

(g) The right to intellectual freedoms, as provided for in article 19 of the International Covenant on Civil and Political Rights, shall be guaranteed;

3. *Deplores* the refusal of the Chilean authorities to allow the *Ad Hoc* Working Group to visit the country, notwithstanding previous solemn assurances given by the authorities in this regard, and urges them to honour these assurances;

4. *Invites* the Commission on Human Rights to extend the mandate of the *Ad Hoc* Working Group, as presently constituted, to enable it to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile and, in particular, on any developments which occur to re-establish respect for human rights and fundamental freedoms;

5. *Requests* the President of the thirtieth session of the General Assembly and the Secretary-General to assist in any way they may deem appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile.

2433rd plenary meeting  
9 December 1975

**3449 (XXX). Measures to ensure the human rights and dignity of all migrant workers**

*The General Assembly,*

*Considering* the Convention on Diplomatic Relations<sup>24</sup> and the Convention on Consular Relations,<sup>25</sup>

*Considering also* its resolution 2920 (XXVII) of 15 November 1972 on the exploitation of labour through illicit and clandestine trafficking,

*Recalling* its resolution 3224 (XXIX) of 6 November 1974 on measures to improve the situation of migrant workers,

*Recalling also* Economic and Social Council resolution 1749 (LIV) of 16 May 1973, in which the Council affirmed the need for the United Nations to continue examining the situation of migrant workers, taking into account economic, political, social and cultural factors with respect to human rights and dignity,

*Noting with satisfaction* the awareness of the international community of this problem and the necessity to protect the human rights of migrant workers,

*Noting with satisfaction* the work being undertaken by the specialized agencies in the field of migrant workers,

*Taking into consideration* the urgent need carefully to examine the problem of migrant workers who surreptitiously enter another country to obtain work,

1. *Calls upon* the United Nations organs active in the field of human rights to continue devoting their attention to this question;

2. *Requests* the United Nations organs and the specialized agencies concerned to utilize in all official documents the term "non-documented or irregular migrant workers" to define those workers that illegally and/or surreptitiously enter another country to obtain work;

<sup>24</sup> United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

<sup>25</sup> *Ibid.*, vol. 596, No. 8638, p. 261.

3. *Appeals* to the Governments of Member States to remind their competent administrative authorities of their obligation to respect the human rights of all migrant workers, including those that are non-documented or irregular;

4. *Urges* the Governments of Member States to grant all facilities and help to diplomatic and consular agents accredited in their countries so that they can fulfil their functions in relation to the protection and defence of the human rights of migrant workers, including those that are non-documented or irregular.

2433rd plenary meeting  
9 December 1975

**3450 (XXX). Missing persons in Cyprus**

*The General Assembly,*

*Recalling* its resolution 3212 (XXIX) of 1 November 1974,

*Noting* resolution 4 (XXXI) adopted by the Commission on Human Rights on 13 February 1975,<sup>26</sup>

*Gravely concerned* about the fate of a considerable number of Cypriots who are missing as a result of armed conflict in Cyprus,

*Appreciating* the work of the International Committee of the Red Cross in this field,

*Reaffirming* the basic human need of families in Cyprus to be informed about missing relatives,

1. *Requests* the Secretary-General to exert every effort, in close co-operation with the International Committee of the Red Cross, to assist in tracing and accounting for persons missing as a result of armed conflict in Cyprus;

2. *Requests* the Secretary-General to provide the Commission on Human Rights at its thirty-second session with information relevant to the implementation of the present resolution.

2433rd plenary meeting  
9 December 1975

**3451 (XXX). Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms**

*The General Assembly,*

*Recalling* its resolutions 3136 (XXVIII) of 14 December 1973 and 3221 (XXIX) of 6 November 1974,

*Considering* that the International Covenant on Economic, Social and Cultural Rights<sup>27</sup> and the International Covenant on Civil and Political Rights and the Optional Protocol thereto<sup>27</sup> will soon enter into force,

1. *Expresses its appreciation* to the Secretary-General for his report on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;<sup>28</sup>

2. *Urges* Member States that have not already done so to submit their views to the Secretary-General in accordance with paragraph 1 of General Assembly resolution 3221 (XXIX);

<sup>26</sup> See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/5635)*, chap. XXIII.

<sup>27</sup> Resolution 2200 A (XXI), annex.

<sup>28</sup> A/10235.

3. *Requests* the Secretary-General, in the light of further replies from Member States and non-governmental organizations in consultative status with the Economic and Social Council and of the views expressed during the proceedings of the thirtieth session of the General Assembly, to submit an updated version of his report to the Assembly at its thirty-second session;

4. *Requests* the Secretary-General to submit a report on the status of the international conventions in the field of human rights for which he acts as depositary;

5. *Decides* to consider with high priority at its thirty-second session the question of alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

2433rd plenary meeting  
9 December 1975

### 3452 (XXX). Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

*The General Assembly,*

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Considering* that these rights derive from the inherent dignity of the human person,

*Considering also* the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

*Having regard* to article 5 of the Universal Declaration of Human Rights<sup>29</sup> and article 7 of the International Covenant on Civil and Political Rights,<sup>30</sup> both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

*Adopts* the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the text of which is annexed to the present resolution, as a guideline for all States and other entities exercising effective power.

2433rd plenary meeting  
9 December 1975

#### ANNEX

#### Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

##### ARTICLE 1

1. For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing

him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.<sup>31</sup>

2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

##### ARTICLE 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

##### ARTICLE 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

##### ARTICLE 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

##### ARTICLE 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

##### ARTICLE 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

##### ARTICLE 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

##### ARTICLE 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

##### ARTICLE 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

##### ARTICLE 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

<sup>29</sup> Resolution 217 A (III).

<sup>30</sup> Resolution 2200 A (XXI), annex.

<sup>31</sup> First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.