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## 1. INTRODUCTION

1. The present report has been prepared in accordance with paragraphs 1 and 5 of General Assembly resolution 38/118 of 16 December 1983, "Principles of Medical Ethics". In paragraph 1 of the resolution, the General Assembly urges all Governments to take measures with a view to promoting the application by all health personnel and government officials, in particular those employed in institutions of detention or imprisonment, of 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. In paragraph 5, the Secretary-General is requested to report to the General Assembly at its thirty-ninth session on the steps taken by the United Nations and the relevant specialized agencies as well as by Governments for the dissemination and implementation of the Principles of Medical Ethics.
2. As at 17 August 1984, replies had been received from the following Governments: Germany, Federal Republic of, Liberia, Mauritius, Qatar, Sweden and United Kingdom of Great Britain and Northern Ireland.
3. Replies have also been received from the following specialized agencies: United Nations Educational, Scientific and Cultural Organization, World Health Organization; from the Intergovernmental Committee for Migration, an intergovernmental organization; and from the following non-governmental organizations: Amnesty International, Christian Medical Commission, International Commission of Jurists, International Federation of Human Rights, League of Red Cross and Red Crescent Societies, Minority Rights Group and Union of Arab Jurists.
4. Additional information that becomes available after that date will be submitted in addenda to the present report.

## II. INFORMATION COMMUNICATED BY GOVERNMENTS

### FEDERAL REPUBLIC OF GERMANY

[Original: English]

[25 June 1984]

In order to ensure their distribution among health personnel, the Government of the Federal Republic of Germany, in accordance with General Assembly resolution 38/118 of 16 December 1983, has transmitted German translations of the "Principles of Medical Ethics" to the supreme public health authorities of the Länder of the Federal Republic and to all relevant medical and paramedical associations. The Ministers and Senators of Justice of the Länder competent in matters of penal law enforcement have been asked to distribute the German texts of the "Principles of Medical Ethics" among all institutions of detention and imprisonment.

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LIBERIA

[Original: English]

[14 June 1984]

The Government of Liberia states that there has not been any case of human rights violation in its prisons and detention camps. Prisoners as well as detainees receive free, basic and appropriate medical care at all times and the resolution has been widely circulated among the health personnel, particularly physicians, in the country.

MAURITIUS

[Original: English]

[7 August 1984]

The Ministry of External Affairs, Tourism and Emigration informs the General Secretariat that copies of the Principles of Medical Ethics (resolution 37/194) have been distributed as follows:

1. To the Commissioner of Prisons and Commissioners of Police with the request that they take appropriate action for their application and distribution in so far as personnel, associations and institutions falling under their control are concerned, i.e. prisons medical officers and nursing staff posted to the prisons, police medical officers, etc.;
2. To all officers in charge of public hospitals with the request that these principles be brought to the attention of the members of the medical and nursing staff who may have to deal with prisoners and detainees;
3. To the staff associations representing doctors and nurses of the Ministry of Health as well as to the Mauritius Medical Association for the attention of their members.

QATAR

[Original: Arabic]

[30 May 1984]

A study comparing the proposed Principles of Medical Ethics with the legislation on that subject in effect in the State of Qatar has shown that the majority of such rules are in keeping with national legislation. That legislation lays down legal principles requiring that persons deprived of their freedom should receive the services necessary for their care, protection and treatment in matters relating to health, that they should receive rehabilitation services and that they should do so freely and on an equal footing with others. Those principles also

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stipulate penalties for violation of the obligations of physicians towards their patients, whether such patients are free or in detention, thereby guaranteeing basic human rights without discrimination. Accordingly, the laws of the State of Qatar unequivocally forbid torture and demonstrate that there is not in all of Qatar a single person who is subjected to pain and suffering at the hands of an official for the purpose of obtaining from him information or a confession. The laws of the State of Qatar have ensured that.

Article 5 of the Code of Conduct for Officials states that "No official entrusted with law enforcement may engage in any act of torture or any other form of cruel, inhuman or degrading treatment or punishment". Article 83 of the State of Qatar Penal Procedures Act stipulates that it is impermissible to compel or induce the accused, by any means whatever, to reply to or to make particular statements; the text prohibits torturing the accused to make particular statements and also prohibits inducing him to respond to particular statements.

Article 84 of the same Act stipulates that statements of the accused, if obtained as a result of torture, compulsion or inducement, shall be considered null and void and shall have no probative value.

Article 112 of the Penal Code stipulates the following: "Any public official who orders a person to be tortured, or who tortures a person himself, in order to induce him to confess to the commission of a crime, to obtain from him information relating to a crime, or to induce a member of his family to make such a confession or to give such information shall be punished with imprisonment for a period of not more than five years. If, as a result of the official's act, such a person suffers severe injury, the perpetrator shall be punished with imprisonment for a period of not more than 10 years. If there results from such an act the death of the person in question, the perpetrator shall receive the penalty laid down for murder in accordance with the circumstances".

Article 6 of the Code of Conduct for Officials of the State of Qatar stipulates that "Officials entrusted with law enforcement must, when a detainee in their charge is in need of medical care, provide him with such care and take immediate steps to meet the needs of the person detained".

On the basis of the foregoing, the State of Qatar is of the view that the question of the principles governing medical ethics relevant to the role of health personnel in the protection of persons from torture and other cruel, inhuman or degrading treatment or punishment should primarily be settled within the framework of national legislation and not in international legal instruments.

The State of Qatar proposes that the draft should include a prohibition against personnel in the medical field conducting medical or biological experiments on prisoners and detainees.

The State of Qatar is of the view that the expression "preservation of ... health" might be better and more positive than the expression "protection of ... health" used in Principle 1 of the code.

SWEDEN

[Original: English]

[5 June 1984]

1. Information concerning the Principles of Medical Ethics, including a translation into Swedish, have been distributed by the Swedish Ministry of Foreign Affairs to various authorities and other institutions in Sweden. The intention has been to bring the Principles to the attention of persons who are concerned in their profession with problems related to medical ethics. Among the authorities informed are a number of government departments and some national public agencies such as the Board of Health and Welfare, the Board of Education, the Police Board and the Prison and Probation Administration. Furthermore, information has been forwarded to the Office of the Chancellor of the Swedish Universities and High Schools and to all Swedish Universities. Various other institutions such as the Swedish Red Cross, the Swedish section of Amnesty International, the Swedish Bar Association and the United Nations Association of Sweden have also been included in the list of recipients of this information.
2. The Swedish Medical Association, in collaboration with the Ministry of Foreign Affairs, has published in its Journal the complete Swedish text of the Principles together with introductory comments.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[2 August 1984]

The United Nations Principles of Medical Ethics have been drawn to the attention of the Prison Medical Services and police doctors in the United Kingdom of Great Britain and Northern Ireland. Further, the United Kingdom's statutory and administrative rules relating to prison medical officers have for some time embodied the principles endorsed by the United Nations.

Principles 1 and 2

Guidance to prison medical officers states that the nature of the prison environment does not release any qualified doctor from his legal obligations to maintain a standard of medical practice in accordance with the norm expected of any other professional of his standing, qualifications and experience, and adds that the prisoner should be humanely cared for at all times.

Principle 3

Prison rules state that the duties of the prison medical officer are the care of the health, mental and physical, of the prisoners.

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#### Principle 4

No punishment in use in prisons in the United Kingdom contravenes standards laid down in international instruments. No prisoner is subjected to physical punishment unless he has been certified fit by the medical officer.

#### Principle 5

Prisoners are put under restraint only after recommendation by the medical officer.

### III. INFORMATION COMMUNICATED BY SPECIALIZED AGENCIES

#### UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: French]

[7 August 1984]

1. In connection with the implementation of the Plan for the Development of Human Rights Teaching adopted by resolution 3/03 of the twenty-first session of the General Conference, UNESCO entrusted Professor Maurice Torrelli of the University of Nice with the compilation of a work entitled "The physician and human rights". The book, intended for physicians, health personnel and jurists, was published in 1983.
2. Professor Torrelli's book has the merit of highlighting the social and legal implications of human rights for medical practice and also of presenting a full range of texts of an ethical or normative tenor which may provide material for serious thought on the question of the role and the obligations of physicians and health personnel in defending the fundamental rights and freedoms of the individual, particularly in the realization of the right to health.
3. For this project, UNESCO also established working relations with the World Health Organization and the Council of Europe with a view to the preparation of teaching materials to alert physicians and health personnel to the requirements of human rights.
4. The text of the Principles of Medical Ethics adopted by the General Assembly in its resolution 37/194 will be published in issue No. 4 of the UNESCO Bulletin Human Rights Teaching.
5. Finally, in accordance with the Approved Programme and Budget for 1984-1985 a number of studies will be carried out in order to consider the problems raised by recent advances in science and technology in connection with the effective protection of human rights. A symposium (category VIII) on the subject will be organized to examine, in particular, questions arising in connection with brain research, biological and neurophysiological experiments and genetic engineering. In this context, special attention will be paid to particularly vulnerable groups, such as children, prisoners or patients in psychiatric hospitals.

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WORLD HEALTH ORGANIZATION

[Original: English]

[22 May 1984]

1. The Director-General has sent a note verbale to all member Governments transmitting the Principles of Medical Ethics. An article related to them appeared in the June 1983 edition of the WHO Chronicle. They were also brought to the attention of the thirty-sixth session of the World Health Assembly. Reference to General Assembly resolution 38/118 is also made in the World Health Assembly document A/37/14.

2. The Council for International Organizations of Medical Sciences (CIOMS), which prepared the Principles in collaboration with WHO, brought them to the attention of all non-governmental organizations concerned, with the request that they inform their respective members of their existence, contents and spirit. CIOMS has also sent the Principles to all major medical journals with the request that they publish a summary version.

IV. INFORMATION COMMUNICATED BY INTERGOVERNMENTAL ORGANIZATIONS  
OUTSIDE THE UNITED NATIONS SYSTEM

INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

[Original: English]

[1 June 1984]

The Intergovernmental Committee for Migration states that copies of the Principles of Medical Ethics and of General Assembly resolution 38/118 of 16 December 1983 entitled "Principles of Medical Ethics" have been sent to the medical officers and representatives of ICM all over the world with instructions to take any action they deem necessary to bring these principles to the attention of the widest possible group of individuals within their area of jurisdiction.

V. INFORMATION COMMUNICATED BY NON-GOVERNMENTAL ORGANIZATIONS

AMNESTY INTERNATIONAL

[Original: English]

[24 April 1984]

1. The text of the Principles is reproduced in the March 1983 issue of the monthly Newsletter, as appendix V to its 1983 Annual Report, as appendix V to its recently published report Torture in the Eighties and as chapter IX of its publication Codes of Professional Ethics.



2. In addition, a comprehensive collection of codes and statements relating to medical professional ethics for circulation within the Amnesty International movement, for use in work on behalf of Amnesty International, is being prepared.
3. In the view of Amnesty International, every effort should be made to ensure that United Nations standards are well known by Governments and the specific groups and sectors to which the standards are addressed.

#### CHRISTIAN MEDICAL COMMISSION

[Original: English]

[3 April 1984]

1. The issue of medical ethics and health care is very much a concern of the Christian Medical Commission. This is one of the issues which is going to be discussed in the North American Regional Meeting in December 1984.
2. The Christian Medical Commission also works very closely with the International Medical Commission for Health and Human Rights IMC and is a founding member of the preparatory committee of IMC. The question of medical ethics is one of the key involvements of IMC. Two seminars were held last year, sponsored by IMC on these issues.

#### INTERNATIONAL COMMISSION OF JURISTS

[Original: English]

[13 April 1984]

ICJ Review No. 31 contains the Principles of Medical Ethics, which will thus be distributed (in English, French and Spanish) to some 10,000 lawyers and lawyers organizations in 121 countries.

#### INTERNATIONAL FEDERATION OF HUMAN RIGHTS

[Original: French]

[11 May 1984]

1. Our organization will take all necessary measures for the dissemination and implementation of the Principles of Medical ethics mentioned in resolution 38/118 adopted by the United Nations General Assembly on 16 December 1983.
2. FIDH expresses the hope that the report to be presented by the Secretary-General to the General Assembly in accordance with the provisions of paragraph 5 of that resolution will reproduce the information relating to Chile which our organization feels obliged to bring to your attention. 1/

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LEAGUE OF RED CROSS AND RED CRESCENT SOCIETIES

[Original: English]

[2 April 1984]

1. The International Red Cross shares your concern to bring the Principles of medical ethics to the attention of the widest possible audience and, in this respect, a circular letter has been addressed to all National Red Cross and Red Crescent Societies.

2. This is just one of a series of actions taken by the Red Cross to safeguard and disseminate principles which, from the moment our movement was founded, have always been at the centre of our work.

MINORITY RIGHTS GROUP

[Original: English]

[21 March 1984]

In accordance with your letter concerning the Principles of Medical Ethics, please find enclosed some evidence from the United Kingdom on the abuse of these medical ethics in the case of female circumcision operations, etc., being carried out in the United Kingdom. 1/ The Minority Rights Group and other non-governmental organizations are actively supporting work to ban this practice in the United Kingdom including a Parliamentary Bill on the subject.

UNION OF ARAB JURISTS

[Original: English]

[29 April 1984]

The Union will organize a symposium on the Principles of Medical Ethics in which a group of professional professors in law and medicine will participate, with the aim of disseminating such good principles in the domain of practice among all medical practitioners.

Notes

1/ This document is available at the Secretariat and can be consulted upon request.

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