

Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment

Adopted by APA Council of Representatives, August 2006

Amended by APA Council of Representatives, August 2015

WHEREAS the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment has been documented in many nations around the world (e.g., Genefke, 2004; Human Rights Watch, 2006; U.S. Department of State, 2005);

WHEREAS torture victims and victims of other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment may suffer from long-term, multiple psychological and physical problems (e.g., Carlsson, Mortensen, & Kastrup, 2005; Gerrity, Keane, & Tuma, 2001; Hermansson, Timpka, & Thyber, 2003; Kanninen, Punamaki, & Qouta, 2003; Somnier, Vesti, Kastrup, & Genefke, 1992);

WHEREAS psychological knowledge and techniques (e.g., including but not limited to deprivation and disorientation techniques) may be used to design and carry out torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment (e.g., Conroy, 2000; Hovens & Drozdek, 2002; Mossallanejad, 2000);

WHEREAS the Ethical Principles of the APA *Ethical Principles of Psychologists and Code of Conduct* (2002) call upon members of the APA to respect the inherent dignity and worth of the individual and strive for the preservation and protection of fundamental human rights recognizing the equal and inalienable rights of all members of the human family;

WHEREAS in 2000 APA received consultative status as a non-governmental organization (NGO) at the United Nations (UN) in recognition of evidence provided by APA of its efforts to promote human rights;

WHEREAS as an accredited NGO at the UN, the APA is committed to the spirit, purposes, and principles of the Charter of the UN and other relevant international instruments;

WHEREAS APA's status as an accredited NGO at the UN carries the commitment to promote and protect human rights in accordance with the Charter of the UN and the Universal Declaration of Human Rights and to contribute its expertise and resources to the implementation of the various human rights declarations, conventions and other standards of the UN;

WHEREAS, consistent with its history in supporting human rights, in its 1987 Human Rights Resolution, APA issued a strong statement that "the discipline of psychology, and the academic and professional activities of psychologists, are relevant for securing and maintaining human rights"; and undertook to promote knowledge of and compliance with UN instruments by resolving to commend the main UN human rights instruments and documents to the attention of its boards, committees and membership at large;

WHEREAS in its 1986 Resolution Against Torture, APA supported the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment¹;

WHEREAS the American Psychological Association 1986 Human Rights Resolution is specific in its support for the United Nations 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 Punishment², which includes Principle 4a,

It is a contravention of medical ethics for health personnel . . . 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;

WHEREAS the American Psychological Association 1986 Human Rights Resolution is specific in its support for the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984;

WHEREAS in August 2005 APA's Council of Representatives approved the motion to acknowledge Principle 2.2 of the United Nations Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, which states that:

[T]here are no exceptional circumstances whatsoever, whether induced by a state of war or threat of war, internal political instability or any other public emergency, that may be invoked as a justification for torture, including the invocation of laws, regulations, or orders.

BE IT RESOLVED that the APA reaffirms its 1986 condemnation of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment wherever it occurs;

BE IT RESOLVED that the APA reaffirms its support for the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and its adoption of Article 2.2, which states,

[T]here are no exceptional circumstances whatsoever, whether induced by a state of war or a threat of war, internal political instability or any other public emergency, that may be invoked as a justification of torture;

BE IT RESOLVED that, in accordance with Article I of the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment,

[T]he term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted upon a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official [e.g., governmental, religious, political, organizational] capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions [in accordance with both domestic and international law];

BE IT RESOLVED that APA defines the term "cruel, inhuman, or degrading treatment or punishment" in accordance with the UN Convention Against Torture as "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" or with the U.S Constitution or other domestic law.

This definition continues to evolve with international legal understandings of this term as defined by the UN Committee Against Torture, UN and regional human rights tribunals (e.g., the European Court of Human Rights and the Inter-American Court of Human Rights), or other international legal bodies (e.g., the International Criminal Court) based on legal findings and jurisprudence. When legal standards conflict, APA members are held to the highest of the competing standards.

In addition, this definition extends to all techniques and conditions of confinement considered torture or cruel, inhuman or degrading treatment or punishment under the UN Convention Against Torture; the Geneva Conventions; 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; the Basic Principles for the Treatment of Prisoners; or the World Medical Association Declaration of Tokyo;

BE IT RESOLVED that, based upon the American Psychological Association 1986 Human Rights Resolution, the APA reaffirms its support for the United Nations Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, 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 as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984, and further supports the McCain Amendment, the United Nations Basic Principles for the Treatment of Prisoners³, and the United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment⁴;

BE IT RESOLVED that based upon the APA's long-standing commitment to basic human rights including its position against torture, psychologists shall work in accordance with international human rights instruments relevant to their roles;

BE IT RESOLVED that regardless of their roles, psychologists shall not knowingly engage in, tolerate, direct, support, advise, or offer training in torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;

BE IT RESOLVED that psychologists shall not provide knowingly any research, instruments, or knowledge that facilitates the practice of torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment;

BE IT RESOLVED that psychologists shall not knowingly participate in any procedure in which torture or other forms of cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment is used or threatened⁵;

BE IT RESOLVED that should torture or other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment evolve during a procedure where a psychologist is present, the psychologist shall attempt to intervene to stop such behavior, and failing that exit the procedure;

BE IT RESOLVED that psychologists shall be alert to acts of torture and other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment and have an ethical responsibility to report these acts to the appropriate authorities;

BE IT FURTHER RESOLVED that, consistent with the August 2005 action of Council, the APA will continually

disseminate and publicize this 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, both within the Association (to boards, committees, and the membership at large) and to the wider public.

¹ The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (http://www.unhcr.ch/html/menu3/b/h_cat39.htm) is an international human rights instrument intended to prevent torture and other similar activities. According to the Convention, torture is defined as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The Convention also created the UN Committee Against Torture, which focuses on the duties of national leaders to serve in a preventive role concerning the use of torture and other cruel, inhuman, or degrading treatment or punishment.

² 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 (http://www.unhcr.ch/html/menu3/b/h_comp40.htm) is a UN Human Rights Instrument adopted by the General Assembly resolution 37/194 of 18 December 1982. It contains a code of health personnel 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.

³ Basic Principles for the Treatment of Prisoners (<http://www.ohchr.org/english/law/basicprinciples.htm>) is a UN Human Rights Instrument adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990. It contains the minimum standards for treatment of prisoners as human beings as set forth in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol.

⁴ The Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (<http://www.ohchr.org/english/law/investigation.htm>) is a UN Human Rights Instrument recommended by General Assembly resolution 55/89 of 4 December 2000. The Principles outline recommended procedures related to the documentation of torture and other cruel, inhuman, or degrading treatment or punishment particularly by health care professionals.

⁵ Declaration 4 of The World Medical Association Declaration of Tokyo. Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment (<http://www.wma.net/e/policy/c18.htm>).

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