

the Republic of South Africa and in the Territory of South West Africa under the direct responsibility of the United Nations and now illegally occupied by the Government of the Republic of South Africa, and racial discrimination as practised notably in Southern Rhodesia, and report, with recommendations thereon, to the Economic and Social Council;

4. *Decides* to review the provisions of paragraphs 2 and 3 of the present resolution after the entry into force of the International Covenants on Human Rights;

5. *Takes note* of the fact that the Commission on Human Rights, in its resolution 6 (XXIII),<sup>55</sup> has instructed an *ad hoc* study group to study in all its aspects the question of the ways and means by which the Commission might be enabled or assisted to discharge functions in relation to violations of human rights and fundamental freedoms, whilst maintaining and fulfilling its other functions;

6. *Requests* the Commission on Human Rights to report to it on the result of this study after having given consideration to the conclusions of the *ad hoc* study group referred to in paragraph 5 above.

1479th plenary meeting,  
6 June 1967.

**1236 (XLII). Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories**

*The Economic and Social Council,*

*Having considered* resolution 2 (XXIII), adopted by the Commission on Human Rights on 6 March 1967,<sup>56</sup>

1. *Welcomes* the decisions of the Commission on Human Rights set out in that resolution;

2. *Condemns* the Government of the Republic of South Africa for refusing to co-operate with the United Nations in expediting the work of the *Ad Hoc* Working Group of Experts established under that resolution.

1479th plenary meeting,  
6 June 1967.

**1237 (XLII). Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery**

*The Economic and Social Council,*

*Recommends* to the General Assembly the adoption of the following draft resolution:

*"The General Assembly,*

*Having considered* the recommendation contained in Economic and Social Council resolution 1237 (XLII) of 6 June 1967,

"1. *Decides* to establish a United Nations High Commissioner's Office for Human Rights, the Office to be so organized within the framework of the United Nations that the High Commissioner will possess the degree of independence and prestige

required for the performance of his functions under the authority of the General Assembly;

"2. *Instructs* the United Nations High Commissioner for Human Rights to assist in promoting and encouraging universal and effective respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, as set forth in the Charter of the United Nations and in declarations and instruments of the United Nations or of the specialized agencies, or of intergovernmental conferences convened under their auspices for this purpose without prejudice to the functions and powers of organs already in existence or which may be established within the framework of measures of implementation included in international conventions on the protection of human rights and fundamental freedoms; in particular:

"(a) He shall maintain close relations with the General Assembly, the Economic and Social Council, the Secretary-General, the Commission on Human Rights, the Commission on the Status of Women and other organs of the United Nations and the specialized agencies concerned with human rights, and may, upon their request, give advice and assistance;

"(b) He may render assistance and services to any State Member of the United Nations or member of any of its specialized agencies or of the International Atomic Energy Agency, or to any State Party to the Statute of the International Court of Justice, at the request of that State; he may submit a report on such assistance and services with the consent of the State concerned;

"(c) He shall have access to communications concerning human rights, addressed to the United Nations, of the kind referred to in Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959 and may, whenever he deems it appropriate, bring them to the attention of the Government of any of the States mentioned in sub-paragraph (b) above to which any such communications explicitly refer;

"(d) He shall report to the General Assembly through the Economic and Social Council on developments in the field of human rights, including his observations on the implementation of the relevant declarations and instruments adopted by the United Nations and the specialized agencies, and his evaluation of significant progress and problems; these reports shall be considered as separate items on the agenda of the General Assembly, the Economic and Social Council and the Commission on Human Rights, and before submitting such reports, the High Commissioner shall consult, when appropriate, any Government or specialized agency concerned, taking due account of these consultations in the preparation thereof;

"3. *Decides* that the High Commissioner shall be appointed by the General Assembly, on the recommendation of the Secretary-General, for a term of five years, and that his emoluments shall not be less favourable than those of an Under-Secretary;

"4. *Decides* to establish a panel of expert consultants to advise and assist the High Commissioner in carrying out his functions the panel shall not exceed seven in number, the members to be appointed by the Secretary-General in consultation

<sup>55</sup> *Ibid.*, para. 368.

<sup>56</sup> *Ibid.*, para. 268.

with the High Commissioner, having regard to the equitable representation of the principal legal systems and of geographical regions; the terms of appointment of the members of the panel shall be determined by the Secretary-General, in consultation with the High Commissioner, and shall be subject to the approval of the General Assembly;

"5. *Invites* the High Commissioner to conduct his office in close consultation with the Secretary-General and with due regard for the latter's responsibilities under the Charter;

"6. *Requests* the Secretary-General to supply the High Commissioner with all the facilities and information required for carrying out his functions;

"7. *Decides* that:

"(a) The Office of the High Commissioner shall be financed under the regular budget of the United Nations;

"(b) Within the limits of the budgetary appropriation provided and on the recommendation of the High Commissioner, the staff of the Office of the High Commissioner shall be appointed by the Secretary-General and such staff shall be subject to the conditions of employment provided under the Staff Regulations of the United Nations adopted by the General Assembly and the Staff Rules promulgated thereunder by the Secretary-General;

"(c) Provision may also be made to permit the employment of personnel without compensation or on a fee basis for special assignments;

"(d) The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the Financial Rules promulgated thereunder by the Secretary-General, and the accounts relating to the Office of the High Commissioner shall be subject to audit by the United Nations Board of Auditors."

*1479th plenary meeting,  
6 June 1967.*

### **1238 (XLII). Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery**

*The Economic and Social Council,*

*Having adopted* resolution 1237 (XLII) of 6 June 1967 on the question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery,

1. *Requests* the Secretary-General to bring Economic and Social Council resolution 1237 (XLII), and the amendments thereto submitted by the United Republic of Tanzania,<sup>57</sup> together with pertinent documentation representing the various points of view expressed, to the attention of Member States, to invite their views on the question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery, and to submit a report embodying the replies of Governments in time for consideration by the General Assembly during its twenty-second session;

<sup>57</sup> E/AC.7/L.526 and Corr.1.

2. *Further requests* the Secretary-General to invite the Director-General of the International Labour Office and the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit to the General Assembly, for its assistance at its twenty-second session, a report on their experience concerning the implementation of human rights in their spheres of competence.

*1479th plenary meeting,  
6 June 1967.*

### **1239 (XLII). Duration of the session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities**

*The Economic and Social Council,*

*Recalling* that its calendar of conferences and meetings for 1967, approved at its 1450th meeting on 17 November 1966, provides for the twentieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to be held at Geneva from 2 to 13 October 1967,<sup>58</sup>

*Considering* that an important task of the Sub-Commission at its twentieth session is to examine the progress report<sup>59</sup> on the special study of racial discrimination in the political, economic, social and cultural spheres, prepared under the accelerated procedures authorized in Economic and Social Council resolution 1103 (XL) of 3 March 1966 and resolutions 5 (XXII)<sup>60</sup> and 12 (XXIII)<sup>61</sup> of the Commission on Human Rights,

*Noting* that the Sub-Commission, under its resolution 5 (XIX),<sup>62</sup> intends to study at its twentieth session the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, and that the Commission on Human Rights in paragraphs 2 and 6 of its resolution 8 (XXIII)<sup>63</sup> has given the Sub-Commission tasks in relation to this question,

*Noting further* that the Commission on Human Rights at its twenty-third session requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism,

*Considering* that a session of two weeks' duration would not provide sufficient time for the Sub-Commission to deal with this and the other important matters on its agenda relating to the prevention of discrimination and the protection of minorities,

*Decides* that the twentieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities shall be of three weeks' duration.<sup>64</sup>

*1479th plenary meeting,  
6 June 1967.*

<sup>58</sup> See *Official Records of the Economic and Social Council, Resumed Forty-first Session, Supplement No. 1A (E/4264/Add.1)*, p. 11.

<sup>59</sup> See E/CN.4/930, para. 242.

<sup>60</sup> *Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8 (E/4184)*, para. 389.

<sup>61</sup> *Ibid.*, *Forty-second Session, Supplement No. 6 (E/4322 and Corr.1)*, para. 435.

<sup>62</sup> E/CN.4/930, para. 298.

<sup>63</sup> *Official Records of the Economic and Social Council, Forty-second Session, Supplement No. 6 (E/4322 and Corr.1)*, para. 394.

<sup>64</sup> The Sub-Commission will convene from 25 September to 13 October 1967.