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Twenty-third session

CREATION OF THE POST OF UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS*

Note by the Secretary-General

1. The agenda of the twentieth session of the General Assembly included an item entitled "Creation of the post of United Nations High Commissioner for Human Rights". Owing to other priorities, the proposal submitted by Costa Rica relating to this question^{1/} could not be considered. The General Assembly, in resolution 2062 (XX) of 16 December 1965, requested the Economic and Social Council to transmit the proposal to the Commission on Human Rights for study of all aspects of the matter and for report, through the Council, to the General Assembly at its twenty-first session.
2. In view of a decision taken by the Commission on Human Rights at its twenty-first session held in January-February 1965, the item placed on the Commission's agenda at its twenty-second session was entitled "Question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery".^{2/} In resolution 4 (XXII) of 30 March 1966, the Commission, recognizing the importance of the proposal transmitted to it by General Assembly resolution 2062 (XX), decided to establish a working group, composed of nine States members of the Commission, to meet at Headquarters to study all relevant questions concerning the institution

* Item 56 of the provisional agenda.

^{1/} Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 98, document A/5963.

^{2/} Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8 (E/4184), chapter V.

of a United Nations High Commissioner for Human Rights, taking into consideration the debate of the Commission on Human Rights on this item and all the questions raised therein, and to report to the Commission at its twenty-third session. The Commission requested the Secretary-General to prepare an analytical and technical study for the purpose of assisting the Working Group to carry out its mandate, and decided to consider the report of the Working Group as a matter of high priority at its twenty-third session. The Commission requested the Economic and Social Council to draw the attention of the General Assembly to resolution 4 (XXII).

3. As requested by the Commission on Human Rights the Economic and Social Council, in resolution 1163 (XLI) of 5 August 1966, informed the General Assembly of the debate which had taken place in the Commission on Human Rights and of the establishment and mandate of the Working Group. The Council also decided to transmit to the Assembly the records of the discussion in the Commission and the Council during their consideration of the question.^{3/}

4. At its 1498th meeting, on 19 December 1966, the General Assembly approved the recommendation of the Third Committee that the consideration of the question of the creation of the post of United Nations High Commissioner for Human Rights should be postponed to the twenty-second session.

5. At its twenty-third session, in 1967, the Commission, on the basis of recommendations made by the Working Group (E/CN.4/934), adopted resolution 14 (XXIII),^{4/} in which it requested the Economic and Social Council to recommend to the General Assembly the adoption of a draft resolution deciding to establish a United Nations High Commissioner's Office for Human Rights.

6. At its forty-second session, the Economic and Social Council, by resolution 1237 (XLII), recommended to the General Assembly the adoption of a draft resolution identical to that contained in resolution 14 (XXIII) of the Commission on Human Rights. In resolution 1238 (XLII), the Council requested the Secretary-General to bring resolution 1237 (XLII) and the amendments thereto submitted by the United Republic of Tanzania (E/AC.7/L.526 and Corr.1), together with pertinent

^{3/} Ibid., chapter V; E/CN.4/SR.876 and 879 to 883; and ibid., Forty-first Session, 1445th meeting.

^{4/} Ibid., Forty-second Session, Supplement No. 8 (E/4322), chapter VIII; and chapter XVII, draft resolution IV.

documentation representing the various points of view expressed, to the attention of Member States, and 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. The Council also requested the Secretary-General to invite the Director-General of the International Labour Office and the Director-General of UNESCO to submit to the General Assembly, for its assistance at its twenty-second session, a report on their experience in the field of implementation of human rights in their spheres of competence.^{5/}

7. At its twenty-second session, the Assembly had before it the various texts transmitted by the Economic and Social Council and the replies received from Governments and from the specialized agencies in response to Council resolution 1238 (XLII) (A/6699, A/6699/Corr.1 and Add.1 to 9). In resolution 2333 (XXII) of 18 December 1967, the General Assembly, regretting that the consideration of this question had not been possible owing to the heavy programme of work, decided to give high priority to the consideration of the question at its twenty-third session. The Assembly also requested the Secretary-General to provide it with all the relevant information prepared in conformity with the resolutions of the Assembly, the Economic and Social Council and the Commission on Human Rights.

8. In accordance with Economic and Social Council resolution 1238 (XLII) and General Assembly resolution 2333 (XXII), the Secretary-General submits in annex I the text of Council resolution 1237 (XLII) and in annex II the amendments submitted to Council resolution 1237 (XLII) by the United Republic of Tanzania. Annex III contains the replies received from Member States in accordance with paragraph 1 of Council resolution 1238 (XLII); except for the reply from El Salvador the other replies received from Costa Rica, Finland, France, Japan, the Netherlands, New Zealand, the Philippines, the Sudan, Sweden, the United Kingdom, the United States of America and Uruguay were before the twenty-second session of the Assembly. Additional replies from Member States will be issued in addenda to the present note. In annex IV are reproduced the reports received from the International Labour Office and UNESCO in accordance with paragraph 2 of Council resolution 1238 (XLII); these

^{5/} For the proceedings in the Council, see Official Records of the General Assembly, Twenty-second Session, Supplement No. 3 (A/6703), chapter XII, section X.

reports supplement or revise information submitted by the agencies to the Economic and Social Council at its fortieth session in 1966 (E/4133 and E/4144),^{6/} which are available to the Members of the General Assembly.

^{6/} Official Records of the Economic and Social Council, Fortieth Session, Annexes, agenda item 9.

ANNEX I

RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS
1479TH PLENARY MEETING ON 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;

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"(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 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

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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."

ANNEX II

United Republic of Tanzania: amendments to draft resolution IV approved by the Commission on Human Rights at its twenty-third session a/ on the question concerning the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate international machinery

In paragraph 2, fifth line, after "United Nations", insert the words "especially the Universal Declaration on Human Rights".

Insert the following new sub-paragraph after paragraph 2 (a):

"He shall initiate action where necessary to promote, encourage and strengthen universal and effective respect for human rights and fundamental freedoms."

Delete the last lines of sub-paragraph 2 (d), beginning with the words "and before submitting such reports".

In paragraph 3, replace the word "appointed" in the first line by the word "elected".

In paragraph 4, in the third line, replace the words "appointed by the Secretary-General in consultation with the High Commissioner," by the words "elected by the General Assembly on the basis of equitable geographical representation".

Add a new paragraph 6:

"Decides to elaborate during its twenty-second session an appropriate convention which shall govern the powers of competence and procedures under which the High Commissioner and his Office shall operate."

Add a new paragraph 7:

"Decides to invite the Director-General of the International Labour Office to submit to the General Assembly, for its guidance and assistance at its forthcoming session, a report on the experience of the International Labour Organisation in the field of implementation of human rights in its sphere of competence."

a/ Later adopted as resolution 1237 (XLII) of the Economic and Social Council.

ANNEX III

Replies received from Member States

COSTA RICA

/Original: Spanish/
15 November 1967

1. At the Conference of San Francisco in California, which gave final shape to the United Nations, the participants succeeded in amending the draft which served as a basis for their discussions and proclaimed in the Charter, as the fundamental purposes and principles of the Organization, the following great and noble ideals:

First. To maintain peace among nations through respect by all States for obligations derived from treaties and the general rule of law, the renunciation of the illegal use of armed force, the peaceful settlement of disputes, and collective action against threats and acts of aggression by one State against another.

Second. To promote, through joint action, better standards of life and economic and social development for all peoples, thus bringing about the conditions of stability and well-being necessary to ensure peaceful and friendly relations among States.

Third. To encourage, through international co-operation, respect for human rights and fundamental human freedoms and their progressive development.

2. In order to fulfil this last and noble purpose of the United Nations, the Economic and Social Council established the Commission on Human Rights by a resolution of 16 February 1946, which it completed and amplified in a new resolution on 21 June 1946.

3. During its first session and in all its subsequent sessions, the Commission spent many hours studying and formulating the principles governing the fundamental rights of man. It embodied them in the historic Declaration of 10 December 1948 and eighteen years later in the Human Rights Covenants, approved in resolution 2200 (XXI) of 16 December 1966.

4. At the very beginning of this long process, delegations understood the need to establish machinery within the United Nations for the specific purpose of promoting respect, among all Member States, for the rights which the international community recognizes as inherent in the human person and hence are unrenounceable and inalienable. It was also understood, of course, that such a task had to be carried out in a form compatible with the sovereignty of Member States and with the primary purpose of encouraging social progress and not international discord.

5. To this end, the delegation of Uruguay initially, and the delegation of France later, outlined proposals for the establishment of the post of High Commissioner (Attorney-General) for Human Rights, which were not discussed in the main or subsidiary organs of the United Nations.

6. Prior to the opening of the twentieth regular session of the General Assembly, the delegation of Costa Rica prepared a draft resolution on the establishment of the post of United Nations High Commissioner for Human Rights, which was examined by the Third Committee. After some discussion, that Committee reached the agreement reflected in resolution 2062 (XX) of 16 December 1965 and approved by the great majority of the General Assembly.

7. Under this resolution, the draft was referred to the Commission on Human Rights and was again examined during an extensive debate. At the conclusion of that debate, the Commission adopted resolution 4 (XXII) in which it declared its conviction of the urgent need for the United Nations to take more effective action to discharge its obligations in the matter of human rights, welcomed the proposal to create the institution of United Nations High Commissioner for Human Rights, requested the Secretary-General to prepare an analytical and technical study on the question, and established a working group composed of nine members to carry out a new and thorough study of all aspects of the proposal and the possible problems that its approval might entail.

8. In fulfilment of the Commission's request, the Secretary-General prepared an extensive and complete analytical report of the moves which preceded the Costa Rican draft, its legal, economic and administrative implications, and the objections and reservations which had been expressed during the discussions (E/CN.4/AC.21/L.1).

9. The Working Group again analysed, in all the detail requested, the original draft and the possible alternatives, together with the implications for human rights and international relations. With a view to meeting as far as possible the objections which had been made, the Working Group amended the original proposal and formulated a new draft, which it submitted to the Commission on Human Rights for consideration at its twenty-third session.

10. At its twenty-third session, the Commission began a new and important debate on the revised draft prepared by the Working Group and approved it by a substantial majority in resolution 14 (XXIII) of 22 March 1967.
11. Consequently, the Economic and Social Council again considered the proposal for the establishment of the office of High Commissioner, accepted it in its new form and recommended it to the General Assembly for final approval, without taking any decision on the amendments put forward by the delegation of the United Republic of Tanzania (resolutions 1237 (XLII) and 1238 (XLII)) of 6 June 1967.
12. The recapitulation of the different stages in the consideration of the proposal is itself sufficient to dispel the criticisms of certain delegations who maintain that the draft has not been adequately studied and that it has been brought forward too hastily. On the contrary, this recapitulation shows that very few proposals have been subjected to such long and rigorous scrutiny as the draft in question. The criticism is invalidated by the actual facts which are recorded in United Nations documents. They completely nullify the objection that the proposal has not been studied sufficiently and has been handled with unnecessary haste by the United Nations organs.
13. Some delegations objected to the original draft on the ground that the High Commissioner would be unable to discharge his functions properly because of the differing philosophy and jurisprudence of the various groups of States. This objection was overcome by making provision in the present draft for a panel of expert consultants of different nationalities and different legal backgrounds to advise and assist the High Commissioner in carrying out his various functions. The system does not possess the disadvantages which certain delegations found in the proposals for the establishment of a Committee to defend and promote human rights. At the same time, it meets the objection made to the original proposal for a single high official entrusted with the study and solution of different problems - although always related to human rights - which would fall within his competence.
14. Similarly, the careful preparation of the draft resolution drawn up by the Working Group and welcomed by the Commission on Human Rights and the Economic and Social Council has eliminated the difficulties encountered by certain delegations with regard to the original draft, because they envisaged the possibility of conflict or duplication between certain of the functions entrusted to the Secretary-General

and those entrusted to the High Commissioner. The High Commissioner and the panel of expert consultants assigned to him would always work in close consultation with the Secretary-General and would always take into account the responsibilities of the Secretary-General who, under the United Nations Charter, is the chief administrative officer of the Organization. As a basic rule of conduct, the High Commissioner would maintain close relationships with all organs now having competence in the field of human rights and their functions and powers would be in no way diminished by the establishment of the High Commissioner's Office.

15. The functions of the High Commissioner and even the manner of carrying them out have also been defined with great care. He may not properly be considered as an international "ombudsman" nor as a judge responsible for receiving complaints or accusations, giving them wide publicity, bringing testimony or evidence to substantiate or invalidate charges, and issuing resolutions in the form of decisions condemning or absolving sovereign States, whether or not Members of the United Nations. Rather, his basic functions will be to ensure the promotion of respect for human rights, as they are defined by the United Nations, through direct representations with Governments made in conformity with the written and customary laws governing relations between sovereign States and their representatives. His work would consist mainly of analysis, study, discreet representation, good offices and persuasion. The higher the moral authority of the High Commissioner and the greater the discretion and skill with which he fulfils his duties, the more effective this work will be. A good model in this respect is the work of the International Labour Office and its Expert Committees, which have obtained 3,300 ratifications of International Labour Conventions and have brought about many improvements in both conduct and attitudes as a result of their constant, efficient and discreet labours.

16. The above comments show clearly that Costa Rica still considers that the establishment of the High Commissioner's Office, as provided for in the resolutions of the Working Group and the Commission on Human Rights, is of great importance for the proper fulfilment of the promises made in the Charter of San Francisco for the respect and development of human rights. Naturally, Costa Rica is prepared to accept any constructive proposal for clarifying the terms of the draft resolution concerning the functions of the Commissioner, the consultants or the Office itself, or any other question raised in it.

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17. In this spirit, the delegation of Costa Rica has examined the seven amendments to the operative part of the draft resolution submitted by the United Republic of Tanzania in document E/AC.7/L.526 and Corr.1. It finds acceptable the first, concerning the explicit mention of the Universal Declaration of Human Rights in operative paragraph 2 (this should be done in the sixth line of the Spanish text); the fourth, which requests the replacement of the term "appointed" by the word "elected" in operative paragraph 3; and the fifth, which entrusts the General Assembly with the election of the expert consultants instead of allowing them to be appointed by the Secretary-General, in consultation with the High Commissioner. The delegation of Costa Rica considers the third Tanzanian amendment dangerous and hence unacceptable for the moment. It feels that the initial activities of the High Commissioner should be conducted with great prudence so that his Office achieves the prestige, respect and esteem of all Governments. This is essential to give wider scope and effectiveness to his actions and ensure the fulfilment of his high mission. The delegation of Costa Rica reserves its position on the second amendment proposed by the United Republic of Tanzania until it can appreciate better the implications of entrusting the High Commissioner with new and more extensive responsibilities. The effect of the sixth amendment would be to postpone the establishment of the High Commissioner's Office until the approval, signature and ratification of a specific convention on the powers and procedures of the Office. This amendment is completely unacceptable because its acceptance would result in the indefinite postponement or complete abandonment of the proposal, whose adoption the delegation of Costa Rica has been striving for since 1965.

EL SALVADOR

[Original: Spanish]
22 January 1968

The Government of El Salvador is deeply interested in the possibility of establishing the office of a United Nations High Commissioner for Human Rights, or some other appropriate international authority, with powers and facilities for ensuring the respect of human rights and fundamental freedoms at the international level. There is a pressing need for competent organs to keep an international watch over human rights and to move a stage further ahead in the relevant United Nations programme.

The Government of El Salvador is, of course, aware of the difficulties that exist, which are mainly due to international policies and principles antedating the formal constitution of the international community through the United Nations. Hence the international protection of human rights has sometimes been regarded as intervention in the internal affairs of States. Nevertheless, some matters which were formerly exclusively of national jurisdiction are passing into the international domain and, so far as human rights are concerned, while the immediate responsibility for protecting them lies with States, this protection must be supplemented at the international level since it is an accepted and demonstrated fact that human rights affect international relations.

On the other hand, if the office of a High Commissioner or some other suitable authority is created, the Government of El Salvador does not want it to become something purely symbolic or an appendage of the international bureaucracy which would serve no practical purpose. In other words, the Government of El Salvador supports the proposal, provided that it leads to something really meaningful.

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FINLAND

[Original: English]
15 November 1967

The Government of Finland supports the proposal to establish the office of a United Nations High Commissioner for Human Rights in accordance with the provisions of resolution 1237 (XLII) adopted by the Economic and Social Council. Extensive co-operation between such an office, existing United Nations organs and the machinery to be created for the implementation of the International Covenants on Human Rights will, of course, be necessary, and it may become necessary to review the statutes of the office in due time in the light of experience and future developments. It seems clear, however, that the office of a High Commissioner for Human Rights, as contemplated in the resolution of the Economic and Social Council, would not lead to interference with the sovereignty of Member States and could usefully fill a void in the international machinery and organs otherwise available for the promotion and implementation of human rights.

FRANCE

[Original: French]
15 September 1967

The French Government approves in principle the creation of this post in accordance with the terms of Economic and Social Council resolution 1237 (XLII), for which the French representative voted.

JAPAN

[Original: English]
10 October 1967

1. The establishment of new international machinery to promote and encourage respect for human rights and fundamental freedoms within the framework of the United Nations is one of the most important questions in the field of human rights.

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The question as to what functions the United Nations should be authorized to perform in this field requires very careful consideration in the light of provisions of the Charter. It also needs a careful examination in respective Member States as an important legal question.

2. During the discussion of the implementation clauses of the International Covenants on Human Rights in the Third Committee of the General Assembly at its twenty-first session, the proposals which aimed at introducing a rigorous implementation system incorporating obligatory conciliation procedures and a petition system were rejected after a long and heated discussion. The adoption by the Assembly by a unanimous vote of the International Covenants on Human Rights with a moderate implementation system should be interpreted as the final decision of the Assembly on the question of setting up international machinery to ensure respect for fundamental freedoms and human rights.

3. In the light of these observations, the Government of Japan considers it inappropriate to establish a High Commissioner for Human Rights outside the framework of the International Covenants on Human Rights, for the following reasons:

(a) It is inadvisable to take up the question of similar nature on which the Assembly has come to a conclusion only at its last session. The area of activities for the proposed High Commissioner is within the scope of the International Covenants on Human Rights, implementation measures of which represent the decision of the Assembly on the question of establishing permanent machinery to deal with the problem of human rights in all its aspects.

(b) The General Assembly should not take action by means of a summary procedure, namely, the adoption by majority of a resolution, on a question which was already settled in the course of the deliberation of the Covenants.

(c) It would be questionable, to say the least, whether the General Assembly is authorized to establish, by a simplified procedure as mentioned above, such an institution as the proposed High Commissioner, whose activities may give rise to possible interference in matters which are essentially within the domestic jurisdiction of Member States in that the High Commissioner may intervene even in matters involving those Member States which oppose the establishment of such machinery.

(d) The proposal that the office of the High Commissioner shall be financed under the regular budget of the United Nations may give rise to a difficult financial question, because it may lead to non-payment of the portion of the contributions related to the cost of maintaining this office on the part of those Member States which oppose its establishment.

NETHERLANDS

[Original: English]
4 October 1967

The Government of the Netherlands supports the idea of establishing a United Nations High Commissioner for Human Rights and is in general agreement with the proposal for such an institution as submitted in Economic and Social Council resolution 1237 (XLII) to the General Assembly for approval.

As already pointed out by the representative of the Netherlands at the twenty-second session of the Commission on Human Rights, the functions of a High Commissioner for Human Rights would primarily aim at the promotion of human rights by giving advice and assistance, by providing expert services and by making recommendations where appropriate. In this respect, the functions of a High Commissioner can be distinguished from implementation machinery provided for in international conventions with a view to the protection of human rights. The latter type of implementation machinery is intended as a means for steady and close international supervision and scrutiny on the compliance with international human rights standards and would require the embodiment in international treaties. The present proposal of a High Commissioner, however, has a different character in so far as this new officer and his staff would perform functions under the authority of the General Assembly in a derivative and mainly advisory capacity. The Netherlands Government is therefore of the opinion that the institution falls squarely within the powers conferred upon the United Nations by the Charter and, there being no need to conclude a special treaty for this purpose, can legitimately be established by a resolution of the General Assembly.

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The Netherlands Government wishes also to draw attention to the following question. A number of implementation machineries in the field of human rights are about to function at various levels, for more general or specific purposes, within the framework of the United Nations, the specialized agencies and inter-governmental regional organizations. The situation is developing that various machinery for the promotion and protection of human rights may duplicate their respective activities or may even come into conflict with each other. The result may be a disintegration of the international work for human rights. In order to avoid fragmentation and duplication, there is an apparent need for co-ordination and concentration of implementation activities in the field of human rights. The Government of the Netherlands expresses the wish that the proposed High Commissioner will take due account of this need and that international action will be directed to tackle this problem.

NEW ZEALAND

[Original: English]
27 September 1967

... The Government of New Zealand maintains that the General Assembly should make every effort to give practical expression and meaning to those provisions of the Charter which are directed towards standards of social justice and equality of rights for all. For this reason, New Zealand supported the proposal to establish the office of High Commissioner for Human Rights when it was considered in the Commission on Human Rights and believes that the General Assembly's consideration of this subject at the twenty-second session could be of central importance in the development of the interest and influence of the United Nations in the field of human rights....

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PHILIPPINES

[Original: English]
20 September 1967

The Government of the Philippines supports the proposal to establish the institution of a United Nations High Commissioner for Human Rights as recommended by the Economic and Social Council in its resolution 1237 (XLII). The adoption of this proposal by the General Assembly would constitute a significant step forward in the efforts of the United Nations to devise improved means and techniques of promoting the universal observance of human rights....

SUDAN

[Original: English]
25 October 1967

Since the question of creating an office of High Commissioner for Human Rights was discussed during the twentieth session of the General Assembly, the Government of the Sudan has not changed its view on the matter. The delegation of the Sudan indicated during the discussion of this subject in the Third Committee that the promotion and protection of human rights and fundamental freedoms can best be brought about through the process of treaty-making.

The United Nations, by completing and adopting the International Covenants on Human Rights, has already taken an important step in this direction. The implementation of these Covenants remains a primary responsibility of the Governments that have declared their adherence to them. The functions of the proposed office of the High Commissioner for Human Rights are not delineated with enough clarity in the resolution adopted by the Economic and Social Council (resolution 1237 (XLII)) except in so far as they indicate that such an office may be effective in co-ordinating the activities of the various organs, agencies and commissions of the United Nations concerned with human rights.

The assumption that the various activities of these organs, agencies and commissions can be effectively co-ordinated for a more efficient mode of action through a Commissioner has nothing to substantiate it. Further, it is difficult to see the circumstances in which the Commissioner for Human Rights may render assistance to States Members of the United Nations, the specialized agencies or States parties to the International Court of Justice at their request on a matter concerning human rights which is within the jurisdiction of these States.

This difficulty is compounded by the suggestion in the amendment to the resolution presented by the United Republic of Tanzania in which initiation of action by the Commissioner is envisaged.

In conclusion, the Government of the Sudan wishes to state that guardianship and promotion of human rights through the creation of yet another agency is not likely to be enhanced, as this approach does not seem to be based on any existing need nor does it seem to be designed to remedy or supplement any present deficiency of the existing international bodies concerned with human rights.

SWEDEN

[Original: English]
15 August 1967

The Acting Permanent Representative of Sweden to the United Nations wishes to inform the Secretary-General that the Swedish Government - which has from the outset been strongly in favour of the efforts to establish an office of this nature - has for the time being no specific comments to make on the matter.

UNITED KINGDOM

[Original: English]
18 August 1967

The United Kingdom supported resolution 1237 (XLII) in the Economic and Social Council and believes that this resolution is worthy of endorsement by the General Assembly.

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UNITED STATES OF AMERICA

/Original: English/
25 October 1967

The United States favours the creation of a new United Nations post of High Commissioner for Human Rights, as recommended by the Economic and Social Council in resolution 1237 (XLII). We welcomed the initiative of Costa Rica in 1965 calling for study of this proposal and have given it extensive consideration within our Government. We believe the terms of reference embodied in resolution 1237 (XLII) provide effectively for the Office of High Commissioner for Human Rights, with careful definition of appropriate powers, procedures and limitations.

Because the need is to expand and make full use of all United Nations resources, there should be no confusion on the relation of the High Commissioner for Human Rights to the Human Rights Division in the United Nations Secretariat. The High Commissioner would be a new element, quite independent of existing services. He would have no responsibility for administration, except for his own small technical staff. His work would not reduce the responsibility of the Director of the Human Rights Division. The Director would continue, as at present, to administer the programmes and oversee the studies and the documentation needed by the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, and other United Nations bodies concerned with human rights. He would continue, as at present, to report to the Secretary-General and contribute to United Nations policy.

It is our hope that the Division will gradually be able to give more time to promotional work in the field, particularly the development of activities such as seminars, fellowships and training courses in the various forms now increasingly requested by Member States. This emphasis to a more action-oriented programme should be possible if the High Commissioner's annual report assists in focusing discussion in United Nations bodies on human rights situations appropriate for United Nations consideration.

Also, it is evident that the Human Rights Division will be taking on new responsibilities, both administrative and substantive, in connexion with the International Covenants on Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and possibly other instruments. While a High

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Commissioner for Human Rights might assist in some of these activities, his part in them would be as a consultant only; he would have no part in their administration, and, unless otherwise requested, his interest would be limited to co-operation in the use of informational material.

Amendments of the United Republic of Tanzania

The amendments proposed by the United Republic of Tanzania sharpen certain points on which discussion can be helpful.

1. We support the first amendment, which would insert a specific reference to the Universal Declaration of Human Rights in operative paragraph 2, following the reference to the Charter of the United Nations.

2. We also support the second amendment, which provides that the High Commissioner "initiate action where necessary" for the purposes stated. Because of its importance, we would prefer to see this amendment incorporated in the lead section of operative paragraph 2 rather than as a sub-paragraph. If the lead section were so adapted, taking the first amendment also into account, the entire section would read (additions underlined):

"2. Instructs the United Nations High Commissioner for Human Rights to assist in efforts, and to initiate action as necessary, to promote and encourage universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as set forth in the Charter of the United Nations, the Universal Declaration of Human Rights, and in other declarations and instruments of the United Nations or of..."

3. The United States does not favour the third amendment, which would have the effect of removing the requirement that, before submitting reports to United Nations bodies, the High Commissioner consult "when appropriate, any Government or specialized agency concerned taking due account of these consultations in the preparation thereof". This procedure was recommended by the Working Group which studied the question last January. In our view, this consultation is an important safeguard: (a) to assure full information on the factual situation, (b) to alert both the Government and the High Commissioner to any need for additional action or explanation, and (c) to encourage full co-operation when and if a matter is discussed in a United Nations meeting. The inclusion of "when appropriate" in

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this provision assures the High Commissioner discretion in emergency or other situations when consultation would not be advisable.

4. We fully agree with the fourth Tanzanian amendment, with regard to selection of the High Commissioner, to substitute "elected" for "appointed" in operative paragraph 3. We agree that the procedure in the General Assembly should be one of election, not of appointment.

5. We are opposed to the fifth amendment, which calls for General Assembly election of the experts to assist the Human Rights Commissioner. We regard this expert panel as an essential resource, but we believe its members should be appointed by the Secretary-General in consultation with the High Commissioner, as recommended by the Working Group last January. The need is for an efficient operating mechanism that can respond quickly when needed, and not for another committee or commission. The essential will be team-work. To achieve this, decisions and direction are best centred in a single head, who can be held responsible by the General Assembly.

6. We are also opposed to the sixth amendment, which would require a new convention to define the powers of competence and procedures for the High Commissioner. The analytical and technical study prepared by the Secretary-General (E/CN.4/AC.21/L.1) made it clear that the General Assembly already has the authority to establish this new office. The Assembly used these powers in establishing the Office of the High Commissioner for Refugees. It is clearly competent to determine the powers and procedures to govern any office it has the authority to create.

7. We support the final amendment offered by the United Republic of Tanzania, calling for a report from the ILO on its experience in implementation of human rights instruments. We assume that this paragraph would be inserted in a separate resolution apart from the provisions relating to the Office of High Commissioner for Human Rights.

URUGUAY

/Original: Spanish/
29 November 1967

At the fifth session of the General Assembly, Uruguay proposed the creation of the post of High Commissioner for Human Rights; at the seventh session of the Commission on Human Rights, Uruguay submitted the draft articles (E/CN.4/549 and Corr.1) which were amended at the tenth session of the Commission.

The creation of the post of High Commissioner is even more important and urgent now that the General Assembly at its twenty-first session has adopted the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights together with the Optional Protocol.

Consequently, Uruguay not only reiterates its proposal, but is also ready to support, with any appropriate amendments, other proposals having the same aim in view, laying particular stress on the right of individuals to appear before the organ to be established.

The following proposal, which has been revised, was submitted by the representative of Uruguay to the seventh session of the Commission (Official Records of the Economic and Social Council, Thirteenth Session, Supplement No. 9 (E/1992), annex VII).

Article 1

1. The primary responsibility for ensuring the effective implementation of the personal rights and freedoms (civil and political) referred to in articles... and recognized in this Covenant shall be vested in each State Party hereto with respect to all individuals within its jurisdiction.

2. There shall be established a permanent organ, known as "The United Nations High Commissioner (Attorney-General) for Human Rights", to exercise the functions hereinafter provided with respect to the implementation of the provisions of this Covenant and the supervision of its observance.

3. The functions conferred by this Covenant upon the organ established under paragraph 2 of this article are without prejudice to the functions and

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powers of organs of the United Nations established by the Charter, or of their subsidiary organs, or of organs of the specialized agencies referred to in Article 57 of the Charter.

Article 2

1. The United Nations High Commissioner for Human Rights or Attorney-General (hereinafter referred to as High Commissioner (Attorney-General)) shall be appointed by the General Assembly of the United Nations upon the recommendation of the States Parties to this Covenant from among persons of high moral character and recognized competence and independence who possess, in the countries of which they are nationals, the qualifications required for appointment to the highest judicial offices.

2. At least three months before the date of the opening of the session of the General Assembly at which the appointment of the High Commissioner (Attorney-General) is to be made, the Secretary-General of the United Nations shall address a written communication to the States Parties to this Covenant inviting them to submit their nominations within a period of two months.

3. Each State Party to this Covenant may nominate one or two persons possessing the qualifications described in paragraph 1 of this article. These persons may be nationals of the nominating States or of any other States.

4. The Secretary-General shall prepare a panel of the persons thus nominated and submit it to the States Parties of this Covenant together with an invitation to designate representatives to a meeting called for the purpose of deciding upon a recommendation on the appointment of the High Commissioner (Attorney-General). The Secretary-General shall fix the date and make all arrangements necessary for such a meeting.

5. The recommendation of the States Parties to this Covenant shall be made by a two-thirds majority vote of the representatives present and voting. The quorum shall consist of two thirds of the said States. The names of all persons obtaining a two-thirds majority of the votes shall be communicated by the Secretary-General to the General Assembly.

6. The appointment shall be made by a two-thirds majority vote of the Members of the General Assembly present and voting.

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7. The High Commissioner (Attorney-General) shall, before taking up his duties, make a solemn declaration before the General Assembly that he will exercise his functions impartially and in accordance with the dictates of his conscience.

8. The term of office of the High Commissioner (Attorney-General) shall be five years and the High Commissioner shall be eligible for reappointment.

Article 3

1. The High Commissioner (Attorney-General) shall collect and examine information with regard to all matters relevant to the observance and enforcement by the States Parties to this Covenant of the rights and freedoms recognized herein. This information shall include reports, transmitted by the States Parties to this Covenant, laws and regulations, judicial decisions, records of parliamentary debates, writings in periodicals and in the Press and communications from international and national organizations and from individuals.

2. States Parties to this Covenant shall transmit to the High Commissioner (Attorney-General) at times agreed with him, periodic reports on the implementation of the provisions of this Covenant in the territory under their jurisdiction. Such reports shall include the text of relevant laws, administrative regulations, international agreements to which the said States are parties and significant judicial and administrative decisions.

3. The High Commissioner (Attorney-General) may, at times agreed with the States Parties concerned, conduct on-the-spot studies and inquiries on matters concerning the implementation of this Covenant.

Article 4

The High Commissioner (Attorney-General) may at any time initiate consultations with the States Parties to this Covenant on any case or situation which, in his opinion, may be inconsistent with the obligations assumed by that State Party under the Covenant and make to any State Party such suggestions and recommendations as he may deem appropriate for the effective implementation of this Covenant.

Article 5

1. The High Commissioner (Attorney-General) shall receive and examine complaints of alleged violations of this Covenant which may be submitted to him by individuals, groups of individuals, national and international non-governmental organizations and inter-governmental organizations.

2. No action shall be taken by the High Commissioner (Attorney-General) on any complaint which:

- (a) Is anonymous;
- (b) Contains abusive or improper language; however, specified charges of improper conduct, levelled at individuals or bodies of persons, shall not be considered to constitute abusive or improper language;
- (c) Does not refer to a specific violation of this Covenant by a State Party to the detriment of an individual or a group of individuals who, at the time of the alleged violation, were within the jurisdiction of the said State;
- (d) Is manifestly inconsequential;
- (e) Emanates from a national organization, but does not relate to a violation allegedly committed within the jurisdiction of the State to which that organization belongs.

3. Complaints received from organizations, whether national or international, shall not require the authorization of the individuals or groups against whom the alleged violation was committed.

4. The Secretary-General of the United Nations shall communicate to the High Commissioner (Attorney-General) any complaint of an alleged violation of this Covenant or any information relating to such an alleged violation which may be received by him or by any other organ of the United Nations.

Article 6

1. Subject to the provisions of paragraph 2 of article 5, the High Commissioner (Attorney-General) may conduct such preliminary investigations as he may consider appropriate of the merits of a complaint with a view to deciding whether the object or the character of the complaint justifies further action by him.

2. In conducting the preliminary investigations, the High Commissioner (Attorney-General) may call for the assistance of the competent governmental agencies of the State Party concerned. He may also seek the assistance of such non-governmental organizations as may be familiar with the local conditions and the general issues involved.

Article 7

1. Subject to the provisions of paragraph 2 of article 5, the High Commissioner (Attorney-General) shall have full discretion to decide with respect to any complaint received by him of an alleged violation of this Covenant:

- (a) Not to take action;
- (b) To defer taking action until such time as he may deem appropriate;
- (c) To take action.

The High Commissioner (Attorney-General) shall inform the author of the complaint of his decision.

2. In case the High Commissioner (Attorney-General) decides to take action, he may decide to undertake negotiations with the State Party concerned with respect to the complaint received by him of an alleged violation of this Covenant in a territory within the jurisdiction of the said State. The High Commissioner (Attorney-General) may refer the complaint to the Human Rights Committee if in his opinion such negotiations are not likely to result in a satisfactory solution or have not resulted in a satisfactory solution.

3. In making his decision under this article, the High Commissioner (Attorney-General) shall give due consideration to the availability and the use made by the alleged victim of the violation of domestic remedies, including means of enforcement, to the availability and the use made of diplomatic remedies or of procedures established by United Nations organs or specialized agencies or of other available procedures provided by international agreement.

Article 8

The following provisions shall apply in cases where the High Commissioner (Attorney-General) has decided to take action as provided in paragraph 2 of article 7:

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1. The High Commissioner (Attorney-General) shall communicate the complaint to the State Party concerned and ask for its observations thereon within such time-limit as the High Commissioner (Attorney-General) may recommend.

2. The High Commissioner (Attorney-General) shall fully investigate the case on the receipt of the observations of the State Party concerned or on the expiration of the time-limit recommended by him for the submission of such observations.

3. States Parties to this Covenant shall place at the disposal of the High Commissioner (Attorney-General), upon his request, such information as they may possess regarding the case.

4. The High Commissioner (Attorney-General) shall be entitled to conduct an inquiry within the territory under the jurisdiction of the State Party concerned, which shall afford all facilities necessary for the efficient conduct of the inquiry.

5. The High Commissioner (Attorney-General) shall have the right to summon and hear witnesses and to call for the production of documents and other objects pertaining to the case.

Article 9

When the High Commissioner (Attorney-General) has decided to take action on a complaint as provided in paragraph 1 of article 7, he may call upon the State Party concerned to comply with such provisional measures as he may deem necessary and desirable in order to prevent an aggravation of the situation.

Article 10

1. The High Commissioner (Attorney-General) will make every effort to settle the object of a complaint on which he has decided to take action as provided in paragraph 1 of article 7 through negotiation and conciliation.

2. The High Commissioner (Attorney-General) shall notify in writing to the State Party concerned his intention to enter into negotiations with respect to a given complaint and request the State Party to designate representatives for the purpose of such negotiations. The High Commissioner (Attorney-General) shall fix in consultation with the State Party concerned the date and place of such negotiations.

3. The High Commissioner (Attorney-General) shall inform the author of the complaint of the results of the negotiations.

Article 11

1. The High Commissioner (Attorney-General) shall seize the Human Rights Committee of his accusation by a notice given to the Secretary-General of the United Nations and to the State Party concerned. Such notice shall indicate the provision of the Covenant the violation of which is alleged and shall be accompanied by all relevant documents.

2. The High Commissioner (Attorney-General) shall have the right to be present or to be represented at all hearings and other meetings which the Committee may hold on the complaint and to make submissions to the Committee orally or in writing. He shall receive communication of all documents, including the minutes of meetings, relating to the case and may, in conformity with the rules of procedure of the Committee, examine such witnesses or experts as may appear before the same.

3. The High Commissioner (Attorney-General) may at any time, by a notice given to the Secretariat of the Committee and the State Party concerned, withdraw the complaint from the agenda of the Committee. Upon the receipt of such notice of withdrawal, the Committee shall cease to consider the complaint.

Article 12

The High Commissioner (Attorney-General) shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 13

1. The High Commissioner (Attorney-General) shall appoint his staff subject to such financial provisions and administrative regulations as the General Assembly may approve in this respect.

2. The High Commissioner (Attorney-General) may, in consultation with the States Parties concerned, appoint regional commissioners who shall, under his direction and supervision, assist him in the performance of his functions with respect to a given region.

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3. The paramount consideration of the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standard of efficiency, integrity and competence. Due regard shall be given to the importance of recruiting the staff from nationals of the States Parties to the Covenant.

Article 14

1. In the performance of their duties, the High Commissioner (Attorney-General) and his staff shall not seek or receive instructions from any Government or from any other authority or any organization. They shall refrain from any action incompatible with their position or the independent discharge of their functions as established by this Covenant.

2. The States Parties to this Covenant undertake to respect the exclusively international character of the responsibilities of the High Commissioner (Attorney-General) and his staff and not to seek to influence them in discharge of their responsibility.

Article 15

The High Commissioner (Attorney-General) shall enjoy diplomatic privileges and immunities. Members of his staff shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions.

Article 16

The High Commissioner (Attorney-General) shall reside at the permanent seat selected by him.

Article 17

1. The High Commissioner (Attorney-General) shall receive a salary and allowances commensurate with the importance and dignity of his Office. The salary and the allowances shall be fixed by the General Assembly of the United Nations and may not be lowered during the High Commissioner's (Attorney-General's) term of office. They shall be free of all taxes.

2. The General Assembly shall fix the conditions under which a retirement pension may be accorded to the High Commissioner (Attorney-General).

3. The expenses incurred by the exercise by the High Commissioner (Attorney-General) of his functions under this Covenant shall be borne by the United Nations in such manner as shall be decided by the General Assembly.

ANNEX IV

Replies from the International Labour Organisation and the United Nations
Educational, Scientific and Cultural Organization

INTERNATIONAL LABOUR ORGANISATION

/Original: English/
11 August 1967

The experience of the International Labour Organisation concerning the
implementation of human rights in its sphere of acceptance

(Supplementary report to document E/4144^{a/} prepared by the International
Labour Office in response to resolution 1238 (XLII) of the Economic and
Social Council)

A. Introduction

1. In resolution 1238 (XLII) concerning the question of the implementation of human rights through a United Nations High Commissioner for Human Rights or some other appropriate machinery, the Economic and Social Council, inter alia, invited the Director-General of the International Labour Office to submit, for the assistance of the General Assembly at its twenty-second session, a report on the experience of the International Labour Organisation concerning the implementation of human rights in its sphere of competence.
2. It is recalled that, on 29 December 1965, the International Labour Office submitted, in pursuance of resolution 1075 (XXXIX) of the Economic and Social Council, a report on the organizational and procedural arrangements for the implementation of ILO Conventions and Recommendations in the field of human rights (E/4144). That report gave general indications regarding ILO procedures for the submission of Conventions and Recommendations to the competent authorities at the national level, the system of periodic, routine supervision of national measures on the basis of reports from Governments and procedures based on the presentation of complaints. It also brought out certain characteristic features common to these various procedures.
3. In general, the indications given in the previous report remain valid. The present report is accordingly intended merely to supplement it, by bringing out

a/ Official Records of the Economic and Social Council, Fortieth Session, Annexes,
agenda item 9.

certain current developments in ILO systems of supervision and bringing up to date certain factual indications concerning the practical operation of these systems.

B. Developments envisaged in the methods utilized by ILO supervisory bodies

4. The ILO report of 29 December 1965 (E/4144, para. 2) indicated that ILO supervision procedures had undergone important developments over the years, because of needs which had become apparent and of experience gained, and that such developments had been the result of gradually evolving practice, as well as of constitutional amendment. The report also emphasized (para. 92) that the various ILO procedures all pursued the aim of ensuring - objectively, impartially and with full respect for the rule of law - the maximum effectiveness of international labour standards.

5. These considerations were re-emphasized by the Committee of Experts on the Application of Conventions and Recommendations in 1967 when, on the occasion of the fortieth anniversary of the establishment of the Committee, it reviewed the fundamental principles and methods of work followed by it.^{b/} The Committee indicated that it might well find it necessary, in the years to come, to continue to adapt its methods of work to current needs and circumstances. One suggestion which the Committee put forward concerned the possibilities of direct contacts with Governments in certain cases where its customary procedure, based on the examination of reports and legislative texts, might appear not to permit a full assessment of all aspects of a particular situation. The Conference Committee on the Application of Conventions and Recommendations has considered that these possibilities merit further exploration in view of the positive contribution which they might make to the harmonious functioning of the supervisory machinery, and it has expressed the hope that the Committee of Experts will submit more precise and detailed proposals regarding direct contacts with Governments.^{c/}

C. Co-ordination between procedures of routine supervision and procedures based on complaints

6. The ILO report of 29 December 1965 emphasized (para. 87) the complementary nature of the two major ILO supervision systems: the system of complaints and the

^{b/} International Labour Conference, 51st Session (Geneva, 1967), Report III (part IV): Report of the Committee of Experts on the Application of Conventions and Recommendations, General Report, chapter III, paras. 19-42.

^{c/} International Labour Conference, 51st Session (Geneva, 1967), Report of the Committee on the Application of Conventions and Recommendations, paras. 5-6./

system of periodical, routine supervision. Various practices have developed to ensure the co-ordination of the two systems. In particular, where special inquiries on the basis of complaints have taken place, it is normal for the follow-up of any conclusions and recommendations to be entrusted to the bodies responsible for routine supervision. Thus, the implementation of the recommendations of the two Commissions of Inquiry established under article 26 of the ILO Constitution is - in accordance with recommendations made by the members of the Commissions themselves - being followed up by the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations. In one of these cases, at the request of the Governing Body, the Committee of Experts presented a special report on the measures taken to implement the recommendations of the Commission of Inquiry.^{d/} In a recent case of a representation presented by an association of workers under article 24 of the ILO Constitution, the Governing Body, at the conclusion of the examination of the matter, decided to refer all the information received to the Committee of Experts to pursue certain questions raised by the representation under the routine supervision procedures.^{e/} Similarly, as regards the two countries in respect of which complaints had been referred to the Fact-Finding and Conciliation Commission on Freedom of Association (E/4144, paras. 70-80), the implementation of the relevant Conventions, which have been ratified by the countries concerned, is now subject to the procedures of routine supervision. Similarly, the Governing Body Committee on Freedom of Association has frequently drawn the attention of the bodies responsible for routine supervision to matters considered by it which appeared to affect the implementation of ratified Conventions.

D. Bringing up to date of certain facts mentioned in the preceding report

7. It may be appropriate to bring up to date certain facts mentioned in the ILO report of 29 December 1965, as follows:

d/ Special Report by the Committee of Experts on the Application of Conventions and Recommendations concerning the measures taken by the Government of Portugal to implement the recommendations of the Commission appointed under article 26 of the ILO Constitution to examine the observance by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105), in Report III (part IV), 50th Session of the International Labour Conference (Geneva, 1966).

e/ See ILO Official Bulletin, Vol. L, No. 2 (April 1967), pp. 171-2 and 267.

(a) Paragraph 1 of the report. The total number of instruments adopted by the International Labour Conference up to and including its 51st session (1967) is 128 conventions and 131 recommendations. A further report on developments in the implementation of ILO standards designed to give effect to economic and social rights proclaimed in the Universal Declaration of Human Rights, for the period 1963-1966, has been presented by the ILO to the United Nations under the system of periodic reports on human rights (see E/CN.4/918/Add.1).

(b) Paragraph 6. By August 1967, the total number of ratifications of ILO Conventions had risen to over 3,300.

(c) Paragraph 19. In the past three years, the number of reports on ratified Conventions received from Governments has been approximately 85 per cent of those due by the time of the meeting of the Committee of Experts and approximately 90 per cent by the time of the meeting of the Conference.

(d) Paragraph 42 (e). In the past four years, the Committee of Experts has noted close to 300 cases of action taken by Governments, in response to comments made by the Committee, to give fuller effect to ratified Conventions.

(e) Paragraph 44. The Governing Body has completed its consideration of the representation brought before it in November 1965 (see foot-note d above).

(f) Paragraph 67. By 1967, the number of cases considered by the Governing Body Committee on Freedom of Association had risen to over 500.

(g) Paragraph 80. The complaint concerning Greece which had been referred to the Fact-Finding and Conciliation Commission on Freedom of Association was withdrawn by agreement between the parties. The Commission's report^{f/} was noted by the Governing Body in November 1966.

f/ ILO Official Bulletin, Vol. XLIX, No. 3, Special Supplement, July 1966.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: English]
24 July 1967

Report on the Organizational and Procedural Arrangements for
the Implementation of Conventions and Recommendations adopted
by the General Conference of the United Nations Educational,
Scientific and Cultural Organization

(Revisions of the above-mentioned report,
initially appearing in document E/4133,
16 December 1965 g/)

I. In the title (above paragraph 1) as appearing in the document E/4133 transmitted with letter SO 218 of 12 July 1967, the words "and Recommendations" have apparently been inadvertently omitted and should appear after the word "Conventions".

II. Substitute for the existing paragraphs 14 and 15 the following:

"14. Until 1966, the General Conference had only considered the initial special reports dealing with submission to the competent national authorities. In 1964, steps were initiated in accordance with the resolution of the General Conference adopted at its thirteenth session for the submission of reports describing the ways in which the Member States apply a convention or give effect to the principles contained in a recommendation, more particularly, the Convention and Recommendation against Discrimination in Education.

"As a result of the General Conference resolution mentioned above and the decision taken by the Executive Board at its seventieth session Member States of UNESCO have been requested to submit a report to the Organization on the implementation of the Convention, or the Recommendation, against Discrimination in Education. A detailed questionnaire with seven main headings enumerated the questions to which States were required to reply.

"The reports of the States were examined in September 1966 by a Special Committee of the Executive Board and transmitted, together with the Committee's analysis and the Board's comments, to the General Conference, which decided to continue its work. The questionnaire was clarified and supplementary information requested of individual Member States. The Special Committee will be called upon in July 1968 to establish a definitive report containing an evaluation. The implementation of the instruments against discrimination in education will be continued and strengthened:

g/ Official Records of the Economic and Social Council, Fortieth Session, Annexes,
agenda item 9.

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this will be reflected, particularly, by the establishment of a Conciliation and Good Offices Commission, with the entry into force of the 1962 Protocol which instituted it, and presumably, in the continuing application and improvement, in the light of the experience acquired, of the reporting procedure.

"15. In 1966, the General Conference decided to invite Member States, at the dates and in accordance with the procedures to be stipulated by the Executive Board after consultation with the International Labour Organisation, to transmit periodic reports on the action taken by them upon the Recommendation concerning the Status of Teachers, which was adopted on 5 October 1966 by the Special Intergovernmental Conference convened by the Director-General in pursuance of a decision of the Executive Board."

III. In paragraph 17, the last sentence is to be modified to read as follows:

"The Protocol, which has already been ratified by Denmark, the United Kingdom, France, the Philippines, Madagascar, Malta, the Netherlands and Italy, has not yet entered into force."

IV. In paragraph 19, the last two lines should be revised to read:

"which was subsequently approved by the United Nations General Assembly."
