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TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Principles of Medical Ethics

Report of the Secretary-General

Addendum

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AUSTRIA

[Original: English]

[28 September 1984]

1. The Austrian Government has transmitted to the Austrian Medical Doctors' Association the Principles of Medical Ethics, as adopted by the General Assembly in its resolution 37/194 of 18 December 1982. The Association has been requested to provide for widest possible distribution of the Principles among medical and paramedical professionals. Publication of the Principles in the Official Gazette of the Association is likely to take place. With reference to the substance of the Principles, it can be stated that Austrian law, especially the Federal Law on the Profession of Medical Doctors of 1949, contains all safeguards provided for by the Principles. According to the latter law, disciplinary action and criminal procedures may be initiated against perpetrators.

2. As far as institutions of detention and imprisonment are concerned, the Austrian Government believes that existing legal obligations in this country provide for sufficient safeguards. In this context, attention has to be drawn to article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which forms part of Austrian law and which outlaws torture, inhuman or degrading treatment and punishment. Apart from this international obligation, additional national laws provide for the necessary protection. Article 312 of the Austrian Criminal Code outlaws the infliction of physical or mental pain on detainees by government officials. The term "government officials" comprises all law enforcement officials in penitentiaries and other institutions of detention. Officials violating the said provision face imprisonment for terms of up to 2 years, in severe cases up to 10 years. The same imprisonment can be imposed in cases of severe neglect of a person detained or imprisoned, if the law enforcement official endangers the physical development of such a person substantially. Negligence constitutes sufficient ground for the imposition of such punishment.

3. Moreover, Austrian Federal Law on Imprisonment contains a number of clauses which provide for medical care of the detainees. One provision expressly outlaws medical experiments on detained persons even in cases when their prior consent is obtained. Finally the Austrian Government should like to draw attention to article 8 of the Austrian Law on Fundamental Freedoms of 1867, which, together with the Austrian Law on the Protection of the Personal Liberty of 1862, guarantees the right to personal liberty. Personal liberty as laid down by these laws excludes inhuman or degrading treatment or punishment. The Austrian Constitutional Court may be seized with violations of these laws.

4. In conclusion, the Government of Austria holds the opinion that the Principles as laid down in the aforementioned resolution are fully implemented on Austrian territory. A distribution of the Principles in publications relevant to medical and paramedical personnel and to law enforcement officials may, in view of the importance of the matter, serve as a useful reminder of already existing legal obligations.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[14 September 1984]

1. The legislation in force in the Byelorussian SSR entirely precludes any form of torture or other cruel, inhuman or degrading treatment or punishment, and contains all the necessary legal guarantees. Torture and other cruel acts against persons subjected to detention or imprisonment are illegal and are treated as criminal offences. This legislation applies in all respects to health personnel who, in the course of their work, come into contact with the above-mentioned persons.

2. The Principles of Medical Ethics, referred to in General Assembly resolution 37/194 of 18 December 1982, have been brought to the attention of the appropriate health personnel. The legislation of the Byelorussian SSR is in full accord with the human considerations underlying the principles. ,

FINLAND

[Original: English]

[19 October 1984]

1. In accordance with General Assembly resolution 38/118, the Government of Finland has translated the Principles of Medical Ethics into Finnish. This translation has already been distributed to responsible health authorities under the Ministries of Social Affairs and Health, the Interior, Justice and Defence. The National Board of Health will publish the Principles in December this year in its Information Bulletin, which has an extensive distribution among the medical profession in Finland. There are also some further plans to have the translation of the Principles appear in other official publications.

2. The Government of Finland believes that through these efforts health personnel, particularly physicians, professional and other organizations and the entire health field will become aware of the Principles of Medical Ethics as approved by the General Assembly.

NETHERLANDS

[Original: English]

[5 October 1984]

1. In 1983 the Ministry of Welfare, Health and Cultural Affairs gave wide publicity to the Principles of Medical Ethics among members of the medical profession and other interested individuals, public bodies and private

organizations. The Ministry of Justice circulated the Principles to physicians attached to prisons, child-care and protection agencies and institutions for persons detained under hospital orders, and to the probation and after-care service and the Medical Director of the Prison Hospital.

2. The Principles were translated into Dutch and published in the Netherlands Government Gazette (Nederlandse Staatscourant), in a publication entitled "Rules of Conduct for Physicians" issued by the Royal Dutch Medical Association, and in the Association's weekly journal Medisch Contact.

3. The Netherlands Government wishes to take this opportunity of stressing the importance of disseminating the Principles throughout the world. The World Health Organization can assist in this process. The Government welcomes the publication of the text of the Principles by the Department of Public Information of the United Nations Secretariat (DPI/801-40361-April 1984), and hopes that this publication will shortly be available in the other working languages of the United Nations and that it will continue to be printed and circulated in sufficient quantities.
