

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.

**36/77. International Year of Disabled Persons**

*The General Assembly,*

*Recalling* its resolution 31/123 of 16 December 1976, by which it proclaimed the year 1981 International Year of Disabled Persons,

*Recalling also* its resolutions 32/133 of 16 December 1977, by which it established the Advisory Committee for the International Year of Disabled Persons, 33/170 of 20 December 1978, 34/154 of 17 December 1979, in which it, *inter alia*, decided to expand the theme of the International Year of Disabled Persons to "Full participation and equality", and 35/133 of 11 December 1980,

*Deeply concerned* that no less than five hundred million persons are estimated to suffer from disability of one form or another, of whom four hundred million are estimated to be in the developing countries,

*Reiterating* the continuing need to promote the realization of the right of disabled persons to participate fully in the social life and development of their societies and to enjoy living conditions equal to those of other citizens, as well as an equal share in the improvements in living conditions resulting from social and economic development,

*Recognizing* that the observance of the International Year of Disabled Persons has contributed to the attainment of these objectives,

*Recognizing also* that a large number of disabled persons are victims of war and other forms of violence, and that the International Year of Disabled Persons has contributed towards the reaffirmation of the need for continued and reinforced co-operation among nations for world peace,

*Believing* that the activities undertaken by the international community in observing the International Year of Disabled Persons constitute a first essential step towards the achievement of the objectives of the Year,

*Convinced* that the timely and significant impetus generated by the activities of the International Year of Disabled Persons should be maintained and reinforced with appropriate follow-up action at all levels,

*Taking note* of the efforts of Member States during the International Year of Disabled Persons to improve the conditions and well-being of the disabled,

*Expressing its satisfaction* at the convening of the World Symposium of Experts on Technical Co-operation among Developing Countries and Technical Assistance in Disability Prevention and Rehabilitation of Disabled Persons at Vienna from 12 to 23 October 1981,<sup>75</sup>

*Also expressing its satisfaction* at the convening of the World Conference on Actions and Strategies on Education, Disability Prevention and Integration of Disabled Persons at Torremolinos, Spain, from 2 to 7 November 1981,<sup>76</sup> organized by the United Nations Educational, Scientific and Cultural Organization in observance of the Year,

*Taking note with appreciation* of the progress made in the elaboration of a World Programme of Action concerning Disabled Persons,<sup>77</sup>

*Having considered* the report of the Secretary-General<sup>78</sup> on the implementation of General Assembly resolution 35/133,

*Having also considered* the report of the Advisory Committee for the International Year of Disabled Persons on its third session,<sup>79</sup>

1. *Expresses its satisfaction* to all Member States that elaborated national policies and programmes for the implementation of the objectives of the International Year of Disabled Persons;

2. *Takes note* of the activities undertaken by organizations of the United Nations system and the relevant non-governmental organizations in the observance of the International Year of Disabled Persons;

3. *Urges* Member States to make every effort to consolidate and build further on the results of the International Year of Disabled Persons in order to secure prevention of disability, rehabilitation and full integration of the disabled in the society and, in this respect, to consider maintaining, where appropriate, the national committees or similar bodies established for the Year;

4. *Again invites* Member States to submit national reports to the Secretary-General on their implementation of the Plan of Action for the International Year of Disabled Persons and, in particular, to consider elaborating, on the basis of their experiences, national long-term programmes of action in the field of disability;

5. *Requests* the Secretary-General to convene in 1982 a meeting of the Advisory Committee of the International Year of Disabled Persons to finalize the draft World Programme of Action concerning Disabled Persons, in the light of comments by Member States, international organizations and relevant non-governmental organizations, with a view to its adoption by the General Assembly at its thirty-seventh session;

6. *Requests* the Advisory Committee to consider at its fourth session the advisability of proclaiming the period 1983-1992 the United Nations Decade of Disabled Persons and to submit its views to the General Assembly at its thirty-seventh session;

7. *Requests* the Advisory Committee to study the possibility of creating an optional international identity card for disabled persons with the purpose of facilitating their international travel;

8. *Urges* the Secretary-General to take the necessary measures to assure the successful follow-up of the International Year of Disabled Persons, in particular the finalization of the World Programme of Action concerning Disabled Persons;

9. *Also requests* the Secretary-General and the heads of specialized agencies and other relevant organizations of the United Nations system to ensure the necessary co-operation and co-ordination of their activities relating to the disabled;

10. *Further requests* the regional commissions to give high priority to the formulation and implementation of regional programmes related to equalization of opportunities for disabled persons, as well as prevention and rehabilitation, and urges the specialized agencies and relevant organizations of the United Nations system to continue the implementation of such programmes;

11. *Invites* relevant non-governmental organizations to continue and expand their programmes related to the disabled in order to maintain the momentum given by the International Year of Disabled Persons;

12. *Welcomes* the contributions made by Governments and private sources to the United Nations Trust Fund for the International Year of Disabled Persons and appeals for further voluntary contributions which would facilitate the follow-up of the Year;

13. *Calls upon* the Secretary-General to use an appropriate portion of those voluntary contributions to support and strengthen activities in the developing countries related to the International Year of Disabled Persons, including the strengthening of organizations of disabled persons;

<sup>75</sup> See A/36/471/Add.3.

<sup>76</sup> See A/36/766.

<sup>77</sup> See A/36/471/Add.1, annex, sect. II.

<sup>78</sup> A/36/471.

<sup>79</sup> A/36/471/Add.1, annex.

14. *Urges* the Secretary-General, the specialized agencies and other United Nations bodies and organizations to undertake or expedite the measures already under way to improve employment opportunities for disabled persons within these bodies at all levels and to improve access to their building and facilities and to their information sources;

15. *Invites* Member States to promote close and effective co-operation between developed and developing countries through a transfer of technology and of the results of research and exchanges of information on the prevention of disability and the rehabilitation of disabled persons;

16. *Also calls upon* the Secretary-General and the heads of the specialized agencies to take all necessary measures to strengthen and expand technical co-operation activities in developing countries relating to the disabled, especially in the areas of prevention of disability, rehabilitation and integration of disabled in their societies, with particular emphasis on the need to develop and strengthen indigenous capacities and capabilities;

17. *Stresses* the importance of strengthening support services for the exchange of technical information and transfer of technology and know-how, as well as other activities for the development of technical co-operation in the fields of prevention, rehabilitation and equalization of opportunities in developing countries, and notes with appreciation the offer of the Government of Yugoslavia to contribute in this direction,<sup>80</sup>

18. *Invites*, as a matter of priority, Member States, organizations and bodies of the United Nations system, as well as the governmental and non-governmental organizations concerned and the mass media, to continue to undertake public information programmes, including the continuation of the present information activities of the Centre for Social Development and Humanitarian Affairs of the Secretariat for the national committees, with a view to making all sections of the population increasingly aware of issues relating to the disabled;

19. *Decides* to include in the provisional agenda of its thirty-seventh session an item entitled "World Programme of Action concerning Disabled Persons" and requests the Secretary-General to report to the General Assembly at that session on the implementation of the present resolution.

*89th plenary meeting  
8 December 1981*

### **36/124. International Conference on Assistance to Refugees in Africa**

*The General Assembly,*

*Recalling* its resolution 35/42 of 25 November 1980 relating to the International Conference on Assistance to Refugees in Africa, held at Geneva on 9 and 10 April 1981,

*Taking note* of resolution CM/Res. 868 (XXXVII) regarding the Conference and its follow-up, adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 15 to 26 June 1981,<sup>81</sup>

*Having considered* the report of the Secretary-General on the Conference<sup>82</sup> and the report of the United Nations High Commissioner for Refugees on the activities of his Office,<sup>83</sup>

*Gravely concerned* at the growing number of refugees on the African continent, who now constitute over half the population of refugees in the world,

*Regretting* that, in spite of the efforts made, the assistance provided to the growing number of African refugees is still very inadequate,

*Aware* of the economic and social burden imposed on African countries of asylum by the growing influx of refugees and its consequences for their development and of the heavy sacrifices made by them, despite their limited resources, to alleviate the plight of those refugees,

*Recognizing*, therefore, the need of the countries of asylum for adequate human, technical and financial assistance to enable them properly to shoulder their increased responsibilities and assume the additional burden which the presence of refugees represents for their economies,

*Recognizing further* the need to assist similarly the countries of origin in the voluntary repatriation and resettlement of returnees, as set out in the procedures of the Office of the United Nations High Commissioner for Refugees,

*Convinced* that the attendance of high-ranking officials and representatives of ninety-nine countries and over one hundred twenty non-governmental organizations at the International Conference on Assistance to Refugees in Africa bears evidence to the fact that the Conference drew international public attention to the situation and needs of African refugees,

1. *Commends* the initiative taken by the three sponsors of the International Conference on Assistance to Refugees in Africa—the Organization of African Unity, the United Nations and the Office of the United Nations High Commissioner for Refugees—to maintain their close co-operation properly to define the follow-up actions that will be called for, and invites them to continue and develop their tripartite consultations and co-operation at all appropriate levels, so that the Conference funds are channelled to priority projects and put to the best use;

2. *Reiterates its congratulations* to the Secretary-General of the United Nations for his efforts towards the preparation of the International Conference on Assistance to Refugees in Africa in close consultation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for Refugees, as well as for his personal concern for African refugee problems and for the very able manner in which he presided over the Conference, thus bringing it to a successful end;

3. *Expresses its appreciation and gratitude* to all donor countries and to the international community at large for their very positive response to the appeal for assistance to African refugees and for their contribution to the assistance to refugees in Africa;

4. *Urges* the international community to continue to support the annual programmes of the Office of the United Nations High Commissioner for Refugees and of other United Nations agencies co-operating with that Office on behalf of refugees in Africa;

5. *Calls upon* the pertinent development-oriented organizations and agencies of the United Nations system to envisage, at the stages of conception and implementation, all concerted efforts and co-ordinated actions aimed at harmonizing assistance programmes in the countries of asylum as well as in the countries of origin during the repatriation process, and current or future development programmes, so that the potentialities of refugees or returnees may constitute an advantage rather than a burden on national development;

6. *Requests* the Secretary-General, in close co-operation with the Secretary-General of the Organization of African Unity and the United Nations High Commissioner for

<sup>80</sup> A/36/711.

<sup>81</sup> See A/36/534, annex I.

<sup>82</sup> A/36/316.

<sup>83</sup> *Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 12 (A/36/12)*