

Recalling also the Declaration on Social Progress and Development contained in General Assembly resolution 2542 (XXIV) of 11 December 1969, the International Development Strategy for the Second United Nations Development Decade, contained in General Assembly resolution 2626 (XXV) of 24 October 1970, the Programme of Action on the Establishment of a New International Economic Order, contained in General Assembly resolution 3201 (S-VI) of 1 May 1974 and the Charter of Economic Rights and Duties of States, contained in General Assembly resolution 3281 (XXIX) of 12 December 1974,

Being concerned about poverty, inequality, social injustice, unemployment and the underemployment which still exist in many countries,

Considering that an equitable distribution of national income contributes to social justice and economic development, in particular eradication of poverty the causes of which may be assessed in a variety of ways,

Believing that close attention should be devoted to these issues,

1. Expresses its appreciation of the efforts of the Commission for Social Development and of the Expert Group on Levels of Living, Equity and the Distribution of Social Consumption in Developing Countries;

2. Requests the Commission for Social Development to continue its activities on issues related to the distribution of national income, in particular on income tax reforms and other tax reforms, the role of trade unions and the effects of inflation on low-income groups;

3. Requests the Secretary-General to prepare a note for the Commission for Social Development at its twenty-sixth session containing all available information on the effects of inflation on low-income groups;

4. Invites the Secretary-General to submit a report through the Economic and Social Council to the General Assembly at its thirty-third session on the findings of various specialized agencies and organs of the United Nations system, relating to the distribution of national income;

5. Requests the General Assembly to include as a one-time measure an item entitled "Importance of the equitable distribution of national income for economic and social development" in the agenda of its thirty-third session.

2059th plenary meeting  
13 May 1977

## 2075 (LXII). Report of the Committee on Crime Prevention and Control on its fourth session

*The Economic and Social Council,*

Having considered the report of the Commission for Social Development on its twenty-fifth session,<sup>82</sup> in so far as it concerns the report of the Committee on Crime Prevention and Control on its fourth session,<sup>83</sup>

1. Submits to the General Assembly draft resolutions I, II and III of the Committee on Crime Pre-

vention and Control, reproduced in the annex to the present resolution;

2. Endorses the recommendations made by the Committee on Crime Prevention and Control in its report under the heading "Human rights in the administration of justice";<sup>84</sup>

3. Recommends that the Secretary-General, in the formulation of future work programmes of the United Nations, should give urgent consideration to sub-items (a), (b) and (d) of the recommendations made by the Committee on Crime Prevention and Control in its report under the heading "Role and function of the Committee on Crime Prevention and Control".<sup>84</sup>

2059th plenary meeting  
13 May 1977

## ANNEX

### Draft resolutions adopted by the Committee on Crime Prevention and Control

#### I

*Report of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

*The General Assembly,*

Conscious of the seriousness of crime problems, which have assumed new forms and dimensions in many countries of the world and are transcending national boundaries,

Concerned about the high social and material cost which crime exacts and the impediment it presents to more wholesome development and a better quality of life for all,

Alarmed at the excesses of those crime control policies which, in certain countries, extend to torture and other abuses negating the basic principles of human rights and of criminal justice itself,

Reaffirming the need to develop effective and equitable policies for crime prevention and control consonant with fundamental human rights and a more rational use of available resources, both human and material,

Recognizing that the various forms of social control for the prevention of crime should take into account differences in traditions, economic and political structures, available resources and levels of development existing among Member States,

Recalling the responsibility assumed by the United Nations in the field of crime prevention in General Assembly resolution 415 (V) of 1 December 1950, the affirmation of United Nations leadership in crime prevention as reflected in Economic and Social Council resolutions 731 F (XXVIII) of 30 July 1959 and 830 D (XXXII) of 2 August 1961 and the call for strengthening international co-operation in crime prevention contained in General Assembly resolution 3021 (XXVII) of 18 December 1972,

Having considered the Report of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>a</sup> held at Geneva from 1 to 12 September 1975, and the recommendations made by the Committee on Crime Prevention and Control at its fourth session,<sup>b</sup>

1. Endorses the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. Requests that, in the light of the needs emphasized at the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Secretary-General implement to the fullest extent possible the conclusions of the Fifth Congress, especially by:

<sup>82</sup> Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 5 (E/5915).

<sup>83</sup> E/CN.5/536.

<sup>a</sup> United Nations publication, Sales No. E.76.IV.2.

<sup>b</sup> E/CN.5/536, chap. I, sect. B.

<sup>84</sup> Ibid., chap. I, sect. B.

(a) Giving them the widest possible circulation and dissemination and by stimulating international efforts to exchange experience and knowledge;

(b) Gathering and disseminating information concerning crime trends and criminal policies, with special emphasis on economic criminality and abuses of economic power that have a detrimental effect on national economies and international trade, and developing strategies to deal with them;

(c) Providing, to Member States requesting them, advice and assistance for the re-evaluation of their criminal justice systems and for reassessment of the purposes as well as the effectiveness of such systems in relation to national and local requirements;

(d) Elaborating guidelines for the development and implementation of policies designed to make criminal justice systems more responsive to current social needs, to ensure the strict observance of fundamental human rights and to promote a more rational, consistent and integrated approach to the prevention of crime and the treatment of offenders;

(e) Fostering the exchange among countries of information relating to crime and to the functioning of the criminal justice systems and establishing an international system for a unified informational data base;

(f) Transmitting for appropriate action to the Economic and Social Council and its functional commissions, as well as to all other United Nations organs and organizations concerned, those conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders that fall within their spheres of competence;

3. *Stresses* the need for intensive co-operation and co-ordination in crime prevention and control among all the United Nations organs and organizations concerned, especially the United Nations Development Programme, the various regional commissions and institutes and the specialized agencies;

4. *Urges* that technical assistance in crime prevention and control be made available to Governments requesting it as a matter of urgency, and that high priority be given to the provision of regional and interregional technical advisory services and co-operation, particularly in the light of recent directives of the policy-making bodies of the United Nations focusing on regional and intercountry activities, and the proven success of this approach to crime prevention;

5. *Invites* Member States to give maximum attention and support to the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to secure their utmost effect on national laws and practices;

6. *Draws the attention* of Member States to the existence of the United Nations Trust Fund for Social Defence, established in pursuance of Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, and urges them to contribute to it;

7. *Appeals* to all Member States to support international action for crime prevention, especially through the sharing of costs of international meetings, seminars, workshops and training courses and by acting as hosts to regional research centres, and to furnish to the Secretary-General, in time for submission to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Sydney in 1980, information relating to the measures taken to implement the conclusions of the Fifth Congress;

8. *Requests* the Secretary-General to take the necessary measures for the preparation of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to prepare a report on the information received under paragraph 7 above for submission to the Sixth Congress and to the General Assembly.

## II

*Methods and ways likely to be most effective in preventing crime and improving the treatment of offenders*

*The General Assembly,*

Recalling its resolution 3021 (XXVII) of 18 December 1972, in which it instructed the Committee on Crime Pre-

vention and Control to consider the methods and ways likely to be most effective in preventing crime and improving the treatment of offenders, including recommendations on the measures most appropriate in such areas as law enforcement, judicial procedures and correctional practices,

*Concerned* about the prevailing trends of criminality in many countries of the world, which show the spread of emerging new forms of serious and organized crimes,

*Having considered* the report entitled "Methods and ways likely to be most effective in preventing crime and improving the treatment of offenders", contained in annex IV to the report of the Committee on Crime Prevention and Control on its fourth session,<sup>c</sup>

1. *Takes note* of the above-mentioned report as a guideline for future United Nations activities directed towards the prevention and control of crime and delinquency and the treatment of offenders;

2. *Invites* Member States to make use of the report in formulating and implementing national crime prevention policies and strategies;

3. *Calls upon* Member States, as well as international governmental and non-governmental organizations and specialized agencies, to collaborate fully with the United Nations Secretariat and with each other in pursuance of the goals set out in the report;

4. *Urges* all Member States, as well as international governmental and non-governmental organizations, to support the United Nations Trust Fund for Social Defence and the international and regional institutes in crime prevention and control;

5. *Recommends* that the Secretary-General should draw on the report in formulating proposals for future medium-term plans in crime prevention and criminal justice.

## III

*Code of conduct for law enforcement officials*

*The General Assembly,*

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Recalling*, in particular, the rights and freedoms proclaimed in the Universal Declaration of Human Rights<sup>d</sup> and the International Covenant on Civil and Political Rights,<sup>e</sup>

*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 in its resolution 3452 (XXX) of 9 December 1975,

*Recalling further* paragraph 3 of its resolution 3453 (XXX) of 9 December 1975, in which it requested the Committee on Crime Prevention and Control to elaborate a draft code of conduct for law enforcement officials,

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

*Conscious* of the difficult task which law enforcement officials are performing conscientiously and with dignity, in compliance with the principles of human rights,

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

*Recognizing* that the establishment of a code of conduct for law enforcement officials is only one of several important measures for providing the citizenry served by law enforcement officials with protection of all their rights and interests.

<sup>c</sup> E/CN.5/536.

<sup>d</sup> General Assembly resolution 217 A (III).

<sup>e</sup> General Assembly resolution 2200 A (XXI), annex.

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 remain moot 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 below, drafted by the Committee on Crime Prevention and Control at its fourth session to serve as a body of principles for observance by law enforcement officials of all nations:

#### CODE OF CONDUCT FOR 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:

(a) The term law enforcement official includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest and 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 derive from national and international law. The human rights under international law are guaranteed under 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 Suppression and Punishment of the Crime of *Apartheid*, the Standard Minimum Rules for the Treatment of Prisoners, the Vienna Convention on Consular Relations, and other international instruments;

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

##### Article 3

Law enforcement officials may never use more force than necessary in the performance of their duty.

##### Commentary:

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional;

(b) While it implies that law enforcement officials may be authorized to use such force as is reasonable under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, any force used beyond what is essential for these purposes is not tolerable;

(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, however, 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, require otherwise.

##### Commentary:

By the nature of their duties, law enforcement officials obtain information which may be potentially harmful to the interests, and especially the reputation, of others. By law, such information can be utilized only for the conduct of legal proceedings. Any divulgence not made in the performance of duty and not serving the needs of justice is 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 exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

##### 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 acts] are 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”;

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

(d) The provision is intended to cover all persons who are in any way involved in conduct covered by this provision.

#### Article 6

Law enforcement officials having custody of persons needing medical attention should secure such attention and take immediate action to meet the needs of the person in custody.

#### Commentary:

(a) “Medical attention” refers to services rendered by any medical personnel, including certified medical practitioners and paramedics. While in practice the medical personnel referred to is likely to be attached to the law enforcement operation, the provision should be understood to require law enforcement officials to take into account the judgement of medical personnel from outside the law enforcement operation. This envisages that the person in question has access to medical attention from other medical personnel, including that person’s own physician;

(b) All medical personnel must act in conformity with principles of medical ethics.

#### Article 7

Law enforcement officials must refrain from and rigorously oppose and pursue all acts of corruption.

#### Commentary:

(a) Corruption is intolerable in all phases of life, particularly in the public service agencies. Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce their 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.

#### Article 8

Law enforcement officials must refrain from and prevent and rigorously oppose all violations of this code by taking appropriate action, to the best of their capability. When violations have occurred, or can be expected to occur, law enforcement officials should report the matter within the chain of command, or take such other actions as are lawfully open to them, including, when necessary, the reporting to any agency with reviewing or remedial power.

#### Commentary:

(a) The provision seeks to preserve the balance between the need for internal discipline of the agency on which the public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. A law enforcement official should report violations within the chain of command and take legal action outside the chain of command only when no other remedies are available;

(b) The term “agency with reviewing or remedial power” refers to any agency 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;

(c) While in most countries such agencies are statutory bodies, in some countries the mass media may be regarded as performing similar complaint review functions so that a law enforcement official, on his own initiative, may be justified in bringing his report to public attention by such means, as a last resort, consistent with the laws and customs of the country in question.

#### Article 9

A law enforcement official who, in fulfilling the obligation of this code, erroneously exceeds the limits of law despite honest and conscientious assessment, is entitled to the full protection afforded by national law.

#### Article 10

A law enforcement official who complies with the provisions of this code deserves the respect, the full support and the collaboration of the community and of the law enforcement agency in which that official serves, as well as the support of the law enforcement profession.

### 2076 (LXII). Extension of the Standard Minimum Rules for the Treatment of Prisoners to persons arrested or imprisoned without charge

*The Economic and Social Council,*

*Recalling* its resolution 663 C (XXIV) of 31 July 1957 and General Assembly resolution 3144 B (XXVIII) of 14 December 1973,

*Recalling also* General Assembly resolution 3218 (XXIX) of 6 November 1974 and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to General Assembly resolution 3452 (XXX) of 9 December 1975,

*Aware* that despite the increase in the influence of the *Standard Minimum Rules for the Treatment of Prisoners*,<sup>85</sup> violations of the Rules are frequently occurring,

*Recalling* that in paragraph 6 of its resolution 1993 (LX) of 12 May 1976, the Economic and Social Council requested the Committee on Crime Prevention and Control to study the range of application of the Standard Minimum Rules for the Treatment of Prisoners and to formulate a set of implementing procedures for these Rules,

*Having considered* the report of the Committee on Crime Prevention and Control on its fourth session,<sup>86</sup> as well as the report of the Commission for Social Development on its twenty-fifth session,<sup>87</sup>

*Decides* that a new section E, entitled “Persons arrested or imprisoned without charge” should be added to part II of the *Standard Minimum Rules for the Treatment of Prisoners*, reading as follows:

#### “Rule 95

“Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that ac-

<sup>85</sup> *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

<sup>86</sup> E/CN.5/536.

<sup>87</sup> *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 5 (E/5915).*