

1. *Takes note* of the report of the Secretary-General;¹⁵²
2. *Requests* the Commission on Human Rights to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, at its thirty-ninth and fortieth sessions, taking into account the documents considered by the General Assembly on this subject as well as the views of Governments thereon, and to submit a report, through the Economic and Social Council, to the Assembly at its thirty-ninth session;
3. *Decides* to resume at its thirty-ninth session, under the item entitled "International Covenants on Human Rights", consideration of the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, with a view to considering what steps may be taken in this area.

*111th plenary meeting
18 December 1982*

37/193. 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,¹⁵⁶

Recalling also its resolution 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment, in the light of the principles embodied in the Declaration, and its resolution 32/63 of 8 December 1977,

Recalling further that the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders, in its resolution 11 of 5 September 1980, expressed the belief that the draft convention should be finalized at the earliest possible time,¹⁵³

Considering that it was not found possible to complete the work on the draft convention during the thirty-eighth session of the Commission on Human Rights,

1. *Welcomes* Economic and Social Council resolution 1982/38 of 7 May 1982, by which the Council authorized a meeting of an open-ended working group of the Commission on Human Rights for a period of one week prior to the thirty-ninth session of the Commission to complete the work on a draft convention on torture and other cruel, inhuman or degrading treatment or punishment;

2. *Requests* the Commission on Human Rights to complete as a matter of highest priority, at its thirty-ninth 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-eighth session;

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

*111th plenary meeting
18 December 1982*

37/194. Principles of Medical Ethics

The General Assembly,

Recalling its resolution 31/85 of 13 December 1976, in which it invited the World Health Organization to prepare a draft code of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment,

Expressing once again its appreciation to the Executive Board of the World Health Organization which, at its sixty-third session, in January 1979, decided to endorse the principles set forth in a report entitled "Development of codes of medical ethics" containing, in an annex, a draft body of principles prepared by the Council for International Organizations of Medical Sciences and entitled "Principles of medical ethics relevant to the role of health personnel in the protection of persons against torture and other cruel, inhuman or degrading treatment or punishment",

Bearing in mind Economic and Social Council resolution 1981/27 of 6 May 1981, in which the Council recommended that the General Assembly should take measures to finalize the draft Principles of Medical Ethics at its thirty-sixth session,

Recalling its resolution 36/61 of 25 November 1981, in which it decided to consider the draft Principles of Medical Ethics at its thirty-seventh session with a view to adopting them,

Alarmed that not infrequently members of the medical profession or other health personnel are engaged in activities which are difficult to reconcile with medical ethics,

Recognizing that throughout the world significant medical activities are increasingly being performed by health personnel not licensed or trained as physicians, such as physician-assistants, paramedics, physical therapists and nurse practitioners,

Recalling with appreciation the Declaration of Tokyo of the World Medical Association, containing the Guidelines for Medical Doctors concerning Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in relation to Detention and Imprisonment, adopted by the twenty-ninth World Medical Assembly, held at Tokyo in October 1975,

Noting that in accordance with the Declaration of Tokyo measures should be taken by States and by professional associations and other bodies, as appropriate, against any attempt to subject health personnel or members of their families to threats or reprisals resulting from a refusal by such personnel to condone the use of torture or other forms of cruel, inhuman or degrading treatment,

Reaffirming the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975, in which it declared any act of torture or other cruel, inhuman or degrading treatment or punishment an offence to human dignity, a denial of the purposes of the Charter of the United Nations and a violation of the Universal Declaration of Human Rights,¹⁵⁵

Recalling that, in accordance with article 7 of the Declaration adopted in resolution 3452 (XXX), each State shall

¹⁵² A/37/407 and Add.1.

¹⁵³ See Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: Report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B.

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.