

ensure that the commission of all acts of torture, as defined in article 1 of that Declaration, or participation in, complicity in, incitement to or attempt to commit torture are offences under its criminal law,

Convinced that under no circumstances should a person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom, or be compelled to perform acts or to carry out work in contravention of medical ethics, but that, at the same time, contravention of medical ethics for which health personnel, particularly physicians, can be held responsible should entail accountability,

Desirous of setting further standards in this field which ought to be implemented by health personnel, particularly physicians, and by Government officials,

1. *Adopts* the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, set forth in the annex to the present resolution;

2. *Calls upon* all Governments to give the Principles of Medical Ethics, together with the present resolution, the widest possible distribution, in particular among medical and paramedical associations and institutions of detention or imprisonment, in an official language of the State;

3. *Invites* all relevant intergovernmental organizations, in particular the World Health Organization, and non-governmental organizations concerned to bring the Principles of Medical Ethics to the attention of the widest possible group of individuals, especially those active in the medical and paramedical field.

*111th plenary meeting
18 December 1982*

ANNEX

Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment

Principle 1

Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Principle 2

It is a gross contravention of medical ethics, as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.¹⁵⁴

¹⁵⁴ See the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex), article 1 of which states:

"1. For the purpose of this Declaration, 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.

"2. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment."

Article 7 of the Declaration states:

"Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture."

Principle 3

It is a contravention of medical ethics for health personnel, particularly physicians, to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

Principle 4

It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;¹⁵⁵

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

Principle 5

It is a contravention of medical ethics for health personnel, particularly physicians, to participate in any procedure for restraining a prisoner or detainee unless such a procedure is determined in accordance with purely medical criteria as being necessary for the protection of the physical or mental health or the safety of the prisoner or detainee himself, of his fellow prisoners or detainees, or of his guardians, and presents no hazard to his physical or mental health.

Principle 6

There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

37/195. Report of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office,¹⁵⁶ as well as the report of the Executive Committee of the Programme of the High Commissioner on the work of its thirty-third session,¹⁵⁷ and having heard the statement made by the High Commissioner before the Third Committee on 15 November 1982,¹⁵⁸

Recalling its resolutions 36/124 and 36/125 of 14 December 1981,

Reaffirming the eminently humanitarian and non-political character of the activities of the Office of the High Commissioner on behalf of refugees, returnees and displaced persons of concern to the Office,

Expressing deep concern that the problems of refugees and displaced persons remain distressingly serious, especially in Africa, Asia and Latin America,

Considering that, despite some encouraging developments, substantial efforts continue to be needed to aid refugees and displaced persons of concern to the Office of the High Commissioner, in particular through the promotion of

¹⁵⁵ Particularly the Universal Declaration of Human Rights (resolution 217 A (III)), the International Covenants on Human Rights (resolution 2200 A (XXI), annex), the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX), annex) and the Standard Minimum Rules for the Treatment of Prisoners (*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).

¹⁵⁶ *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 12 (A/37/12)*.

¹⁵⁷ *Ibid.*, Supplement No. 12A (A/37/12/Add.1).

¹⁵⁸ *Ibid.*, Thirty-seventh Session, Third Committee, 41st meeting, paras. 1-7.

durable and speedy solutions to their problems in accordance with the statute of the Office,

Welcoming the increasing number of accessions by States to the 1951 Convention¹⁵⁹ and the 1967 Protocol¹⁶⁰ relating to the Status of Refugees,

Noting with deep concern that serious violations of the basic rights of refugees and displaced persons of concern to the Office have continued,

Deploring, in particular, the instances of military attacks on refugee camps in southern Africa and elsewhere,

Noting that many assistance programmes have evolved from the emergency phase to a state of consolidation,

Noting with great appreciation the positive responses of Governments to the problems of refugees and displaced persons of concern to the Office of the High Commissioner through offers of asylum, voluntary repatriation, rehabilitation, local settlement, resettlement and financial contributions, as well as the generous support given to the Office in its humanitarian task,

Noting with appreciation the report of the Secretary-General on the International Conference on Assistance to Refugees in Africa,¹⁶¹

1. *Commends* the United Nations High Commissioner for Refugees and his staff for the valuable work that the Office of the High Commissioner continues to perform on behalf of refugees, returnees and displaced persons of concern to the Office;

2. *Reaffirms* the fundamental nature of the High Commissioner's function to provide international protection and the need for Governments to co-operate fully with him to facilitate the effective exercise of this essential function, in particular by acceding to and fully implementing the relevant international and regional instruments and by scrupulously observing the principles of asylum and *non-refoulement*;

3. *Deplores* the continued serious violations of the basic rights of refugees and displaced persons of concern to the Office of the High Commissioner, in particular through military attacks on refugee camps and settlements in southern Africa and elsewhere, *refoulement* and arbitrary detention, and stresses the need to strengthen measures to protect them against such violations;

4. *Welcomes*, within the context of the efforts of the international community to share the burden of caring for refugees, the work of the High Commissioner in examining the problems associated with providing refuge on a temporary basis to asylum seekers in situations of large-scale influx with a view to finding durable solutions, and requests him to continue the work in this regard;

5. *Notes with appreciation* the major contribution by countries in giving asylum to, or otherwise accepting on a temporary basis, and assisting large numbers of refugees and displaced persons of concern to the Office of the High Commissioner;

6. *Stresses* the High Commissioner's role in promoting durable and speedy solutions, in consultation and agreement with the countries concerned, to the problems of refugees and displaced persons facing his Office, through voluntary repatriation or return and, whenever appropriate, subsequent assistance in rehabilitation of returnees, resettlement in other countries or integration in countries of asylum, and urges Governments to extend the necessary co-operation to support the High Commissioner's efforts in this regard;

7. *Urges* the High Commissioner to intensify his efforts to provide humanitarian assistance to refugees and displaced

persons of concern to his Office, especially to the large numbers of them in Africa, Asia and Latin America;

8. *Stresses* the importance of maintaining relief efforts and the resettlement momentum for boat and land cases in South-East Asia, where large numbers of refugees and displaced persons have been admitted on a temporary basis, including the Programme of Orderly Departure;

9. *Takes note* of the efforts already made by the High Commissioner to adapt the management practices and staffing policy of his Office to the vastly increased tasks and invites him to continue these efforts in line with the relevant resolutions of the General Assembly and decisions of the Executive Committee of the Programme of the High Commissioner;

10. *Requests* the High Commissioner to co-ordinate closely the efforts of his Office in the field of humanitarian assistance with those of other bodies concerned, both within and outside the United Nations system, in accordance with the relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Administrative Committee on Co-ordination;

11. *Also requests* the High Commissioner to continue participating in the follow-up activities to the International Conference on Assistance to Refugees in Africa and to intensify his assistance to refugees in Africa;

12. *Calls upon* the international community to share the burden of providing appropriate durable solutions to the problems of refugees and displaced persons of concern to the Office of the High Commissioner the world over, taking into account residual problems as well as the economic and demographic absorption capacity of the countries concerned;

13. *Urges* all Governments in a position to do so to support and contribute generously to the High Commissioner's humanitarian programmes.

*111th plenary meeting
18 December 1982*

37/196. Continuation of the Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office,¹⁶²

Recalling its resolution 32/68 of 8 December 1977, in which it decided to review, not later than at its thirty-seventh session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1983,

Recalling further its resolutions 1166 (XII) of 26 November 1957 and 1673 (XVI) of 18 December 1961 and Economic and Social Council resolution 672 (XXV) of 30 April 1958 on the establishment of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Recognizing the great continuing need for international action on behalf of refugees and displaced persons of concern to the High Commissioner,

Expressing its concern at the persistence and gravity of the problems of refugees and displaced persons of concern to the High Commissioner in all parts of the world, particularly in different parts of Africa, Asia and Latin America,

Considering the valuable work accomplished by the Office of the High Commissioner in providing international

¹⁵⁹ United Nations, *Treaty Series*, vol. 189, No. 2545, p. 137.

¹⁶⁰ *Ibid.*, vol. 606, No. 8791, p. 267.

¹⁶¹ A/37/522.

¹⁶² *Official Records of the General Assembly, Thirty-seventh Session, Supplements Nos. 12 and 12A (A/37/12 and Add.1).*