



United Nations Office on Drugs and Crime
United Nations Department of Peacekeeping Operations



United Nations **Criminal Justice Standards** for United Nations Police

UNITED NATIONS OFFICE ON DRUGS AND CRIME
Vienna

UNITED NATIONS DEPARTMENT OF PEACEKEEPING OPERATIONS
New York

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for
United Nations Police**



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Preface

Building peace requires more than simply bringing an end to armed conflict; it also requires strengthening the rule of law. The international standards and norms summarized in the present handbook can assist in this critical process. The handbook summarizes the international human rights and criminal justice principles that United Nations police personnel must know, abide by and promote when deployed in peacekeeping operations and special political missions. As such, it is designed to serve a dual purpose. Firstly, it is a code of conduct for police operating under the United Nations flag. Secondly, it is a reference source to help national authorities to improve policing.

The first edition of this handbook was published in 1994 in the six official languages of the United Nations and has been used in training courses for the police components of United Nations missions in areas such as the Democratic Republic of the Congo, Mozambique and the former Yugoslavia.

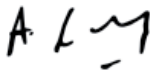
This updated edition includes areas not covered in the first edition, such as the issue of the integrity of police and other law enforcement officials and assistance to victims, particularly child victims, and children in conflict with the law. It also incorporates new criminal justice standards that have been developed in the past

twelve years that should be taken into consideration by United Nations police personnel.

It is hoped that the handbook can help the men and women who serve the United Nations to uphold these standards and norms in their work and contribute to building security, justice and the rule of law for all.

A handwritten signature in black ink, appearing to read 'AmCosta', with a horizontal line underneath.

Antonio Maria Costa
Executive Director
United Nations Office on
Drugs and Crime

A handwritten signature in black ink, appearing to read 'ALR', with a horizontal line underneath.

Alain Le Roy
Under-Secretary-General
Department of Peacekeeping
Operations

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I. Introduction

The United Nations has deployed police officers for service in peace operations since the 1960s. Traditionally, the mandate of the police components of peacekeeping operations and special political missions tended to be limited to monitoring, observing and reporting. Beginning in the early 1990s, advisory, mentoring and training functions were integrated into the monitoring activities in order to offer the peacekeeping operations and special political missions the opportunity to act as a corrective mechanism on the national law enforcement agencies.¹

The specific services and types of assistance provided by the police components of peacekeeping operations and special political missions can generally be divided in three broad categories based on their respective mandates:

(a) *Interim law enforcement*, in which United Nations police officers are directly responsible for all law enforcement functions and have a clear authority and responsibility for the maintenance of law and order. They are, inter alia, entrusted with powers of arrest, detention and search. These responsibilities have historically been given as part of United Nations transitional or interim administrations (i.e. the United

Nations Interim Administration Mission in Kosovo and the United Nations Transitional Administration in East Timor);

(b) *Security support to national police and law enforcement agencies*, in which United Nations police officers, particularly members of former police units, support national law enforcement agencies in the execution of their functions. They are not, however, considered as law enforcement officials under the legislation of the host country and their prerogatives are consequently limited: they may, however, stop, detain and search individuals in accordance with the mandate of the mission and specific directives issued by the Department of Peacekeeping Operations of the Secretariat. They also play a key role in the protection of United Nations personnel and facilities. Such security functions in support of national law enforcement agencies are currently performed by members of former police units assigned to the United Nations missions in Côte d'Ivoire, the Democratic Republic of the Congo, Haiti and Liberia;

(c) *Reform, restructuring and rebuilding of national police and law enforcement agencies*, in which United Nations police officers support the agencies in these areas through training and advising. Direct assistance is also provided, often through trust funds, for the refurbishment of facilities and the

procurement of vehicles, communication equipment and other law enforcement material. Such assistance has been provided in the past, for example, by the police components of peacekeeping operations and special political missions in Bosnia and Herzegovina, Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Kosovo, Liberia and Sierra Leone.

All activities of the police components of United Nations peacekeeping operations and special political missions are supported by the Police Division of the Department of Peacekeeping Operations.

II. Essential principles

A. The role of police and other law enforcement officials

1. The term “police and other law enforcement officials” includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of “police and other law enforcement officials” must be regarded as including officers of such services.²
2. Police and other law enforcement officials, as public officials under national law, are considered to hold a position of trust and have a duty to act in the public interest of their country.³
3. Police and other law enforcement officials must at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the degree of responsibility required by their profession.⁴
4. In the performance of their duties, police and other law enforcement officials must respect and

protect human dignity and maintain and uphold the rights of all persons.⁵ Police and other law enforcement officials who are personally responsible for gross violations of human rights must not continue to serve in State institutions.⁶ Police and other law enforcement officials must receive human rights education.⁷

5. Police and other law enforcement officials must be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. Political or other activities of police or other law enforcement officials outside of the scope of their work as police or other law enforcement officials must not be such as to impair public confidence in the impartial performance of their functions and duties.⁸
6. Police and other law enforcement officials must not afford undue preferential treatment to any one group or individual or discriminate against any group of individuals on grounds such as sex, race, colour, language, religion or belief, political or other opinion, sexual orientation, national, ethnic or social origin, wealth, birth or other status.⁹ It shall not be considered unlawfully discriminatory for police and other law enforcement officials to enforce certain special measures designed to address the special status and needs

of women, children, the sick, the elderly, persons with disabilities and others requiring special treatment.¹⁰

7. Police and other law enforcement officials should cooperate with and involve the community, meaning civil society at the local level, in crime prevention.¹¹

B. Integrity¹²

8. Police and other law enforcement officials must perform their duties and functions efficiently, effectively and with integrity and in accordance with laws or administrative policies.¹³
9. Police and other law enforcement officials must not abuse the power and authority vested in them.¹⁴
10. Police and other law enforcement officials must at no time improperly use public moneys, property, services or information acquired in the performance of, or as a result of, their official duties for activities not related to their official work.¹⁵
11. Police and other law enforcement officials must not use their official authority for the improper

advancement of their own or their family's personal or financial interest.¹⁶

12. Police and other law enforcement officials must not disclose confidential information that they learned of in the performance of their duties, unless national legislation, the performance of duty or the needs of justice strictly require otherwise.¹⁷
13. Police and other law enforcement officials must not commit any acts of corruption and must rigorously oppose and combat all such acts.¹⁸

C. Use of force and firearms

14. Police and other law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. Any force used should be proportionate and no more force than is necessary should be used.¹⁹
15. Police and other law enforcement officials, in carrying out their duties, must as far as possible apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.²⁰

16. Whenever the lawful use of force and firearms is unavoidable, police or other law enforcement officials must:
- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
 - (b) Minimize damage and injury, and respect and preserve human life;
 - (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
 - (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.²¹
17. Police and other law enforcement officials must not use firearms against persons except:
- (a) In self-defence or defence of others against the imminent threat of death or serious injury;
 - (b) To prevent the perpetration of a particularly serious crime involving grave threat to life;
 - (c) To arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape.²²

18. Police and other law enforcement officials must only use firearms when less extreme means are insufficient to achieve the objectives contained in paragraphs 19 (a)-(c) above.²³
19. Intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.²⁴
20. When police or other law enforcement officials are dispersing assemblies that are unlawful but non-violent, they must avoid the use of force or, where that is not practicable, they must restrict such force to the minimum extent necessary.²⁵
21. When police or other law enforcement officials are dispersing assemblies that are violent, they may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary.²⁶
22. Before discharging a firearm, a police or other law enforcement official must:
 - (a) Identify himself or herself as a police or other law enforcement official;
 - (b) Give a clear warning of his or her intent to use firearms, with sufficient time for the warning to be observed

unless to do so would unduly place the police or other law enforcement official at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.²⁷

23. When injury or death is caused by the use of force and firearms by a police or other law enforcement official, the officer or official must report the incident promptly to his or her superiors.²⁸ Governments and law enforcement agencies must establish effective reporting and review procedures for these incidents.²⁹
24. Whenever a firearm is used by a police or other law enforcement official, a report must be made to the competent authority responsible for reviewing such incidents.³⁰
25. Superior officers must be held responsible if they know, or should have known, that police or other law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.³¹
26. Obedience to superior orders is not a defence if a police or other law enforcement official knew

that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests with the superiors who gave the unlawful orders.³²

27. Persons affected by the use of force and firearms or their legal representatives must have access to an independent process, including a judicial process. In the event of the death of such persons, their dependents have the right of access to an independent process.³³
28. A State must ensure strict supervision, including a clear chain of command, of all police and other law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.³⁴

D. The prohibition of torture and other cruel, inhuman or degrading treatment

29. All persons have the right to be free from any form of torture, threat of torture, or any other form of cruel, inhuman or degrading treatment or punishment.³⁵

30. No exceptional circumstances can be invoked by a police or other law enforcement official to justify torture.³⁶ No police or law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.³⁷

31. “Torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:

(a) Obtaining from him or her or a third person information or a confession;

(b) Punishing him or her for an act he or she or a third party has committed or is suspected of having committed;

(c) Intimidating or coercing him or her or a third person;

(d) For any reason based on discrimination of any kind;

and 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.³⁸

32. A detained or imprisoned person or his or her counsel has the right to make a request or

complaint regarding his or her treatment, in particular in cases of torture or other cruel, inhuman or degrading treatment, to the authorities responsible for the administration of the place of detention and to higher authorities and, where necessary, to appropriate authorities vested with reviewing or remedial powers.³⁹

33. Those potentially implicated in torture or ill treatment must be removed from any positions of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.⁴⁰

III. Crimes

A. Genocide

34. Genocide is a crime in time of peace and in time of war.⁴¹

35. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.⁴²

36. A person who:

(a) Commits (whether individually or jointly), orders, solicits, induces, aids, abets or otherwise

assists the commission of genocide, including by providing the means for its commission;

(*b*) Contributes to the commission or attempted commission of genocide by a group of persons acting with a common purpose;

(*c*) Directly and publicly incites genocide;

(*d*) Attempts to commit the crime of genocide;

is liable for the commission of the crime of genocide.⁴³

37. A person may be held liable for the crime of genocide whether he or she is a constitutionally responsible ruler, a public official or a private individual.⁴⁴

B. Crimes against humanity

38. A crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(*a*) Murder;

(*b*) Extermination;

- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or in connection with the crimes of genocide or war crimes;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.⁴⁵

39. A person who:

(a) Commits (whether individually or jointly), orders, solicits, induces, aids, abets or otherwise assists the commission of a crime against humanity, including by providing the means for its commission;

(b) Contributes to the commission or attempted commission of a crime against humanity by a group of persons acting with a common purpose;

(c) Attempts to commit a crime against humanity;

is liable for the commission of a crime against humanity.⁴⁶

C. War crimes

40. War crimes mean:

(a) Grave breaches of the Geneva Conventions of 12 August 1949,⁴⁷ namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(i) Wilful killing;

(ii) Torture or inhuman treatment, including biological experiments;

- (iii) Wilfully causing great suffering or serious injury to body or health;
- (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- (vii) Unlawful deportation or transfer or unlawful confinement;
- (viii) Taking of hostages;
- (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
 - (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

- (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
- (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;

- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation

or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

- (xvi) Pillaging a town or place, even when taken by assault;
- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition;
- (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

- (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
- (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
- (xxvi) Conscripting or enlisting children under the age of 15 years into the national

armed forces or using them to participate actively in hostilities;

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause:

- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (iii) Taking of hostages;
- (iv) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable;

(d) Paragraph (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature;

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United

Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

- (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (v) Pillaging a town or place, even when taken by assault;
- (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
- (vii) Conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities;
- (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the

civilians involved or imperative military reasons so demand;

- (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
 - (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
- (f) Paragraph (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in

the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.⁴⁸

41. A person who:

(a) Commits (whether individually or jointly), orders, solicits, induces, aids, abets or otherwise assists the commission of a war crime, including by providing the means for its commission;

(b) Contributes to the commission or attempted commission of a war crime by a group of persons acting with a common purpose;

(c) Attempts to commit a war crime;

is liable for the commission of a war crime.⁴⁹

IV. Investigation

A. Right to privacy of all persons

42. No person may be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence.⁵⁰
43. When a police or other law enforcement official is undertaking investigative measures such as search and seizure of premises, search of a person or covert surveillance measures, the police or other law enforcement official must fully respect the right to privacy of the person subject to such measures and all other persons affected by the measures.⁵¹

B. Rights of persons charged with a criminal offence

44. A person charged with a criminal offence has the right to be presumed innocent until proved guilty according to the law.⁵²
45. A person charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt.⁵³
46. A person charged with a criminal offence has the right to the free assistance of an interpreter if he

or she cannot understand or speak the language being spoken by the authorities responsible for his or her arrest, detention or imprisonment or used in court.⁵⁴

47. A person charged with a criminal offence has the right to defend himself or herself personally or through counsel.⁵⁵
48. A person charged with a criminal offence has the right to counsel of his or her own choosing⁵⁶ and has the right to communicate with counsel at all stages of the proceedings.⁵⁷
49. Communications between an arrested, detained or imprisoned person and his or her lawyer must be granted without delay. They may take place within sight but not within hearing of police or other law enforcement officials. Communications must take place in full confidentiality and without interception or censorship.⁵⁸
50. The right of a person suspected of or charged with a criminal offence to communicate with counsel may not be suspended or restricted save in exceptional circumstances, specified by law, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.⁵⁹
51. Public authorities, including police or other law enforcement officials, must ensure that lawyers

are able to perform all of their professional duties without intimidation, hindrance, harassment or improper interference.⁶⁰

V. Arrest

A. The right to liberty and freedom of movement

52. All persons have the right to liberty and security of person.⁶¹
53. No one may be deprived of their liberty except on such grounds and in accordance with the procedures established by law.⁶²
54. All persons lawfully within a State have the right to liberty of movement within the territory of that State. The right to liberty of movement may be restricted only as provided for by law and where it is necessary to protect national security, public order, public health or morals or the rights and freedoms of others.⁶³

B. Rights of persons under arrest

55. An “arrested person” means a person who has been apprehended for the alleged commission of a criminal offence or by the action of an authority.⁶⁴
56. No person may be subjected to arbitrary arrest.⁶⁵

57. An arrest must be carried out strictly in accordance with the law and by competent officials or persons authorized for such a purpose.⁶⁶
58. An arrested person or, in a case of suspected enforced disappearance, any person acting on his or her behalf with a legitimate interest (such as relatives, representatives or counsel) has the right to take proceedings before a court, in order for the court to decide on the lawfulness of his or her arrest or detention. The proceedings must be simple and at no cost for arrested persons without adequate means. The court must decide upon the matter without delay. Where detention is not lawful, the court must order the immediate release of the arrested person.⁶⁷
59. An arrested person has the right to have a lawyer without cost where he or she does not have sufficient means to pay for him or her and where the interests of justice so require.⁶⁸ The assigned lawyer must be a lawyer of experience and competence commensurate with the nature of the offence the arrested person is charged with.⁶⁹

C. Conducting an arrest

60. An arrested person must be given, either at the moment of arrest and at the commencement of

detention or promptly thereafter, by the authority responsible for the arrest, information on and an explanation of his or her rights and how to avail himself or herself of such rights.⁷⁰

61. An arrested person who does not adequately understand or speak the language used by the authorities responsible for his or her arrest is entitled to receive the information and explanation of his or her rights promptly and in a language which he or she understands.⁷¹
62. An arrested person must be informed, at the time of arrest, of the reasons for his or her arrest. An arrested person must be promptly informed of any charges against him or her.⁷²
63. An arrested person must be informed immediately of his or her right to be assisted by a lawyer of his or her choice and must be provided with reasonable facilities for exercising it.⁷³
64. An arrested person should be entitled promptly after arrest to notify or to require the competent authority to notify members of his or her family or other appropriate persons of his or her choice of his or her arrest and of the place where he or she is kept in custody.⁷⁴
65. Any notification under paragraphs 63 or 64 above should not be denied for more than a matter of days.⁷⁵

66. If the arrested person is a foreign national (including a migrant worker), he or she is entitled to contact and communicate orally or in writing with a liaison office, consular post or the diplomatic mission of the State of which he or she is a national.⁷⁶ The arrested person must be promptly informed of this right.
67. If the arrested person is a refugee or otherwise under the protection of an intergovernmental organization, he or she is entitled to contact and communicate orally or in writing with a representative of the competent international organization.⁷⁷
68. The record of arrest must note:
 - (a) The identity of the arrested person;
 - (b) The date, time and place where the person was arrested;
 - (c) Precise information concerning the place of custody and the date and time the arrested person was taken to the place of custody;
 - (d) The reasons for the arrest;
 - (e) The time and date of the arrested person's first appearance before a judicial or other authority;

- (f) The state of the arrested person's health;
 - (g) The identity of the law enforcement officials concerned, including the arresting officers;
 - (h) The date and time of release or transfer to another place of custody and the authority responsible for the transfer;
 - (i) In the event of death during the arrest, the circumstances and cause of death and the destination of the remains.⁷⁸
69. The record of arrest must be communicated to the arrested person and his or her counsel.⁷⁹ An arrested person who does not adequately understand or speak the language used by the authorities responsible for his or her arrest is entitled to receive the record promptly and in a language which he or she understands.⁸⁰
70. An arrested person must be brought promptly before a judge or other authority provided for by law.⁸¹ Such authority must decide without delay upon the lawfulness and necessity of arrest and detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. The arrested person has the right to make a statement on the treatment received by him or her in custody.⁸²

VI. Detention and imprisonment

A. Rights of detained persons and imprisoned persons

71. A “detained person” means any person deprived of personal liberty except as a result of conviction for an offence.⁸³
72. An “imprisoned person” means any person deprived of personal liberty as a result of conviction for an offence.⁸⁴
73. All detained persons and imprisoned persons must be treated in a humane manner and with respect for the inherent dignity of the human person.⁸⁵
74. No person may be subjected to arbitrary detention.⁸⁶ Except in special cases provided for by law, a person detained on a criminal charge is entitled, unless a judicial or other authority decides otherwise in the interest of the administration of justice, to release pending trial subject to conditions that may be imposed in accordance with the law.⁸⁷ Where a person is detained pending trial, he or she or his or her counsel must receive prompt and full communication of

any order of detention, together with the reasons for detention and a written order.⁸⁸ In addition, the necessity for detention must be kept under review by a judicial or other authority.⁸⁹

75. Detention or imprisonment must be carried out strictly in accordance with the law and by competent officials or persons authorized for such a purpose.⁹⁰ Any form of detention or imprisonment and all measures affecting the human rights of a detained or imprisoned person must be ordered by, or be subject to the effective control of, a judicial or other authority.⁹¹
76. Any person deprived of liberty, whether a detainee or an imprisoned person, must be held in an officially recognized place of detention.⁹² No person may be held in secret detention.⁹³ A detained or imprisoned person, if he or she so requests, must, if possible, be kept in a place of detention or imprisonment reasonably near his or her usual place of residence.⁹⁴
77. In every prison or place of detention there must be a bound registration book with numbered pages in which the following information on every prisoner is entered:
 - (a) Information concerning his or her identity;

(b) The reasons for his or her commitment and the authority for his or her commitment to imprisonment;

(c) The day and hour of his or her admission and release.⁹⁵

78. A detained person has the right to take proceedings before a court, in order for the court to decide on the lawfulness of his or her detention. The court must decide upon the matter without delay and order his or her release if the detention is not lawful.⁹⁶

79. A detained or imprisoned person has the right to communicate and consult with his or her lawyer. A detained or imprisoned person has the right to have adequate time and facilities to consult with his or her lawyer and to be visited by and to consult and communicate, without delay or censorship and in full confidence, with his or her lawyer. Interviews between a detained or imprisoned person and his or her lawyer may be within sight, but not within the hearing, of a police or other law enforcement official.⁹⁷

80. Persons detained in situations of armed conflict are entitled to receive visits from delegates of the International Committee of the Red Cross.⁹⁸

81. A detained person has the right to a trial within a reasonable time or release pending trial.⁹⁹
82. A detained person who has been the victim of an unlawful detention has the enforceable right to compensation.¹⁰⁰
83. A detained person or imprisoned person must be given, either at the moment of detention or imprisonment, or promptly thereafter, by the authority responsible for the arrest, information on and an explanation of his or her rights and how to avail himself or herself of such rights.¹⁰¹ A detained or imprisoned person must also be provided with written information about the prison regulations governing his or her treatment.¹⁰² If a prisoner is illiterate, information concerning his or her rights or the prison regulations must be conveyed to him or her orally.¹⁰³
84. No person may be admitted to a prison or place of detention without a valid commitment order of which the details have been entered into the register.¹⁰⁴
85. Accurate information on the detention of persons deprived of their liberty, their place of detention and transfers between places of detention must be made promptly available to their family members, their counsel or to any

other persons having a legitimate interest in the information, unless a wish is manifested by the persons concerned.¹⁰⁵

1. Use of force

86. Police or other law enforcement officials must not use force against persons in custody or detention, except when strictly necessary for the maintenance of security and order within the institution, or where personal safety is threatened.¹⁰⁶

87. Instruments of restraint, such as handcuffs, chains, irons and straitjackets, must never be applied as a punishment. Chains or irons must not be used as restraints. Other instruments of restraint must not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they are removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from

injuring himself or others or from damaging property; in such instances the director must at once consult the medical officer and report to the higher administrative authority.¹⁰⁷

88. Instruments of restraint must not be applied for any longer time than is strictly necessary.¹⁰⁸

2. Death and disappearance

89. When a detained or imprisoned person dies or disappears during his or her detention or imprisonment, an inquiry into the cause of death or disappearance must be undertaken by a judicial or other authority.¹⁰⁹

3. Interrogation

90. When a detained or imprisoned person is being interrogated, the following information must be recorded:
- (a) The duration of any interrogation;
 - (b) The intervals between interrogations;
 - (c) The identity of any officials who conducted the interrogations and other persons present.¹¹⁰

A detained or imprisoned person or his or her counsel must have access to the above information.¹¹¹

91. An arrested, detained or imprisoned person who does not adequately understand or speak the language used by the authorities responsible for his or her arrest, detention or imprisonment is entitled to receive promptly and in a language which he or she understands: (i) information about the reason for his or her arrest and the charges against him or her; (ii) full communication of any order of detention, together with the reasons thereof; (iii) the record containing the reasons for the arrest, the time of the arrest, the identity of the law enforcement officials concerned and precise information concerning the place of custody; and (iv) information on and an explanation of his or her rights and how to avail himself or herself of such rights.¹¹²
92. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his or her capacity of decision or his or her judgement.¹¹³

4. Medical treatment

93. No detained or imprisoned person shall, even with his or her consent, be subjected to medical

or scientific experimentation that may be detrimental to his or her health.¹¹⁴

94. Police and other law enforcement officials must ensure the full protection of the health of persons in their custody and, in particular, must take immediate action to secure medical attention whenever required.¹¹⁵
95. A proper medical examination must be offered to a detained or imprisoned person as promptly as possible after his or her admission to the place of detention or imprisonment. After admission, medical care and treatment must be provided, whenever necessary, free of charge.¹¹⁶
96. The detained or imprisoned person or his or her counsel may, subject only to reasonable conditions to ensure security and good order, have the right to petition a judicial authority or other authority for a second medical examination or opinion.¹¹⁷
97. When a detained or imprisoned person has undergone a medical examination, the fact of the examination, the name of the physician and the results of the examination must be duly recorded. The detained or imprisoned person must be granted access to such records in accordance with the law.¹¹⁸

98. All detained or imprisoned persons determined to have a mental illness or who it is believed may have such an illness must receive the best available mental health care.¹¹⁹ They must be observed and treated in specialized institutions under medical management.¹²⁰ Persons who are found to be insane must not be detained in prisons and arrangements must be made for their removal to a mental institution as soon as possible.¹²¹

5. Communication

99. Detained persons and imprisoned persons must be allowed, under necessary supervision, to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits,¹²² and must be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions specified by law.¹²³

B. Conditions of detention and imprisonment

100. Detained and imprisoned persons must be categorized and kept in separate institutions, or parts of institutions, according to their age, sex, criminal record, the legal reason for their detention and the necessities of their treatment.¹²⁴

101. Detained persons must, in accordance with their unconvicted status, be, wherever possible, kept separate from imprisoned persons.¹²⁵
102. Men and women should be detained in separate institutions. Where this is not possible, the whole of the premises allocated to women must be entirely separate from that allocated to men.¹²⁶ In an institution for both men and women, the part of the institution set aside for women must be under the authority of a woman officer who has custody of the keys of that part of the institution. No male member of staff shall enter the women's quarters, unless accompanied by a woman officer.¹²⁷ Women shall be attended and supervised only by women officers. This does not, however, preclude male members of staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.¹²⁸
103. Where detained and imprisoned persons are accommodated in individual cells, each prisoner must occupy a single cell, unless special reasons, such as temporary overcrowding, require that two prisoners share a cell. Where detained and imprisoned persons are accommodated in dormitories, the prisoners in each dormitory must be carefully selected as being

suitable to associate with one another. Dormitories must be carefully supervised at night.¹²⁹

104. All accommodation, including sleeping accommodation, must meet all requirements of health, due regard being paid to climatic conditions, and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.¹³⁰

105. Where detained and imprisoned persons are required to live or work:

(a) The windows must be large enough to enable detained and imprisoned persons to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light must be provided sufficient for the detained and imprisoned persons to read and work without injury to eyesight.¹³¹

106. Adequate bathing and shower installations must be provided so that every detained and imprisoned person may be enabled and required to have a bath or shower at a temperature suit-

able to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.¹³²

107. Detained and imprisoned persons must be provided with a separate bed and bedding, which must be kept clean and in good order.¹³³
108. All parts of the prison regularly used by detained and imprisoned persons must be properly maintained and kept scrupulously clean at all times.¹³⁴
109. Sanitary toilets must be installed in a prison that are adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.¹³⁵
110. Detained and imprisoned persons must be provided with water and toilet articles as are necessary for health and cleanliness.¹³⁶
111. Detained and imprisoned persons must be provided by the prison administration at usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.¹³⁷
112. Drinking water must be available to detained and imprisoned persons whenever they need it.¹³⁸

113. Detained and imprisoned persons must have at least one hour of suitable exercise in the open air daily if the weather permits.¹³⁹
114. A detained person must be allowed to wear his or her own clothing if it is clean and suitable.¹⁴⁰ Where a detainee wears prison dress, it must be different from that supplied to an imprisoned person.¹⁴¹
115. Every detained and imprisoned person who is not allowed to wear his or her own clothing must be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health.¹⁴² All clothing, whether it is the prisoner's own clothing or clothing provided by the prison, must be clean and in proper condition.¹⁴³

VII. Trials

A. The rights of the accused

116. An accused person is entitled to be informed promptly and in detail in a language that he or she understands of the nature and cause of the charge against him or her.¹⁴⁴
117. An accused has the right to have adequate time and facilities for the preparation of his or her defence.¹⁴⁵
118. No person must be held guilty of any act or omission that was not a criminal offence, under national or international law, at the time it was committed.¹⁴⁶
119. No person shall be tried and punished again for a criminal offence for which he or she has already been finally convicted or acquitted.¹⁴⁷
120. An accused person has the right to trial without undue delay.¹⁴⁸
121. All accused persons must be treated equally before the law, the courts and tribunals.¹⁴⁹ Disabled persons must be recognized as persons under the law and must be granted effective

access to the law and the support they may require in exercising their legal capacity.¹⁵⁰

122. An accused persons is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.¹⁵¹
123. An accused person has the right to be tried in his or her presence.¹⁵²
124. An accused person has the right to examine, or have examined, the witnesses that are called against him or her. An accused person also has the right to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses called against him or her.¹⁵³
125. An accused person who has been found guilty has the right to appeal, where his or her conviction and sentence is reviewed by a higher tribunal.¹⁵⁴
126. Where a person has by a final decision been convicted and where his or her conviction has been subsequently reversed or he or she has been pardoned on the grounds of a new or newly discovered fact that shows a miscarriage of justice, the person is entitled to compensation. The person is not entitled to compensation where the non-disclosure of the unknown

fact at the time of the trial is wholly or partly attributable to him or her.¹⁵⁵

B. Evidence

127. Any statement which is established to have been made as a result of torture or cruel, inhuman or degrading treatment or punishment must not be invoked as evidence in any proceedings, except against a person accused of torture or cruel, inhuman or degrading treatment or punishment, as evidence that the statement was made.¹⁵⁶
128. Communications between a detained or imprisoned person and his or her lawyer are inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.¹⁵⁷

VIII. Extralegal, arbitrary and summary execution

129. All extralegal, arbitrary and summary executions are prohibited. No exceptional circumstances may be invoked to justify extralegal, arbitrary and summary executions, including a state of war or threat of war, internal political instability or any other public emergency.¹⁵⁸
130. Extralegal, arbitrary and summary executions may not be carried out under any circumstances, including, but not limited to, situations of armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by persons, acting at the instigation, or with the consent or acquiescence of such person, and situations in which death occurs in custody.¹⁵⁹
131. Orders from superior officers or public authorities authorizing or inciting other persons to carry out any such extralegal, arbitrary or summary execution are prohibited and may not be invoked as a justification. Police and other law enforcement officials have the right and duty to defy such orders.¹⁶⁰
132. There must be a thorough, prompt and impartial investigation of all suspected cases of

extralegal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death.¹⁶¹

133. An investigation into an extralegal, arbitrary or summary execution must seek to determine the cause, manner and time of death and the person responsible and any pattern or practice which may have brought about this death. It must include an adequate autopsy and adequate collection and analysis of physical and documentary evidence and statements of witnesses.¹⁶²
134. Those investigating an extralegal, arbitrary or summary execution must have the power to obtain all information necessary for the inquiry, the necessary budgetary and technical resources for effective investigation and the power to compel witnesses and police and other law enforcement officials who are allegedly involved to appear and testify.¹⁶³
135. Families of the deceased and their legal representatives must be informed of, and have access to, any hearing as well as any information relevant to the investigation and must be entitled to present other evidence. The family has the right to insist that a medical or other qualified representative be present at the autopsy. When

the identity of a deceased person has been determined, a notification of death must be posted, and the family or relatives of the deceased must be informed immediately. The body of the deceased must be returned to the family upon completion of the investigation.¹⁶⁴

136. An investigation into an extralegal, arbitrary or summary execution must produce a written report within a reasonable time. The report must be made public immediately. The Government must, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.¹⁶⁵
137. Persons identified by the investigation as having participated in an extralegal, arbitrary or summary execution must be brought to justice or must be extradited to another State to be brought to justice.¹⁶⁶

IX. Protection

A. Victims

138. “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal law operative within Member States.¹⁶⁷
139. Victims must be treated with compassion and respect for their dignity.¹⁶⁸
140. Victims are entitled to access to mechanisms for justice and to prompt redress for the harm they have suffered.¹⁶⁹ Victims must be informed of their rights to seek redress through such mechanisms.¹⁷⁰
141. Victims must be informed of their role and the scope, timing and progress of the proceedings and of the disposition of their cases.¹⁷¹
142. Victims must be allowed to present and have considered their views and concerns at appropriate stages of the proceedings.¹⁷² In particular, victims of torture or cruel, inhuman or

degrading treatment must have access to any hearing and must be entitled to present evidence.¹⁷³

143. Victims must receive the necessary material, medical, psychological and social assistance and must be informed of the availability of health and social services and other relevant assistance.¹⁷⁴
144. In providing assistance to victims, attention should be given to victims who have special needs because of the nature of the harm inflicted on them, such as trafficked persons, or because of factors such as gender, age, disability, ethnic or social origin, or cultural beliefs or practices.¹⁷⁵
145. Measures must be taken to minimize inconvenience to victims and to protect their privacy.¹⁷⁶ In particular, in appropriate cases, the privacy and identity of particular categories of victims, such as child victims and victims of trafficking in persons, should be protected through the adoption of special measures.¹⁷⁷
146. Measures must be taken to ensure the safety of victims as well as that of their families and witnesses on their behalf from intimidation and retaliation.¹⁷⁸ In particular, all appropriate measures must be taken to promote the

physical safety of victims of violence against women, torture or ill-treatment, corruption, organized crime and trafficking in persons.¹⁷⁹

B. Witnesses

147. Measures must be taken to ensure effective protection of people who are in danger because of their participation in criminal proceedings, including witnesses, victims who are witnesses and expert witnesses.¹⁸⁰ Measures may also be taken, as appropriate, for their relatives and other persons close to them.¹⁸¹
148. Measures to protect a witness may include:
- (a) Establishing procedures for the physical protection of witnesses, their relatives or other persons close to them, such as relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;
 - (b) Providing evidentiary rules that permit witness testimony to be given in a manner that ensures the safety of a witness, such as permitting testimony to be given through the use of

communications technology such as video links or other adequate means.¹⁸²

C. Child victims and witnesses

149. Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity.¹⁸³
150. In order to avoid further hardship to the child, interviews, examinations and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner.¹⁸⁴
151. All interactions with a child victim or witness should be conducted in a child-sensitive and empathetic manner in a suitable environment that accommodates the special needs of the child. They should also take place in a language that the child uses and understands.¹⁸⁵
152. Child victims and witnesses should have access to a justice process that protects them from

discrimination based on the child's, parent's or legal guardian's race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status.¹⁸⁶

153. Age should not be a barrier to a child's right to participate fully in the justice process. Every child has the right to be treated as a capable witness and his or her testimony should be presumed valid and credible at trial unless proven otherwise and as long as his or her age and maturity allow the giving of intelligible testimony, with or without communication aids and other assistance.¹⁸⁷
154. Child victims and witnesses, their families and their legal representatives, from their first contact with the justice process and throughout that process, have the right to be promptly informed of:
- (a) The availability of health, psychological, social and other relevant services, advice or representation, compensation and emergency financial support, where applicable;
 - (b) The procedures for the adult and juvenile criminal justice process;

- (c) The progress and disposition of a specific case;
- (d) The existing support mechanisms for a child witness when making a complaint and participating in the investigation and court proceedings;
- (e) The specific places and times of hearings and other relevant events;
- (f) The availability of protective measures;
- (g) Any opportunities to obtain reparations from the offender or the State;
- (h) The existing mechanisms for review of decisions affecting the child victim or witness;
- (i) The relevant rights of the child victim or witness.¹⁸⁸

155. Professionals should make every effort to enable child victims and witnesses to express their views and concerns related to their involvement in the justice process.¹⁸⁹

156. Child victims and witnesses should have their privacy protected as a matter of primary importance.¹⁹⁰

157. Professionals should take measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that the best interests and dignity of child victims and witnesses are respected.¹⁹¹
158. Where the safety of a child victim or witness may be at risk, appropriate measures should be taken to require the reporting of those safety risks to the appropriate authorities and to protect the child from such risk before, during and after the justice process.¹⁹²
159. Adequate training, education and information should be made available to police and other law enforcement officials working with child victims and witnesses with a view to improving and sustaining specialized methods, approaches and attitudes.¹⁹³

D. Children in conflict with the law

160. Children¹⁹⁴ in conflict with the law are entitled to the same human rights protections as adults in criminal proceedings.¹⁹⁵ In addition, by reason of their physical and mental immaturity, children need special safeguards and care.¹⁹⁶
161. Consideration must be given, wherever appropriate, to dealing with children in conflict with the law without resorting to formal trial.¹⁹⁷

162. The criminal justice system must promote the physical and mental well-being of the child and must ensure that any reaction to children in conflict with the law is always in proportion to the circumstances of both the child and the criminal offence.¹⁹⁸
163. From the outset, a case concerning a child in conflict with the law must be handled expeditiously and without any unnecessary delay.¹⁹⁹
164. Every child in conflict with the law has the right to prompt legal and other appropriate assistance.²⁰⁰
165. Police and other law enforcement officials who frequently or exclusively deal with children in conflict with the law must be specially instructed and trained, and, in large cities, special police units must be established for that purpose.²⁰¹
166. Contacts between the police and the prosecutor, and a child in conflict with the law, must, with due regard to the case, be managed in such a way as to respect the legal status of the child, promote his or her well-being and avoid harm to him or her, with due regard for the circumstances of the case.²⁰²
167. Upon apprehension, detention or imprisonment, the parents or guardians of a child in conflict with the law must be immediately notified of

the apprehension, detention or imprisonment, and where such immediate notification is not possible, the parents or guardian must be notified within the shortest possible time.²⁰³

168. A child in conflict with the law may only be detained as a measure of last resort in exceptional circumstances and for the shortest appropriate period of time.²⁰⁴
169. Every child in conflict with the law who is deprived of liberty must be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age.²⁰⁵
170. Whenever possible, detention of a child in conflict with the law pending trial should be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home.²⁰⁶
171. Children in conflict with the law who are detained must be separated from adults, unless it is considered in the child's best interests not to do so (e.g. where the adult is a member of the child's family). Children in conflict with the law should be brought for adjudication as speedily as possible.²⁰⁷

172. While in custody, children in conflict with the law must receive care, protection and all necessary individual assistance, social, educational, vocational, psychological, medical and physical, that they may require in view of their age, sex and personality and in the interest of their wholesome development.²⁰⁸
173. Unless it is considered not to be in the child's best interests, and save in exceptional cases, a child in detention must have the right to maintain contact with his or her family through correspondence and visits.²⁰⁹
174. In all actions concerning children in conflict with the law taken by the court, the best interests of the child must be the primary consideration.²¹⁰
175. Criminal proceedings must be conducive to the best interests of the child and must be conducted in an atmosphere of understanding, which must allow the child to participate in and express herself or himself freely.²¹¹
176. A child in conflict with the law has the right to be tried in the presence of his or her parents and legal and other appropriate assistance, unless it is not considered to be in the best interests of the child.²¹²

177. At all stages of the proceedings, the child's right to privacy must be respected to avoid harm being caused to him or her by undue publicity or by the process of labelling. In principle, no information that may lead to the identification of a child in conflict with the law may be published.²¹³
178. All reports and records relating to a child in conflict with the law must be placed in a confidential file, closed to third parties, and must only be accessed by authorized persons. Access to the records of children in conflict with the law must be limited to persons directly concerned with the disposition of the case at hand or other duly authorized persons.²¹⁴ Records of children in conflict with the law must not be used in adult proceedings in subsequent cases involving the same offender.²¹⁵
179. In all cases except those involving minor offences, before the court renders a final disposition prior to sentencing, the background and circumstances in which the child is living or the conditions under which the offence has been committed must be properly investigated so as to facilitate judicious adjudication of the case.²¹⁶

180. Any judgement delivered in a case must be delivered in public, except where the interest of the child requires otherwise.²¹⁷
181. Imprisonment or the placement of a child in conflict with the law in an institution must be used as a last resort and for the minimum period necessary.²¹⁸
182. A variety of dispositions, such as care, guidance and supervision orders, counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care, must be available to ensure that children in conflict with the law are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.²¹⁹
183. Children in conflict with the law must not be subject to corporal punishment as a penalty for committing a criminal offence.²²⁰
184. Capital punishment or life imprisonment without possibility of release must not be imposed upon a person for a criminal offence committed by that person when he or she was below the age of 18 years old.²²¹
185. Instruments of restraint and force can only be used against children in exceptional cases,

where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation.²²²

E. Refugee protection and the protection of internally displaced persons

186. A “refugee” is a person who is outside his or her country of nationality (or a person who does not have a nationality) who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country.²²³
187. All persons have the right to seek and to enjoy in other States asylum from persecution.²²⁴
188. The protections usually available to refugees do not apply to any person with respect to whom there are serious reasons for considering that he or she:
 - (a) Has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) Has committed a serious non-political crime outside the country of refuge prior to his or her admission to that country as a refugee;

(c) Has been guilty of acts contrary to the purposes and principles of the United Nations.²²⁵

189. A State must not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened, enter or are present in the State without authorization, provided that they present themselves without delay to the authorities and show good cause for their illegal entry or presence.²²⁶

190. A State must not expel a refugee lawfully in its territory except on grounds of national security or public order.²²⁷ In such a case, the expulsion must be carried out in pursuance of a decision reached in accordance with the due process of law.²²⁸

191. A State must not expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.²²⁹

The only exception to this is where there are reasonable grounds for regarding a particular refugee as a danger to the security of the country in which he or she is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that State.²³⁰

192. No State may expel or return (“refouler”) a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.²³¹
193. No State may expel or return (“refouler”) a person to another State where there are substantial grounds for believing that he or she would be in danger of enforced disappearance.²³²
194. For the purpose of determining whether there are such grounds as set out in paragraphs 191, 192 and 193 above, the competent authorities must take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or serious violations of international humanitarian law.²³³

195. A State must take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee, whether unaccompanied or accompanied by his or her parents or by any other person, receives appropriate protection and humanitarian assistance.²³⁴
196. Refugees enjoy fundamental human rights, and in particular the following rights:
- (a) The right to life and security of person and the right not to be deprived of liberty except on such grounds and in accordance with such principles established by law;
 - (b) The right to freedom from arbitrary arrest or detention;
 - (c) The right to protection against arbitrary or unlawful interference with privacy, family life or correspondence;
 - (d) The right to be equal before the court, tribunals and other organs and authorities administering justice;
 - (e) When necessary, the right to free assistance of an interpreter in criminal proceedings;
 - (f) The right to peaceful assembly;

- (g) The right to freedom from torture and cruel, inhuman or degrading treatment or punishment.²³⁵
197. A State must issue identity papers to any refugee in their territory who does not possess a valid travel document.²³⁶
198. Any person who has been recognized as a refugee by the authorities in a State must receive the same treatment as its nationals in affording them the right to access to the courts, including legal assistance.²³⁷
199. Any person who has been recognized as a refugee by the authorities in a State must receive the same treatment as that accorded to aliens generally with regard to the right to choose their place of residence²³⁸ and the right to move freely within the State.²³⁹
200. A State must cooperate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions.²⁴⁰
201. “Internally displaced persons” are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of

or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.²⁴¹

202. Internally displaced persons enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They must not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.²⁴²
203. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.²⁴³
204. The right to life of internally displaced persons must be protected by law, in particular against genocide, murder, summary or arbitrary executions and enforced disappearances (including abduction or unacknowledged detention, threatening or resulting in death), or threats of any of these acts.²⁴⁴
205. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons must

be protected, in particular, against direct or indiscriminate attacks or other acts of violence; starvation as a method of combat; their use to shield military objectives from attack or to shield, favour or impede military operations; attacks against their camps or settlements; and the use of anti-personnel landmines.²⁴⁵

206. The right to dignity and physical, mental and moral integrity of internally displaced persons must be protected, in particular against rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, or other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault; slavery or any contemporary form of slavery (such as sale into marriage, sexual exploitation or forced labour of children); and acts of violence intended to spread terror among internally displaced persons.²⁴⁶
207. The right to liberty and security of person of internally displaced persons must be protected. To give effect to this right, no internally displaced person should be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it must not last longer than required by the circumstances.²⁴⁷

Notes

1. The information contained in this introduction related to the history and functions of the United Nations police has been drawn from the official website of the United Nations police at www.un.org/Depts/dpko/police/index.shtml.
2. Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex), article 1 and its commentary.
3. International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex), principle 1.
4. Code of Conduct for Law Enforcement Officials, article 1.
5. Code of Conduct for Law Enforcement Officials, article 2.
6. Updated set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1), principle 36 (a).
7. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147, annex), principle 23 (e).
8. International Code of Conduct for Public Officials, principle 11.
9. International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), article 26; International Convention on the Elimination of All Forms of Racial Discrimination (United Nations, *Treaty Series*, vol. 660, No. 9464), article 2; Convention on the Elimination of All Forms of Discrimination against Women (United Nations, *Treaty Series*, vol. 1249, No. 20378), article 2; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), article 2; and International Code of Conduct for Public Officials, principle 3.

10. *Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police*, Professional Training Series No. 5/Add. 3 (United Nations publication, Sales No. E.03.XIV.7), p. 7.
11. Guidelines for the Prevention of Crime (Economic and Social Council resolution 2002/13, annex), para. 4.
12. Reference is made to the bulletin of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), which sets out the fundamental legal and policy principles that are applicable to United Nations personnel in this regard. Prevention of and protection from sexual exploitation and sexual abuse are key issues for the Department of Peacekeeping Operations that are addressed in a series of issuances and training material for United Nations police and other personnel.
13. International Code of Conduct for Public Officials, principle 2.
14. International Code of Conduct for Public Officials, principle 3.
15. International Code of Conduct for Public Officials, principle 6.
16. International Code of Conduct for Public Officials, principle 4.
17. International Code of Conduct for Public Officials, principle 10; and Code of Conduct for Law Enforcement Officials, article 4.
18. Code of Conduct for Law Enforcement Officials, article 7.
19. Code of Conduct for Law Enforcement Officials, article 3 and its commentary.
20. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (*Eighth United Nations Congress on*

the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex), principle 4.

21. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 4.
22. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.
23. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.
24. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9.
25. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 13.
26. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 14.
27. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 10.
28. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 6.
29. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22.
30. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 22.
31. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 24.
32. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 26.
33. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 23.
34. Declaration on the Protection of All Persons from Enforced Disappearance (General Assembly resolution 47/133), article 12, para. 2.

35. International Covenant on Civil and Political Rights, article 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations, *Treaty Series*, vol. 1465, No. 24841), article 2; Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX), annex), article 2; Convention on the Rights of the Child (United Nations, *Treaty Series*, vol. 1577, No. 27531), article 37, para. (a); Convention on the Rights of Persons with Disabilities (General Assembly resolution 61/106, annex I), article 15, para. 1; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations, *Treaty Series*, vol. 2220, No. 39481), article 10; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), principle 6.
36. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 2, paras. 2 and 3; Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 3; and Code of Conduct for Law Enforcement Officials, article 5.
37. Code of Conduct for Law Enforcement Officials, article 5.
38. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 1, para. 1.
39. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 33.
40. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 55/89, annex), para. 3 (b).
41. Convention on the Prevention and Punishment of the Crime of Genocide (General Assembly resolution 260 A (III), annex), article 1.

42. Convention on the Prevention and Punishment of the Crime of Genocide, article 2; Rome Statute of the International Criminal Court (United Nations, *Treaty Series*, vol. 2187, No. 38544), article 6.
43. Rome Statute of the International Criminal Court, article 25, para. 2; Convention on the Prevention and Punishment of the Crime of Genocide, article 3.
44. Convention on the Prevention and Punishment of the Crime of Genocide, article 4.
45. Rome Statute of the International Criminal Court, article 7, para. 1.
46. Rome Statute of the International Criminal Court, article 25, para. 2.
47. United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
48. Rome Statute of the International Criminal Court, article 8, para. 2.
49. Rome Statute of the International Criminal Court, article 25, para. 2.
50. International Covenant on Civil and Political Rights, article 17, para. 1; Convention on the Rights of Persons with Disabilities, article 22; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 14.
51. International Covenant on Civil and Political Rights, article 17, para. 1.
52. International Covenant on Civil and Political Rights, article 14, para. 2; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 2; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 36.

53. International Covenant on Civil and Political Rights, article 14, para. 3 (g); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (a).
54. International Covenant on Civil and Political Rights, article 14, para. 3 (f); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (f); and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 14.
55. International Covenant on Civil and Political Rights, article 14, para. 3 (d); Basic Principles on the Role of Lawyers (*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex), principle 1; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 11, para. 1, and principle 17.
56. International Covenant on Civil and Political Rights, article 14, para. 3 (b).
57. International Covenant on Civil and Political Rights, article 14, para. 3 (b); Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18, para. 1; and Basic Principles on the Role of Lawyers, principle 1.
58. Basic Principles on the Role of Lawyers, principle 8; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18, para. 3.
59. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18, para. 3.
60. Basic Principles on the Role of Lawyers, principle 16.

61. International Covenant on Civil and Political Rights, article 9, para. 1; Convention on the Rights of Persons with Disabilities, article 14, paras. 1 and 2; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 1.
62. International Covenant on Civil and Political Rights, article 9, para. 1; Convention on the Rights of Persons with Disabilities, article 14, paras. 1 and 2; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 4.
63. International Covenant on Civil and Political Rights, article 12, paras. 1 and 3; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 39, para. 1; and Convention on the Rights of Persons with Disabilities, article 18, para. 1. It should be noted that paragraph 3 of article 12 of the International Covenant on Civil and Political Rights clearly specifies that the restrictions to the right to liberty of movement must be provided for by law and must be consistent with the other rights recognized in the Covenant.
64. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, “Use of terms”.
65. International Covenant on Civil and Political Rights, article 9, para. 1; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 4.
66. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 2.
67. International Covenant on Civil and Political Rights, article 9, para. 4; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 32; and International Convention for the Protection of All Persons from Enforced Disappearance

(General Assembly resolution 61/177, annex), article 17, para. 2 (f).

68. International Covenant on Civil and Political Rights, article 14, para. 3 (d); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (d).
69. Basic Principles on the Role of Lawyers, principle 6; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 17, para. 2.
70. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 13.
71. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 14.
72. International Covenant on Civil and Political Rights, article 9, para. 2; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 10; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 5.
73. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 17, para. 1; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (d), and Basic Principles on the Role of Lawyers, principle 5.
74. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 16, para. 1.
75. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 15.
76. Vienna Convention on Consular Relations (United Nations, *Treaty Series*, vol. 596, No. 8638), article 36, para. 1 (a); Body of Principles for the Protection of All Persons Under

- Any Form of Detention or Imprisonment, principle 16, para. 2; International Convention for the Protection of All Persons from Enforced Disappearance, article 17, para. 2 (d); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 7 (a); and Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live (General Assembly resolution 40/144, annex), article 10.
77. Vienna Convention on Consular Relations, article 36, para. 1 (a); Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, principle 16, para. 2; and Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, article 10.
 78. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 12, para. 1; and International Convention for the Protection of All Persons from Enforced Disappearance, article 17, para. 3.
 79. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 12, para. 2.
 80. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 14.
 81. International Covenant on Civil and Political Rights, article 9, para. 3; Declaration on the Protection of All Persons from Enforced Disappearance, article 10, para. 1; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 6; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 11, para. 1.
 82. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 37.
 83. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, “Use of terms”.

84. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, “Use of terms”.
85. International Covenant on Civil and Political Rights, article 10, para. 1; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 1.
86. International Covenant on Civil and Political Rights, article 9, para. 1; Convention on the Rights of the Child, article 37 (b); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 4.
87. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 39.
88. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 11, para. 2, and principle 37.
89. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 11, para. 3, and principle 39.
90. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 2.
91. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 4.
92. Declaration on the Protection of All Persons from Enforced Disappearance, article 10, para. 1; and International Convention for the Protection of All Persons from Enforced Disappearance, article 17, para. 2 (b).
93. International Convention for the Protection of All Persons from Enforced Disappearance, article 17, para. 1.
94. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 20.
95. Standard Minimum Rules for the Treatment of Prisoners (*First United Nations Congress on the Prevention of Crime*)

and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A; and Economic and Social Council resolution 2076 (LXII)), rule 7, para. 1.

96. International Covenant on Civil and Political Rights, article 9, para. 4; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 8.
97. Basic Principles on the Role of Lawyers, principles 7 and 8; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18.
98. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 970), article 9; Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 971), article 9; Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 972), article 9; and Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 973), articles 7 and 143.
99. International Covenant on Civil and Political Rights, article 9, para. 3; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 38; and Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 6; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Economic and Social Council resolution 1989/65, annex), article 16, para. 6.
100. International Covenant on Civil and Political Rights, article 9, para. 5; and International Convention on the Protection

of the Rights of All Migrant Workers and Members of Their Families, article 16, para. 9.

101. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 13.
102. Standard Minimum Rules for the Treatment of Prisoners, rule 35, para. 1.
103. Standard Minimum Rules for the Treatment of Prisoners, rule 35, para. 2.
104. Standard Minimum Rules for the Treatment of Prisoners, rule 7, para. 2.
105. Declaration on the Protection of All Persons from Enforced Disappearance, article 10, para. 2.
106. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 15.
107. Standard Minimum Rules for the Treatment of Prisoners, rule 33.
108. Standard Minimum Rules for the Treatment of Prisoners, rule 34.
109. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 34.
110. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 23, para. 1.
111. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 23, para. 2.
112. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 14.
113. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 21, para. 2.

114. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 22.
115. Code of Conduct for Law Enforcement Officials, article 6.
116. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 24.
117. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 25.
118. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 26.
119. Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, principle 20.
120. Standard Minimum Rules for the Treatment of Prisoners, rule 82, para. 2.
121. Standard Minimum Rules for the Treatment of Prisoners, rule 82, para. 1.
122. Standard Minimum Rules for the Treatment of Prisoners, rule 37; and International Convention for the Protection of All Persons from Enforced Disappearance, article 17, para. 2 (d).
123. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 19.
124. Standard Minimum Rules for the Treatment of Prisoners, rule 8.
125. International Covenant on Civil and Political Rights, article 10, para. 2 (a); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 17, para. 2; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 8; and Standard Minimum Rules for the Treatment of Prisoners, rule 8 (b) and rule 85, para. 1.

126. Standard Minimum Rules for the Treatment of Prisoners, rule 8.
127. Standard Minimum Rules for the Treatment of Prisoners, rule 53, para. 2.
128. Standard Minimum Rules for the Treatment of Prisoners, rule 53, para. 3.
129. Standard Minimum Rules for the Treatment of Prisoners, rule 9, paras. 1 and 2.
130. Standard Minimum Rules for the Treatment of Prisoners, rule 10.
131. Standard Minimum Rules for the Treatment of Prisoners, rule 11.
132. Standard Minimum Rules for the Treatment of Prisoners, rule 13.
133. Standard Minimum Rules for the Treatment of Prisoners, rule 19.
134. Standard Minimum Rules for the Treatment of Prisoners, rule 14.
135. Standard Minimum Rules for the Treatment of Prisoners, rule 12.
136. Standard Minimum Rules for the Treatment of Prisoners, rule 15.
137. Standard Minimum Rules for the Treatment of Prisoners, rule 20, para. 1.
138. Standard Minimum Rules for the Treatment of Prisoners, rule 20, para. 2.
139. Standard Minimum Rules for the Treatment of Prisoners, rule 21, para. 1.

140. Standard Minimum Rules for the Treatment of Prisoners, rule 88, para. 1.
141. Standard Minimum Rules for the Treatment of Prisoners, rule 88, para. 2.
142. Standard Minimum Rules for the Treatment of Prisoners, rule 17, para. 1.
143. Standard Minimum Rules for the Treatment of Prisoners, rule 17, para. 2 and rule 18.
144. International Covenant on Civil and Political Rights, article 14, para. 3 (a); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (a).
145. International Covenant on Civil and Political Rights, article 14, para. 3 (b); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (b); and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18, para. 2.
146. International Covenant on Civil and Political Rights, article 15, para. 1; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 19, para. 1.
147. International Covenant on Civil and Political Rights, article 14, para. 7; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 7.
148. International Covenant on Civil and Political Rights, article 14, para. 3 (c); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (c).
149. International Covenant on Civil and Political Rights, article 14, para. 1 and article 26; International Convention on the Protection of the Rights of All Migrant Workers and

- Members of Their Families, article 18, para. 1; Convention on the Rights of Persons with Disabilities, article 5, para. 1; Convention on the Elimination of All Forms of Discrimination against Women, article 15, para. 1.
150. Convention on the Rights of Persons with Disabilities, article 12, paras. 1 and 3; and article 13, para. 1.
 151. International Covenant on Civil and Political Rights, article 14, para. 1; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 1.
 152. International Covenant on Civil and Political Rights, article 14, para. 3 (d); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (d).
 153. International Covenant on Civil and Political Rights, article 14, para. 3 (e); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 3 (e).
 154. International Covenant on Civil and Political Rights, article 14, para. 5; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 5.
 155. International Covenant on Civil and Political Rights, article 14, para. 6; and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 18, para. 6.
 156. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 15; and Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 12.
 157. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 18, para. 5.

158. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principles 1 and 19.
159. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 1.
160. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principles 3 and 19.
161. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 9.
162. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 9.
163. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 10.
164. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 16.
165. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 17.
166. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, principle 18.
167. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), para. 1.
168. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 4.

169. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 4.
170. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 5; and Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104), article 4 (d).
171. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 6 (a); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (United Nations, *Treaty Series*, vol. 2237, No. 39574), article 6, para. 2 (a); and Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 4.
172. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 6 (b); United Nations Convention against Transnational Organized Crime (United Nations, *Treaty Series*, vol. 2225, No. 39574), article 25, para. 3; United Nations Convention against Corruption (United Nations, *Treaty Series*, vol. 2349, No. 42146), article 32, para. 5; and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 6, para. 2 (b).
173. Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 4.
174. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, paras. 14 and 15; and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 6, para. 3.

175. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, paras. 3 and 17; United Nations Convention against Transnational Organized Crime, article 25, para. 1; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 6, para. 4; and United Nations Convention against Corruption, article 32.
176. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 6 (d).
177. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 6, para. 1; United Nations Convention against Corruption, article 32, para. 2; and United Nations Convention against Transnational Organized Crime, article 24, para. 2.
178. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, para. 6 (d).
179. Declaration on the Elimination of Violence against Women, article 4 (g); Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 3 (b); and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 6, para. 5.
180. United Nations Convention against Corruption, article 32, paras. 1 and 4; United Nations Convention against Transnational Organized Crime, article 24, paras. 1 and 4; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 1, para. 2; Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (United Nations, *Treaty Series*, vol. 2241,

No. 39574), article 1, para. 2; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, article 1, para. 2; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 13.

181. United Nations Convention against Corruption, article 32, para. 1; and United Nations Convention against Transnational Organized Crime, article 24, para. 1.
182. United Nations Convention against Corruption, article 32, para. 2; and United Nations Convention against Transnational Organized Crime, article 24, para. 2.
183. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex), para. 10.
184. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 13.
185. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 14.
186. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 15.
187. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 18.
188. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 19.
189. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 20.
190. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 27.
191. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 30.

192. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 33.
193. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 41.
194. According to article 1 of the Convention on the Rights of the Child, a child means every human being below the age of eighteen.
195. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (General Assembly resolution 40/33, annex), rule 7.1.
196. Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV)), third preambular paragraph; and Convention on the Rights of the Child, tenth preambular paragraph.
197. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 11.1.
198. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 5.
199. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 20.1.
200. Convention on the Rights of the Child, article 37, para. (d).
201. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 12.1.
202. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 10.3.
203. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 10; and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 16, para. 3.

204. Convention on the Rights of the Child, article 37, para. (b), United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 13; and United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex), rule 17.
205. Convention on the Rights of the Child, article 37, para. (c).
206. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 13.2.
207. International Covenant on Civil and Political Rights, article 10, para. 2 (b); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 17, para. 2; Convention on the Rights of the Child, article 37 (c); United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 29; and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 13.4 and rule 26.3.
208. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 13.5 and rule 26.2.
209. Convention on the Rights of the Child, article 37, para. (c).
210. Convention on the Rights of the Child, article 3, para. 1.
211. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 14.2.
212. Convention on the Rights of the Child, article 40, para. 2 (b) (iii); and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 15.2.
213. Convention on the Rights of the Child, article 40, para. 2 (vii); and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 8.

214. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 19; and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 21.1.
215. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 21.2.
216. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 16.1.
217. International Covenant on Civil and Political Rights, article 14, para. 1.
218. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 1; and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 19.1.
219. Convention on the Rights of the Child, article 40, para. 4; and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 18.1.
220. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 17.3.
221. Convention on the Rights of the Child, article 37 (a); and United Nations Standard Minimum Rules for the Administration of Juvenile Justice, rule 17.2.
222. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, rule 64.
223. Convention relating to the Status of Refugees (United Nations, *Treaty Series*, vol. 189, No. 2545), article 1 A, para. 2; and Protocol relating to the Status of Refugees (United Nations, *Treaty Series*, vol. 606, No. 8791), article 1, para. 2.
224. Universal Declaration of Human Rights (General Assembly resolution 217 A (III)), article 14.

225. Convention relating to the Status of Refugees, article 1, sect. F.
226. Convention relating to the Status of Refugees, article 31.
227. Convention relating to the Status of Refugees, article 32, para. 1.
228. Convention relating to the Status of Refugees, article 32, para. 2.
229. Convention relating to the Status of Refugees, article 33, para. 1.
230. Convention relating to the Status of Refugees, article 33, para. 2.
231. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 3, para. 1.
232. Declaration on the Protection of All Persons from Enforced Disappearance, article 8, para. 1; and International Convention for the Protection of All Persons from Enforced Disappearance, article 16, para. 1.
233. International Convention for the Protection of All Persons from Enforced Disappearance, article 16, para. 2.
234. Convention on the Rights of the Child, article 22, para. 1.
235. Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, articles 5 and 6.
236. Convention relating to the Status of Refugees, article 27.
237. Convention relating to the Status of Refugees, article 16, para. 1.
238. Convention relating to the Status of Refugees, article 26.
239. Convention relating to the Status of Refugees, article 26.

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242. Guiding Principles on Internal Displacement, principle 1, para. 1.
243. Guiding Principles on Internal Displacement, principle 3, para. 1.
244. Guiding Principles on Internal Displacement, principle 10, para. 1.
245. Guiding Principles on Internal Displacement, principle 10, para. 2.
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