

**American Nurses Association
2005 House of Delegates**

Resolution

Acts of Torture & Abuse

WHEREAS, The World Medical Association's 1975 Declaration of Tokyo defines "torture" as the "deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason; and

WHEREAS, Torture or ill-treatment can occur in any setting where nursing and health services are provided both domestic and international; and

WHEREAS, The International Council of Nurses (ICN) states that:

- The nurse's primary responsibility is to those people who require nursing care.
- Nurses have the duty to provide the highest level of care to victims of cruel, degrading and inhumane treatment.
- The nurse shall not voluntarily participate in any deliberate infliction of physical or mental suffering; and

WHEREAS, The *Code of Ethics for Nurses with Interpretive Statements* mandates that registered nurses:

- Respect the inherent worth, dignity, and human rights of every individual;
- Recognize when they are placed in a situation of competing interests. Nurses must seek to "resolve such conflicts in ways that ensure patient safety, guard the patient's best interests and preserve the professional dignity of the nurse."
- Act and advocate on behalf of the patient at times of "incompetent, unethical, illegal, or impaired practice by any member of the health care team or the health care system or any action on the part of others that places the rights or best interests of the patient in jeopardy."
- Advocate on behalf of the patient and that in all settings there be established processes for reporting incompetent, unethical, illegal or impaired practice through official channels, thus reducing the risk of reprisal against the reporting nurse. It is recognized that reporting such behavior may place the nurse at risk; nevertheless, "such risks do not eliminate the obligation to address serious threats to patient safety."
- Render respectful and skilled care to those whose situation is stigmatized by the community and are personally unacceptable.

- Seek to create, maintain, and contribute to environments of practice that support nurses in fulfilling their ethical obligation.
- Recognize the specific health needs of individuals along with the broader health concerns such as violation of human rights and support initiatives that address abuse and violence; and

WHEREAS, The *Code of Ethics for Nurses with Interpretive Statements* mandates that professional organizations:

- Support and assist nurses who report unethical, incompetent, illegal, or impaired practice and to protect the practice of those nurses who choose to voice their concerns.
- Maintain vigilance and take action to bring about social change and speak for nurses collectively on issues such as violations of human rights; and

WHEREAS, The *Code of Ethics for Nurses with Interpretive Statements* is not open to negotiation and may supercede specific policies of institutions, of employers, or of practices; and

WHEREAS, The *Scope and Standards of Nursing Practice in Correctional Facilities* (1995) states that that nurse in the correctional setting has an ethical commitment to the client and the nursing profession that must not be compromised. The measurement criteria are:

- The nurse's practice is guided by the *Code for Nurses with Interpretive Statements* and related ANA position statements such as the *Position Statement on Nurses' Participation in Capital Punishment*.
- The nurse maintains client confidentiality
- The nurse acts as a client advocate
- The nurse delivers care in a nonjudgmental and nondiscriminatory manner that is sensitive to client diversity
- The nurse delivers care in a manner that preserves and protects client autonomy, dignity and rights
- The nurse seeks available resources to help formulate ethical decisions; and

WHEREAS, The 1992 version of the *Standards of Nursing Practice in Correctional Facilities* explicitly states that "the nurse assumes responsibility for reporting harmful or inappropriate behavior on the part of others,"; and

WHEREAS, ANA reaffirms its belief that war is an untenable alternative, and that there is a need to study and develop other alternatives in the resolution of international conflict; therefore, be it

RESOLVED, That the American Nurses Association shall adopt the following principles related to nursing practice, ethics, and the health and human rights of detainees;

- that prisoners and detainees have the right to health care and humane treatment; and
- that the language of the Code of Ethics for Nurses with Interpretive Statements is nonnegotiable and the ethical precepts of the Code encompass all nursing activities and may supercede specific policies of institutions, of employers, or of practice; and
- that registered nurses shall not voluntarily participate in any deliberate infliction of physical or mental suffering; and
- that registered nurses who have knowledge of ill-treatment of any individuals including detainees and prisoners must take appropriate action to safeguard the rights of that individual; and

RESOLVED, That the American Nurses Association shall condemn interrogation procedures that are harmful to mental and physical health; and

RESOLVED, That the American Nurses Association shall advocate for nondiscriminatory access to health care for wounded military and paramilitary personnel and prisoners of war; and

RESOLVED, That the American Nurses Association shall counsel and support nurses who speak out about acts of torture and abuse; and

RESOLVED, that the American Nurses Association reaffirm its condemnation of violations of health and human rights and violations of neutrality of health care institutions and personnel, particularly the use of torture of all types, "disappearance" and imprisonment.