

35/174. 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,

Convinced that the obligation of all States to observe the purposes and principles of the Charter of the United Nations is fundamental for the promotion and respect of human rights and fundamental freedoms and for the realization of the full dignity and worth of the human person,

Bearing in mind Article 13, paragraph 1 *b*, of the Charter, by which the General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the importance of the Universal Declaration of Human Rights⁹³ and of the International Covenants on Human Rights⁹² in further promoting international co-operation in respecting and observing human rights and fundamental freedoms,

Recalling also its resolution 32/130 of 16 December 1977, in which it decided that the approach to the future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Recognizing that the efforts of States and of the United Nations for the promotion of political, civil, economic, social and cultural rights require the establishment of the new international economic order to ensure the full enjoyment of those rights,

Recognizing also that the efforts of the United Nations and its Member States to promote and protect civil and political as well as economic, social and cultural rights should continue,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent, and that equal attention and urgent consideration should be given to the implementation, promotion and protection of both civil and political, and economic, social and cultural rights,

Stressing that, in order fully to guarantee human rights and complete personal dignity, it is necessary to guarantee the right to work, the participation of workers in management, and the right to education, health and proper nourishment, through the adoption of measures at the national and international levels, including the establishment of the new international economic order,

Emphasizing that the right to development is a human right and that equality of opportunity is as much a prerogative of nations as of individuals within nations,

Recalling its resolution 34/46 of 23 November 1979,

Appreciating that it is necessary that the Commission on Human Rights should continue its current work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of resolution 32/130,

Noting with appreciation the report of the Seminar on the Effects of the Existing Unjust International Economic Order on the Economies of the Developing Countries and the Obstacle that this Represents for the Implementation of Human Rights and Fundamental Freedoms, organized by the United Nations and held at Geneva from 30 June to 11 July 1980,⁹⁴

Taking into account the request made to the Secretary-General in paragraph 12 of resolution 34/46,

1. *Reiterates* its request to the Commission on Human Rights to continue its current work on the over-all analysis with a view to further promoting and improving human rights and fundamental freedoms, including the question of the Commission's programme and working methods, and on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms, in accordance with the provisions and concepts of General Assembly resolution 32/130;

2. *Reaffirms* that it is of paramount importance for the promotion of human rights and fundamental freedoms that Member States undertake specific obligations through accession to or ratification of international instruments in this field, and that, consequently, the standard-setting work within the United Nations system in the field of human rights and the universal acceptance and implementation of the relevant international instruments should be encouraged;

3. *Emphasizes* the necessity of establishing the new international economic order to ensure the promotion and the full enjoyment of human rights and fundamental freedoms for all;

4. *Affirms* that the efforts of the United Nations and its Member States to promote and to protect civil and political rights, as well as economic, social and cultural rights, should continue;

5. *Requests* the Commission on Human Rights to take the necessary measures to promote the right to development as a human right, which is as much a prerogative of nations as of individuals within nations, and to take action for its realization;

6. *Requests* the Secretary-General to give priority, through the programme of advisory services in the field of human rights, to the holding in 1981 of a seminar on the relations that exist between human rights, peace and development and, to this end, to present a report to the Commission on Human Rights at its thirty-seventh session, as was recommended by the Seminar on the Effects of the Existing Unjust International Economic Order on the Economies of the Developing Countries and the Obstacle that this Represents for the Implementation of Human Rights and Fundamental Freedoms;

7. *Requests* the Secretary-General, when preparing the study requested in paragraph 12 of resolution 34/46, to include possible solutions which will help eliminate the massive and flagrant violations of human rights and of the rights of peoples and individuals affected by situations such as those resulting from the evils mentioned in paragraph 1 (e) of resolution 32/130, and to indicate the obstacles to the establishment of the new international economic order, which is an essential element for the effective promotion of human rights and fundamental freedoms;

8. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Alternative ap-

⁹³ Resolution 217 A (III).

⁹⁴ ST/HR/SER.A/8.

proaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

*96th plenary meeting
15 December 1980*

35/175. Alternative approaches and ways and means in the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling its resolution 34/48 of 23 November 1979, in which it decided to consider at its thirty-fifth session the question of the creation of a post of United Nations High Commissioner for Human Rights under the item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms",

Recalling also its resolution 33/105 of 16 December 1978, in which it requested the Commission on Human Rights to consider the proposal for the establishment of a post of United Nations High Commissioner for Human Rights as part of its work on the over-all analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms.

Bearing in mind Commission on Human Rights resolution 28 (XXXVI) of 11 March 1980,⁹⁵ in which the Commission decided to continue at its thirty-seventh session its work on the over-all analysis of the further promotion and encouragement of human rights and fundamental freedoms, including alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms.

Taking note of the proposal for the establishment of a post of United Nations High Commissioner for Human Rights,

Bearing in mind that the proposal for the establishment of a post of High Commissioner for Human Rights requires more careful examination,

1. *Requests* the Commission on Human Rights to consider this proposal at its thirty-seventh session under the item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms";

2. *Further requests* the Commission on Human Rights to submit, through the Economic and Social Council, to the General Assembly at its thirty-sixth session a report on its work with regard to the item mentioned in paragraph 1 above, including the views expressed in the Commission with regard to the proposal for the establishment of a post of United Nations High Commissioner for Human Rights;

3. *Decides* to consider the question of the creation of a post of United Nations High Commissioner for Human Rights at its thirty-sixth session under the item

entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

*96th plenary meeting
15 December 1980*

35/176. Alternative approaches and ways and means within the United Nations system to improve the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling the responsibility entrusted by the Charter to the United Nations for ensuring universal respect for human rights and fundamental freedoms,

Noting the growing awareness of the international community of the need to ensure effective promotion and protection of human rights,

Also recalling the experience acquired by the United Nations in pursuing the goal of the promotion and protection of human rights, *inter alia*, through the use of fact-finding missions, in cases in which mass and flagrant violations of human rights have been recognized,

1. *Considers* that the question of the establishment of bodies entrusted with fact-finding missions and the extent to which they may enhance the promotion and protection of human rights requires serious consideration;

2. *Requests* the Commission on Human Rights to discuss this question at its thirty-seventh session under the item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission: alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

*96th plenary meeting
15 December 1980*

35/177. Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

The General Assembly,

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

Recalling also its resolution 34/169 of 17 December 1979, by which it adopted the Code of Conduct for Law Enforcement Officials and decided 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.

Recalling further that the Economic and Social Council, in its resolution 1979/34 of 10 May 1979, requested the Secretary-General to transmit to all Governments, for their comments, the draft Body of Principles for the

⁹⁵ See *Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXVI, sect. A.*