

# The World Medical Association and Torture

Dr. Margaret Mungherera  
Senior Consultant Psychiatrist, Mulago Hospital  
President, Uganda Medical Association  
President Elect of the World medical Association

# The World Medical Association

- Was founded in 1947 by 27 National Medical Associations.
- Now 102 national medical associations including the Uganda Medical Association.
- One of its main objectives is to promote the highest possible ethical and professional standards among doctors.

1949: Developed the International Code of Medical Ethics

Has become the basis of ethical codes of conduct for doctors and other cadres of health professionals throughout the world.

# International Code of Medical Ethics

A. Covers the 3 main principles of Medical Ethics:

1. PATIENT AUTONOMY
2. DO NO HARM
3. BEST INTEREST OF THE PATIENT

# What is Torture?

According to the UN Convention against Torture, Torture is defined as:

Any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent of any person whether a public official or other person acting in an official or private capacity for such purposes as -

- (a) Obtaining information or a confession from the person or any other person;

# Definition of Torture...

- (a) Punishing that person for an act he or she or any other person has committed or is suspected of having committed or of planning to commit; or
- (b) Intimidating or coercing the person or any other person to do, or to refrain from doing, any act.

# Torture.....

The main purpose of torture is to reduce the victim to severe helplessness so as to impair his or her functioning cognitively, emotionally and behaviorally.

The torturer not only sets out to incapacitate the victim physically but intends to break down the victim's personality.

# Torture.....

- The intention is to remove the victim's sense of being grounded in his or her family and society with hopes, dreams and aspirations.
- The intention is also to break the will of the victim by de-humanizing him or her.
- Torture has a wide range of physical and psychological consequences.

# Effects of Torture

- Psychological effects of torture are probably the worst consequences of torture for survivors. This is because they tend to last longer, are more incapacitating and may be life long.



# Consequences of the Psychological effects

The psychological consequences of torture on individuals have devastating consequences on the SOCIAL and ECONOMIC development of COMMUNITIES and therefore hinders POVERTY ERADICATION and NATIONAL DEVELOPMENT.

# WMA and Torture

- In 1975, the WMA adopted the GUIDELINES to DOCTORS regarding Torture, Cruel, Inhuman or Degrading Treatment or Punishment in relation to Detention or Incarceration.

(THE DECLARATION OF TOKYO)

# Torture.....

According to the Tokyo Declaration:

A doctor shall not condone or participate in any act of torture, cruel, inhuman or degrading procedures whatever offence the victim is suspected, accused or guilty of.

# The Tokyo Declaration

- This Declaration resolves that:  
A doctor shall NOT condone or participate in any act of torture, cruel, inhuman or degrading procedures whatever offence the victim is suspected, accused or guilty of.

# Torture...

- May 2009: WMA resolved to support the Tokyo Declaration and prohibited physicians from participating in any act of torture.
- October 2011:  
WMA resolved to create a **MONITORING AND REPORTING MECHANISM** to ensure that doctors adhere to the Tokyo Declaration.

This Resolution also encourages National Medical Associations to support doctors in difficult situations.

# The Istanbul Protocol

- In 2000

The Istanbul Protocol was adopted by the United Nations General Assembly.

The Istanbul Protocol is the a Manual on the Effective Investigation and Documentation of Torture and other forms of Cruel, Inhuman and Degrading Treatment or Punishment.

It has been adopted by the WMA.

# Istanbul Protocol.....

- The WMA was involved in the piloting the Istanbul Protocol .  
Uganda - one of the 4 sites in the world.
- Involved Uganda Medical Association, International Centre for Treatment of Tortured Victims (IRCT) training of 50 doctors, 50 lawyers and 10 Human Rights advocates in the use of this Manual.
- Since then several doctors, clinical officers, legal officers, police, prison officers, human rights agencies like Uganda Human Rights Commission have been trained.
- The African Centre for Treatment of Tortured Victims (ACTV) coordinates this training program supported by the European Union.

# The Uganda Law on torture

The Uganda Prevention and Prohibition of Torture Act 2012:

adopted the definition of Torture as provided for by the UN Convention against Torture.

Article 6 section (c):

“ rehabilitation including –

- (i) medical and psychological care, or
- (ii) legal and psychosocial services to the victim in case of trauma.”



# Istanbul Protocol....

Uganda Medical Association is advocating for the Istanbul Protocol to be incorporated into the operational guidelines for this Law.

The Association participated in the development of the Ministry of Health policy on Forensic Medical Services and succeeded in having the Istanbul Protocol incorporated into it.

# WMA Statement on Ethical Issues concerning Patients with Mental Illness

- Adopted at 47<sup>th</sup> WMA General Assembly, Bali, Indonesia, 1995

Preamble:

” Patients with mental illness should be viewed, treated and granted the same access to care as any other medical patient.

# WMA on Mental illness....

“Recognition should be given to the fact that a large proportion of patients with mental illness are treated by doctors who are not psychiatrists. The same ethical obligations and limitations would apply to these doctors”

# WMA on Mental Illness....

- “A medical doctor has the same obligations towards patients with mental illness as toward any other patient”.
- “The doctor’s primary role as healer of patients should not be undermined by serving as the agent of the greater society except in instances of danger to the public”.

# WMA on Mental illness.....

The discrimination associated with psychiatry and the mentally ill should be eliminated.

This stigma often discourages people in need from seeking psychiatric help thereby aggravating their situation and placing them at risk of emotional or physical harm.

# WMA on Mental Illness.....

A doctor should never use his or her professional position to violate the dignity or human rights of any individual or group

and should never allow his/her personal desires, needs, feelings, prejudices or beliefs to interfere with the treatment.

# WMA on Mental Health...

Neither should a doctor take advantage of his/her professional position or the vulnerability of a patient to abuse his/her authority.

# Other WMA Guidelines and Statements

## WMA Statement on Adolescent Suicide (1991)

“The health care of adolescents is best achieved when doctors provide comprehensive services including both medical and psychosocial evaluation and treatment.”

“Doctors should be trained to identify early signs and symptoms of physical, emotional and social distress of adolescent patients and the signs and symptoms of psychiatric disorders that may contribute to suicide...”.



# WMA Ethical Guidelines on Research involving Human Subjects

- Was first adopted at the Annual general Assembly of the World Medical Association held in Helsinki, Finland in 1964.
- So is also known as the Declaration of Helsinki (DoH).
- Will be 50 years old in 2014

# DoH

- October 2011 – Process to revise started.
- Consultations have been held with global ethics experts and stakeholders at regional workshops in Brazil, Belgium, South Africa, Japan and the final meeting will be held in Washington DC on 26<sup>th</sup> August, 2013.
- The final draft will be presented for approval at the Annual General Meeting in Brazil in October, 2013.

# DoH

- The Declaration is addressed primarily to doctors.
- The WMA however encourages other participants in medical research involving human subjects to adopt these principles.”

# DoH

Global consensus that the category “vulnerable populations” includes among others :

- Conflict and Post-conflict communities
- The Mentally ill
- The Poor

# What is new?

“Medical research involving a disadvantaged or vulnerable population or community is only justified if

1. The research can not be carried out in a non-vulnerable population.
2. This population or community stands to benefit from the knowledge, practices or interventions that result from the research.”

*Thank you for listening.....!*