

and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which:

"[Such an 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."<sup>111</sup>

(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.

#### Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

#### Commentary:

(a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.

(b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.

(c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

#### Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

#### Commentary:

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their own agencies.

(b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connexion with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

(c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

#### Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

<sup>111</sup> First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

#### Commentary:

(a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

(b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

(c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

(d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.

(e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

### 34/170. The right to education

#### The General Assembly,

Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in its resolution 2200 A (XXI) of 16 December 1966, which recognizes the right of everyone to education,

Bearing in mind the importance of the Convention against Discrimination in Education,<sup>112</sup> adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Convinced of the topicality of the provisions of General Assembly resolution 2542 (XXIV) of 11 December 1969, containing the Declaration on Social Progress and Development which, *inter alia*, stresses the importance of the training of national personnel and cadres for the over-all development of society,

Emphasizing the paramount importance of the implementation of the right to education for the full development of human personality and for the enjoyment of other fundamental human rights and freedoms,

Considering that the educational process could bring a substantial contribution to social progress, national development, mutual understanding and co-operation among peoples and to strengthening peace and international security,

<sup>112</sup> United Nations, *Treaty Series*, vol. 429, No. 6193, p. 93.

*Reaffirming* the decisive importance of the training of national personnel and cadres, including the establishment of, and improvement in, the legislative framework, which should ensure the implementation and guarantee the full enjoyment of the right to education,

*Recalling* that the establishment of the new international economic order requires effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of the developing countries,

*Convinced* that the United Nations and the specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization, could continue to play an increasing role in supporting the implementation of the right to education, the development of education and the training of national personnel needed by all sectors of activity in conformity with the requirements of the over-all progress and development of the developing countries,

*Bearing in mind* the valuable work of the United Nations Educational, Scientific and Cultural Organization in the education and training of national personnel, as well as the importance of its contribution to the preparation and implementation of the new international development strategy, in accordance with General Assembly resolution 33/193 of 29 January 1979,

1. *Invites* all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education through, *inter alia*, free and compulsory primary education, universal and gradually free-of-charge secondary education, equal access to all educational facilities and the access of the young generation to science and culture;

2. *Appeals* to all States, in particular the developed countries, actively to support through fellowships and other means the efforts of the developing countries in the education and training of national personnel needed in industry, agriculture and other economic and social sectors;

3. *Requests* the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit to the General Assembly at its thirty-fifth session a preliminary report and, at its thirty-sixth session, a final report containing:

(a) Information on the activities of the United Nations Educational, Scientific and Cultural Organization in relation to support for education and training of national personnel of developing countries;

(b) His views and suggestions, in accordance with the organization's mandate and after consultation with Member States and specialized agencies, on the need for and the possibility of the United Nations Educational, Scientific and Cultural Organization reinforcing its programmes and activities for the purpose of co-operating with developing countries in their efforts to ensure adequate education networks at all levels as well as fellowships and facilities for the training of qualified national personnel, bearing in mind also the proposals contained in General Assembly resolution 33/135 of 19 December 1978;

(c) Information on the difficulties and obstacles encountered in the full implementation of the right to education, particularly in developing countries, in conformity with their own requirements of over-all progress

and development, as well as his conclusions on action to be taken in this regard.

*106th plenary meeting  
17 December 1979*

### **34/171. Regional arrangements for the promotion and protection of human rights**

*The General Assembly,*

*Recalling* its resolutions 32/127 of 16 December 1977 and 33/167 of 20 December 1978 and Commission on Human Rights resolution 24 (XXXIV) of 8 March 1978,<sup>113</sup>

*Mindful* of the report of the Secretary-General on regional arrangements for the promotion and protection of human rights,<sup>114</sup>

1. *Notes with satisfaction* that a United Nations Seminar on the Establishment of Regional Commissions on Human Rights with Special Reference to Africa was held at Monrovia from 10 to 20 September 1979 and adopted the Monrovia Proposal for the setting up of an African Commission on Human Rights,<sup>115</sup> as well as other conclusions and recommendations,<sup>116</sup> and expresses the hope that the recommendations of the Seminar will be given due consideration by the Governments and organizations concerned;

2. *Reiterates its appeal* to States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional arrangements for the promotion and protection of human rights;

3. *Requests once again* the Secretary-General, under the programme of advisory services in the field of human rights, to explore with the States in the regions concerned the possibility of holding a seminar as soon as possible for the purpose of discussing methods for the promotion and protection of human rights;

4. *Further requests* the Secretary-General to report to the General Assembly at its thirty-fifth session on the implementation of the present resolution.

*106th plenary meeting  
17 December 1979*

### **34/172. Measures to improve the situation and ensure the human rights and dignity of all migrant workers**

*The General Assembly,*

*Affirming* the need to establish international co-operation by resolving international problems of an economic, social, intellectual or humanitarian nature and by developing and encouraging human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

*Recalling* in this connexion the provisions of the Universal Declaration of Human Rights,<sup>117</sup> of the International Convention on the Elimination of All Forms

<sup>113</sup> See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. A.

<sup>114</sup> A/34/359 and Add.1.

<sup>115</sup> A/34/359/Add.1, annex I.

<sup>116</sup> *Ibid.*, annex II.

<sup>117</sup> Resolution 217 A (III).