

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 Rights²⁹ and article 7 of the International Covenant on Civil and Political Rights,³⁰ 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.³¹

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.

³¹ 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.

²⁹ Resolution 217 A (III).

³⁰ Resolution 2200 A (XXI), annex.

ARTICLE 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

ARTICLE 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

3453 (XXX). Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment

The General Assembly,

Reaffirming the rejection, in its resolutions 3059 (XXVIII) of 2 November 1973 and 3218 (XXIX) of 6 November 1974, of any form of torture and other cruel, inhuman or degrading treatment or punishment,

Reiterating its conviction expressed in resolution 3218 (XXIX) that, because of the increase in the number of alarming reports on torture, further and sustained efforts are necessary to protect under all circumstances the basic human right to be free from torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming resolution 4 (XXVIII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 10 September 1975,³²

Having considered the report of the Secretary-General³³ containing an analytical summary of the information received under paragraph 1 of resolution 3218 (XXIX),

Recalling its request to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that it consider steps to be taken for the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment, and to report thereon to the General Assembly at its thirtieth session,

Noting the working paper entitled "Health aspects of avoidable maltreatment of prisoners and detainees"³⁴ submitted by the World Health Organization to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Noting with appreciation the report of the Secretary-General prepared under paragraph 4 of resolution 3218 (XXIX),³⁵

Taking into account that the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders expressed the opinion that, on the matter of elaborating an international code of police ethics, there should be further expert consideration,

Having adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, annexed to resolution 3452 (XXX) of 9 December 1975,

Believing that further international efforts are needed to ensure adequate protection for all against torture and

other cruel, inhuman or degrading treatment or punishment,

1. *Expresses its appreciation* to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders for the elaboration of the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Requests* the Commission on Human Rights at its thirty-second session to study the question of torture and any necessary steps for:

(a) Ensuring the effective observance of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) The formulation of a body of principles for the protection of all persons under any form of detention or imprisonment on the basis of the *Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile*³⁶ and the draft principles on freedom from arbitrary arrest and detention contained therein;

3. *Requests* the Committee on Crime Prevention and Control to elaborate, on the basis of, *inter alia*, the proposals submitted to and conclusions arrived at by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a draft code of conduct for law enforcement officials and to submit this draft code to the General Assembly at its thirty-second session, through the Commission for Social Development and the Economic and Social Council;

4. *Invites* the World Health Organization to give further attention to the study and elaboration of principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment;

5. *Decides* to include in the provisional agenda of its thirty-first session an item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" for the purpose of reviewing the progress achieved in accordance with the present resolution.

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3454 (XXX). Report of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office³⁷ and having heard his statement,³⁸

Noting with appreciation the efforts of the High Commissioner in carrying out his duties for those of concern to his Office as well as the special humanitarian tasks which he is called upon to undertake,

Reaffirming the eminently humanitarian character of the activities of the High Commissioner for the benefit of refugees and displaced persons,

³⁶ United Nations publication, Sales No. 65.XIV.2.

³⁷ *Official Records of the General Assembly, Thirtieth Session, Supplement No. 12 (A/10012) and Supplement No. 12A (A/10012/Add.1).*

³⁸ *Ibid.*, Thirtieth Session, Third Committee, 2161st meeting, paras. 1-10.

³² See E/CN.4/1180, chap. XXI, sect. A.

³³ A/10158 and Corr.1 and Add.1.

³⁴ A/CONF.56/9.

³⁵ A/10260.