

1789 (LIV). Exploitation of labour through illicit and clandestine trafficking

The Economic and Social Council,

Recalling its resolution 1706 (LIII) of 28 July 1972 and General Assembly resolution 2920 (XXVII) of 15 November 1972,

Recalling the provisions of the Universal Declaration of Human Rights, which proclaim that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind,

Considering that effective action to prevent exploitation of the victims of illegal trafficking in labour requires comprehensive measures designed to enhance the protection of human rights in respect of foreign workers,

1. *Urges once again* States to ratify the relevant conventions of the International Labour Organisation, in particular the Convention concerning Migration for Employment (Revised 1949),¹¹⁰ and to conclude, as appropriate, bilateral agreements relating to migration for employment;

2. *Welcomes* the valuable work being undertaken by the International Labour Organisation to strengthen the international machinery for the protection of migrant workers and the decision of its Governing Body to place this matter on the agenda of the fifty-ninth session of the International Labour Conference, and expresses the hope that the Conference will take action leading to the adoption of measures which will have the effect of affording adequate protection to all migrant and other foreign workers and will reduce the opportunities for labour to be exploited by illicit or clandestine trafficking;

3. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider this question as matter of priority at its twenty-sixth session, in the light of United Nations instruments in the field of human rights, and to recommend what further measures may be necessary for the protection, without distinction, of the human rights of foreign workers, taking into account the discussion of this question in the General Assembly, the Economic and Social Council and the Commission on Human Rights;

4. *Requests* the Commission on the Status of Women to examine the question of the exploitation of the victims of clandestine traffic in labour, especially young women, taking into account in this connexion the discussion in the Commission on Human Rights,¹¹¹ and to report to the Economic and Social Council;

5. *Requests* Member States to submit to the Secretary-General such material, studies and suggestions as they deem relevant, for transmission to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women at their next sessions, with reference to paragraphs 3 and 4 above;

6. *Requests* the Commission on Human Rights to consider this question as a matter of priority at its thirtieth session.

*1858th plenary meeting
18 May 1973*

¹¹⁰ See *Conventions and Recommendations, 1919-1966* (International Labour Office, Geneva, 1966), Convention No. 97, p. 743.

¹¹¹ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6 (E/5265), chap. V.*

1790 (LIV). Question of international legal protection of the human rights of individuals who are not citizens of the country in which they live

The Economic and Social Council,

Reaffirming the principles of the sovereign equality of States and of non-interference in domestic affairs,

Emphasizing that non-citizens must observe the laws in force in the States in which they reside, and particularly must refrain from activities prejudicial to the political and economic interests of these States,

Recalling the provisions of the Universal Declaration of Human Rights, which proclaim that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind,

Noting, however, that in practice States often make certain distinctions between their own nationals and others,

Noting further that, while these distinctions are provided for in certain international instruments in the field of human rights, no general examination has been made by the United Nations of the extent to which such instruments are applicable to individuals who are not citizens of the State in which they live,

1. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider as a matter of priority, at its twenty-sixth session the problem of the applicability of existing international provisions for the protection of human rights to individuals who are not citizens of the country in which they live, to consider what measures in the field of human rights, including the possibility of a declaration, would be desirable, and to submit appropriate recommendations to the Commission on Human Rights at its thirtieth session;

2. *Requests* the Commission on Human Rights to consider this question as a matter of priority at its thirtieth session on the basis of the report of the Sub-Commission at its twenty-sixth session;

3. *Urges* States, pending the adoption of further measures in this field, to accord the highest practicable level of protection to all individuals who are not their citizens but who are nevertheless under their jurisdiction;

4. *Calls upon* all States to respect the right of individuals to communicate with duly appointed consular officials sent by the State of which they are nationals and, as appropriate, to have access to them, in accordance with the relevant rules of international law;

5. *Decides* to consider this question at its fifty-sixth session.

*1858th plenary meeting
18 May 1973*

1791 (LIV). Question of the punishment of war criminals and of persons who have committed crimes against humanity

The Economic and Social Council,

Recalling General Assembly resolution 2583 (XXIV) of 15 December 1969, in which the Assembly drew attention to the special need for international action in order to ensure the prosecution and punishment

of persons guilty of war crimes and crimes against humanity,

Recalling also General Assembly resolution 3020 (XXVII) of 18 December 1972, in which the Assembly expressed the conviction that the effective punishment of war crimes and crimes against humanity is an important element in preventing such crimes and putting an end to them, as well as in ensuring better protection of human rights and fundamental freedoms and promoting co-operation between peoples and international peace and security,

1. *Endorses* the draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity;

2. *Endorses* the inclusion in the agenda of the thirty-first session of the Commission on Human Rights of the question of the punishment of war criminals and of persons who have committed crimes against humanity;

3. *Recommends* that the General Assembly should, at its twenty-eighth session, consider the draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, and that it should adopt the following draft resolution:

"The General Assembly,

"Recalling its resolutions 2583 (XXIV) of 15 December 1969, 2712 (XXV) of 15 December 1970, 2840 (XXVI) of 18 December 1971 and 3020 (XXVII) of 18 December 1972,

"Taking into account the special need for international action in order to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity,

"Having considered the draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity,

"Declares that the United Nations, in pursuance of the principles and purposes set forth in its Charter concerning the promotion of co-operation between peoples and the maintenance of international peace and security, proclaims the following principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity:

"1 War crimes and crimes against humanity, whenever or wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment.

"2. States shall co-operate with each other on a bilateral and multilateral basis with a view to halting and preventing war crimes and crimes against humanity, and shall take the domestic and international measures necessary for that purpose.

"3. States shall assist each other in detecting, arresting and bringing to trial persons suspected of having committed such crimes and, if they are found guilty, in punishing them.

"4. Persons against whom there is evidence that they have committed war crimes and crimes against

humanity shall be subject to trial and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connexion, States shall co-operate on questions of extraditing such persons.

"5. States shall co-operate with each other in the collection of information and evidence which would help to bring to trial the persons indicated in paragraph 4, and shall exchange such information.

"6. In accordance with article 1 of the Declaration on Territorial Asylum of 14 December 1967, States shall not grant asylum to any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity.¹¹²

"7. States shall not take any legislative or other measures which may be prejudicial to the international obligations they have assumed in regard to the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.

"8. In co-operating with a view to the detection, arrest and extradition of persons against whom there is evidence that they have committed war crimes and crimes against humanity and, if found guilty, their punishment, States shall act in conformity with the provisions of the Charter of the United Nations and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations."¹¹³

*1858th plenary meeting
18 May 1973*

1792 (LIV). Question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems relating to human rights in developing countries

The Economic and Social Council,

Noting Commission on Human Rights resolution 14 (XXIX) of 30 March 1973¹¹⁴ and, in particular, Council resolution 1689 (LII) of 2 June 1972,

Considering that the study by the Special Rapporteur on the question of the realization of economic, social and cultural rights¹¹⁵ requires careful consideration by the States Members of the United Nations and members of the specialized agencies before the Commission on Human Rights can make a thorough examination of it.

Considering that the replies to the requests which the Council made to each regional economic commission and to the Committee on Review and Appraisal and the Committee for Development Planning under paragraphs 3 and 4 of Council resolution 1689 (LII) are not likely to be available to the Commission on Human Rights until its thirtieth session at least,

Bearing in mind General Assembly resolution 421 E (V) of 4 December 1950, which states that, when

¹¹² See General Assembly resolution 2312 (XXII).

¹¹³ See General Assembly resolution 2625 (XXV), annex.

¹¹⁴ See *Official Records of the Economic and Social Council, Fifty-fourth Session, Supplement No. 6 (E/5265)*, chap. XX.

¹¹⁵ E/CN.4/1108 and Add.1-9.