**Awareness Sessions on the prevention of torture and other cruel, inhuman and degrading treatment or punishment**

**14-15 November 2022**

**Summary of key training materials and documents relating to the prohibition of torture**

1. United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT)

The Convention, adopted in 1984, is the most important international human rights treaty that deals with torture. The Convention requires states to criminalise torture as a specific offence under national laws, take action to investigate and prosecute complaints, train personnel and provide redress to victims. The effective prohibition and prevention of torture relies heavily upon enforcement through domestic institutions, including police and prison services. In relation to training, UNCAT requires states to educate and train law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. The Convention also stipulates that the prohibition of torture is to be included in the rules or instructions of such professions.

1. Principles on Effective Interviewing for Investigations and Information Gathering (Mendez Principles)

The Principles were drafted by experts in the fields of interviewing, law enforcement, criminal investigations, national security, military, intelligence, psychology, criminology and human rights from around the world. They stem from a scientifically recognised need to move questioning culture away from accusatory, coercive, manipulative and confession-driven practices towards rapport-based interviewing.

The Principles are designed to:

* Assist authorities to improve the effectiveness, fairness, and outcomes of investigation and intelligence gathering processes, while protecting the inherent dignity and human rights of all persons being interviewed; guide policy developments and promote comprehensive implementation of ethical and effective interview frameworks across relevant agencies.
* Help authorities and agencies undertake holistic, institutional-level reforms as well as improve on the ways they approach and conduct interviews, including in respect of planning, training, resourcing, and evaluation.
* Inform the development of training curricula, manuals, and other educational and

instructional materials.

* Enable law enforcement and other officials to shift mindsets and institutional cultures away from confession-driven practices towards rapport-based interviewing.
1. United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)

The Standard Minimum Rules for the Treatment of Prisoners were originally adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955. They were the universally acknowledged minimum standards for the management of prison facilities and the treatment of prisoners. In 2011, the UN General Assembly decided to establish an open-ended intergovernmental expert group to review and revise the Rules. In December 2015, the General Assembly adopted the revised rules, known as "the Nelson Mandela Rules" to honour the legacy of the late President of South Africa.

The Rules set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management. The Rules include principles applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to ‘security measures’ or corrective measures ordered by a judge. They also contain rules applicable only to special categories of persons, including prisoners under sentence, prisoners with mental disabilities and/or health conditions, prisoners under arrest or awaiting trial, civil prisoners, and persons arrested or detained without charge.

1. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)

In 2001, the Office of the United Nations High Commissioner for Human Rights published the first edition of the Istanbul Protocol. It was updated in 2004, and then again in 2022 to reflect advances in the understanding of the practices and effects of torture and ill‑treatment as well as the practical experiences and lessons learned since 2001. The Istanbul Protocol sets out international standards on how effective legal and medico-legal investigations into allegations of torture or ill‑treatment should be conducted. It articulates minimum standards for state adherence to ensure the effective investigation and documentation of torture and ill‑treatment. The Istanbul Protocol is routinely used as a point of reference for measuring the effectiveness of investigations into torture by international human rights mechanisms, regional human rights bodies and national institutions.

1. Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa

The Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, adopted in 2002, is the first regional instrument for the prohibition and prevention of torture in Africa. They provide concrete guidance on how to implement Article 5 of the African Charter on Human and Peoples’ Rights on the prohibition and prevention of torture, as well as providing redress for victims. The Guidelines include a range of preventive measures, covering the different stages of criminal law procedure in which there is a real risk of torture occurring. It details the safeguards that should be provided during arrest, custody, temporary detention, trial and imprisonment in general. The Guidelines also highlight the need to establish mechanisms of oversight, for example a system for regular visits to places of detention and independent bodies empowered to receive complaints. They further advocate for the setting up of educational and awareness raising programmes for the public as well as human rights training for law enforcement officials.

1. Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines)

In 2014, the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) were adopted by the African Commission on Human and Peoples’ Rights in response to its concern that the unnecessary and arbitrary use of arrest and pre-trial detention is a major contributing factor to prison overcrowding in Africa. The Guidelines contain nine sections, covering the framework for arrest and police custody, important safeguards and measures to ensure transparency and accountability, and ways to improve coordination between criminal justice sector institutions. The Guidelines provide specific detail on measures that countries should take to uphold, promote and protect the rights of people in an arrest, police custody and pre-trial detention environment. Adherence to the Guidelines reduces the risk of torture.