

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),⁵⁵ 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 1967,⁵⁶

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

⁵⁵ *Ibid.*, para. 368.

⁵⁶ *Ibid.*, para. 268.