Ethics Committee's Response to the Council of Representatives' Directive to Review a Discrepancy Between the Aspirational and Enforceable Sections of the *Ethical Principles of Psychologists and Code of Conduct* (2002) Related to Conflicts Between Ethics and Law and Conflicts Between Ethics and Organizational Demands

APA Ethics Committee Statement
No Defense to Torture Under the APA Ethics Code

June 2009

There is no defense to torture under the *Ethical Principles of Psychologists and Code of Conduct* (2002).

The APA Ethics Committee will not accept any defense to torture in its adjudication of ethics complaints.

Torture in any form, at any time, in any place, and for any reason, is unethical for psychologists and wholly inconsistent with membership in the American Psychological Association.

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, legal compulsion or organizational demand, may be invoked as a justification for torture.

Addendum to the Ethics Committee's June 2009 Statement

The Ethics Committee considers the prohibition against torture to encompass the specific techniques prohibited by the Council of Representatives 2008 Resolution *Amendment to the Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants."* The Committee finds this prohibition consistent with President Obama's January 22, 2009, executive order "Ensuring Lawful Interrogations."

I. Introduction to and History of the American Psychological Association's Review of Ethical Standard 1.02

The Ethics Committee thanks all of the individuals and groups that have contributed in such a thoughtful manner to the American Psychological Association's (APA's) review of how the *Ethical Principles of Psychologists and Code of Conduct* (2002; Ethics Code) addresses conflicts between ethics and law and conflicts between ethics and organizational demands. That so many psychologists are willing to give their time and energies to APA is the Association's greatest strength and resource. The depth and

breadth of our membership is abundantly evident in the many contributions and comments the Committee has received. The Committee would like to stress that notwithstanding deep differences in APA members' opinions and positions, the Committee appreciates and recognizes the good intentions and good will of *all* APA members who have provided comments on this complex issue.

At its August 2005 meeting, the Council of Representatives directed the Ethics Committee to "review the discrepancy between the language of the Introduction and Applicability section of the *Ethical Principles of Psychologists and Code of Conduct* (2002) and Ethical Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority." The discrepancy arises because the phrase "in keeping with basic principles of human rights" is found in the *aspirational* section of the Ethics Code but not in the Code's *enforceable* ethical standard. Council requested that the Ethics Committee "make a recommendation to the Board of Directors concerning adding the words 'in keeping with basic principles of human rights' to Ethical Standard 1.02."

In its August 2005 directive, Council did not indicate whether it believed a change in Standard 1.02's language was advisable but rather directed the Ethics Committee to "review the discrepancy" and make a recommendation.

In February 2006, the Ethics Committee provided an initial report to Council that described the Committee's progress in examining this issue. In April 2006, the Ethics Committee began a process of collaborating with consecutive chairs of the Divisions for Social Justice and of eliciting feedback from APA governance groups. The Committee also continued to track resolutions with direct relevance to Ethical Standard 1.02. In the fall of 2006 and again in the fall of 2008, the Ethics Committee solicited responses from boards and committees for input regarding whether it would be advisable to modify Standard 1.02 and requested recommendations for specific language if governance groups believed a modification was indicated.

In August 2008, Council members introduced a new business item regarding a modification of Standards 1.02 and 1.03 and requested that the Ethics Committee provide a recommendation regarding language in these two ethical standards in preparation for Council's August 2009 meeting. In response to this new business item, the Ethics Committee created a Web site (http://www.apa.org/ethics/standard-102/). Among other materials, the Web site provided a complete history of Standard 1.02, input from governance groups regarding whether a change in the standard's language is indicated, a comparative analysis of how 55 other associations address conflicts between ethics and law, and guidance regarding when a change in the Ethics Code outside the regular revision process is indicated. The Web site also solicited comments from all interested parties.

At its spring 2009 meeting, the Ethics Committee reviewed 81 comments that had been received in response to its call for comments. Of these, 77 comments were submitted to the Web site. Four were submitted to the APA Ethics Office in hard copy. (Certain comments were submitted in both forms and were therefore not counted twice in the total number.) The Committee reviewed these comments in the context of the background

materials posted on the Web site, including materials relevant to changes to the Ethics Code outside the regular revision process.

This report and the accompanying Ethics Committee statement are the Committee's response to Council's directive that the Committee review the discrepancy between the aspirational and enforceable language in the Ethics Code and make a recommendation regarding adding the words "in keeping with basic principles of human rights" or some similar language to the Code's enforceable standards.

The Ethics Committee respectfully submits this report to Council for Council's consideration at its August 2009 meeting.

Note: Although differing in important respects, the language of Ethical Standard 1.03 closely tracks the language of Standard 1.02. Much of the Standard 1.02 analysis therefore applies to Standard 1.03. Because the Committee views it as critical that APA make clear there is no defense to torture under *any* section of the Ethics Code, including both Standards 1.02 and 1.03, the Committee includes the words "organizational demands" in the title of this text and in the accompanying Committee statement.

II. Background of Key Issues

A. Current Language

The Code's aspirational Introduction and Applicability section states:

> If this Ethics Code establishes a higher standard of conduct than is required by law, regulations, or other governing legal authority, psychologists must meet the higher ethical standard. If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority in keeping with basic principles of human rights.

Ethical Standard 1.02 from the enforceable section of the Code states:

> 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority
> If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.

The phrase "in keeping with basic principles of human rights" in the Introduction and Applicability section is absent from the enforceable ethical standard.

If the proposed language were added to Ethical Standard 1.02, the standard would state (added language in underline):

> 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority
> If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority in keeping with basic principles of human rights.

B. 1992 Ethics Code Language

The 1992 *Ethical Principles of Psychologists and Code of Conduct* stated:

> 1.02, Relationship of Ethics and Law
> If psychologists' ethical responsibilities conflict with law, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict in a responsible manner.

The 1992 standard placed an obligation on psychologists to engage in a process of attempting to resolve a conflict between ethics and law, were a conflict to arise.

The 1992 Ethics Code did not address what psychologists do if the conflict is not resolvable.

C. Meaning of "Conflict"

To understand Ethical Standard 1.02, it is essential to be clear about the meaning of "conflict." A psychologist's legal and ethical obligations will sometimes differ. In certain instances, the law will impose requirements that the Ethics Code does not; at other times, the Ethics Code may require more than the law, regulation, or other governing legal authority will require. A difference does not in and of itself constitute a Standard 1.02 conflict. The Introduction and Applicability section of the Ethics Code makes clear that if the Ethics Code establishes a higher standard of conduct than the law, psychologists are expected to meet the higher standard.

As used in Standard 1.02, conflict refers to mutually exclusive obligations. Such conflicts arise in the exceedingly rare instances when fulfilling a psychologist's legal obligations will necessarily entail violating the psychologist's ethical obligations, or vice versa. In other words, following the law will *necessarily* entail violating the Ethics Code, and conversely, following the Ethics Code will *necessarily* violate the law. The psychologist is in the position of choosing which—the law or the Ethics Code—to follow. In an Ethical Standard 1.02 conflict, the psychologist cannot abide by both.

D. Aspirational and Enforceable Language in the 2002 Ethics Code

A central distinction in the Ethics Code is between the Code's aspirational sections—the Introduction and Applicability, the Preamble, and the Ethical Principles—and the enforceable ethical standards. Language in the aspirational sections of the Code tends to be general rather than specific. Principle A, Beneficence and Nonmaleficence, for example, begins by stating "Psychologists strive to benefit those with whom they work and take care to do no harm." Language in the enforceable standards, by contrast, is specific and directive as the standards apply the ethical principles to set forth specific obligations and specific prohibitions on psychologists' behavior. Standards 3.10 and 10.05, for example, provide the specific elements of informed consent that psychologists are required to obtain and prohibit sexual involvements with therapy clients/patients (respectively). A natural discrepancy is therefore found between the language in the aspirational sections of the Ethics Code and the language in the Code's enforceable sections in terms of how specific and directive the language is.

A discrepancy in language in and of itself may arise by virtue of the distinction between the aspirational and enforceable sections of the Code. A discrepancy does not, therefore, necessarily indicate a problem.

E. Civil Disobedience Under the 2002 Ethics Code

It is critical to note that civil disobedience is entirely compatible with the Ethics Code. Ethical Standard 1.02 states that in cases of an irreconcilable conflict between ethics and law, a psychologist "may" follow the law. Conversely, it is compatible with the Ethics Code for a psychologist *not* to follow the law when an irreconcilable conflict between ethics and law arises.

The role of civil disobedience in APA Ethics is underscored and highlighted in the 2007 Council resolution *Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants"* (http://www.apa.org/governance/resolutions/councilres0807.html). This resolution states "The American Psychological Association affirms the prerogative of psychologists under the *Ethical Principles of Psychologists and Code of Conduct* (2002) to disobey law, regulations or orders when they conflict with ethics." In adopting the Ethics Code and this Council resolution, Council has affirmed and reaffirmed that civil disobedience is compatible with the Ethics Code.

F. The Events of September 11, 2001, and Ethical Standard 1.02

There has been confusion regarding the relationship between the terrorist attacks of September 11, 2001, and the language of Ethical Standard 1.02. The history of Standard 1.02 (http://www.apa.org/ethics/standard-102/) makes clear there is no link. Although the Code as a whole was adopted in August 2002, the current language in Standard 1.02 was drafted in the fall of 2000, a year prior to the terrorist attacks. The comments on this

standard indicate that the issues of terrorism, torture, and interrogation were not part of the discussion, a conclusion that is confirmed by commentaries on the Ethics Code written by members of the Ethics Code revision task force. The recorded history of Standard 1.02 stands as a clear refutation to the claim that the standard's language was a response to the events of September 11, 2001. A review of the history of this standard indicates that disclosing confidential information in response to a legal demand (such as a subpoena or court order) was a primary concern behind the revision of Ethical Standard 1.02.

III. Comments in Response to the Ethics Committee's Call

The issue of how the APA Ethics Code addresses conflicts between ethics and law is deeply felt by many members. At the outset of its analysis, the Ethics Committee emphasizes again its strong belief that *all* who have submitted comments have done so in a spirit of ethical mindedness and genuine concern for maintaining the highest ethical standards in the profession. Reasonable, ethically minded, informed members of APA differ on how best to approach this complex question. The Committee strongly encourages all interested APA members to visit the website and read through the comments in their entirety (http://www.apa.org/ethics/standard-102/).

Eighty-one comments were submitted in response to the Ethics Committee's call. The Committee notes that 10 comments were submitted during the entire 5-year revision process leading up to the adoption of the current version of the Ethics Code.

The individual and group comments submitted in response to the Ethics Committee's call were divided in their recommendations. Some comments spoke strongly in favor of changing Ethical Standard 1.02, either by adding language such as "in keeping with basic principles of human rights" or by removing language that was included in the most recent ethics code revision process. Other comments spoke equally strongly against changing Standard 1.02.

The comments in favor of change in Ethical Standard 1.02 focused largely on one or a combination of two central issues: that the 2002 Code allows torture and abuse when a psychologist is under a legal compulsion to engage in these unethical acts and/or that the Ethics Code permits a wide range of unethical conduct that violates basic principles of human rights, such as discrimination. Although these two issues are related, they are distinct in terms of their scope. One set of comments favoring a change in language viewed Standard 1.02 as problematic almost exclusively in the context of torture. Another set of comments favoring a change in language viewed Standard 1.02 as problematic in a much broader context of allowing violations across a broad range of human rights issues. A comment submitted by the movers of the 2008 Council new business item is an example of comments favoring change that highlight broader issues:

> Council has enacted numerous human rights policies, particularly policies against unfair discrimination as well as policies against torture. As Movers of New Business Item 34E, we urge the Ethics Committee to propose language that

> communicates clearly that Standards 1.02 and 1.03 can never be interpreted to justify violations of basic human rights and, furthermore, that psychologists resolve such conflicts guided by principles of basic human rights and maximal compliance with the Ethical Standards.

In addition to these arguments in favor of changing the language of Standard 1.02, certain comments argued that changing the standard could be helpful in providing psychologists a bulwark against violating the Ethics Code should the psychologist be pressured to do so.

The Ethics Committee believes that there is great insight in these comments. The Ethics Committee strongly agrees that APA must make absolutely and unequivocally clear that the Ethics Code does not provide a defense to torture and specifically that Ethical Standards 1.02 and 1.03 do not provide a defense to torture. (Please see the Ethics Committee's June 2009 statement "No Defense to Torture Under the APA Ethics Code" on pages 1 and 13 of this document and at www.apa.org/ethics.)

Comments opposing a change in Ethical Standard 1.02 made several arguments. These arguments largely focused on the language "basic principles of human rights" as overly difficult to operationalize and/or vague in the context of an enforceable standard as opposed to an aspirational statement. These comments argued that the language "basic principles of human rights" has uncertain application to many issues about which there are deep societal disagreements, such as abortion, end of life/assisted suicide, and the death penalty. The comments also raised questions regarding how the proposed language would apply to specific practice contexts and issues, such as work in correctional settings, obtaining consent to treat minors, and terminating parental rights. In responding to suggestions regarding texts such as the *Universal Declaration of Human Rights* that might offer an authoritative interpretation of the language "basic principles of human rights," certain commentators pointed out that these texts themselves have clauses that allow for the suspension of their own provisions. An example of such a clause is found in Article 29, paragraph 2 of the *Universal Declaration*, which allows limitations of the Declaration's "rights and freedoms" for the purpose of "meeting the just requirements of morality, public order and the general welfare in a democratic society." According to this argument, a document which allows exceptions to its own provisions potentially raises the very issues that proponents of changing Standard 1.02 seek to remedy. The comments also raised a question of where the locus of ethical responsibility and accountability for action most properly belongs, in the individual member or in the Association, and whether it is appropriate for the Association to *require* a member to engage in civil disobedience. In other words, the question was raised whether the role of the Association through its Ethics Code is to *assist* psychologists in making complex decisions or rather to *direct* psychologists what to do.

IV. Ethics Committee's Analysis

The Committee believes that there is significant wisdom and insight in comments both favoring and opposing a change in the language of Ethical Standard 1.02. The Committee

strongly agrees with proponents of a change in language that APA must make absolutely and unequivocally clear that "following orders" and following institutional demands are never a defense to torture under the Ethics Code. The Committee likewise agrees that adding the words "in keeping with basic principles of human rights" to Ethical Standard 1.02 has implications across a broad range of psychologists' work that have yet to be fully explored. The Ethics Committee believes that to appreciate fully the implications of adding such language to enforceable standards in the Ethics Code, a careful review of the entire Code will be necessary, which will require the assistance and active involvement of psychologists across the entire profession to explore how this language may be applied to their areas of work.

In short, the Ethics Committee does not believe it is advisable to add the proposed phrase "in keeping with basic principles of human rights" to Ethical Standard 1.02 without exploring the implications of this addition across the broad range of psychologists' activities and in relation to the Ethics Code as a whole in the context of a regular and full revision of the entire Ethics Code.

A. Other Professions' Ethics Codes

How other health and mental health professions address conflicts between ethics and law, although by no means dispositive for APA, is nonetheless informative. The Ethics Committee reviewed 55 ethics codes for language addressing how members should respond when faced with a conflict between obligations under their ethics code and obligations under the law. The Committee's review indicated that the vast majority of ethics codes fall into one of three categories:

1. codes that require members to follow the law,
2. codes that allow member discretion regarding whether to follow the law or the ethics code, and
3. codes that do not address the issue of conflicts between ethics and law.

The Committee's review was not exhaustive. Nonetheless, the review strongly suggests that language in the APA Ethics Code is highly consistent with how other associations' ethics codes address conflicts that arise between ethics and law. (For the Committee's methodology and information regarding specific associations' codes, please see http://www.apa.org/ethics/standard-102/associations.pdf.)

B. Locus of Ethical Decision Making

At the center of this issue is the question of whether the locus of ethical decision making in complex situations more properly belongs in the individual member or in the Association. This question, in turn, rests upon one's conception of the role of an association ethics code. From one perspective, the purpose of an ethics code is to set forth ethical prohibitions and requirements that restrict and mandate member behavior. From another perspective, the role of an ethics code is to provide ethical guidance to members who face difficult and complex dilemmas. These two perspectives are not mutually

exclusive and both may simultaneously coexist in a single ethics code, as they do in APA's Ethics Code.

It is important to recognize that adding the proposed language "in keeping with basic principles of human rights" to the enforceable section of the Ethics Code potentially mandates that APA members engage in civil disobedience.

The question of whether a code of ethics should mandate or rather permit civil disobedience is a question with no apparent or easy answer. The Ethics Committee believes this discussion is important for the Association to have. The Ethics Committee believes that if the Ethics Code were to be construed as mandating civil disobedience, it would be important for the Ethics Code to give clear guidance to members regarding when civil disobedience is required.

The Ethics Committee believes that its June 2009 statement "No Defense to Torture Under the APA Ethics Code" provides clear guidance to psychologists regarding their behavior.

C. Adoption of the Ethics Code by State, Provincial, and Territorial Licensing Boards

Adding the language "in keeping with basic principles of human rights" potentially creates a mandate that in certain situations psychologists must disobey the law. At the present time, approximately 28 jurisdictions adopt or follow the APA Ethics Code according to their statutes or regulations. APA would need to determine whether a clause in the Ethics Code potentially requiring psychologists to disobey the law will affect the likelihood that a jurisdiction will incorporate or make reference to the Ethics Code in its statutes or regulations.

APA must also determine the extent to which it wants to encourage jurisdictions to use the APA Ethics Code as the jurisdiction's standard of ethical care. The Ethics Committee strongly supports jurisdictions adopting the APA Ethics Code.

An additional consideration is that many individuals who sit on licensing boards and ethics committees may have little training in applying international human rights instruments to the work of psychologists. Training in how to apply these texts will be essential if the phrase "in keeping with basic principles of human rights" is added to Standards 1.02 and 1.03.

D. The Role of International Human Rights Standards

A theme that arose in the comments addressed the role of international human rights standards in the APA Ethics Code. From one perspective, international human rights standards should be central to the Ethics Code and should trump any competing law. Other comments questioned whether international human rights standards should be included in the Code's enforceable section. During the next revision of the Ethics Code,

APA should address the appropriate role of international human rights standards in the Code.

V. Statement by the Ethics Committee Regarding Torture and No Defense to Torture

It is critical that all APA members and the public understand that there is no defense to torture under the APA Ethics Code.

The current language of Ethical Standard 1.02 was drafted in the fall of 2000. The language was neither intended nor foreseen to justify or provide a defense to torture or abuse. A primary concern of the Ethics Code revision task force was the disclosure of confidential information in response to a legal demand such as a subpoena or a court order.

Given that in the public discourse there is uncertainty regarding a defense to torture under the Ethics Code, the Committee believes it is critical to make clear that the Ethics Code does not provide a defense to torture.

For this reason, the Ethics Committee has adopted a statement that following orders or any legal mandate or organizational demand is not a defense to torture under Ethical Standard 1.02, Ethical Standard 1.03 or any section of the Ethics Code.

The statement accompanies this response to Council. The Ethics Committee has directed the Ethics Office to place this statement on the Ethics Web page of the APA Web site (please see www.apa.org/ethics) and to provide this statement to all interested parties who wish information regarding the Committee's position on the issue of torture and conflicts between ethics and law.

VI. Work for Future Revisions of the Ethics Code

A. *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution*

The Ethics Committee wholeheartedly endorses several recommendations made in the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution.* The Committee strongly supports the recommendation for education regarding international human rights at all levels of psychologists' professional development. The Ethics Committee welcomes the opportunity to work with other groups within APA to develop syllabi and curricula for training and continuing education regarding psychology and human rights. The Ethics Committee likewise strongly endorses the recommendation for the Ethics Office and Committee to develop ways of providing ethical guidance to psychologists who work in settings relevant to the APA policy *Psychologists and Unlawful Detention Settings With a Focus on National Security* and all settings where psychologists may experience pressure to engage in behaviors that violate the APA Ethics Code, especially settings that are not transparent to outside observers. The Committee also believes it important for the drafters of the

casebook/commentary on the role of psychologists' in national-security-related interrogations to address the implications of the APA policy *Psychologists and Unlawful Detention Settings With a Focus on National Security* for psychologists' work.

The Committee will continue its review of the *Report of the APA Presidential Advisory Group on the Implementation of the Petition Resolution* and will consider additional recommendations at its next meeting in October 2009.

B. Questions for the Next Revision of the 2002 Ethics Code

The Committee's review of Ethical Standard 1.02 and proposals for modifying the standard's language have raised a number of questions for APA to address during the next revision of the Ethics Code. These questions include

- Where does the locus of ethical decision making for psychologists most properly belong in difficult and complex situations: in individual members or in the Association? Put another way, in difficult and complex situations does the Ethics Code better serve the membership when it provides guidance for sound ethical decision making or when it directs members what to do?
- What role should international standards play in establishing aspirational principles and enforceable standards for members of the APA?
- Can/should APA support psychologists who engage in civil disobedience? Is the nature and type of the civil disobedience relevant to this question?
- How would a proposed change in the Ethics Code that potentially mandates violating laws affect the willingness of state, provincial, and territorial psychology licensing boards to adopt or follow the APA Ethics Code? Does APA have an interest in state, provincial, and territorial licensing boards adopting the APA Ethics Code as the standard of ethics in the respective jurisdiction?
- What should the Association's position be regarding working to change laws that are inconsistent or potentially inconsistent with the Ethics Code?
- Do all of the current ethical standards provide sufficient direction regarding what is expected behavior of APA members?

These are complex issues that the Ethics Committee believes call for Association-wide discussions in the context of a full Ethics Code revision process.

VII. Conclusion and Recommendation

At the current time, the Committee recommends against adding the words "In keeping with basic principles of human rights" to Ethical Standard 1.02 or Ethical Standard 1.03. The Ethics Committee's recommendation is based on a number of factors including the following:

1. The Ethics Committee has issued a statement that there is no defense to torture under the APA Ethics Code.

2. APA's 2002 Ethics Code allows for civil disobedience, which the Council of Representatives has explicitly recognized in its 2007 resolution *Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants"* (http://www.apa.org/governance/resolutions/councilres0807.html)
3. The language in APA's Ethics Code regarding conflicts between ethics and law is highly consistent with language in other health and mental health associations' codes of ethics to the extent these codes address such conflicts.
4. The language proposed, "in keeping with basic principles of human rights," has potentially far-reaching consequences that would affect psychologists' work in many areas across the Association. The appropriate venue to address this language is during a full Ethics Code revision process when psychologists from all areas of the profession have an opportunity to examine how this proposed language may affect their ethical obligations under the Code.
5. Given the Code's current structure, in which language in the enforceable sections contains greater specificity and direction than does language in the aspirational sections of the Code, the current discrepancy between the aspirational and enforceable language "in keeping with basic principles of human rights" may be appropriate.

The process of revising the Ethics Code, consistent with Association Rule 30-8, may begin in a preliminary and cost-effective manner by creating a mechanism whereby APA members can submit comments regarding areas of the Ethics Code that they believe should be considered for revision. The Committee has directed the APA Ethics Office to create such a mechanism and to retain all comments regarding Ethical Standard 1.02 for the purpose of the next Ethics Code revision.

The Ethics Committee emphasizes that the APA's work on this issue is not complete. The Committee looks forward to a discussion of this issue at Council. The Committee welcomes input from both individual psychologists and groups that agree and disagree with the Committee's recommendation.

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Amendment to the Reaffirmation of the American Psychological Association Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as "Enemy Combatants"

Resolution Adopted by APA on
February 22, 2008

BE IT RESOLVED that this unequivocal condemnation includes all techniques considered torture or cruel, inhuman or degrading treatment or punishment under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; 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. An absolute prohibition against the following techniques therefore arises from, is understood in the context of, and is interpreted according to these texts: mock executions; water-boarding or any other form of simulated drowning or suffocation; sexual humiliation; rape; cultural or religious humiliation; exploitation of fears, phobias or psychopathology; induced hypothermia; the use of psychotropic drugs or mind-altering substances; hooding; forced nakedness; stress positions; the use of dogs to threaten or intimidate; physical assault including slapping or shaking; exposure to extreme heat or cold; threats of harm or death; isolation; sensory deprivation and over-stimulation; sleep deprivation; or the threatened use of any of the above techniques to an individual or to members of an individual's family. Psychologists are absolutely prohibited from knowingly planning, designing, participating in or assisting in the use of all condemned techniques at any time and may not enlist others to employ these techniques in order to circumvent this resolution's prohibition.