

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.

2433rd plenary meeting
9 December 1975

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.