

**2006 Resolution Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment**

*This policy was originally adopted by APA Council of Representatives, August 2006 and  
later 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 Punishment<sup>1</sup>;

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 Punishment<sup>2</sup>, 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 the term "cruel, inhuman, or degrading treatment or punishment" means treatment or punishment by a psychologist that, in accordance with the McCain Amendment<sup>3</sup>, is of a kind that would be "prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations<sup>4</sup>, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984."

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 Prisoners<sup>5</sup>, and the United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment<sup>6</sup>;

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 threatened<sup>7</sup>;

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.unhchr.ch/html/menu3/b/h\\_cat39.htm](http://www.unhchr.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.unhchr.ch/html/menu3/b/h\\_comp40.htm](http://www.unhchr.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. McCain Amendment: Amendment No. 1977 HR 2863, the Defense Appropriations Bill of 2006 introduced by Senator John McCain ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005\\_record&docid=cr05oc05-19](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2005_record&docid=cr05oc05-19)).
4. Specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture (<http://www.unhchr.ch/html/menu2/6/cat/treaties/convention-reserv.htm>) stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."
5. 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.
6. 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.
7. 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>).

## References

Carlsson, J. M., Mortensen, E. L., & Kastrup, M. (2005). A follow-up study of mental health and health-related quality of life in tortured refugees in multidisciplinary treatment. *Journal of Nervous and Mental Disease*, 193, 651-657.

Conroy, J. (2000). *Unspeakable acts, ordinary people: The dynamics of torture*. Berkeley, CA: University of California Press.

Genefke, I. (2004). Torturers - Outlaws of modern civilization. Testimony before the Congressional Human Rights Caucus - Torture: A Global Update and the Need for Assistance for Victims of Torture. Retrieved March 17, 2006, from <http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/092804+Testimony+of+Dr+Inge+Genefke.htm>.

Gerrity, E., Keane, T. M., & Tuma, F. (Eds.). (2001). *The mental health consequences of torture*. Bethesda, MD: National Institute of Mental Health.

Hermansson, A., Timpka, T., & Thyber, M. (2003). The long-term impact of torture on the mental health of war-wounded refugees: Findings and implications for nursing programmes. *Scandinavian Journal of Caring Sciences*, 17, 317-324.

Hovens, J. E., & Drozdek, B. (2002). The terror of torture: A continuum of evil. In C. E. Stout (Ed.), *The psychology of terrorism* (Vol. 2, pp. 75-104). Westport, CT: Praeger.

Human Rights Watch (2006). Torture worldwide. *Human Rights News*. Retrieved March 17, 2006, from <http://hrw.org/english/docs/2005/04/27/china10549.htm>.

Kanninen, K., Punamaki, R., & Qouta, S. (2003). Personality and trauma: Adult attachment and posttraumatic distress among former political prisoners. *Peace and Conflict: Journal of Peace Psychology*, 9, 97-126.

Mossallanejad, E. (2000). Torture at the threshold of the new millennium. *Torture*, 10, 36-40. Somnier, F., Vesti, P., Kastrup, M., & Genefke, I. K. (1992). Psycho-social consequences of torture: Current knowledge and evidence. In M. Basoglu (Ed.), *Torture and its consequences: Current treatment approaches* (pp. 56-71). New York: Cambridge University Press.

U.S. Department of State (2005). 2005 country reports on human rights practices. Retrieved July 8, 2006, from <http://www.state.gov/g/drl/rls/hrrpt/2005/index.htm>