

E/4393



ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS

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RESOLUTIONS

SUPPLEMENT No. 1

UNITED NATIONS

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mittee shall be entitled to attach to it a separate opinion. Any written or oral submission made by the parties to the case shall also be attached to the report.

Article XXVI

1. The Committee may receive petitions addressed to the Secretary-General of the United Nations from any person or groups of individuals claiming to be the victim of a violation of this Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council of the United Nations, alleging that a State Party is not giving effect to this Convention, provided that the State Party complained of has declared that it recognizes the competence of the Committee to receive such petitions.

2. The declaration of a State Party mentioned in paragraph 1 of this article may be made in general terms, or for a particular case or for a specific period, and shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties.

3. In considering petitions submitted under this article, the Committee shall be guided as far as possible by the principles and procedures outlined in articles XVII, XVIII and XIX of this Convention.

Article XXVII

The Committee may recommend to the Economic and Social Council of the United Nations that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter with which the Committee is dealing.

Article XXVIII

The Committee shall submit to the Economic and Social Council of the United Nations, through the Secretary-General of the United Nations, an annual report on its activities.

Article XXIX

The States Parties to this Convention agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article XXV, paragraph 1, bring the case before the International Court of Justice after the report provided for in article XXV, paragraph 3, has been drawn up.

Article XXX

The provisions of this Convention shall not prevent the States Parties to the Convention from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Convention in a matter within the competence of the Committee, or from resorting to other procedures for settling the dispute, in accordance with general or special international agreements in force between them.

1234 (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 the report of the Commission on Human Rights on its twenty-third session,⁵²

1. *Notes with satisfaction* the provisions of resolution 5 (XXIII) of the Commission on Human Rights,⁵³

2. *Notes* that since the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, South West Africa is to be designated as the Territory of

⁵² *Ibid.*, Supplement No. 6 (E/4322 and Corr.1).

⁵³ *Ibid.*, para. 350.

South West Africa under the direct responsibility of the United Nations and that wherever reference is made to this Territory in the resolutions adopted by the Commission on Human Rights at its twenty-third session and in its report on that session, it should read accordingly;

3. *Recommends* that the General Assembly continue to encourage all eligible States to sign and ratify forthwith the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenants on Human Rights and the other conventions and protocols which aim at protecting human rights and fundamental freedoms.

*1479th plenary meeting,
6 June 1967.*

1235 (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,

Noting resolutions 8 (XXIII) and 9 (XXIII) of the Commission on Human Rights,⁵⁴

1. *Welcomes* the decision of the Commission on Human Rights to give annual consideration to the item entitled "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," 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 covenants and conventions on the protection of human rights and fundamental freedoms; and concurs with the requests for assistance addressed to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the Secretary-General;

2. *Authorizes* the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in conformity with the provisions of paragraph 1 of the Commission's resolution 8 (XXIII), to examine information relevant to gross violations of human rights and fundamental freedoms, as exemplified by the policy of apartheid as practised in 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 to racial discrimination as practised notably in Southern Rhodesia, contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959;

3. *Decides* that the Commission on Human Rights may, in appropriate cases, and after careful consideration of the information thus made available to it, in conformity with the provisions of paragraph 1 above, make a thorough study of situations which reveal a consistent pattern of violations of human rights, as exemplified by the policy of apartheid as practised in

⁵⁴ *Ibid.*, paras. 394 and 404.

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.