

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.*

Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-first session,⁹⁶ with a view to consideration of the matter by the General Assembly at its thirty-fifth session,

1. *Takes note* of the constructive work undertaken by the open-ended working group which has been established to elaborate a final version of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which task, however, it has not been able to conclude;

2. *Decides* to refer to its thirty-sixth session the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, for consideration by the Sixth Committee;

3. *Decides* to establish, at its thirty-sixth session, an open-ended working group with the intention of concluding the consideration of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, with a view to its adoption by the General Assembly.

*96th plenary meeting
15 December 1980*

35/178. Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling 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,

Bearing in mind article 7 of the International Covenant on Civil and Political Rights,⁹⁷

Recalling once again its resolutions 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment in the light of the principles embodied in the Declaration, 32/63 of 8 December 1977, in which it requested the Secretary-General to draw up and circulate among Member States a questionnaire soliciting information concerning steps they had taken, including legislative and administrative measures, to put into practice the principles of the Declaration, and 32/64 of 8 December 1977, in which it called upon Member States to reinforce their support of the Declaration by making unilateral declarations against torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming resolution 11 adopted on 5 September 1980 by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁸ in which the Congress expressed the belief that the draft convention should be finalized at the earliest possible time,

1. *Welcomes* Economic and Social Council resolution 1980/32 of 2 May 1980, by which the Council authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the thirty-seventh session of the Commission to complete the work on a draft convention against torture

and other cruel, inhuman or degrading treatment or punishment;

2. *Requests* the Commission on Human Rights to complete as a matter of urgency, at its thirty-seventh session, the drafting of a convention on torture and other cruel, inhuman or degrading treatment or punishment, with a view to submitting a draft, including provisions for the effective implementation of the future convention, to the General Assembly at its thirty-sixth session;

3. *Requests* the Secretary-General to forward the replies submitted by Governments of States parties to the International Covenant on Civil and Political Rights to the questionnaire on torture to the Human Rights Committee for the use of Committee members when dealing with questions relating to torture and other cruel, inhuman or degrading treatment or punishment;

4. *Invites* Member States which have not yet done so to deposit the unilateral declarations with the Secretary-General, as called for under General Assembly resolutions 32/64 of 8 December 1977 and 33/178 of 20 December 1978;

5. *Decides* to include in the provisional agenda of its thirty-sixth session the item entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

*96th plenary meeting
15 December 1980*

35/179. Draft Code of Medical Ethics

The General Assembly,

Recalling its resolution 34/168 of 17 December 1979, in which it requested the Secretary-General to circulate the draft Code of Medical Ethics to Member States, the specialized agencies concerned, interested intergovernmental organizations and interested non-governmental organizations in consultative status with the Economic and Social Council for comments and suggestions,

Taking note of resolution 11 adopted on 5 September 1980 by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,⁹⁸ in which the Congress expressed the hope that the General Assembly would adopt the draft Code, subject to any amendments which appear to be necessary,

Taking note of the report of the Secretary-General on the draft Code of Medical Ethics,⁹⁹

Having been unable for lack of time to decide the matter during its thirty-fifth session,

Believing, however, that the elaboration of a draft Code of Medical Ethics constitutes an important step in the establishment of international standards in the field of human rights,

1. *Requests* the Secretary-General to renew his request for comments and suggestions on the draft Code of Medical Ethics to Member States, the specialized agencies concerned, interested intergovernmental organizations and interested non-governmental organizations in consultative status with the Economic and Social Council which have not yet responded to his earlier note, and to submit a revised report to the Economic and Social Council at its first regular session of 1981 and to the General Assembly at its thirty-sixth session;

⁹⁶ E/CN.4/1296, para. 109; see also A/35/401, annex.

⁹⁷ Resolution 2200 A (XXI), annex.

⁹⁸ See A/CONF.87/14/Rev.1, part one, chap. I, sect. B.

⁹⁹ A/35/372 and Add.1-3.