

1. *Notes with appreciation* the report of the Human Rights Committee on its eleventh, twelfth and thirteenth sessions<sup>66</sup> and expresses satisfaction at the serious and constructive manner in which the Committee is continuing to undertake its functions;

2. *Expresses its appreciation* to the States parties to the International Covenant on Civil and Political Rights that have extended their co-operation to the Human Rights Committee when submitting their reports under article 40 of the Covenant and urges States parties that have not yet done so to submit their reports to the Committee as speedily as possible;

3. *Urges* the States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;

4. *Takes note* of the decisions of the Human Rights Committee on the question of periodicity, and on guidelines regarding the form and content of reports from States parties under article 40, paragraph 1 (b) of the Covenant as well as of the adoption by the Committee of general comments under article 40, paragraph 4, of the Covenant;<sup>67</sup>

5. *Commends* the States parties to the International Covenant on Economic, Social and Cultural Rights that have submitted their reports under article 16 of the Covenant and urges States that have not yet done so to submit their reports as soon as possible;

6. *Takes due note* of Economic and Social Council decision 1981/162 of 8 May 1981 concerning the review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and looks forward to further results in this regard at the first regular session of the Council in 1982;

7. *Again invites* all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

8. *Invites* the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

9. *Appreciates* that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto;

10. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;

11. *Requests* the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination and also to transmit the annual reports of the Human Rights Committee to those bodies;

12. *Requests* the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil

and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights;

13. *Welcomes* the measures taken by the Secretary-General to improve the publicity for the work of the Human Rights Committee and requests the Secretary-General to consider the most appropriate steps for the publication of the Committee's documentation and to report on this question to the General Assembly at its thirty-seventh session;

14. *Requests* the Secretary-General to continue to take all possible steps to ensure that the Division of Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights, taking into account General Assembly resolutions 3534 (XXX) of 17 December 1975 and 31/93 of 14 December 1976.

*73rd plenary meeting  
25 November 1981*

### 36/59. Capital punishment

*The General Assembly,*

*Recalling* its decision 35/437 of 15 December 1980,

*Taking note* of the report of the Secretary-General,<sup>68</sup>

1. *Invites* Member States to submit further comments and observations on the draft resolution entitled "Measures aiming at the ultimate abolition of capital punishment (draft Second Optional Protocol to the International Covenant on Civil and Political Rights)",<sup>69</sup> submitted at the thirty-fifth session of the General Assembly, and requests the Secretary-General to submit to the Assembly at its thirty-seventh session a report containing the views expressed by Governments;

2. *Decides* to consider at its thirty-seventh session, under the item entitled "International Covenants on Human Rights", the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights,<sup>70</sup> aiming at the abolition of the death penalty.

*73rd plenary meeting  
25 November 1981*

### 36/60. 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,<sup>71</sup>

*Recalling also* its resolutions 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 32/63 of 8 December 1977,

*Noting* that, in its resolution 11 of 5 September 1980, the Sixth United Nations Congress on the Prevention of Crime

<sup>66</sup> Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40).

<sup>67</sup> *Ibid.*, annexes V-VII.

<sup>68</sup> A/36/441 and Add.1 and 2.

<sup>69</sup> Official Records of the General Assembly, Thirty-fifth Session, Annexes, agenda item 65, document A/35/742, para. 20.

<sup>70</sup> Resolution 2200 A (XXI), annex.

<sup>71</sup> *Ibid.*

and Treatment of Offenders expressed the belief that the draft convention should be finalized at the earliest possible time,<sup>72</sup>

1. *Welcomes* Economic and Social Council resolution 1981/37 of 8 May 1981, by which the Council authorized an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the thirty-eighth session of the Commission to complete the work on a draft convention;

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

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

*73rd plenary meeting  
25 November 1981*

### 36/61. Draft Code of Medical Ethics

*The General Assembly,*

*Reaffirming* the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as unanimously adopted in General Assembly resolution 3452 (XXX) of 9 December 1975,

*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 its appreciation* to the Executive Board of the World Health Organization which, at its sixty-third session in January 1979, endorsed 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",

*Recalling also* resolution 11 adopted on 5 September 1980 by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Congress expressed the hope that the General Assembly would adopt the draft Code, subject to any amendments which might appear to be necessary,<sup>72</sup>

*Taking note with appreciation* of 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 in Tokyo in October 1975,

*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 a draft Code at its thirty-sixth session,

<sup>72</sup> 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.

*Recognizing* that throughout the world significant medical activities are increasingly being performed by health personnel other than physicians, such as physicians' assistants, physical therapists and nurse practitioners,

*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,

*Convinced* of the need to set standards in this field which ought to be implemented by members of the medical profession and other health personnel as well as by government officials,

1. *Takes note with appreciation* of the comments on the proposed principles of medical ethics endorsed by the Executive Board of the World Health Organization which were received by the Secretary-General from Governments, specialized agencies and non-governmental organizations;<sup>73</sup>

2. *Requests* the Secretary-General to circulate among Member States for their further comments the revised draft principles of medical ethics set forth in the annex to the present resolution;

3. *Decides* to consider this question at its thirty-seventh session with a view to adopting the draft 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.

*73rd plenary meeting  
25 November 1981*

#### ANNEX

#### **Draft 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**

1. Prisoners and detainees have the same rights to the protection of physical or mental health and the treatment of disease as those who are not in prison or detained.

2. It is a gross contravention of medical ethics for health personnel, in particular physicians, having clinical responsibility for prisoners or detainees, 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.<sup>74</sup>

3. It is a contravention of medical ethics for health personnel, in particular physicians, to be involved in any relationship with prisoners or detainees that is not a medical relationship in the sense that its purpose is the protection or improvement of the physical or mental health of the prisoner or detainee.

4. It is also a contravention of medical ethics for health personnel, in particular physicians:

(a) To apply their knowledge and skills in order to assist in methods of interrogation;

(b) To certify prisoners or detainees fit for any form of punishment that may adversely affect physical or mental health.

5. Participation of health personnel, in particular physicians, in any procedure for restraining prisoners or detainees, is not in conformity with medical ethics unless it is determined by purely medical criteria in a manner which presents no hazard to the health of prisoners or detainees and is necessary for the physical or mental health and safety of the prisoner himself and/or of his fellow prisoners or detainees or of his guardians.

6. There may be no derogation from the foregoing principles on any ground whatsoever, including public emergency.

<sup>73</sup> See A/35/372 and Add.1-3, A/36/140 and Add.1-4.

<sup>74</sup> For the purpose of the present 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. Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.