

**FEBRUARY 2006 LEGISLATIVE COUNCIL NEW BUSINESS FORM**

Date Submitted: February 18, 2006  
(completed by staff)

Agenda Item # 29C

Please follow the instructions on the right hand side. The back of this page provides the Guidelines for Council Resolutions, the APA priorities most recently identified by Council and a space for co-sponsors to sign. **If you have questions, consult a staff person or a member of CSFC.**

**SUBJECT:**  
**Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

**MOVER:**  
Judith Van Hoom  
Corann Okorodudu

**REPRESENTING:**  
Society for the Study of Peace, Conflict & Violence: Division of Peace, APA

**ISSUE:**  
Update of the APA 1986 Resolution on Torture  
Implementation of APA Council's Actions regarding the Task Force on Psychological  
Ethics and National Security (PENS)

**RELATION TO APA PRIORITIES:** Priority 6 and 10 in support of Social Justice and the Public  
Interest; APA's role in addressing social problems, violence, etc.

**ESTIMATED COSTS/STAFF RESOURCES:**  
None

**MAIN MOTION:**

WHEREAS, the American psychologists are bound by the Ethical Principles 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 and;

WHEREAS, the existence of state-sponsored torture and other cruel, inhuman, or degrading treatment or punishment has been documented in many nations around the world and;

WHEREAS, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, serve as a justification of torture and other cruel, inhuman, or degrading treatment or punishment and;

WHEREAS, psychological knowledge and techniques may be used to design and carry out torture and other cruel, inhuman, or degrading treatment or punishment and;

WHEREAS, torture victims and victims of cruel, inhuman, or degrading treatment or punishment may suffer from long-term, multiple psychological and physical problems:

BE IT RESOLVED, that the American Psychological Association condemns torture and cruel, inhuman, or degrading treatment or punishment wherever it occurs, and

BE IT FURTHER RESOLVED, that the American Psychological Association considers it is a contravention of professional ethics for psychologists to be involved in any professional relationship with prisoners or detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health, and:

BE IT FURTHER RESOLVED, that the American Psychological Association considers it is a contravention of professional

**INSTRUCTIONS**

**Subject:** Concise title that accurately reflects the spirit/intent of the main motion.

**Mover(s):** Identify the author(s) of the item.

**Representing:** Identify the constituency the author(s) represent.

**Issue:** Provide a rationale for the motion as well as relevant background information. Avoid extraneous detail.

**Relation to APA Priorities:** Identify the priorities, if any, (see reverse side) to which your item is aimed.

**Estimated Costs/Staff Resources:** Provide, to the best of your ability, a realistic assessment of what this will cost. Consult with a staff person if needed.

**Main Motion:** Describe in succinct language what you are asking for. If requesting the formation of a task force or committee, specify its charge, size and expected duration. If requesting an amendment to the Association Rules or Bylaws, provide the current language and bracket material to be deleted and underline material to be added.

**Expected Outcomes/Products:** Define the expected outcome or product if the main motion is approved.

ethics for psychologists 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, and;

BE IT FURTHER RESOLVED, that the American Psychological Association supports the United Nations (UN) *Declaration and Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment*<sup>1</sup>, *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>, *Basic Principles for the Treatment of Prisoners*<sup>3</sup>, and *Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*<sup>4</sup> as well as the joint congressional Resolution opposing torture that was signed into law by President Reagan on October 4, 1984.

#### EXPECTED OUTCOMES/PRODUCTS:

An updated Resolution on the use of Torture, Cruel, Inhuman, and Degrading Treatment

#### WHEN SUBMITTING A NEW BUSINESS ITEM — IT IS IMPORTANT TO:

- ▶ Provide adequate information so that someone unfamiliar with the issue can understand the need for item and what it will accomplish.
- ▶ Adhere to grammatical and stylistic requirements of Standard English.
- ▶ Do your homework: make certain that what you are proposing does not replicate existing Association policy, that it is consonant with current Association priorities, and that it is fiscally realistic.

#### DESIGNATE COSPONSOR(S):

Divisions for Social Justice: Neil Altman, Jean Lau Chin, Martha Banks, Laurie Wagner, Neil Massoth, Janet Swim, Bernice Lott, Jacquelyn White

Martha Banks (45) Laurie B. Wagner PhD (39) Elizabeth Chiggin (44)  
Jan Lau Chin (35) Albert M. Smoot (9)  
Bernice Lott (9) Neil Altman (39)  
Jacquelyn White (35) Neil Altman (39) Elizabeth Chiggin (44)  
Roxanne (41) Cynthia (OR)  
C. D. (MB)

APA PRIORITIES  
d by Council – August 2005)

recruitment and/or retention of students, early career psychologists, diverse groups (race/ethnicity, gender, sexual orientation, age and aging, religious affiliations, and/or those with disabilities), basic and applied scientists, practitioners, retirees, university faculty, and/or psychologists in non-traditional roles

2. Encourage the integration of scientific and practice psychology at all levels of psychology and for all psychologists

3. Enhance public awareness of psychological science and application of psychological science for the prevention of human problems, including the mental health needs of children and youth

4. Increase advocacy efforts for all components of APA and integrate that advocacy across all directorates

5. Promote psychology as a health care discipline by expanding in health psychology and rehabilitation

6. Promote the discipline's capacity to address societal behavioral problems (e.g., violence, warfare, gangs)

7. Make APA membership essential by being responsive to the needs of all members (e.g., use of surveys, joint memberships, etc.)

8. Encourage professional service among scientists, academics, and/or practitioners to facilitate dissemination of psychological knowledge to the public



9. Promote diversity in all aspects of the profession of psychology. Promote human welfare through social justice research, policy, and/or education (Education, Practice, Public Interest, and Science), Divisions, States, and/or affiliates.

#### GUIDELINES FOR COUNCIL RESOLUTIONS

These guidelines apply to all resolutions submitted to Council for consideration. The following information must be provided: (1) The purpose and rationale for the resolution stated clearly, and documenting its relevance to psychology or psychologists; (2) The issue's importance to psychology or to society as a whole; (3) Representative scientific or empirical findings related to the resolution; (4) The likelihood of the resolution having a constructive impact on public opinion or policy.

Resolutions approved by Council are understood to reflect what APA values or believes and, in most cases, does not commit APA to any action. If approval of the resolution requires that specific action be taken, the following information must also be provided: (5) Suggestions on how it should be implemented, if it is passed; (6) Breakdown of staff resources or association funds needed to implement the resolution.

RETURN THIS FORM TO: MAUREEN O'BRIEN, GOVERNANCE OFFICE, AMERICAN PSYCHOLOGICAL ASSOCIATION  
750 FIRST STREET, NE, WASHINGTON, DC 20002-4242; (202) 336-6077; FAX (202) 336-6157

<sup>1</sup> The UN 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

\* References will be sent to Board/Committee  
approp

Ann M. Clark 13

Maude Keady 13

Thomas J. 27

Carl Goodkunt 300

Linda Krauss PA

Suzanne Helene Ohio

Allen Bay, DE

Floria Getteger D52

James Dene D17

Sam Corick Colorado

Barbara Cowen New York State

Rosie A. Bingham CT

Janet Swin, Div 8

Arthur Page / 150



Marj Rensch Div 34

Nadine Kaslow Div 12

Cheryl King Div 53

Cindy Carlson Div 16

Lynne Cooper Div 8

Dr. Pauline Michener

Joan Helmer

Janet Sullivan

Kathy Harowski MN

Julia Rosa de Torre PR

Charlotte McKay VT

James Kulund MD

Suzanne John DUU 38

Barbara Van Horn WI

William F. Hill IL

Lisa Krasnowa BOB

Margaret A. Boyd-DIV 2

Elizabeth Neighbors, Nevada

Tom S. Gock, Div. 44

Command R. Gibson 44

Sony O. Jungs  
ARIZONA

Steve Scott  
Illinois

Billy Gray, CA

Sandra Harris CA

Kate F. Hays, ON

Walter Mondt (Div 42)

Andy Benjamin (Washington)

Phil Walker D. 36

Kenneth & Bohm, MO.

Robert C. Ellison NM

J.P., Manitoba

Juan M. Lopez, Guam

Romana Moss, U.I.

Tony Coleman