

vention on torture and other cruel, inhuman or degrading treatment;¹¹³

2. *Welcomes* Economic and Social Council decision 1978/24 of 5 May 1978, by which the Council authorized a working group open to all members of the Commission on Human Rights to meet for one week immediately before its thirty-fifth session with the task of preparing concrete drafting proposals for a draft convention on torture and other cruel, inhuman or degrading treatment or punishment, on the basis of the relevant documents of the thirty-fourth session of the Commission and any comments received from Governments;

3. *Requests* the Commission on Human Rights, at its thirty-fifth session, to give high priority to the question of drafting a convention on torture;

4. *Takes note* of the report of the Secretary-General,¹¹⁴ called for under General Assembly resolution 32/63, containing replies to the questionnaire;

5. *Calls upon* Member States which have not yet done so to reply to the questionnaire, as called for under resolution 32/63;

6. *Requests* the Secretary-General to submit to the General Assembly at its thirty-fourth session further information provided in response to the questionnaire, and to submit all the information available which he has received to the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

7. *Takes note also* of the report of the Secretary-General,¹¹⁵ called for under General Assembly resolution 32/64, containing unilateral declarations;

8. *Invites* Member States which have not yet done so to deposit the unilateral declarations with the Secretary-General, as called for under resolution 32/64;

9. *Requests* the Secretary-General to continue to inform the General Assembly, in annual reports, of such further unilateral declarations which may be deposited by Member States;

10. *Decides* to include in the provisional agenda of its thirty-fourth session the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment" for the purpose of reviewing the progress achieved under this item.

*90th plenary meeting
20 December 1978*

33/179. Draft Code of Conduct for Law Enforcement Officials

The General Assembly,

Recalling its resolution 3453 (XXX) of 9 December 1975, in which it requested the Committee on Crime Prevention and Control to elaborate a code of conduct for law enforcement officials,

Further recalling its decision 32/419 of 8 December 1977, in which it requested the Secretary-General to transmit to all Governments the draft Code of Conduct for Law Enforcement Officials¹¹⁶ for their examination and comments,

¹¹³ *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34), chap. VIII.*

¹¹⁴ A/33/196 and Add.1-3.

¹¹⁵ A/33/197.

¹¹⁶ See A/32/138, annex.

Commending the Committee on Crime Prevention and Control on the work done by it at its fourth session with a view to the elaboration of the code of conduct for law enforcement officials,¹¹⁷

Convinced of the importance of providing the citizenry served by law enforcement officials with protection of all their rights and interests,

Having taken into account the report of the Secretary-General on the draft Code of Conduct for Law Enforcement Officials,¹¹⁸

1. *Notes with appreciation* the results of the open-ended informal working group which met during the thirty-third session of the General Assembly as set out in the annex to the present resolution and requests the Secretary-General to transmit them to Member States for their consideration;

2. *Requests* the Secretary-General to submit the annex to the present resolution to the General Assembly at its thirty-fourth session under the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment";

3. *Recommends* that a working group should be established at the beginning of the thirty-fourth session of the General Assembly to continue elaboration of the draft Code of Conduct for Law Enforcement Officials and requests the Secretary-General to allocate sufficient staff and resources to enable it to complete its task;

4. *Expresses the hope* that the draft Code of Conduct for Law Enforcement Officials will be adopted by the General Assembly during its thirty-fourth session.

*90th plenary meeting
20 December 1978*

ANNEX

Draft Code of Conduct for Law Enforcement Officials

The General Assembly,

Considering that the purposes proclaimed in the Charter of the United Nations include the achievement of international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling, in particular, the Universal Declaration of Human Rights¹¹⁹ and the International Covenants on Human Rights,¹²⁰

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Mindful that the nature of the functions of law enforcement in the defence of public order and the manner in which these functions are exercised have a direct impact on the quality of life of individuals as well as of society as a whole,

Conscious of the important task which law enforcement officials are performing diligently and with dignity, in compliance with the principles of human rights,

Aware, nevertheless, of the potential for abuse which the exercise of such duties entails,

Recognizing that the establishment of a code of conduct for law enforcement officials is only one of several important

¹¹⁷ See E/CN.5/536, chap. V.

¹¹⁸ A/33/215 and Add.1 and Add.1/Corr.1.

¹¹⁹ Resolution 217 A (III).

¹²⁰ Resolution 2200 A (XXI), annex.

measures for providing the citizenry served by law enforcement officials with protection of all their rights and interests,

Aware that there are additional important principles and prerequisites for the humane performance of law enforcement functions, namely:

(a) That, like all agencies of the criminal justice system, every law enforcement agency should be representative of and responsive and accountable to the community as a whole,

(b) That the effective maintenance of ethical standards among law enforcement officials depends on the existence of a well-conceived, popularly accepted and humane system of laws,

(c) That every law enforcement official is part of the criminal justice system, the aim of which is to prevent and control crime, and that the conduct of every functionary within the system has an impact on the entire system,

(d) That every law enforcement agency, in fulfilment of the first premise of every profession, should be held to the duty of disciplining itself in complete conformity with the principles and standards herein provided and that the actions of law enforcement officials should be responsive to public scrutiny, whether exercised by a review board, a ministry, a procuracy, the judiciary, an ombudsman, a citizens' committee or any combination thereof, or any other reviewing agency,

(e) That standards as such lack practical value unless their content and meaning, through education and training and through monitoring, become part of the creed of every law enforcement official,

Adopts the Code of Conduct for Law Enforcement Officials set forth below and decides to transmit it to Governments with the recommendation that favourable consideration should be given to its use within the framework of national legislation or practice as a body of principles for observance by law enforcement officials.

Article 1

Law enforcement officials must at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

*Commentary:*¹²¹

(a) The term "law enforcement officials" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

(c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.

(d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials should respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary:

(a) The human rights in question are identified and protected by national and international law. Among the

relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.

(b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

[(b) It is implicit in this provision that firearms may be used only in exceptional circumstances; in every instance where a firearm is used, a report should be made promptly to the competent authority.]

[(b) The use of firearms is considered an extreme measure and in general firearms should not be used except when other means are not sufficient to restrain an offender who offers armed resistance or to apprehend a criminal who threatens the lives of others. Every effort should be made to exclude the use of firearms against women and children. In every instance where a firearm is used, a report should be made promptly to the competent authorities.]

(c) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

Article 4

Matters of a confidential nature in the possession of law enforcement officials should be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary:

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

¹²¹ The commentary provides information to facilitate the use of the Code within the framework of national legislation or practice. In addition, national or regional commentaries could identify specific features of the legal systems and practices of different States or regional intergovernmental organizations which would promote the application of the Code.

Commentary:

(a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which:

“[Such act] 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 [and other international human rights instruments].”

(b) The Declaration defines torture as follows:

“... 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.”¹²²

(c) The term “cruel, inhuman or degrading treatment or punishment” has not been defined by the General Assembly, but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

[Articles 6 to 10 could not be debated by the informal open-ended Working Group during the thirty-third session of the General Assembly owing to lack of time.]

33/184. Importance of the improvement of the status and role of women in education and in the economic and social fields for the achievement of the equality of women with men

The General Assembly,

Recalling its resolution 3520 (XXX) of 15 December 1975, in which it proclaimed the period from 1976 to 1985 the United Nations Decade for Women: Equality, Development and Peace,

Recalling also its resolution 31/134 of 16 December 1976 and Economic and Social Council resolutions 1978/30 and 1978/32 of 5 May 1978,

Recognizing the importance of the improvement of the status and role of women in education and in the economic and social fields for the achievement of the equality of women with men,

Recognizing further the importance of the exchange of experience in these matters among States,

Taking note of the report of the Secretary-General on the status and role of women in education,¹²³

1. *Urges* States to take the necessary measures to promote full equality of women with men in education and in the economic and social fields;

2. *Recommends* that States envisage in their policies all appropriate measures to create necessary conditions which will enable women to participate in work on an equal footing with men;

¹²² *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 56.IV.4), annex I.A.
¹²³ A/33/214.

3. *Invites* Member States to give in their reports, which are to be submitted in accordance with Economic and Social Council resolutions 1325 (XLIV) of 31 May 1968 and 1677 (LII) of 2 June 1972 and General Assembly resolution 3520 (XXX), the fullest possible information on their experience in the improvement of the status and role of women in education and in the economic and social fields and its impact on the achievement of the equality of women with men;

4. *Invites* the specialized agencies and regional commissions as well as other interested intergovernmental and non-governmental organizations having consultative status with the Economic and Social Council to submit their observations concerning ways and means for the improvement of the status and role of women in education and in the economic and social fields, on the basis of existing studies and field experience in projects, as well as the conclusions of seminars and symposiums held on such subjects;

5. *Requests* the specialized agencies, regional commissions and other interested organizations of the United Nations system to organize seminars and meetings and to make studies on ways and means for the improvement of the status of women in education and in the economic and social fields;

6. *Requests* the Secretary-General to prepare an analytical report on the status and role of women in education and in the economic and social fields, based on the material received under paragraphs 3 and 4 above as well as on various existing studies and research, for consideration by the General Assembly at its thirty-fourth session;

7. *Requests* the Secretary-General to bear in mind the content of the present resolution in preparing documentation for the World Conference of the United Nations Decade for Women: Equality, Development and Peace, to be held in 1980.

*95th plenary meeting
29 January 1979*

33/185. Preparations for the World Conference of the United Nations Decade for Women: Equality, Development and Peace, including the adoption of the subtheme “Employment, Health and Education”

The General Assembly,

Recalling its resolutions 3520 (XXX) of 15 December 1975, in which it decided to convene a world conference in 1980, and 33/189 of 29 January 1979, in which it, *inter alia*, emphasized the subtheme “Employment, Health and Education” for the Programme of Action for the second half of the United Nations Decade for Women: Equality, Development and Peace, and requested the Secretary-General to invite the regional commissions to convene preparatory meetings and seminars,

Recalling also Economic and Social Council resolution 1978/32 of 5 May 1978, in which the Council recommended the subtheme “Employment, Health and Education” for the World Conference of the United Nations Decade for Women: Equality, Development and Peace, and invited Member States to submit reports