religious rights and practices should be studied first did so only for reasons of expediency. The supporters of Mr. Casanueva's proposal might agree to compromise if the text proposed by Mr. Ammoun was amended by the insertion of the following paragraph:

"Declares that a study of discrimination with regard to political rights is of vital importance and should be undertaken by the Sub-Commission as soon as the necessary budgetary provisions have been made".

Mr. AMMOUN accepted the amendment.

Mr. ROY asked whether Mr. Awad and Mr. Ammoun would be equally willing to compromise if the same paragraph was added mutatis mutandis to the text proposed by Mr. Casanueva.

Mr. FOMIN, supported by Mr. CHATENET, asked for a separate vote on the additional paragraph.

Mr. CASANUEVA appreciated Mr. Awad's motives and goodwill but could not accept his proposal. A compromise was impossible and a definite choice had to be made. He would amend his own draft resolution (E/CN.4/Sub.2/L.87) in the manner suggested by Mr. Roy.

Mr. HALPERN supported Mr. Awad's amendment. Both the subjects were of vital importance in man's struggle for freedom and the additional paragraph showed that those who felt that priority should be given to a study of religious rights and practices fully appreciated the importance of political rights.

Mr. Casanueva's amendment did not take account of the fact that the resources necessary for the two subjects were not the same. Furthermore, while a mass of material was already available in the field of religious rights and practices, and a great reservoir of assistance was offered by the non-governmental organizations, the same could not be said regarding political rights. The overwhelming majority of the Sub-Commission felt that a study of either subject should be entrusted to a special rapporteur and, in view of the limited financial resources available, priority should be given to the study for which the greater volume of material was ready and the greater outside assistance was available.

Mr. CASANUEVA felt that Mr. Halpern was reopening the general debate. With regard to financial resources, both the proposed studies were in the same position. As far as sources were concerned, it was incorrect to argue that a study would be easier merely because a greater volume of material could be found: quantity was seldom conterminous with quality. Moreover, seven non-governmental organizations had already offered to help in the field of political rights, while both UNESCO and the ILO could give very valuable help. The matter had already been fully debated and the discussion should not be prolonged.

Mr. FOMIN, supported by Mr. AMMOUN, moved the closure of the debate.

The CHAIRMAN said that before putting the draft resolutions to the vote he would ask the Secretary-General's representative to submit a statement of financial implications. That statement might influence the Sub-Commission's decision.

The meeting was suspended at 11.45 a.m. and resumed at 12.5 p.m.

Mr. de SEYNES (Under-Secretary in-Charge of the Department of Economic and Social Affairs) regretted that he had been unable to follow in person the debates of the Sub-Commission, in whose work he took a great interest. He was sorry that his first appearance before the Sub-Commission should be to introduce a document which he felt would not cause that body any satisfaction. The statement of the financial implications of the draft resolution proposed by Mr. Ammoun (E/CN.4/Sub.2/L.85/Add.1) was self-explanatory. The Secretary-General's reorganization plan, which had been approved at the General Assembly's ninth session, had imposed certain limitations on most of the Departments which worked for the Economic and Social Council. The financial implications of the plan had been incorporated in the 1955 budget and adopted at the General Assembly's ninth session, and the paper before the Sub-Commission was a direct consequence of the General Assembly's decision. The latter placed the Secretary-General in a difficult position in that it prevented him from meeting the Sub-Commission's wishes: any study which the Sub-Commission might decide to make could not be taken up by the Secretariat until the study on discrimination in the field of education had been completed and he was unable to say when that would be.

Mr. ROY said that it was obvious from Mr. de Seynes' statement that the Secretariat would be unable to take up any new study in 1955. The Sub-Commission would therefore either have to defer consideration of Mr. Ammoun's revised draft resolution (E/CN.4/Sub.2/Rev.1) or amend the last phrase of the penultimate paragraph of that resolution to read "to study discrimination in the matter of religious rights and practices immediately following the completion of the study on discrimination in the field of education".

Mr. AMMOUN expressed his regret at Mr. de Seyne's statement and felt that it might be best if he withdrew his draft resolution. The Sub-Commission had been treated very unfairly and should not have been placed in such a position.

He could not agree that the Sub-Commission should decide at its present session what subject should be studied after the completion of the study on discrimination in the field of education.

Mr. FOMIN was distressed by Mr. de Seynes' statement, for he himself had always thought that two further studies in the field of discrimination should be undertaken in 1955. He supported Mr. Roy's proposal for the amendment of Mr. Ammoun's revised draft resolution, for he considered that the Sub-Commission should act on the assumption that the study on discrimination in the field of education would be completed before the end of 1955.

Mr. HALPERN was grateful to Mr. Seynes for his frankness but wished to have an explanation of the Secretary-General's action.

The Sub-Commission's resolution D on its future work programme in the field of prevention of discrimination had been adopted by the Commission on Human Rights and the Economic and Social Council long before the General Assembly had adopted the 1955 budget estimates.

The members of the Sub-Commission could surely have been informed at a much earlier stage that it would not be possible to undertake any new study in 1955.

The study now being made in the field of education was a far-reaching one and the United Nations Educational, Scientific and Cultural Organization, while not as helpful as the Sub-Commission had hoped, had nevertheless supplied financial assistance and provided Mr. Ammoun with clerical help. The most that the Sub-Commission could hope was that a substantive report covering at least a part of the study would be ready for the 1956 session.

It was extremely disappointing to learn that the Sub-Commission would not be able to undertake a further study until the completion of the study on discrimination in the field of education. There appeared to be a complete lack of appreciation of work connected with human rights, the paramount importance of which was emphasized in the Charter. He emphasized that work connected with human rights should be given full consideration in the planning of the budget and that the spirit of the Charter should be reflected in the financial as well as in any other planning of the United Nations.

He agreed with Mr. Fomin that studies should be made on discrimination both in the matter of political rights mentioned in the Universal Declaration of Human Rights and in the matter of religious rights and practices. He could not,

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however, agree that the studies in question should be made by the Secretariat alone but felt that they should be entrusted to a rapporteur, who would naturally call on the Secretariat for assistance in collating the material received from non-governmental organizations and other bodies.

He suggested that the draft resolutions submitted by Mr. Ammoun (E/CN.4/Sub.2/L.85/Add.1) and Mr. Casanueva (E/CN.4/Sub.2/L.87) should be amalgamated and budgetary appropriations requested in the 1956 budget to cover the proposed two studies.

Mr. HISCOCKS said that the effects of the statement of financial implications were extremely serious. It was most regrettable that the Sub-Commission had not been apprised earlier of the Secretariat's inability to provide further assistance until the study on discrimination in education was completed. In view of the discouraging position which the Commission on Human Rights had taken in respect of the Sub-Commission's future programme work in the field of the protection of minorities - a position which had led him to submit a negative draft resolution for later consideration - he had hoped that the Sub-Commission would be permitted to continue its work in the field of prevention of discrimination. The development of that phase of its activities had now also to be retarded.

It seemed useless for the Sub-Commission to engage in lengthy debates only to find later that they had been completely meaningless. For many members of the Sub-Commission attendance at its sessions entailed personal sacrifice.

In view of the situation in which it had been placed, the Sub-Commission would do well not to attempt to select one of the two proposed studies, nor, for that matter, should it decide upon both. As Mr. Halpern had pointed out, the Secretariat would probably require two years in which to complete its part of the work on the study of discrimination in education. A decision relating to further studies would therefore be premature, except perhaps the decision whether they should be undertaken by a rapporteur or by the Secretariat.

The Chairman and Vice-Chairman should be requested to formulate a draft resolution protesting about the position in which the Sub-Commission had been placed and demanding that administrative measures connected with the progress of the Sub-Commission's work should be taken in good time.

Mr. ROY fully agreed with Mr. Halpern with regard to the statement of financial implications. The Secretariat's position could not be justified on purely budgetary grounds, for the Sub-Commission's programme of work had been approved by the Commission on Human Rights and the Economic and Social Council, as also by the General Assembly when it had approved the Council's report. He found it difficult to believe that the operations of the Secretariat were provided for in such detail that an additional appropriation was required every time assistance was requested by a United Nations organ.

With regard to Mr. Hiscock's suggestion that a new resolution should be drafted, he felt that the draft resolutions submitted by Mr. Ammoun and Mr. Casanueva could be combined and suitably amended to express the Sub-Commission's views.

Mr. KRISHNASWAMI felt that since it now appeared that the Sub-Commission could not embark on any new study until 1956, it should not decide until its next session what study it should undertake next. It must, however, impress upon the General Assembly the importance of its work and the need for it to be provided with adequate resources to continue that work.

He agreed that the Sub-Commission should decide on the method to be adopted in conducting future studies. He, for his part, thought that studies should be conducted by rapporteurs rather than by the Secretariat: a report submitted by the latter, while not lacking in objectivity, would necessarily lack substance in numerous respects.

Mr. AWAD observed that in the studies at present in progress assistance had been sought primarily from the specialized agencies. He wondered whether the Secretariat could state whether the assistance it was giving was such as to preclude it from offering further assistance until the study on discrimination in education was completed.

Mr. FOMIN pointed out that a decision to entrust the two future studies to the Secretariat would not preclude the Sub-Commission from reaching conclusions and formulating recommendations on the basis of the reports

submitted by the Secretariat. That procedure had been adopted with considerable success by the Commission on the Status of Women. Reports prepared by the Secretariat would have the advantage of being completely objective.

He hoped, therefore, that the Sub-Commission would entrust the two studies to the Secretariat. He could not vote in favour of the appointment of rapporteurs.

Mr. de SEYNES (Under-Secretary in charge of the Department of Economic and Social Affairs) assured the Sub-Commission that he would transmit its views to the Secretary-General.

Some members had criticized the failure to make budgetary provision for the work of the Sub-Commission despite approval of its programme of work by the Commission on Human Rights and the Economic and Social Council. The fact of the matter was that the budget was usually prepared months in advance of the financial year for which it was intended. Moreover, the study of discrimination in education had not been expected to extend beyond 1954. In addition, the decisions adopted by the Sub-Commission had to be reconciled with the decisions of other bodies, including the Commission on Human Rights, the Economic and Social Council and the Fifth Committee of the General Assembly, which was responsible for budgetary appropriations.

With regard to Mr. Roy's remarks concerning the operations of the Division of Human Rights from the budgetary point of view, he pointed out that, while that Division did not lack flexibility, the number of posts was limited. The statement of financial implications took into account the total resources of the Division.

In reply to Mr. Awad, he said that the Secretariat was co-operating fully with Mr. Ammoun in his study of discrimination in education and could not offer assistance in respect of other studies until that study was completed.

The CHAIRMAN suggested that the Sub-Commission should meet informally to discuss the draft resolution it intended to transmit to the Commission on Human Rights.

It was so decided.

The meeting rose at 1.10 p.m.