

Professional Policing



Themes

Human Rights Investigation & Interviewing Skills

Human Rights & Custody Management

Professional Policing



Human Rights Investigation & Interviewing Skills

Human Rights & Custody Management



British High Commission



National Human Rights Commission



Purpose of this publication:

- To document two partnership projects of the NHRC and the British Council, with support from the British High Commission
- To disseminate the project experience, and the learning materials widely, and specially for use in future training programmes
- To share information about the Lead Trainers, project partners and resource persons

This publication was released at the National Seminar on Professional Policing,
16 March 2002, at New Delhi
by Justice Mr JS Verma, Chairperson, National Human Rights Commission

The project teams of NHRC and the British Council acknowledge, with thanks, the support, guidance and encouragement they have received from many individuals and institutions in India and in UK in implementing the two projects:

- Human Rights Investigation & Interviewing Skills
- Human Rights & Custody Management

Any part of this publication may be reproduced with due acknowledgement to the source, specially of the materials produced and copyright of IODA, UK.

1000 copies, March 2002

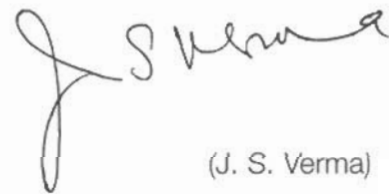


Justice J S Verma
Chairperson
(Former Chief Justice of India)

MESSAGE

The Constitution of India guarantees fundamental rights to Indian citizens and has shown the way to end discrimination, injustice and inequality. Legislative and affirmative action programmes are firmly in place. Yet human rights abuses and violations seem to be increasing every day. The National Human Rights Commission is committed to promoting a human rights culture through awareness, training and education programmes. I am glad to learn that the two partnership projects of the National Human Rights Commission and the British Council (supported by the British High Commission) have benefited more than 1200 police personnel all over India. Both subject areas (human rights and investigation/interviewing skills, and custody management) are crucial and require a professional approach by the police personnel. The Lead Trainers of both the projects have demonstrated that the training methodology and content have potential for replication. The feedback from the trainees has been excellent. I would like to congratulate all those who have been involved in making these initiatives successful.

The NHRC would like to invite State Police Departments from all over India to introduce and replicate this type of training through their existing training institutions and budgets. This will not only result in building the image of police as a protector of human rights, but also have a positive impact through changes in police procedures and practices. The process will also encourage the building of a more humane society that practises the basic values and principles of all human rights for all the peoples.



(J. S. Verma)

New Delhi
13 March 2002

Contents

1. Message from Chairperson, National Human Rights Commission	4
2. Message from Director, The British Council	5
3. Project Partners, Partnership Approach, Project Themes, Extended Partnerships, Funding	10
4. Project Aims / Outputs / Participating Partners / Lead Trainers / Trainer Resource / Project Team Members	11
5. Project Milestones:	
• Training Needs Analysis	13
• Training of Lead Trainers	13
• Cascade Training by Lead Trainers	14
• National Seminar on Professional Policing	15
• Towards Sustainability	15
6. Training Content	16
7. Analysis of Participation and Feedback from Trainees and Lead Trainers	17
8. Photo Stop - Photographs and media collage	18
9. Participation Analysis Diagrams	20
10. Learning Materials	
• Preamble extracts of various international instruments	23
• Universal Declaration of Human Rights (UDHR)	51
• International Convention on Civil and Political Rights (ICCPR)	53
• Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	54
• Convention on the Rights of the Child (CRC)	55
• Code of Conduct for Law Enforcement Officials	58
• Standard Minimum Rules for Prisoners	62
• Constitution of India: Articles Relevant to Police Work	80
• Protection of Human Rights Act, 1993	84
• Indian Laws Relating to Arrest: from CrPC	98
• Supreme Court of India: Guidelines in DK Basu's Case	103
• Role of Human Rights Cell: In the State/City Police Headquarters	105
• Cognitive interviewing	107
• Indian case studies (by IODA, UK)	113
• International case studies (by IODA, UK)	116
• PEACE model	133
• Report Writing	152
11. Profiles of Lead Trainers	
• Human Rights Investigation & Interviewing Skills	155
• Human Rights & Custody Management	158
12. Contact details	
• NHRC	164
• British Council	164
• State Human Rights Commissions	165
• Partner States: Police Departments	166
• Host Institutions	167

Edmund Marsden

Minister (Cultural Affairs) British High Commission
Director, The British Council, India



British Council Division
British High Commission
17 Kasturba Gandhi Marg
New Delhi 110 001
India

Tel +91 (0)11 371 1401 (Extn 301)
Fax +91 (0)11 335 7710
edmund.marsden@in.britishcouncil.org
www.britishcouncil.org/india

MESSAGE

12 March 2002

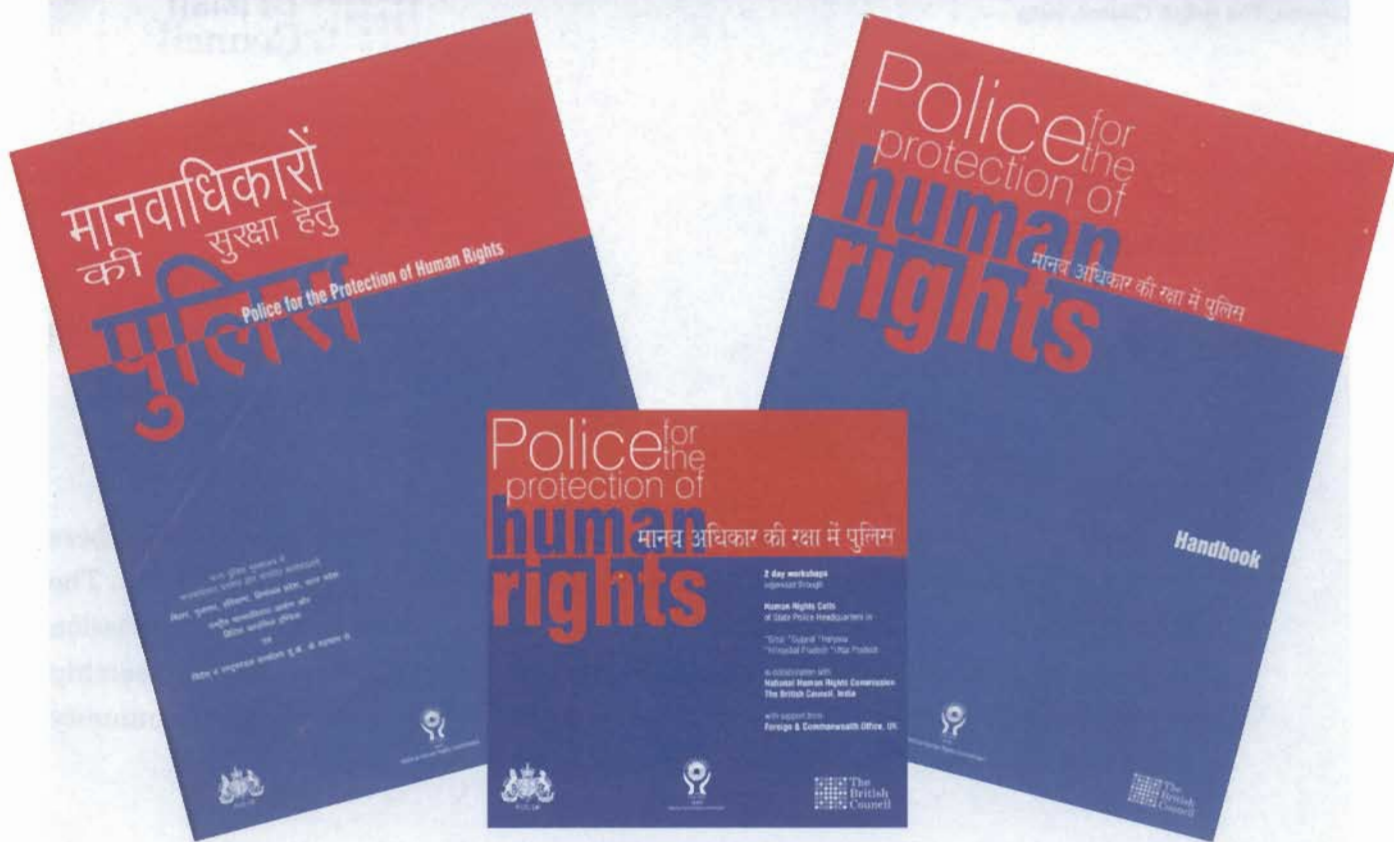
The British Council works closely with governments, civil society groups and others involved in promoting human rights through education and training initiatives. The publication documents our partnership with the National Human Rights Commission (supported by the British High Commission) over the last two years. The partnership was aimed at police personnel, and involved engaging with civil society and community groups to promote learning, sharing and networking.

Our partnership owes its success to the commitment and positive action of many people - resource persons from UK, the Lead Trainers and trainees from police departments from all over India, as well as several others. My congratulations to all of them. We look forward to a continued and fruitful collaboration with the National Human Rights Commission and other organisations and agencies, to share UK's experiences and learning as part of our work in India.

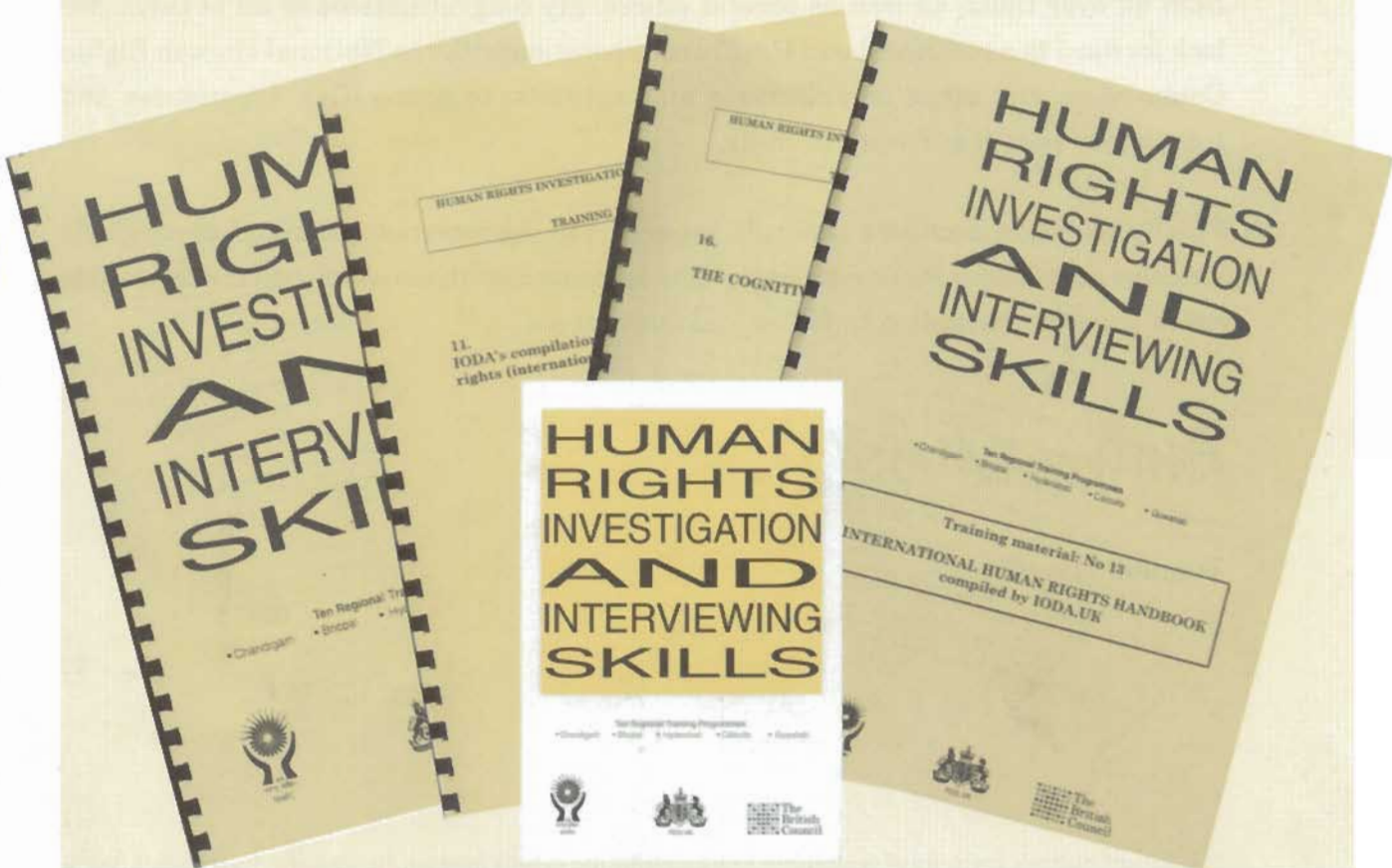
Finally, as larger numbers of people get access to the internet, we would particularly welcome suggestions for developing on-line learning initiatives which will make possible much wider participation in future such initiatives.

Edmund Marsden

TRAINING MATERIAL - HUMAN RIGHTS & CUSTODY MANAGEMENT



TRAINING MATERIAL - HUMAN RIGHTS INVESTIGATION & INTERVIEWING SKILLS



HUMAN RIGHTS INVESTIGATION AND INTERVIEWING SKILLS

The Right Practice in Interviewing

the

P.E.A.C.E.

model

Prepare & Plan



Engage & Explain



Account, Clarify & Challenge



Close



Evaluate



National Human Rights Commission
India



Lead Trainers from: National Human Rights Commission

Kerala Human Rights Commission • Madhya Pradesh State Human Rights Commission

Punjab State Human Rights Commission • Tamil Nadu State Human Rights Commission • West Bengal Human Rights Commission

What are Human Rights?

Freedom from Abuse

**Freedom from
Insults**

Freedom of Speech

Respect

Privacy

Equality

Hygiene

Sanitation

Food

Clothing

Health

Shelter

Comfort

What qualities do we
naturally possess?



Intelligence

Judgement

Consideration

Kindness

Self Esteem

Self Respect

Respect for Dignity

What do we
all need
to protect
these
natural qualities

Police for the
protection of
**human
rights**



British
High Commission



National Human Rights Commission
India

The
British
Council

PILOTED IN FIVE STATES:

BIHAR, GUJARAT, HARYANA, HIMACHAL PRADESH, UTTAR PRADESH

5 Easy Tips to Good Custody Management

The Articles

Was the action fully **DOCUMENTED** ?

Was the action **LEGAL** ?

Was the action **NECESSARY** ?

Was the action taken **PROPORTIONAL**
to the situation ?

Has the person involved been given an
OPPORTUNITY TO DEFEND HIM-SELF ?

Police for
the protection of
**human
rights**



British
High Commission



National Human Rights Commission
India



PILOTED IN FIVE STATES:

BIHAR, GUJARAT, HARYANA, HIMACHAL PRADESH, UTTAR PRADESH

PROJECT PARTNERS

National Human Rights Commission

NHRC was constituted in 1993 under the Protection of Human Rights Act, 1993. Functions of NHRC under Section 12 include promotion of human rights literacy, and encouraging the efforts of NGOs and institutions working in the field of human rights.

The British Council

The British Council is UK's cultural relations agency, with the mandate to enhance the reputation of the UK as a modern, diverse society, committed to strengthening democracy and human rights through dialogue and partnership with India.

Partnership Approach

The NHRC and British Council partnership is based on an approach of establishing areas of mutual interest and concerns, followed by

- identifying training needs through consultation with stakeholders
- building capacity of a group of Lead Trainers
- designing learning modules, and relevant learning materials, delivered with a trainee-centred approach
- evaluating the application and impact of training initiatives through monitoring, reviews and open seminars

The UK and international experience and practice is shared and adapted to suit the Indian context. The ethos of the partnership approach is underpinned by a commitment to international instruments as both India and UK are part of the international community.

Project Themes

- Human Rights and Investigation & Interviewing Skills
- Human Rights and Custody Management: Policing for the protection of human rights

Extended Partnership

The lead partnership between NHRC, the British Council, UK and Indian training partners and the Lead Trainers has been extended through partnership with State Human Rights Commissions; States and Police Departments of project States; host institutes in various States where training programmes have been organised; NGOs, media and academics invited for key components in the projects.

Funding

- NHRC provided funding for NHRC trainers and part funding for training events in India.
- State Human Rights Commissions and participating Police Departments provided salary, travel and local costs for trainers and trainees.
- The British Council secured funding support from the British High Commission for the UK resource, learning materials and partial costs of training, monitoring and review events in India.

TWO PARTNERSHIP PROJECTS OF NHRC AND THE BRITISH COUNCIL

HR Investigation & Interviewing Skills

Aim:

To promote the understanding and practice of a human rights culture in the context of various international instruments, Indian Constitution and legal framework, and interviewing and investigation skills.

Outputs:

- 8 Lead Trainers trained
- 5-day training course designed and delivered through 18 programmes
- 220+ personnel trained · Learning materials designed · Assessment of training methodology and application

Participating Partners:

- National Human Rights Commission
- Punjab State Human Rights Commission
- West Bengal State Human Rights Commission
- Tamil Nadu State Human Rights Commission
- Kerala State Human Rights Commission
- MP State Human Rights Commission

Lead Trainers:

- Mr Ashok Chakravarti, NHRC
- Mr MS Yadav, NHRC
- Mr KK Arora, NHRC
- Mr Hari Ghosh, West Bengal HRC
- Mr Dinesh Dwesar, Punjab HRC
- Ms E Anusuya, ex- Tamil Nadu HRC
- Mr Ramesh Bhanu, ex- Kerala HRC
- Mr A Pinge, ex - MP HRC

HR & Custody Management

Aim:

To improve awareness for better human rights practices in custody management and enhance the role of Human Rights Cells in Police Headquarters

Outputs:

- 11 Lead Trainers trained
- 2-day training workshop designed and delivered through 40 workshops in 5 project States
- 1000 police personnel trained
- Learning materials designed
- Assessment of training methodology and application

Participating Partners:

Human Rights Cells and other departments of:

- Haryana Police
- Himachal Pradesh Police
- Gujarat Police
- Bihar Police
- Uttar Pradesh Police

Lead Trainers:

- Dr JV George, Haryana
- Mr KK Sharma, Haryana
- Mr K Kumaraswamy, Gujarat
- Mr AI Saiyed, Gujarat
- Mr KC Sadyal, Himachal Pradesh
- Mr JK Monga, Himachal Pradesh
- Mr RB Sharma, Bihar
- Ms Shoba Ohatkar, Bihar
- Mr Ram Deo, Uttar Pradesh
- Mr BN Singh, Uttar Pradesh
- Mr Ashok Chakravarti, NHRC

Trainer Resource:

- Mr Ric Wood, IODA UK (Institutional & Organisational Development & Assessment)
- Mr Murali Krishna, Deputy Director, Andhra Pradesh Police Academy, Hyderabad

Trainer Resource:

- Mr Ric Wood, IODA UK
- Mr Bob Fray, IODA UK
- Mr Oscar DelFabbro, Lawyers in Development, UK
- Mr David Hislop, Lawyers in Development, UK

Other resource persons:

at the Training of Trainers

- Mr Ravi Nair, South Asia Human Rights Documentation Centre
- Mr AK Mohanty, Director, Andhra Pradesh Police Academy, Hyderabad

Other resource persons:

For the planning/briefing event:

- Dr Pradeep Agrawal, Shubhodaya Centre for Rehabilitation of Victims of Torture
- Ms Aparna Bhat, Human Rights Law Network
- Ms Priya Hingorani, Lawyer
- Ms Jyotsna Chatterjee, Joint Women's Programme
- Victim of police torture
- Two police officers from Sansad Marg Police Station

For the training needs identification phase:

- Mr Sharad C Dubey, Madhya Pradesh Police
- Mr Atul Singh, Madhya Pradesh Police

For the UK study tour:

- West Yorkshire and West Mercia Police

For the Training of Trainers:

- Mr Dhulia, Advocate
- Mr Bharat Patwal, NGO activist
- Mr Pushkin, Journalist
- Ms Shanti Mehra, Woman Councillor

PROJECT TEAM MEMBERS

National Human Rights Commission

- Mr PC Sen, Secretary-General
- Mr YN Srivastava, Director-General (Investigations)
- Ms S Jalaja, Joint Secretary
- Mr H Lall, Coordination
- Mr B N Thakur, DIG, NHRC
- Mr Shashi Veliathan
- Mr Sanjay Kumar, Coordination Section
- Mr N Gopalaswami, former Secretary-General, NHRC

The British Council

- Ms Kamal Singh, Head, Governance
- Ms Manpreet Singh, Assistant Manager
- Ms Kalpana Das, Assistant Manager (Phase1- HR Investigations project)
- Mr Sital Dhillon, former Regional Governance Adviser, BC

PROJECT MILESTONES

HR Investigation & Interviewing Skills

Milestone 1: Planning Phase:

April - November 2000

- Selection of Trainer Resource: completed with Ric Wood from IODA and Murali Krishna from APPA being selected
- Selection of Lead Trainers: completed with the selection of 8 Lead Trainers from NHRC and 5 State Human Rights Commissions
- Finalisation of Training of Trainers module: APPA Hyderabad, as host institution finalised and secured

HR & Custody Management

Milestone 1: Planning Phase:

April - October 2000

- Selection of Trainer Resource: Following initial discussions with Warwick University, the selection was completed by combining the expertise of IODA with training, management and best practice experience of UK's Police & Criminal Evidence Act (PACE) and Lawyers in Development (LID), a group of leading criminal barristers who brought practical judicial and custodial experience to the training.
- Selection of project States and Lead Trainers: completed by inviting expressions of interest, and focus through those States that have established Human Rights Cells: 11 Lead Trainers selected. MHA could not eventually nominate the 12th trainer.

Milestone 2:

December 2000 Training of Trainers

- ToT module completed at APPA Hyderabad; Eight Lead Trainers trained; Presentation on methodology, content and cascade training made to a panel comprising:
 - Mr Ravi Nair, South Asia Human Rights Documentation Centre
 - Mr AK Mohanty, Director, APPA
 - Mr John Bradshaw, British High Commission
 - Ms Kamal Singh, British Council
 - Mr N Gopalaswami, former Secretary-General, NHRC also interacted with the lead trainers

* Learning materials and modalities of cascade training finalised

Milestone 2:

November 2000 - March 2001 - Training Needs

- Briefing for Lead Trainers to agree on methodology, stakeholders, focus group discussions, included consultation with a diverse groups of NGOs, service providers, police officers and victim and his family. UK resource made a study visit to 2 police stations in Haryana, to trail the custody process.
- TNA experts from Madhya Pradesh police (Sharad Dubey and Atul Singh) supported each of the project States to progress their TNA studies.
- Collation of TNA exercise completed at Delhi; which fed into the planning of the UK study tour.

PROJECT MILESTONES

HR Investigation & Interviewing Skills

Milestone 3: Planning for cascade training
January - February 2001

- Calendar of 10 regional programmes drawn up, and services agreed with host partner institutes
- Nominations invited from Human Rights Commissions and other police organisations
- Multiple copies of training materials prepared

HR & Custody Management

Milestone 3: Planning, followed by UK study tour. April - May 2001

- Planning completed on purpose and outputs of UK study tour
- Clearances secured for Lead Trainers' visit to UK
- UK study tour, organised by IODA through West Yorkshire / West Mercia Police which included attachments to Custody Suites and Police Beat Patrols, observing criminal courts at Bradford Magistrates courts; visits to other agencies like Bradford Criminal Justice Support Unit, File Preparation System, Bradford Ethnic Communities Police Liaison Committee, Public Order Unit and Community Safety Department. The trainers visited a state prison and a Women and Youth Detention Centre and interacted with the staff and inmates.

Milestone 4:
March - July 2001

- Delivery of Series 1: 10 Regional Programmes, at:
 - Regional Institute of Correctional Administration, Chandigarh
 - Andhra Pradesh Police Academy, Hyderabad
 - MP Academy of Administration, Bhopal
 - Assam Administrative Staff College, Guwahati
 - Administrative Training Institute, Kolkata

Review and feedback session at Kolkata, by

- Mr YN Srivastava, DGI NHRC
- Ms Kalpana Das, British Council
- Ms Manpreet Singh, British Council

Milestone 4: Training of Trainers
28 May - 9 June 2001

- ToT module delivered by IODA and LID trainers, hosted by UP Academy of Administration, Nainital
- Learning materials and plans for cascade training in each State finalised
- The trainers selected the name to brand the training programmes as **Police for the Protection of Human Rights**
- Final presentation on content, methodology and State-level workshops made to:
 - Ms S Jalaja, Joint Secretary
 - Mr John Bradshaw, British High Commission
 - Ms Kamal Singh, British Council
 - Ms Manpreet Singh, British Council

PROJECT MILESTONES

HR Investigation & Interviewing Skills

Milestone 5:

August - December 2001

- Planning for Series 2 Regional Programmes: materials production and secured partnership with three new host institutes
- Delivery of Series 2: Eight Regional Programmes at
 - Regional Institute of Correctional Administration, Chandigarh
 - Yashada, Pune
 - Institute of Management in Government, Thiruvananthapuram
 - Administrative Training Institute, Ranchi

HR & Custody Management

Milestone 5:

August - December 2001

- Translations of learning materials into Hindi and Gujarati, and production of multiple copies
- Planning for State-level programmes in each State
- Delivery of 40 State-level programmes in the five project States
- Mid-term review with Lead Trainers at Delhi: 14 September 2001. The Review exercise was conducted by Mr Ric Wood, IODA. Presentations were made to Mr BN Thakur, DIG, NHRC and Ms Manpreet Singh, BC.

Milestone 6:

January - March 2002

National Seminar on Professional Policing

Themes

Human Rights Investigation and Interviewing Skills

Human Rights and Custody Management

- Planning meeting on design, methodology and outputs of the National Seminar, held at Delhi, on 28-29 January 2002. Attended by Lead Trainers of Human Rights Investigation and Interviewing Skills & Human Rights and Custody Management Projects
- Production of materials and securing participation for National Seminar (including design and production of **three posters**)
- National Seminar on Professional Policing, 16 March 2002, at Delhi, to measure impact, wider dissemination of project outputs to promote sustainability

TOWARDS SUSTAINABILITY

The NHRC / British Council partnership has piloted a training intervention that will promote good practises in Policing, and make the police personnel professional and competent.

Two examples of these training initiatives being sustained beyond the project are:

- (I) The Human Rights Investigation and Interviewing Skills training has been conducted by Mr D K Dwesar, Punjab State Human Rights Commission, for more than 150 personnel in Chandigarh Police.
- (II) NHRC and the British Council are considering a request from Delhi Police to introduce these training programmes as part of their annual training calendar. The schedule will be finalised in April 2002.

TRAINING CONTENT

HR Investigation & Interviewing Skills

- International Instruments, Constitution of India and Indian legal framework
- Internationally accepted PEACE model of investigating/interviewing:
 - P : Planning and preparation
 - E : Engage and Explain
 - A : Account
 - C : Closure
 - E : Evaluate
- Cognitive interviewing
- Report-writing model, based on standard UK Home Office techniques and competency
- International and Indian case studies and materials
- Inputs from NGOs and activists
- Evening work: on international instruments, based on Distance Learning Package of IODA accredited by NOCN, UK (National Open College Network) and is equivalent to Level 3.

HR & Custody Management

- Relevant articles for police work in custody management from :
 - Universal Declaration of Human Rights
 - International Covenant on Civil & Political Rights
 - Convention on Elimination of all forms of Discrimination Against Women (CEDAW)
 - Convention on the Rights of the Child (CRC)
 - Constitution of India Code of Conduct for Law Enforcement Officials
 - Standard Minimum Rules for Prisoners
- Indian law relating to arrest: from the Criminal Procedure Code
- Supreme Court of India: Guidelines in DK Basu's case
- Case studies on human rights violations: Motilal Bairwa & Muljibhai; and interaction with NGOs and activists
- Role of Human Rights Cells
- Protection of Human Rights Act
- Code of Conduct for Law Enforcement Officials
- Standard Minimum Rules for Prisoners
- State-specific regulations from the Police Manual on arrest and detention
- Exercises and handouts:
 - What is Human Rights
 - Values: case study on feelings and consequences

For Lead Trainers only:

- Skills in training delivery
- Planning and management of cascade training at all-India level through Regional Training Programmes

For Lead Trainers only:

- Skills in training delivery
- Planning and management of cascade training at State-level in Project States

ANALYSIS OF PARTICIPATION AND FEEDBACK FROM TRAINEES AND LEAD TRAINERS

HR Investigation & Interviewing Skills

HR & Custody Management

Participation by venue:

Series 1:

Chandigarh
Bhopal
Guwahati
Hyderabad
Kolkata

Series 2:

Chandigarh
Pune
Thiruvananthapuram
Ranchi

Participation by Partner States:

Haryana
Himachal Pradesh
Bihar
Gujarat
Uttar Pradesh

Participation by rank:

- Below Inspector
- Inspector
- Deputy Superintendent
- Above Deputy Superintendent

Participation by rank:

- Constable
- ASI / Sub-Inspector
- Inspector
- Deputy Superintendent
- Above Deputy Superintendent

Educational background

Educational background

Gender analysis

Gender analysis

Training methodology

Training methodology

Application of Training - relevance to current job

Application of Training - relevance to current job

Interaction with Lead Trainers

Interaction with Lead Trainers

Feedback on logistics

Feedback on logistics



News Cart
LAST PAGE
"Police for the Protection of Human Rights"
Two day workshop begins to train cops of Surat & South Gujarat

पुलिसकर्मियों को पढ़ाया सलीके का पाठ



Workshop on
मानव अधिकारों की रक्षा में पुलिस

Workshop on
मानव अधिकारों की रक्षा में पुलिस



शहरों में मानव अधिकार विषय पर चर्चा
पुलिस तंत्र द्वारा आयोजित विशेष सेमिनार



बड़े डिग्री के प्रयोग से
बचें पुलिसकर्मी : शर्मा



HUMAN RIGHTS INVESTIGATION & INTERVIEWING SKILLS



THE TRIBUNE, FRIDAY, MARCH 26, 2001

Problem of infanticide in Punjab serious: HR

Training News Service

CHANDIGARH, March 25 — The National Human Rights Commission (NHRC) has expressed its concern over the problem of infanticide in Punjab. The commission has said that the problem is not only a social one but also a legal one. It has urged the Punjab Government to take steps to address the problem.

The commission has also expressed its concern over the problem of infanticide in Punjab. It has said that the problem is not only a social one but also a legal one. It has urged the Punjab Government to take steps to address the problem.

The commission has also expressed its concern over the problem of infanticide in Punjab. It has said that the problem is not only a social one but also a legal one. It has urged the Punjab Government to take steps to address the problem.

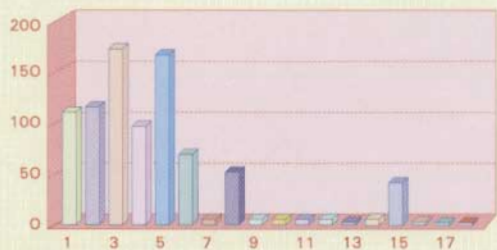


PARTICIPATION BY RANKS/DEISGNATION

HR Investigation & Interviewing Skills

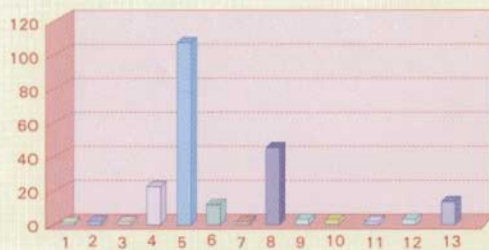
HR & Custody Management

Participation by Ranks



Code*

Participation by Ranks



Code*

S.Rank No.	%	S. Rank No.	%
1 Not mentioned	12.11	10 S.P.	0.23
2 Constable	14.07	11 C.I.	0.35
3 Head Constable	20.30	12 Section Officer	0.69
4 A.S.I.	11.30	13 Gun Man	0.12
5 S.I.	19.49	14 Driver	0.92
6 Inspector	9.23	15 S.H.O.	4.73
7 A.C.P.	0.58	16 Scientist	0.12
8 DyS.P.	5.07	17 Prosecuter	0.12
9 A.S.P.	0.23	18 Distt. Attorney	0.35

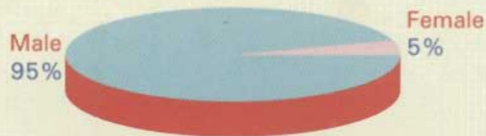
1. Not mentioned (0.49%)	2. Head Constable (0.98%)
3. A.S.I. (0.98%)	4. S.I. (10.73%)
5. Inspector (51.71%)	6. Asst. Commissioner of Police (2.93%)
7. Depty. Commandant of Police (0.49%)	8. DySP (21.46%)
9. Asst. S.P. (1.46%)	10. S.P. (1.46%)
11. Public Relation Officer (0.49%)	12. I.G. (0.98%)
13. C.I. (5.85%)	

GENDER ANALYSIS

HR Investigation & Interviewing Skills

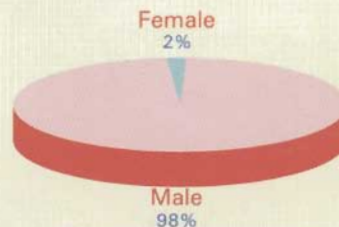
HR & Custody Management

Gender



Male Female

Gender



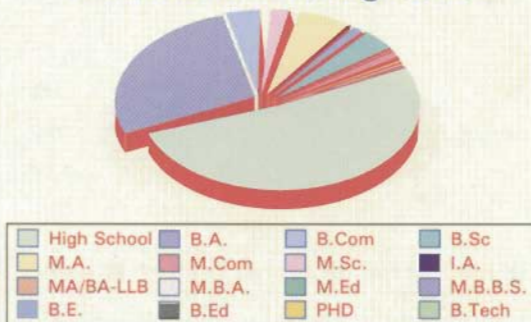
Female Male

PARTICIPATION BY EDUCATIONAL BACKGROUND

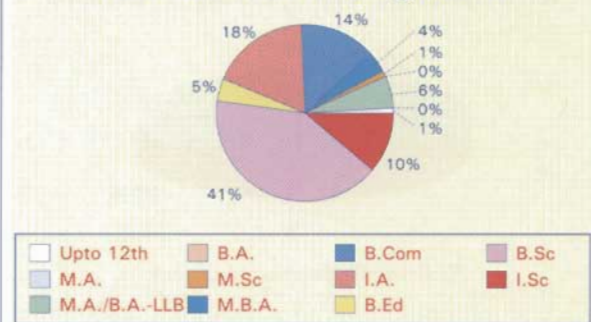
HR Investigation & Interviewing Skills

HR & Custody Management

Educational Background



Educational Background

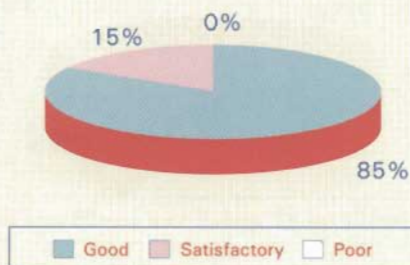


TRAINING METHODOLOGY

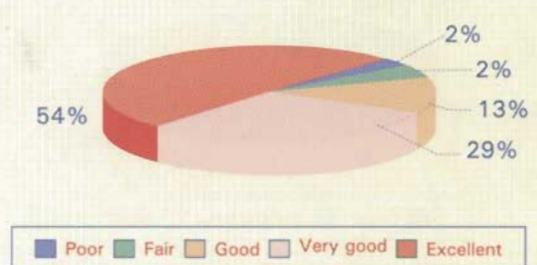
HR Investigation & Interviewing Skills

HR & Custody Management

Training Methodology



Training Methodology

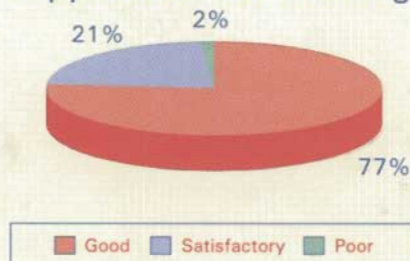


APPLICATION OF TRAINING - RELEVANCE TO CURRENT JOB

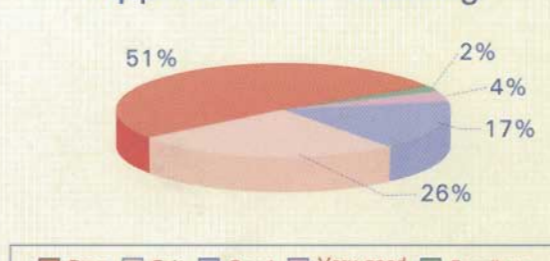
HR Investigation & Interviewing Skills

HR & Custody Management

Application of Training



Application of Training

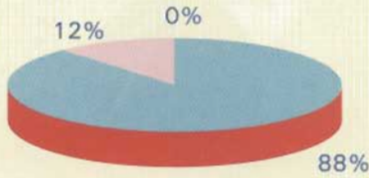


INTERACTION WITH LEAD TRAINER

HR Investigation & Interviewing Skills

HR & Custody Management

Interaction with Lead Trainers



Good Satisfactory Poor

Interaction with Lead Trainers



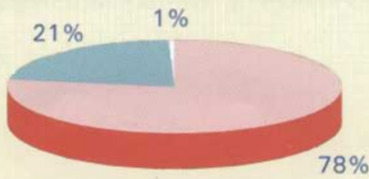
Poor Fair Good Very good Excellent

ACCOMMODATION AND FACILITIES

HR Investigation & Interviewing Skills

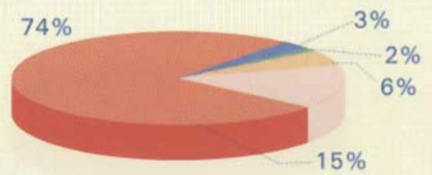
HR & Custody Management

Accommodation and Facilities



Good Satisfactory Poor

Accommodation and Facilities



Poor Fair Good Very good Excellent

Preamble and Extracts of various International Human Rights Instruments

UNITED NATIONS DOCUMENTS

1. U.N. CHARTER - 111 Articles

*June 26, 1945, 59 Stat. 1031,
T.S. 993, 3 Bevans 1153,
entered into force Oct. 24, 1945.*

Extracts from Preamble

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

THE INTERNATIONAL BILL OF HUMAN RIGHTS

2. UNIVERSAL DECLARATION OF HUMAN RIGHTS - 30 Articles

*G.A. res. 217A (III),
U.N. Doc A/810 at 71 (1948).*

Extracts from Preamble

The General Assembly, Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

3. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL & CULTURAL RIGHTS - 31 Articles

*G.A. res. 2200A (XXI), 21 U.N.
GAOR Supp. (No. 16) at 49, U.N.
Doc. A/6316 (1966), 993 U.N.T.S.
3, entered into force Jan. 3, 1976.*

The States Parties to the present Covenant, considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

4. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS - 53 Articles

*G.A. res. 2200A (XXI), 21 U.N.
GAOR Supp. (No. 16) at 52, U.N.
Doc. A/6316 (1966), 999 U.N.T.S.
171, entered into force
Mar. 23, 1976.*

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

SELF-DETERMINATION**Extracts from Preamble****7. DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES - 7 Declarations**

G.A. res. 1514 (XV), 15 U.N. GAOR Supp. (No. 16) at 66, U.N. Doc. A/4684 (1961).

PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES - 8 Declarations

G.A. res. 1803 (XVII), 17 U.N. GAOR Supp. (No.17) at 15, U.N. Doc. A/5217 (1962).

Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.

Desiring that there should be further consideration by the United Nations of the subject of permanent sovereignty over natural resources in the spirit of international co-operation in the field of economic development, particularly that of the developing countries.

PREVENTION OF DISCRIMINATION & PROTECTION OF MINORITIES**Extracts from Preamble****8. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION - 25 Articles**

660 U.N.T.S. 195, entered into force Jan. 4, 1969.

9. DECLARATION ON RACE AND RACIAL PREJUDICE - 10 Articles

E/CN.4/Sub.2/1982/2/Add.1, annex V (1982).

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State. Convinced that the existence of racial barriers is repugnant to the ideals of any human society. Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation.

Noting with the gravest concern that racism, racial discrimination, colonialism and apartheid continue to afflict the world in ever-changing forms, as a result both of the continuation of legislative provisions and government and administrative practices contrary to the principles of human rights. Also of the continued existence of political and social structures, and of relationships and attitudes, characterized by injustice and contempt for human beings and leading to the exclusion, humiliation and exploitation, or to the forced assimilation, of the members of disadvantaged groups. Expressing its indignation at these offences against human dignity, deploring the obstacles they place in the way of mutual understanding between peoples and alarmed at the danger of their seriously disturbing international peace and security.

10. DECLARATION ON FUNDAMENTAL PRINCIPLES CONCERNING THE CONTRIBUTION TO THE MASS MEDIA TO STRENGTHENING PEACE AND INTERNATIONAL UNDERSTANDING, TO THE PROMOTION OF HUMAN RIGHTS AND TO COUNTERING RACIALISM, APARTHEID AND INCITEMENT TO WAR - 11 Articles

Adopted by the UNESCO General Conference at its twentieth session, Paris, 22 November 1978, UNESCO's Standard-Setting Instruments, IV.C. (1994).

11. DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF - 8 Articles

G.A. res. 36/55, 36 U.N. GAOR Supp. (No. 51) at 171, U.N. Doc. A/36/684 (1981).

12. DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS OR LINGUISTIC MINORITIES - 9 Articles

G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993).

Recalling that by virtue of its Constitution the purpose of UNESCO is to "contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms" (Art. I, 1), and that to realize this purpose the Organization will strive "to promote the free flow of ideas by word and image" (Art. I, 2).

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion. Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small

WOMEN'S HUMAN RIGHTS

13. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN - 30 Articles

G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.

Extracts from Preamble

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.... Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women. Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to

14. CONVENTION ON THE POLITICAL RIGHTS OF WOMEN - 11 Articles

193 U.N.T.S. 135, entered into force July 7, 1954.

15. DECLARATION ON THE PROTECTION OF WOMEN AND CHILDREN IN EMERGENCY AND ARMED CONFLICT - 6 Declarations

G.A. res. 3318 (XXIX), 29 U.N. GAOR Supp. (No. 31) at 146, U.N. Doc. A/9631 (1974).

16. DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN - 6 Articles

G.A. res. 48/104, 48 U.N. GAOR Supp. (No. 49) at 217, U.N. Doc. A/48/49 (1993).

17. BEIJING DECLARATION AND PLATFORM OF ACTION - 362 Declarations

A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995).

Adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, Beijing, 15 September 1995

adopt the measures required for the elimination of such discrimination in all its forms and manifestations.

Recognizing that everyone has the right to take part in the government of his country directly or indirectly through freely chosen representatives, and has the right to equal access to public service in his country. And desiring to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights.

Aware of the suffering of women and children in many areas of the world, especially in those areas subject to suppression, aggression, colonialism, racism, alien domination and foreign subjugation. Deeply concerned by the fact that, despite general and unequivocal condemnation, colonialism, racism and alien and foreign domination continue to subject many peoples under their yoke, cruelly suppressing the national liberation movements and inflicting heavy losses and incalculable sufferings on the populations under their domination, including women and children.

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings. Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

It aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and at removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making. This means that the principle of shared power and responsibility should be established between women and men at home, in the workplace and in the wider national and international communities. Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. (Mission Statement)

<p>18. The Human Rights of Women - References to UN Documents</p> <p><i>United Nations Charter</i></p> <ul style="list-style-type: none"> - <i>Universal Declaration of Human Rights</i> - <i>International Covenant on Economic, Social, and Cultural Rights</i> - <i>International Covenant on Civil and Political Rights</i> - <i>Convention on the Rights of the Child</i> - <i>Convention on the Elimination of All Forms of Discrimination Against Women</i> - <i>Declaration on the Elimination of Violence Against Women</i> 	<p>Relevant Articles</p> <p>Articles: 1, 8, and 55.</p> <p>Articles: 2, 7, 16, and 25.</p> <p>Articles: 2, 3, 10, and 12.</p> <p>Articles: 2, 3, 14, 16, 18, 23, 24, and 26.</p> <p>Articles: 1, 2, 24, and 29.</p> <p>Articles: 1 to 30</p> <p>Articles: 1 to 6</p>
<p>SLAVERY AND SLAVERY-LIKE PRACTICES</p> <p>19. SLAVERY CONVENTION - 12 Articles</p> <p><i>60 L.N.T.S. 253, entered into force March 9, 1927.</i></p> <p>20. PROTOCOL AMENDING THE SLAVERY CONVENTION - 5 Articles</p> <p><i>182 U.N.T.S. 51, entered into force December 7, 1953.</i></p> <p>21. SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY, THE SLAVE TRADE, & INSTITUTIONS & PRACTICES SIMILAR TO SLAVERY - 15 Articles</p> <p><i>226 U.N.T.S. 3, entered into force April 30, 1957.</i></p>	<p>Extracts from preamble</p> <p>Whereas the signatories of the general act of the Brussels conference of 1889-90 declared that they were equally animated by the firm intention of putting an end to the traffic in African slaves. Whereas the signatories of the convention of Saint-Germain-En-Laye of 1919, to revise the general act of Berlin of 1885 and the general act and declaration of Brussels of 1890, affirmed their intention of securing the complete suppression of slavery in all its forms and of the slave trade by land and sea. Taking into consideration the report of the temporary slavery commission appointed by the council of the league of nations on June 12th, 1924.</p> <p>Considering that under the slavery convention signed at Geneva on 25 September 1926 (hereinafter called "the convention") the league of nations was invested with certain duties and functions. And considering that it is expedient that these duties and functions should be continued by the united nations.</p> <p>Considering that freedom is the birthright of every human being, mindful that the peoples of the united nations reaffirmed in the charter their faith in the dignity and worth of the human person. Considering that the universal declaration of human rights, proclaimed by the general assembly of the united nations as a common standard of achievement for all peoples and all nations, states that no</p>

one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms.

22. CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN PERSONS AND OF THE EXPLOITATION OF THE PROSTITUTION OF OTHERS - 28 Articles

96 U.N.T.S. 271, entered into force July 25, 1951.

Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community. Whereas, with respect to the suppression of the traffic in women and children, the following international instruments are in force:

RIGHTS OF PRISONERS AND DETAINEES

Extracts from preamble

23. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS - 95 Rules

Adopted Aug. 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977).

Rule 1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

24. BASIC PRINCIPLES FOR THE TREATMENT OF PRISONERS - 11 Principles

G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990).

1. All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

2. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

25. BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT - 39 Principles

G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

These principles apply for the protection of all persons under any form of detention or imprisonment.

**26. DECLARATION ON THE
PROTECTION OF ALL PERSONS
FROM BEING SUBJECTED TO
TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT -
12 Articles**

*G.A. res. 3452 (XXX), annex, 30
U.N. GAOR Supp. (No. 34) at 91,
U.N. Doc. A/10034 (1975).*

**27. CONVENTION AGAINST TORTURE
AND OTHER CRUEL, INHUMAN
OR DEGRADING TREATMENT OR
PUNISHMENT - 33 Articles**

*G.A. res. 39/46, annex, 39 U.N.
GAOR Supp. (No. 51) at 197, U.N.
Doc. A/39/51 (1984), entered
into force June 26, 1987.*

**28. PRINCIPLES OF MEDICAL ETHICS
RELEVANT TO THE ROLE OF
HEALTH PERSONNEL,
PARTICULARLY PHYSICIANS, IN
THE PROTECTION OF PRISONERS
AND DETAINEES AGAINST
TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT - 6
Principles**

*G.A. res. 37/194, annex, 37 U.N.
GAOR Supp. (No. 51) at 211, U.N.
Doc. A/37/51 (1982).*

**29. DECLARATION ON THE
PROTECTION OF ALL PERSONS
FROM ENFORCED
DISAPPEARANCES - 21 Articles**

*G.A. res. 47/133, 47 U.N. GAOR
Supp. (No. 49) at 207, U.N. Doc.
A/47/49 (1992).*

Article 1 (1). For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons... *contd*

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.

Principle 1 Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Affirming that, in order to prevent enforced disappearances, it is necessary to ensure strict compliance with the Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment...

**30. PRINCIPLES OF MEDICAL ETHICS
RELEVANT TO THE ROLE OF
HEALTH PERSONNEL,
PARTICULARLY PHYSICIANS, IN
THE PROTECTION OF PRISONERS
AND DETAINEES AGAINST
TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT -
6 Principles**

*G.A. res. 37/194, annex, 37 U.N.
GAOR Supp. (No. 51) at 211, U.N.
Doc. A/37/51 (1982).*

**31. DECLARATION ON THE
PROTECTION OF ALL PERSONS
FROM ENFORCED
DISAPPEARANCES - 21 Articles**

*G.A. res. 47/133, 47 U.N. GAOR
Supp. (No. 49) at 207, U.N. Doc.
A/47/49 (1992).*

**HUMAN RIGHTS IN THE
ADMINISTRATION OF JUSTICE**

**32. CODE OF CONDUCT FOR LAW
ENFORCEMENT OFFICIALS - 8
Articles**

*G.A. res. 34/169, annex, 34 U.N.
GAOR Supp. (No. 46) at 186, U.N.
Doc. A/34/46 (1979).*

**33. BASIC PRINCIPLES ON THE USE
OF FORCE AND FIREARMS BY
LAW ENFORCEMENT OFFICIALS -
26 Principles**

*Eighth United Nations Congress on
the Prevention of Crime and the
Treatment of Offenders, Havana,
27 August to 7 September 1990,
U.N. Doc. A/CONF.144/28/Rev.1 at
112 (1990).*

Principle 1 Health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained.

Affirming that, in order to prevent enforced disappearances, it is necessary to ensure strict compliance with the Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment...

Extracts from preamble

Article 1 Law enforcement officials shall 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 high degree of responsibility required by their profession.

The basic principles set forth below, which have been formulated to assist Member States in their task of ensuring and promoting the proper role of law enforcement officials, should be taken into account and respected by Governments within the framework of their national legislation and practice. And be brought to the attention of law enforcement officials as well as other persons, such as judges, prosecutors, lawyers, members of the executive branch and the legislature, and the public.

34. BASIC PRINCIPLES ON THE ROLE OF LAWYERS - 29 Principles

Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990).

35. GUIDELINES ON THE ROLE OF PROSECUTORS - 24 Points

Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 189 (1990).

36. BASIC PRINCIPLES ON THE INDEPENDENCE OF THE JUDICIARY - 20 Principles

Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985, U.N. Doc. A/CONF.121/22/Rev.1 at 59 (1985).

37. UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURES (THE TOKYO RULES) - 23 Rules

G.A. res. 45/110, annex, 45 U.N. GAOR Supp. (No. 49A) at 197, U.N. Doc. A/45/49 (1990).

38. PRINCIPLES ON THE EFFECTIVE PREVENTION AND INVESTIGATION OF EXTRA-LEGAL, ARBITRARY AND SUMMARY EXECUTIONS - 20 Principles

E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989).

The Basic Principles on the Role of Lawyers, set forth below, which have been formulated to assist Member States in their task of promoting and ensuring the proper role of lawyers, should be respected and taken into account by Governments within the framework of their national legislation and practice and should be brought to the attention of lawyers as well as other persons, such as judges, prosecutors, members of the executive and the legislature, and the public in general.

The Guidelines set forth below, which have been formulated to assist Member States in their tasks of securing and promoting the effectiveness, impartiality and fairness of prosecutors in criminal proceedings, should be respected and taken into account by Governments within the framework of their national legislation and practice, and should be brought to the attention of prosecutors, as well as other persons, such as judges, lawyers, members of the executive and the legislature and the public in general.

The principles have been formulated principally with professional judges in mind, but they apply equally, as appropriate, to lay judges, where they exist.

1. Fundamental aims

1.1 The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.

Prevention 2. In order to prevent extra-legal, arbitrary and summary executions, Governments shall ensure strict control, including a clear chain of command over all officials responsible for apprehension, arrest, detention, custody and imprisonment, as well as those officials authorized by law to use force and firearms.

39. SAFEGUARDS GUARANTEEING PROTECTION OF THE RIGHTS OF THOSE FACING THE DEATH PENALTY - 9 Points

E.S.C. res. 1984/50, annex, 1984 U.N. ESCOR Supp. (No. 1) at 33, U.N. Doc. E/1984/84 (1984).

40. DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER - 21 Principles

G.A. res. 40/34, annex, 40 U.N. GAOR Supp. (No. 53) at 214, U.N. Doc. A/40/53 (1985).

1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.

1. "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 laws operative within Member States, including those laws proscribing criminal abuse of power.

JUVENILES

Extracts from preamble

41. UNITED NATIONS RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY - 87 Rules

G.A. res. 45/113, annex, 45 U.N. GAOR Supp. (No. 49A) at 205, U.N. Doc. A/45/49 (1990).

1. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.

42. UNITED NATIONS GUIDELINES FOR THE PREVENTION OF JUVENILE DELINQUENCY (THE RIYADH GUIDELINES) - 66 Principles

G.A. res. 45/112, annex, 45 U.N. GAOR Supp. (No. 49A) at 201, U.N. Doc. A/45/49 (1990).

1. The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes.

43. UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE ("THE BEIJING RULES") - 30 Rules

G.A. res. 40/33, annex, 40 U.N. GAOR Supp. (No. 53) at 207, U.N. Doc. A/40/53 (1985).

1. Fundamental perspectives

1.1 Member States shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family.

RIGHTS OF THE CHILD

44. DECLARATION OF THE RIGHTS OF THE CHILD - 10 Principles

G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354 (1959).

45. CONVENTION ON THE RIGHTS OF THE CHILD - 54 Articles

G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990.

Extracts from preamble

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth...
Whereas mankind owes to the child the best it has to give.

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community. Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

WORLD CONFERENCES ON HUMAN RIGHTS

46. VIENNA DECLARATION, WORLD CONFERENCE ON HUMAN RIGHTS - 100 Declarations

Vienna, 14 - 25 June 1993, U.N. Doc. A/CONF.157/24 (Part I) at 20 (1993).

47. PROCLAMATION OF TEHERAN, FINAL ACT OF THE INTERNATIONAL CONFERENCE ON HUMAN RIGHTS - 19 Proclamations

Teheran, 22 April to 13 May 1968, U.N. Doc. A/CONF. 32/41 at 3 (1968).

Extracts from preamble

The World Conference on Human Rights, considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system.

Having met at Teheran from April 22 to May 13, 1968 to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future.

FREEDOM OF ASSOCIATION

48. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION (ILO NO. 87) - 21 Articles

68 U.N.T.S. 17, entered into force July 4, 1950.

Extracts from preamble

Considering that the General Assembly of the United Nations, at its second session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions.

49. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION - 16 Articles

(ILO No. 98), 96 U.N.T.S. 257, entered into force July 18, 1951.

50. WORKERS' REPRESENTATIVES CONVENTION (ILO NO. 135) - 14 Articles

883 U.N.T.S. 111, entered into force June 30, 1973.

51. LABOUR RELATIONS (PUBLIC SERVICE) CONVENTION (ILO NO. 151) - 17 Articles

1218 U.N.T.S. 87, entered into force Feb. 25, 1981.

Article 1 1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.

Article 1 Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

Noting the considerable expansion of public-service activities in many countries and the need for sound labour relations between public authorities and public employees' organisations, and

EMPLOYMENT AND FORCED LABOUR

Extracts from preamble

52. CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR (ILO NO. 29) - 33 Articles

39 U.N.T.S. 55, entered into force May 1, 1932.

Article I 1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

53. EQUAL REMUNERATION CONVENTION (ILO NO. 100) - 14 Articles

165 U.N.T.S. 303, entered into force May 23, 1953.

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session.

54. ABOLITION OF FORCED LABOUR CONVENTION (ILO NO. 105) - 10 Articles

320 U.N.T.S. 291, entered into force Jan. 17, 1959.

Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and

55. DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION (ILO NO. 111) - 14 Articles

362 U.N.T.S. 31, entered into force June 15, 1960.

56. EMPLOYMENT POLICY CONVENTION (ILO NO. 122) - 11 Articles

569 U.N.T.S. 65, entered into force July 9, 1965.

57. CONVENTION CONCERNING THE PROMOTION OF COLLECTIVE BARGAINING (ILO NO. 154) - 17 Articles

1331 U.N.T.S. 267, entered into force Aug. 11, 1983.

58. CONVENTION CONCERNING OCCUPATIONAL SAFETY AND HEALTH AND THE WORKING ENVIRONMENT (ILO NO. 155) - 30 Articles

1331 U.N.T.S. 279, entered into force Aug. 11, 1983.

59. CONVENTION CONCERNING EMPLOYMENT PROMOTION AND PROTECTION AGAINST UNEMPLOYMENT (ILO NO. 168) - 39 Articles

71 ILO Official Bull. 80, entered into force Oct. 17, 1991.

60. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES - 93 Articles

G.A. res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990).

Having determined that these proposals shall take the form of an international Convention, and Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

Considering that the Universal Declaration of Human Rights provides that "everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment", and..

Reaffirming the provision of the Declaration of Philadelphia recognising "the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve . . . the effective recognition of the right of collective bargaining", and noting that this principle is "fully applicable to all people everywhere", and..

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and..

Considering the widespread unemployment and underemployment affecting various countries throughout the world at all stages of development and in particular the problems of young people, many of whom are seeking their first employment, and..

Realizing the importance and extent of the migration phenomenon, which involves millions of people and affects a large number of States in the international community. Aware of the impact of the flows of migrant workers on States and people concerned, and desiring to establish norms which may contribute to the harmonization of the attitudes of States through the acceptance of basic principles concerning the treatment of migrant workers and members of their families..

MARRIAGE	Extracts from preamble
<p>61. CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES - 10 Articles</p> <p><i>521 U.N.T.S. 231, entered into force Dec. 9, 1964.</i></p> <p>62. RECOMMENDATION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES - 6 Articles</p> <p><i>Recommendations G.A. res. 2018 (XX), 20 U.N. GAOR Supp. (No. 14) at 36, U.N. Doc. A/6014 (1965).</i></p>	<p>(1) Men and women of full age, without any limitation due to race, nationality or religion have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.</p> <p>(2) Marriage shall be entered into only with the free and full consent of the intending spouses.</p> <p>Recognizing that the family group should be strengthened because it is the basic unit of every society, and that men and women of full age have the right to marry and to found a family. That they are entitled to equal rights as to marriage and that marriage shall be entered into only with the free and full consent of the intending spouses, in accordance with the provisions of article 16 of the Universal Declaration of Human Rights.</p>
EDUCATION	Extracts from preamble
<p>63. CONVENTION AGAINST DISCRIMINATION IN EDUCATION - 19 Articles</p> <p><i>429 U.N.T.S. 93, entered into force May 22, 1962.</i></p> <p>64. PROTOCOL INSTITUTING A CONCILIATION AND GOOD OFFICES COMMISSION TO BE RESPONSIBLE FOR SEEKING A SETTLEMENT OF ANY DISPUTES WHICH MAY ARISE BETWEEN STATES PARTIES TO THE CONVENTION AGAINST DISCRIMINATION IN EDUCATION - 28 Articles</p> <p><i>651 U.N.T.S. 362, entered into force Oct. 24, 1968.</i></p>	<p>Recalling that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that every person has the right to education..</p> <p>Considering that it is important, for this purpose, to institute a Conciliation and Good Offices Commission to be responsible for seeking the amicable settlement of any disputes which may arise between States Parties to the Convention, concerning its application or interpretation,</p>

ECONOMIC RIGHTS, PRIVACY AND PEACE

Extracts from preamble

65. UNIVERSAL DECLARATION ON THE ERADICATION OF HUNGER AND MALNUTRITION - 11 Declarations & 12 Proclamations

*Adopted by the World Food
Conference, Rome, U.N. Doc. E/
CONF. 65/20, at 1 (1974).*

Convened by the General Assembly of the United Nations and entrusted with developing ways and means whereby the international community, as a whole, could take specific action to resolve the world food problem within the broader context of development and international economic co-operation.

66. GUIDELINES FOR THE REGULATION OF COMPUTERIZED PERSONAL DATA FILES - 10 Principles

*G.A. res. 44/132, 44 U.N. GAOR
Supp. (No. 49) at 211, U.N. Doc.
A/44/49 (1989).*

The procedures for implementing regulations concerning computerized personal data files are left to the initiative of each State subject to the following orientations:

67. DECLARATION ON THE RIGHT OF PEOPLES TO PEACE - 4 Declarations

*G.A. res. 39/11, annex, 39 U.N.
GAOR Supp. (No. 51) at 22, U.N.
Doc. A/39/51 (1984).*

Aware that in the nuclear age the establishment of a lasting peace on Earth represents the primary condition for the preservation of human civilization and the survival of mankind..

68. THE PRACTICE OF FORCED EVICTIONS: COMPREHENSIVE HUMAN RIGHTS GUIDELINES ON DEVELOPMENT-BASED DISPLACEMENT - 30 Points

*Adopted by the Expert Seminar on
the Practice of Forced Evictions,
Geneva, 11-13 June 1997.*

Conscious that forced evictions intensify social conflict and inequality and invariably affect the poorest, most socially, economically, and vulnerable sectors of society, specifically women, children, and indigenous peoples..

69. MASSTRICHT GUIDELINES ON VIOLATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS - 32 Points

Maastricht, January 22-26, 1997.

The participants unanimously agreed on the following guidelines which they understand to reflect the evolution of international law since 1986. These guidelines are designed to be of use to all who are concerned with understanding and determining violations of economic, social and cultural rights and in providing remedies..

INDIGENOUS RIGHTS	Extracts from preamble
<p>70. CONVENTION CONCERNING INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES - 44 Articles</p> <p><i>(ILO No. 169), 72 ILO Official Bull. 59, entered into force Sept. 5, 1991.</i></p> <p>71. DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES - 45 Articles</p> <p><i>E/CN.4/Sub.2/1994/2/Add. 1 (1994).</i></p>	<p>Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live..</p> <p>Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind.</p>

DEVELOPMENT	Extracts from preamble
<p>72. DECLARATION ON SOCIAL PROGRESS AND DEVELOPMENT - 27 Articles</p> <p><i>G.A. res. 2542 (XXIV), 24 U.N. GAOR Supp. (No. 30) at 49, U.N. Doc. A/7630 (1969).</i></p> <p>73. DECLARATION ON THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE AND FOR THE BENEFIT OF MANKIND - 9 Proclamations</p> <p><i>G.A. res. 3384 (XXX), 30 U.N. GAOR Supp. (No. 34) at 86, U.N. Doc. A/10034 (1975).</i></p>	<p>Convinced that man can achieve complete fulfilment of his aspirations only within a just social order and that it is consequently of cardinal importance to accelerate social and economic progress everywhere, thus contributing to international peace and solidarity.</p> <p>Aware that the transfer of science and technology is one of the principal ways of accelerating the economic development of developing countries. Reaffirming the right of peoples to self-determination and the need to respect human rights and freedoms and the dignity of the human person in the conditions of scientific and technological progress.</p>
<p>74. DECLARATION ON THE RIGHT TO DEVELOPMENT - 10 Articles</p> <p><i>G.A. res. 41/128, annex, 41 U.N. GAOR Supp. (No. 53) at 186, U.N. Doc. A/41/53 (1986).</i></p>	<p>Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States. Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order.</p>
<p>75. DRAFT DECLARATION OF PRINCIPLES ON HUMAN RIGHTS AND THE ENVIRONMENT (1994) - 27 Principles</p>	<p>On 16 May 1994, an international group of experts on human rights and environmental protection convened at the United Nations in Geneva and drafted the first-ever declaration of principles on human rights.</p>

DISABLED PERSONS

Extracts from preamble

76. DECLARATION ON THE RIGHTS OF MENTALLY RETARDED PERSONS - 7 Declarations

G.A. res. 2856 (XXVI), 26 U.N. GAOR Supp. (No. 29) at 93, U.N. Doc. A/8429 (1971).

Proclaims this Declaration on the Rights of Mentally Retarded Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

77. PRINCIPLES FOR THE PROTECTION OF PERSONS WITH MENTAL ILLNESSES AND THE IMPROVEMENT OF MENTAL HEALTH CARE - 25 Principles

G.A. res. 46/119, 46 U.N. GAOR Supp. (No. 49) at 189, U.N. Doc. A/46/49 (1991).

The exercise of the rights set forth in these Principles may be subject only to such limitations as are prescribed by law and are necessary to protect the health or safety of the person concerned or of others, or otherwise to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

78. DECLARATION ON THE RIGHTS OF DISABLED PERSONS - 13 Declarations

G.A. res. 3447 (XXX), 30 U.N. GAOR Supp. (No. 34) at 88, U.N. Doc. A/10034 (1975).

Bearing in mind the necessity of preventing physical and mental disabilities and of assisting disabled persons to develop their abilities in the most varied fields of activities and of promoting their integration as far as possible in normal life..

FREEDOM OF INFORMATION AND RIGHT TO CULTURE

Extracts from preamble

79. CONVENTION ON THE INTERNATIONAL RIGHT OF CORRECTION - 14 Articles

435 U.N.T.S. 191, entered into force Aug. 24, 1962.

Considering that the legislation of certain States does not provide for a right of correction of which foreign governments may avail themselves, and that it is therefore desirable to institute such a right on the international level, and Having resolved to conclude a Convention for these purposes.

80. DECLARATION OF THE PRINCIPLES OF INTERNATIONAL CULTURAL CO-OPERATION - 11 Articles

Adopted by the UNESCO General Conference at its fourteenth session, Paris, 4 November 1966, UNESCO's Standard-Setting Instruments, IV.C. (1994).

Recalling that the Constitution also states that the wide diffusion of culture and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern.

REFUGEES AND ASYLUM

Extracts from preamble

81. CONVENTION RELATING TO THE STATUS OF REFUGEES - 46 Articles

189 U.N.T.S. 150, entered into force April 22, 1954.

Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international - scope and nature cannot therefore be achieved without international co-operation..

82. PROTOCOL RELATING TO THE STATUS OF REFUGEES - 11 Articles

606 U.N.T.S. 267, entered into force Oct. 4, 1967.

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline I January 1951.

83. STATUTE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - 22 Points

G.A. res. 428 (V), annex, 5 U.N. GAOR Supp. (No. 20) at 46, U.N. Doc. A/1775 (1950).

2. The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees.

84. DECLARATION ON TERRITORIAL ASYLUM - 4 Articles

G.A. res. 2312 (XXII), 22 U.N. GAOR Supp. (No. 16) at 81, U.N. Doc. A/6716 (1967).

Noting that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security. To develop friendly relations among all nations and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.

NATIONALITY, STATELESSNESS AND RIGHTS OF ALIENS

Extracts from preamble

85. CONVENTION ON THE REDUCTION OF STATELESSNESS - 21 Articles

989 U.N.T.S. 175, entered into force Dec. 13, 1975.

Article 1 1. A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality shall be granted: (a) At birth, by operation of law, or..

86. CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS - 42 Articles

360 U.N.T.S. 117, entered into force

Considering that the United Nations has, on various occasions, manifested its profound concern for stateless persons and endeavoured to assure stateless persons the widest possible exercise of these fundamental rights and freedoms..

87. DECLARATION ON THE HUMAN RIGHTS OF INDIVIDUALS WHO ARE NOT NATIONALS OF THE COUNTRY IN WHICH THEY LIVE - 10 Articles

G.A. res. 40/144, annex, 40 U.N. GAOR Supp. (No. 53) at 252, U.N. Doc. A/40/53 (1985).

Conscious that, with improving communications and the development of peaceful and friendly relations among countries, individuals increasingly live in countries of which they are not nationals. Reaffirming the purposes and principles of the Charter of the United Nations.

WAR CRIMES AND CRIMES AGAINST HUMANITY, INCLUDING GENOCIDE

Extracts from preamble

88. CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE - 19 Articles

78 U.N.T.S. 277, entered into force Jan. 12, 1951.

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required.

89. NUREMBERG RULES, IN AGREEMENT FOR THE PROSECUTION AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF THE EUROPEAN AXIS - 3 Acts (a to c)

82 U.N.T.S. 279, entered into force Aug. 8, 1945.

(a) Crimes against Peace: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing:

90. CONTROL COUNCIL LAW NO. 10, PUNISHMENT OF PERSONS GUILTY OF WAR CRIMES, CRIMES AGAINST PEACE AND AGAINST HUMANITY - 3 Acts (a to c)

3 Official Gazette Control Council for Germany 50-55 (1946).

a) **Crimes against Peace.** Initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

91. CONVENTION ON THE NON-APPLICABILITY OF STATUTORY LIMITATIONS TO WAR CRIMES AND CRIMES AGAINST HUMANITY - 11 Articles

G.A. res. 2391 (XXIII), annex, 23 U.N. GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218 (1968).

Convinced that the effective punishment of war crimes and crimes against humanity is an important element in the prevention of such crimes, the protection of human rights and fundamental freedoms, the encouragement of confidence, the furtherance of co-operation among peoples and the promotion of international peace and security.

92. PRINCIPLES OF INTERNATIONAL CO-OPERATION IN THE DETECTION, ARREST, EXTRADITION AND PUNISHMENT OF PERSONS GUILTY OF WAR CRIMES AND CRIMES AGAINST HUMANITY - 9 Principles

G.A. res. 3074 (XXVIII), 28 U.N. GAOR Supp. (30A) at 78, U.N. Doc. A/9030/Add.1 (1973).

93. INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, RULES OF PROCEDURE AND EVIDENCE - 126 Rules

U.N. Doc. ITR/3/REV.1 (1995), entered into force 29 June 1995.

Declares that the United Nations, in pursuance of the principles and purposes set forth in the Charter concerning the promotion of co-operation between peoples and the maintenance of international peace and security, proclaims the following principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity:

Rule 1: Entry into Force - These Rules of Procedure and Evidence, adopted pursuant to Article 14 of the Statute of the Tribunal, shall come into force on 29 June 1995.

LAW OF ARMED CONFLICT

94. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD - 64 Articles 75

U.N.T.S. 31, entered into force Oct. 21, 1950.

95. GENEVA CONVENTION FOR THE AMELIORATION OF THE CONDITION OF WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA - 63 Articles 75

U.N.T.S. 85, entered into force Oct. 21, 1950.

96. GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR - 143 Articles 75

U.N.T.S. 135, entered into force Oct. 21, 1950.

Extracts from preamble

Article 2 In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

Article 2 The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance...

Article 2 In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

97. GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR - 159 Articles 75

U.N.T.S. 287, entered into force Oct. 21, 1950.

98. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL I) - 102 Articles 1125

U.N.T.S. 3, entered into force Dec. 7, 1978.

99. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS (PROTOCOL II) - 28 Articles 1125

U.N.T.S. 609, entered into force Dec. 7, 1978.

Article 2 Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

Proclaiming their earnest wish to see peace prevail among peoples. Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

Emphasizing the need to ensure a better protection for the victims of those armed conflicts. Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience.

U.N. ACTIVITIES & EMPLOYEES

Extracts from preamble

100. CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS - 36 Sections 1

U.N.T.S. 15, 13 February 1946.

Organization shall enjoy in the territory of each of its member such privileges and immunities as are necessary for the fulfilment of its purposes. And that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

REGIONAL CONVENTIONS

Extracts from preamble

101. AFRICAN [BANJUL] CHARTER ON HUMAN AND PEOPLES' RIGHTS - 62 Articles

Adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights", Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary

(1982), entered into force Oct. 21, 1986.

102. AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD - 48 Articles

OAU Doc. CAB/LEG/24.9/49 (1990).

103. THE ADDIS ABABA DOCUMENT ON REFUGEES AND FORCED POPULATION DISPLACEMENTS IN AFRICA - 11 Recommendations

Adopted by the OAU/UNHCR Symposium on Refugees and Forced Population Displacements in Africa, Addis Ababa, Ethiopia, 8 - 10 September 1994.

104. CONVENTION GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN AFRICA - 15 Articles 1001

U.N.T.S. 45, entered into force June 20, 1974.

105. DECLARATION ON A CODE OF CONDUCT FOR INTER-AFRICAN RELATIONS - 9 Points

Assembly of Heads of State and Government, Thirtieth Ordinary Session, Tunis, Tunisia, 13-15 June 1994.

106. THE DAR ES SALAAM DECLARATION ON ACADEMIC FREEDOM AND SOCIAL RESPONSIBILITY OF ACADEMICS - 53 Principles

Inaugural Workshop held at Silversands Hotel on 19th April, 1990

draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

RECOGNIZING that the child, due to the needs of his physical and mental development requires particular care with regard to health, physical, mental, moral and social development. and requires legal protection in conditions of freedom, dignity and security.

1. The OAU/UNHCR Commemorative Symposium on Refugees and Forced Population Displacements in Africa took place in Addis Ababa, Ethiopia, from 8 to 10 September 1994. The symposium was held to commemorate the twenty-fifth anniversary of the adoption of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (the "1969 OAU Convention") and the twentieth year of its entry into force on 20 June 1974.

1. Noting with concern the constantly increasing numbers of refugees in Africa and desirous of finding ways and means of alleviating their misery and suffering as well as providing them with a better life and future.

Considering the proliferation of hot beds of tension in Africa and the serious threat they pose to the stability, independence and credibility as well as to the development of our States.

The stringent conditions of the international Shylocks have begun to put a squeeze on education in a dramatic fashion. Tanzania, like the rest of the African continent, finds itself entangled in a web of socio-economic crises. As budgetary allocations for education become minuscule, education is threatening to become the preserve of a minority of the wealthy and influential in our society.

107. THE KAMPALA DECLARATION ON INTELLECTUAL FREEDOM AND SOCIAL RESPONSIBILITY - 27 Articles

Kampala, November 29th 1990

108. THE KHARTOUM DECLARATION ON AFRICA'S REFUGEE CRISIS - 15 Declarations

September (1990).

109. CHARTER OF THE ORGANIZATION OF AMERICAN STATES - 151 Articles

119 U.N.T.S. 3, entered into force December 13, 1951, amended 721 U.N.T.S. 324, entered into force Feb. 27, 1990.

110. AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN - 38 Articles XXXVIII

O.A.S. Res. XXX, adopted by the Ninth International Conference of American States (1948), reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 17 (1992).

111. AMERICAN CONVENTION ON HUMAN RIGHTS - 82 Articles

O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123 entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992).

Intellectual freedom in Africa is currently threatened to an unprecedented degree. The historically produced and persistent economic, political and social crisis of our continent continues to undermine development in all spheres. The imposition of unpopular structural adjustment programmes has been accompanied by increased political repression, widespread poverty and intense human suffering.

1. The problem of refugees in Africa has reached unmanageable proportions. Of the world's total refugee population of 15 million, Africa has a share of over 5 million, representing about 35 per cent. This alarming refugee population is rapidly increasing at a time when the Continent is faced with serious problems.

Convinced that the historic mission of America is to offer to man a land of liberty and a favourable environment for the development of his personality and the realization of his just aspirations.

The American peoples have acknowledged the dignity of the individual, and their national constitutions recognize that juridical and political institutions, which regulate life in human society, have as their principal aim the protection of the essential rights of man and the creation of circumstances that will permit him to achieve spiritual and material progress and attain happiness. All men are born free and equal, in dignity and in rights, and, being endowed by nature with reason.

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states.

112. ADDITIONAL PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS IN THE AREA OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS - 22 Articles

O.A.S. Treaty Series No. 69 (1988), signed November 17, 1988, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 67 (1992).

113. PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS TO ABOLISH THE DEATH PENALTY - 4 Articles

O.A.S. Treaty Series No. 73 (1990), adopted June 8, 1990, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 80 (1992).

114. INTER-AMERICAN CONVENTION TO PREVENT AND PUNISH TORTURE - 24 Articles

O.A.S. Treaty Series No. 67, entered into force Feb. 28, 1987, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 83 (1992).

115. STATUTE OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS - 26 Articles

O.A.S. Res. 447 (IX-0/79), O.A.S. Off. Rec. OEA/Ser.P/IX.0.2/80, Vol. 1 at 88, Annual Report of the Inter-American Commission on Human Rights, OEA/Ser.L/V/11.50

Bearing in mind that, although fundamental economic, social and cultural rights have been recognized in earlier international instruments of both world and regional scope, it is essential that those rights be reaffirmed, developed, perfected and protected. In order to consolidate in America, on the basis of full respect for the rights of the individual, the democratic representative form of government as well as the right of its peoples to development, self-determination, and the free disposal of their wealth and natural resources.

That Article 4 of the American Convention on Human Rights recognizes the right to life and restricts the application of the death penalty. That everyone has the inalienable right to respect for his life, a right that cannot be suspended for any reason. That the tendency among the American States is to be in favour of abolition of the death penalty.

Reaffirming that all acts of torture or any other cruel, inhuman, or degrading treatment or punishment constitute an offence against human dignity and a denial of the principles set forth in the Charter of the Organization of American States and in the Charter of the United Nations and are violations of the fundamental human rights and freedoms proclaimed in the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights.

Article 1 1. The Inter-American Commission on Human Rights is an organ of the Organization of the American States, created to promote the observance and defence of human rights and to serve as consultative organ of the organization in this matter. 2. For the purposes of the present statute, human rights are understood to be: a. The rights set forth in the American Convention on Human Rights, in relation to the States Parties thereto.

doc.13 rev. 1 at 10 (1980),
reprinted in *Basic Documents
Pertaining to Human Rights in the
Inter-American System*, OEA/
Ser.L.V/II.82 doc.6 rev.1 at 93
(1992).

116. REGULATIONS OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS - 79 Articles

*Reprinted in Basic Documents
Pertaining to Human Rights in the
Inter-American System*, OEA/
Ser.L.V/II.82 doc.6 rev.1 at 103
(1992).

117. RULES OF PROCEDURE OF THE INTER-AMERICAN COURT ON HUMAN RIGHTS - 58 Articles

*Annual Report of the Inter-
American Court of Human Rights,
1991, O.A.S. Doc. OEA/Ser.L.V/
III.25 doc.7 at 18 (1992),
reprinted in Basic Documents
Pertaining to Human Rights in the
Inter-American System*, OEA/
Ser.L.V/II.82 doc.6 rev.1 at 145
(1992).

118. STATUTE OF THE INTER-AMERICAN COURT ON HUMAN RIGHTS - 32 Articles

*O.A.S. Res. 448 (IX-0/79), O.A.S.
Off. Rec. OEA/Ser.P/IX.0.2/80,
Vol. 1 at 98, Annual Report of the
Inter-American Court on Human
Rights, OEA/Ser.L/V.III.3 doc. 13
corr. 1 at 16 (1980), reprinted in
Basic Documents Pertaining to
Human Rights in the Inter-
American System*, OEA/Ser.L.V/
II.82 doc.6 rev.1 at 133 (1992).

Article 1. Nature and Composition 1. The Inter-American Commission on Human Rights is an autonomous entity of the Organization of American States whose principal function is to promote the observance and defence of human rights and to serve as an advisory body to the Organization in this area.

Article 1. Purpose 1. These Rules regulate the organization and establish the procedures of the Inter-American Court of Human Rights. 2. The Court may adopt such other Rules as are necessary to carry out its functions. 3. In the absence of a provision in these Rules or in case of doubt as to their interpretation, the Court shall decide..

Article 1. Nature and Legal Organization The Inter-American Court of Human Rights is an autonomous judicial institution whose purpose is the application and interpretation of the American Convention on Human Rights. The Court exercises its functions in accordance with the provisions of the aforementioned Convention and the present Statute.

119. [EUROPEAN] CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS - 66 Articles

213 U.N.T.S. 222, entered into force Sept. 3, 1953, as amended by Protocols Nos 3, 5, and 8 which entered into force on 21 September 1970, 20 December 1971 and 1 January 1990 respectively.

The Governments signatory hereto, being Members of the Council of Europe. Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948. Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared.. 1st November 1998 This is now amended by Protocol 11 to 59 Articles.

120. PROTOCOL TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS - 6 Articles

213 U.N.T.S. 262, entered into force May 18, 1954.

The Governments signatory hereto, being Members of the Council of Europe, being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November, 1950 (hereinafter referred to as 'the Convention').

121. PROTOCOL NO. 2 TO THE 1950 EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS - 5 Articles

E.T.S. 44, entered into force Sept. 21, 1970.

Having regard to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (hereinafter referred to as "the Convention") and, in particular, Article 19 instituting, among other bodies, a European Court of Human Rights (hereinafter referred to as "the Court").

122. PROTOCOL NO. 3 TO THE 1950 EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS - 4 Articles

E.T.S. 45, entered into force Sept. 21, 1970.

The member States of the Council of Europe, signatories to this Protocol, considering that it is advisable to amend certain provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (hereinafter referred to as "the Convention") concerning the procedure of the European Commission of Human Rights..

123. PROTOCOL NO. 4 TO THE 1950 EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS - 7 Articles

E.T.S. 46, entered into force May 2, 1968.

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (hereinafter referred to as "the Convention") and in Articles 1 to 3 of the First Protocol to the Convention, signed at Paris on 20th March 1952.

**124. PROTOCOL NO. 5 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 5 Articles**

*E.T.S. 44, entered into force Dec.
20, 1971.*

**125. PROTOCOL NO. 6 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 9 ARTICLES**

*E.T.S. 114, entered into force
March 1, 1985.*

**126. PROTOCOL NO. 7 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 10 Articles**

*E.T.S. 117, entered into force Nov.
1, 1988.*

**127. PROTOCOL NO. 8 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 14 Articles**

*E.T.S. 118, entered into force
Jan.1, 1990.*

**128. PROTOCOL NO. 9 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 8 Articles**

*E.T.S. 140, entered into force Oct.
1, 1994.*

Considering that it is desirable to ensure as far as possible an election every three years of one half of the members of the Commission and of one-third of the members of the Court, considering therefore that it is desirable to amend certain provisions of the Convention..

The member States of the Council of Europe, signatory to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"), considering that the evolution that has occurred in several member States of the Council of Europe expresses a general tendency in favour of abolition of the death penalty..

The member States of the Council of Europe signatory hereto, being resolved to take further steps to ensure the collective enforcement of certain rights and freedoms by means of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "The Convention").

The member States of the Council of Europe, signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"), Considering that it is desirable to amend certain provisions of the Convention with a view to improving the procedure of the European Commission of Human Rights.

The member States of the Council of Europe, signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"), Being resolved to make further improvements to the procedure under the Convention.

**129. PROTOCOL NO. 10 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 4 Articles**

E.T.S. 146, March 25, 1992.

**130. PROTOCOL NO. 11 TO THE 1950
EUROPEAN CONVENTION FOR
THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL
FREEDOMS - 7 Articles**

E.T.S. 155, May 11, 1994.

**131. EUROPEAN SOCIAL CHARTER,
529 U.N.T.S. 89 - 38 Articles**

Entered into force Feb. 26, 1965.

**132. PROTOCOL AMENDING THE
EUROPEAN SOCIAL CHARTER - 9
Articles**

*E.T.S. 142, Oct. 21, 1991, not in
force.*

**133. EUROPEAN CONVENTION FOR
THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT -
24 Articles**

*E.T.S. 126, entered into force Feb.
1, 1989.*

The member States of the Council of Europe, signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"), considering that it is advisable to amend Article 32 of the Convention with a view to the reduction of the two-thirds majority provided therein.

Considering the urgent need to restructure the control machinery established by the Convention in order to maintain and improve the efficiency of its protection of human rights and fundamental freedoms, mainly in view of the increase in the number of applications and the growing membership of the Council of Europe.

Being resolved to make every effort in common to improve the standard of living and to promote the social well-being of both their urban and rural populations by means of appropriate institutions and action.

Being resolved to take some measures to improve the effectiveness of the Charter, and particularly the functioning of its supervisory machinery.

Having regard to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, Recalling that, under Article 3 of the same Convention, "no one shall be subjected to torture or to inhuman or degrading treatment or punishment".

Universal Declaration of Human Rights (UDHR)

Article 1 - The Rights to Freedom, Human Dignity and Rights

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 - Rights without Discrimination

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3 - The Right to Life, Liberty and Security of Person

Everyone has the right to life, liberty and security of person.

Article 5 - Prohibition of Torture

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7 - Equal Protection

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8 - Right to an Effective Remedy in Law

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9 - Lawful Detention and Arrest

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10 - Right to a Fair Trial

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11 - Fair Justice

Innocent Until Proved Guilty

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Backdating of Cases Prohibited

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12 - Privacy, Honour and Respect

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 18 - Right to Freedom of Thought, Conscience and Religion

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 - Right to Freedom of Opinion and Expression

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 29 - Duties of the People

Duties to the Community

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

Freedoms are Subject to the Law

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Freedoms are Subject to United Nations Principles

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30 - Personal Activities Must Support Others Rights and Freedoms

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

International Covenant on Civil and Political Rights (ICCPR)

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
 2.
 - (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
 - (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Convention on the Rights of the Child (CRC)

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 32

1. States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 40

1. States Parties recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognised as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law, and, in particular:
 - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. 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 shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Code of Conduct for Law Enforcement Officials

Article 1

Law enforcement officials shall 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 high degree of responsibility required by their profession.

Commentary:

- (a) The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.
- (b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.
- (c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.
- (d) This provision is intended to cover not only all-violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary:

- (a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.
- (b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary:

- (a) This provision emphasises that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorised to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.

- (b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorise the use of force which is disproportionate to the legitimate objective to be achieved.
- (c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardises the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary:

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary:

- (a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which: "[Such an act is] an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights [and other international human rights instruments]"
- (b) The Declaration defines torture as follows:
". . . torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."
- (c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Commentary:

- (a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.
- (b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.
- (c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary:

- (a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.
- (b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.
- (c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary:

- (a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.
- (b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

- (c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.
- (d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.
- (e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

Standard Minimum Rules for the Treatment of Prisoners

Adopted August 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, UN Doc. A/CONF/611, annex I, ESC res. 663C, 24 UN ESCOR Supp. (No. 1) at 11, UN Doc. E/3048 (1957), amended ESC res. 2076, 62 UN ESCOR Supp. (No. 1) at 35, UN Doc. E/5988 (1977).

Preamble (Points 1 to 5)

Point 1

The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

Point 2

In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

Point 3

On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorise departures from the rules in this spirit.

Point 4

(1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

Point 5

(1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

PART I

RULES OF GENERAL APPLICATION

Basic principle (Point 6)

Point 6

- (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- (2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Register (Points 7 to 14)

Point 7

- (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:
 - (a) Information concerning his identity;
 - (b) The reasons for his commitment and the authority therefore;
 - (c) The day and hour of his admission and release.
- (2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register. Separation of categories

Point 8

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
- (b) Untried prisoners shall be kept separate from convicted prisoners;
- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d) Young prisoners shall be kept separate from adults. Accommodation

Point 9

- (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
- (2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

Point 10

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall 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.

Point 11

In all places where prisoners are required to live or work,

- (a) The windows shall be large enough to enable the prisoners 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 shall be provided sufficient for the prisoners to read or work without injury to eyesight.

Point 12

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

Point 13

Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable 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.

Point 14

All pans of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene (Points 15 to 16)

Point 15

Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

Point 16

In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding (Points 17 to 19)

Point 17

(1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorised purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

Point 18

If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

Point 19

Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food (Point 20)

Point 20

(1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport (Point 21)

Point 21

(1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services (Points 22 to 26)

Point 22

(1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

Point 23

- (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.
- (2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

Point 24

The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

Point 25

- (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
- (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

Point 26

- (1) The medical officer shall regularly inspect and advise the director upon:
- (a) The quantity, quality, preparation and service of food;
 - (b) The hygiene and cleanliness of the institution and the prisoners;
 - (c) The sanitation, heating, lighting and ventilation of the institution;
 - (d) The suitability and cleanliness of the prisoners' clothing and bedding;
 - (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.
- (2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment (Points 27 to 32)

Point 27

Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

Point 28

- (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

Point 29

The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;
- (b) The types and duration of punishment which may be inflicted;
- (c) The authority competent to impose such punishment.

Point 30

(1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

Point 31

Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

Point 32

(1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint (Points 33 to 34)

Point 33

Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

- (a) As a precaution against escape during a transfer, provided that they shall be 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 shall at once consult the medical officer and report to the higher administrative authority.

Point 34

The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners (Points 35 to 36)

Point 35

(1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

Point 36.

(1) Every prisoner shall have the opportunity each weekday of making requests or complaints to the director of the institution or the officer authorised to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Contact with the outside world (Points 37 to 39)

Point 37

Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

Point 38

(1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

Point 39

Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorised or controlled by the administration.

Books (Point 40)**Point 40**

Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion (Points 41 to 42)**Point 41**

(1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

Point 42

So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Retention of prisoners' property (Point 43)**Point 43**

(1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorised to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc. (Point 44)

Point 44

- (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- (2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorised, whenever circumstances allow, to go to his bedside either under escort or alone.
- (3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners (Point 45)

Point 45

- (1) When the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
- (2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
- (3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel (Points 46 to 54)

Point 46

- (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.
- (2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
- (3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

Point 47

- (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised at suitable intervals.

Point 48

All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

Point 49

(1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

Point 50

(1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

Point 51

(1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

Point 52

(1) In institutions that are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

Point 53

(1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set-aside for women.

Point 54

(1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection (Point 55)

Point 55

There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional.

PART II

RULES APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

Guiding principles (Points 56 to 64)

Point 56

The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation I of the present text.

Point 57

Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

Point 58

The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

Point 59

To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

Point 60

- (1) The regime of the institution should seek to minimise any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.
- (2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

Point 61

The treatment of prisoners should emphasise not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

Point 62

The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

Point 63

- (1) The fulfilment of these principles requires individualisation of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.
- (2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.
- (3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualisation of treatment is hindered. In some countries it is considered that the

population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

Point 64

The duty of society does not end with a prisoner’s release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment (Points 65 to 66)

Point 65

The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

Point 66

(1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization (Points 67 to 69)

Point 67

The purposes of classification shall be:

- (a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;
- (b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

Point 68

So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

Point 69

As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges (Point 70)**Point 70**

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work (Points 71 to 78)**Point 71**

- (1) Prison labour must not be of an afflictive nature.
- (2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.
- (3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
- (4) So far as possible the work provided shall be such as will maintain or increase the prisoners, ability to earn an honest living after release.
- (5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
- (6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

Point 72

- (1) The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.
- (2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

Point 73

- (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.
- (2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

Point 74

- (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.
- (2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

Point 75

- (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.
- (2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

Point 76

- (1) There shall be a system of equitable remuneration of the work of prisoners.
- (2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
- (3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.
Education and recreation

Point 77

- (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.
- (2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

Point 78

Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care (Points 79 to 81)**Point 79**

Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

Point 80

From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

Point 81

- (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.
- (2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.
- (3) It is desirable that the activities of such agencies shall be centralised or co-ordinated as far as possible in order to secure the best use of their efforts.

B. INSANE AND MENTALLY ABNORMAL PRISONERS (Points 82 to 83)**Point 82**

- (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.
- (2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialised institutions under medical management.
- (3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.
- (4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

Point 83

It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL (Points 84 to 93)**Point 84**

- (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners," hereinafter in these rules.
- (2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.
- (3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

Point 85

- (1) Untried prisoners shall be kept separate from convicted prisoners.
- (2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

Point 86

Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

Point 87

Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

Point 88

- (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
- (2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

Point 89

An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

Point 90

An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

Point 91

An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

Point 92

An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

Point 93

For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS (Point 94)

Point 94

In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

E. PERSONS ARRESTED OR DETAINED WITHOUT CHARGE (Point 95)

Point 95

Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights, persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C. Relevant provisions of part II, section A, shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

Constitution of India: Articles relevant to Police Work

Article 13 Laws inconsistent with or in derogation of the fundamental rights

- (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.
- (2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.
- (3) In this article, unless the context otherwise required,
 - (a) "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;
 - (b) "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

- (4) Nothing in this article shall apply to any amendment of this Constitution made under article 368

Article 14 Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15 Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall, on ground only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to -
 - (a) access to shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained whole or partly out of State funds or dedicated to the use of general public.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.
- (4) Nothing in this article or in clause (2) or article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 16 Equality of opportunity in matters of public employment

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- (4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.
- (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 17 Abolition of Untouchability

"Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Article 19 Protection of certain rights regarding freedom of speech, etc.

- (1) All citizens shall have the right -
 - (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India; and
 - (f) to practice any profession, or to carry on any occupation, trade or business.
- (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.
- (3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interest of the sovereignty and integrity of India or public order, reasonable restrictions on the right conferred by the said sub-clause.
- (4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

- (5) Nothing in sub-clause (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Schedule Tribe.
- (6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, -
- (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or
 - (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

Article 21 Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 22 Protection against arrest and detention in certain cases

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- (3) Nothing in clauses (1) and (2) shall apply -
- (a) to any person who for the time being is an enemy alien; or
 - (b) to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless -
- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention: Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or
 - (b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).
- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person

the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

- (6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.
- (7) Parliament may by law prescribe -
 - (a) the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);
 - (b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and
 - (c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

Article 23 Prohibition of traffic in human beings and forced labour

- (1) Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on ground only of religion, race, caste or class or any of them.

Article 24 Prohibition of employment of children in factories, etc.

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

The Protection of Human Rights Act, 1993

Chapter I

1. Preliminary

- (1) This Act may be called the Protection of Human Rights Act, 1993.
- (2) It extends to the whole of India.
Provided that it shall apply to the State of Jammu and Kashmir only in so far as it pertains to the matters relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State.
- (3) It shall be deemed to have come into force on the 28th day of September, 1993.

2. Definitions

- (1) In this Act, unless the context otherwise requires-
 - (a) "armed forces" means the naval, military and air forces and includes any other armed forces of the Union;
 - (b) "Chairperson" means the Chairperson of the Commission or of the State Commission, as the case may be;
 - (c) "Commission" means the National Human Rights Commission under section 3;
 - (d) "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.
 - (e) "Human Rights Court" means the Human Rights Court specified under section 30;
 - (f) "International Covenants" means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966;
 - (g) "Member" means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;
 - (h) "National Commission for Minorities" means the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992;
 - (i) "National Commission for the Scheduled Castes and Scheduled Tribes" means the National Commission for the Scheduled Castes and Scheduled Tribes referred to in article 338 of the Constitution;
 - (j) "National Commission for Women" means the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990;
 - (k) "Notification" means a notification published in the official Gazette;
 - (l) "Prescribed" means prescribed by rules made under this Act;
 - (m) "Public servant" shall have the meaning assigned to it in section 21 of the Indian Penal Code;
 - (n) "State Commission" means a State Human Rights Commission constituted under section 21.
- (2) Any reference in this Act to a law, which is not in force in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to a corresponding law, if any, in force in that State.

Chapter II

THE NATIONAL HUMAN RIGHTS COMMISSION

3. Constitution of a National Human Rights Commission

- (1) The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.
- (2) The Commission shall consist of
 - (a) A Chairperson who has been a Chief Justice of the Supreme Court;
 - (b) One Member who is or has been, a Judge of the Supreme Court;
 - (c) One Member who is, or has been, the Chief Justice of a High Court;
 - (d) Two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- (3) The Chairpersons of the National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of section 12.
- (4) There shall be a Secretary-General who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as it may delegate to him.
- (5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

4. Appointment of Chairperson and other Members

- (1) The Chairperson and other Members shall be appointed by the President by warrant under his hand and seal. Provided that every appointment under this sub-section shall be made after obtaining the recommendations of a Committee consisting of
 - (a) The Prime Minister - Chairperson
 - (b) Speaker of the House of the People - Member
 - (c) Minister in-charge of the Ministry of Home Affairs in the Government of India - Member
 - (d) Leader of the Opposition in the House of the People - Member
 - (e) Leader of the Opposition in the Council of States - Member
 - (f) Deputy Chairman of the Council of States - Member

Provided further that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed except after consultation with the Chief Justice of India.

- (2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Committee.

5. Removal of a Member of the Commission

- (1) Subject to the provisions of sub-section (2), the Chairperson or any other Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme

Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.

- (2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be
 - (a) is adjudged an insolvent; or
 - (b) engages during his term of office in any paid employment outside the duties of his office:
or
 - (c) is unfit to continue in office by reason of infirmity of mind or body; or
 - (d) is of unsound mind and stands so declared by a competent court; or
 - (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

6. Term of office of Members

- (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.
- (2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years. Provided that no Member shall hold office after he has attained the age of seventy years.
- (3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State.

7. Member to act as Chairperson or to discharge his functions in certain circumstances

- (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.
- (2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

8. Terms and conditions of service of Members

The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed. Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

9. Vacancies, etc., not to invalidate the proceedings of the Commission

No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

10. Procedure to be regulated by the Commission

- (1) The Commission shall meet at such time and place as the Chair son may think fit.
- (2) The Commission shall regulate its own procedure.

- (3) All orders and decisions of the Commission shall be audited by the Secretary-General or any other officer of the Commission duly authorised by the Chairperson in this behalf.

11. Officers and other staff of the Commission

- (1) The Central Government shall make available to the Commission :
 - (a) an officer of the rank of the Secretary to the Government of India who shall be the Secretary-General of the Commission; and
 - (b) such police and investigative staff under an officer not below the rank of a Director General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission.
- (2) Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.
- (3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed.

Chapter III

FUNCTIONS AND POWERS OF THE COMMISSION

12. Functions of the Commission

The Commission shall perform all or any of the following functions, namely :

- (a) inquire, *suo motu* or on a petition presented to it by a victim or any person on his behalf, into complaint of
 - (i) violation of human rights or abetment thereof or
 - (ii) negligence in the prevention of such violation, by a public servant;
- (b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- (c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;
- (d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- (e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- (g) undertake and promote research in the field of human rights;
- (h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;
- (i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;
- (j) such other functions as it may consider necessary for the protection of human rights.

13. Powers relating to inquiries

- (1) The Commission shall, while inquiring into complaints under this Act, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely :
 - (a) summoning and enforcing the attendance of witnesses and examine them on oath;
 - (b) discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses or documents;
 - (f) any other matter which may be prescribed.
- (2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code.
- (3) The Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, in so far as it may be applicable.
- (4) The Commission shall be deemed to be a civil court and when any offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.
- (5) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code, and the Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

14. Investigation

- (1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.
- (2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission.
 - (a) summon and enforce the attendance of any person and examine him;
 - (b) require the discovery and production of any document; and
 - (c) requisition any public record or copy thereof from any office.

- (3) The provisions of section 15 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.
- (4) The officer or agency whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Commission within such period as may be specified by the Commission in this behalf.
- (5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report subbed to it under sub-section (4) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

15. Statement made by persons to the Commission

No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement -

- (a) is made in reply to the question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

16. Persons likely to be prejudicially affected to be heard

If, at any stage of the inquiry, the Commission-

- (a) considers it necessary to inquire into the conduct of any person; or
- (b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry;

it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

Chapter IV PROCEDURE

17. Inquiry into complaints

The Commission while inquiring into the complaints of violations of human rights may-

- (i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it;

Provided that-

- (a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire re into the complaint on its own;
- (b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;
- (ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

18. Steps after inquiry

The Commission may take any of the following steps upon the completion of an inquiry held under this Act namely :

- (1) where the inquiry discloses, the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant; it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (2) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (3) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (4) subject to the provisions of clause (5), provide a copy of the inquiry report to the petitioner or his representative;
- (5) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;
- (6) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

19. Procedure with respect to armed forces

- (1) Notwithstanding anything contained in this Act, while dealing with complaints of violation of human rights by members of the armed forces, the Commission shall adopt the following procedure, namely :
 - (a) it may, either on its own motion or on receipt of a petition, seek a report from the Central Government;
 - (b) after the receipt of the report, it may, either not proceed with the complaint or, as the case may be, make its recommendations to that Government.
- (2) The Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow.
- (3) The Commission shall publish its report together with its recommendations made to the Central Government and the action taken by that Government on such recommendations.
- (4) The Commission shall provide a copy of the report published under sub-section (3) to the petitioner or his representative.

20. Annual and special reports of the Commission

- (1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

- (2) The Central Government and the State Government, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

Chapter V

STATE HUMAN RIGHTS COMMISSIONS

21. Constitution of State Human Rights Commissions

- (1) A State Government may constitute a body to be known as the (name of the State) Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this chapter.
- (2) The State Commission shall consist of
- a Chairperson who has been a Chief Justice of a High Court;
 - one Member who is, or has been, a Judge of a High Court;
 - one Member who is, or has been, a district judge in that State;
 - two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- (3) There shall be a Secretary who shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission as it may delegate to him.
- (4) The headquarters of the State Commission shall be at such place as the State Government may, by notification, specify.
- (5) A State Commission may inquire into violation of human rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution: Provided that if any such matter is already being inquired into by the Commission or any other Commission duly constituted under any law for the time being in force, the State Commission shall not inquire into the said matter:
Provided further that in relation to the Jammu and Kashmir Human Rights Commission, this sub-section shall have effect as if for the words and figures "List II and List III in the Seventh Schedule to the Constitution", the words and figures "List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir and in respect of matters in relation to which the Legislature of that State has power to make laws" had been substituted.

22. Appointment of Chairperson and other Members of State Commission

- (1) The Chairperson and other Members shall be appointed by the Governor by warrant under his hand and seal:
Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of
- the Chief Minister - Chairperson
 - Speaker of the Legislative - Member Assembly
 - Minister in-charge of the Department - Member of Home, in that State
 - Leader of the Opposition in the - Member Legislative Assembly

Provided further that where there is a Legislative Council in a State, the Chairman of that Council and the Leader of the Opposition in that Council shall also be members of the Committee. Provided also that no sitting Judge of a High Court or a sitting District Judge shall be appointed except after consultation with the Chief Justice of the High Court of the concerned State.

- (2) No appointment of a Chairperson or a Member of the State Commission shall be invalid merely by reason of any vacancy in the Committee.

23. Removal of a Member of the State Commission

- (1) Subject to the provisions of sub-section (2), the Chairperson or any other member of the State Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.
- (2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be -
 - (a) is adjudged an insolvent; OR
 - (b) engages during his term of office in any paid employment outside the duties of his office; OR
 - (c) is unfit to continue in office by reason of infirmity of mind or body; OR
 - (d) is of unsound mind and stands so declared by a competent court; OR
 - (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

24. Term of office of Members of the State Commission

- (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier;
- (2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years;

Provided that no Member shall hold office after he has attained the age of seventy years.

- (3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.

25. Member to act as Chairperson or to discharge his functions in certain circumstances

- (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.
- (2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

26. Terms and conditions of service of Members of the State Commission

The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed by the State Government.

Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

27. Officers and other staff of the State Commission

- (1) The State Government shall make available to the Commission
 - (a) an officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission; and
 - (b) such police and investigative staff under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Commission.
- (2) subject to such rules as may be made by the State Government in this behalf, the State Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.
- (3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed by the State Government.

28. Annual and special reports of State Commission

- (1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.
- (2) The State Government shall cause the annual and special reports of the State Commission to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendations of the State Commission and the reasons for non-acceptance of the recommendations, if any.

29. Application of certain provisions relating to National Human Rights Commission to State Commissions

The provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission and shall have effect, subject to the following modifications, namely :-

- (a) references to "Commission" shall be construed as references to "State Commission";
- (b) in section 10, in sub-section (3), for the word "Secretary General", the word "Secretary" shall be substituted;
- (c) in section 12, clause (f) shall be omitted;
- (d) in section 17, in clause (i), the words "Central Government or any" shall be omitted;

Chapter VI

HUMAN RIGHTS COURTS

30. For the purpose of providing speedy trial of offences arising out of violation of human rights, the State

Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to be a Human Rights Court to try the said offences.

Provided that nothing in this section shall apply if

- (a) a Court of Session is already specified as a special court; or
- (b) a special court is already constituted, for such offences under any other law for the time being in force.

31. Special Public Prosecutor

For every Human Rights Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

Chapter VII

FINANCE, ACCOUNTS AND AUDIT

32. Grants by the Central Government

- (1) The Central Government shall after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.
- (2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

33. Grants by the State Government

- (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.
- (2) The State Commission may spend such sums as it thinks fit for performing the functions under Chapter V, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

34. Accounts and Audit

- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The Accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

- (3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.
- (4) The accounts of the Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded only to the Central Government by the Commission and the Central Government shall cause the audit report to be laid as soon as may be after it is received before each House of Parliament.

35. Accounts and Audit of State Commission

- (1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.
- (4) The accounts of the State Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.

Chapter VIII

MISCELLANEOUS

36. Matters not subject to jurisdiction of the Commission

- (1) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.
- (2) The Commission or the State Commission shall not inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

37. Constitution of special investigation teams

Notwithstanding anything contained in any other law for the time being in force, where the Government considers it necessary so to do, it may constitute one or more special investigation

teams, consisting of such police officers as it thinks necessary for purposes of investigation and prosecution of offences arising out of violations of human rights.

38. Protection of action taken in good faith

No suit or other legal proceeding shall lie against the Central Government, State Government, Commission, the State Commission or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, Commission or the State Commission of any report paper or proceedings.

39. Members and officers to be public servants

Every Member of the Commission, State Commission and every officer appointed or authorised by the Commission or the State Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

40. Power of Central Government to make rules

- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely :
 - (a) the salaries and allowances and other terms and conditions of service of the Members under section 8;
 - (b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the Commission and the salaries and allowances of officers and other staff under sub-section (3) of section 11;
 - (c) any other power of a civil court required to be prescribed under clause (f) of sub-section (1) of section 13;
 - (d) the form in which the annual statement of accounts is to be prepared by the Commission under sub-section (1) of section 34; and
 - (e) any other matter which has to be, or may be, prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session *immediately following the session or the successive sessions aforesaid*, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

41. Power of State Government to make rules

- (1) The State Government may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :
 - (a) the salaries and allowances and other terms and conditions of service of the members under section 26;

- (b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the State Commission and the salaries and allowances of officers and other staff under sub-section (3) of section 27;
 - (c) the form in which the annual statement of accounts is to be prepared under sub-section (1) of section 35.
- (3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

42. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.
- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each house of Parliament.

43. Repeal and Savings

- (1) The Protection of Human Rights Ordinance, 1993 is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Laws Relating to Arrest: from the Criminal Procedure Code

Relevant Articles: Arrest of Persons

Section-41 When police may arrest without warrant

- (1) Any police officer may without an orders from a Magistrate and without a warrant, arrest any person.
 - (a) Who has been concerned in any cognisable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exist, of his having been so concerned; or
 - (b) Who has in his possession without lawful excuse, the burden of proving which excuse shall lie on such persons, any implement of housebreaking; or
 - (c) Who has been proclaimed as an offender either under this Code or by order of the State Government; or
 - (d) In whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing; or
 - (e) Who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody; or
 - (f) Who is reasonably suspected of being a deserter from any of the Armed Forces of the Union; or
 - (g) Who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists, of his having been concerned in, any act committed at any place out of India which, if committed in India would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India; or
 - (h) Who, being a released convict, commits a breach of any rule made under sub-section(5) of section 365; or
 - (i) For whose arrest any requisition, whether written or oral, has been received from another police office, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the office who issued the requisition.
- (2) Any officer in charge of a police station may, in like manner, arrest or cause to be arrested any person, belonging to one or more categories of person specified in section 109 or section 110.

Section-42 Arrest on refusal to give name and residence

- (1) When any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognisable offence refuses, on demand of such officer, to give his name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.
- (2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties to appear before a Magistrate if so required: Provided that, if such person is not resident in India, the bond shall be secured by a surety or sureties resident in India.

- (3) Should the true name and residence of such person not be ascertained within twenty four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

Section-46 Arrest how made

- (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.
- (2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such public officer or other person may use all means necessary to effect the arrest.
- (3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

Section-47 Search of place entered by person sought to be arrested

- (1) If any person acting under a warrant of arrest, or any police officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, any person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.
- (2) If ingress to such place cannot be obtained under sub-section (1), it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance:
Provided that, if any such place is an apartment in the actual occupancy of a female (not being the person to be arrested) who, according to custom, does not appear in public, such person or police officer shall, before entering such apartment, give notice to such female that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.
- (3) Any police officer or other person authorised to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Section-48 Pursuit of offenders into other jurisdictions

A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest, pursue such person into any place in India.

Section-49 No unnecessary restraint

The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Section-50 Person arrested to be informed of grounds of arrest and of right to bail

- (1) Every Police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.
- (2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

Section-51 Search of arrested person

- (1) Whenever a person is arrested by a police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the police officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing apparel, found upon him and where any article is seized from the arrested person, a receipt showing the articles taken in possession by the police officer shall be given to such person.

- (2) Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

Section-53 Examination of accused by medical practitioner at the request of police officer

- (1) When a person is arrested on a charge of committing an offence of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of a police officer not below the rank of sub-Inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the person arrested as is reasonably necessary in order to ascertain the facts which may afford such evidence, and to use such force as is reasonably necessary for that purpose.
- (2) Whenever the person of a female is to be examined under this section, the examination shall be made only by, or under the supervision of a female registered medical practitioner.

Explanation:- In this section and in section 54 "registered medical practitioner" means a Medical practitioner who possesses any recognised medical qualifications as defined in clause (h) of section 2 of the Indian Medical Council Act 1956 (102 of 1956) and whose name has been entered in a State Medical Register.

Section-54 Examination of arrested person by medical practitioner at the request of the arrested person

When a person who is arrested, whether on a charge or otherwise, alleges, at the time when he is produced before a Magistrate or at any time during the period of his detention in custody that the examination of his body will afford evidence which will disprove the commission by him of any offence or which will establish the commission by any other person of any offence against his

body, the Magistrate shall, if requested by the arrested person so to do direct the examination of the body of such person by a registered medical practitioner unless the Magistrate considers that the request is made for the purpose of vexation or delay or for defeating the ends of justice.

Section-55 Procedure then police officer deposes subordinate to arrest without warrant

- (1) When any officer in charge of a police station or any police officer making an investigation under Chapter XII requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made and the officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person shall show him the order.
- (2) Nothing in sub-section (1) shall affect the power of a police officer to arrest a person under section 41.

Section 56 Person arrested to be taken before Magistrate or officer in-charge of police station

A police officer make an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police station.

Section-57 Person arrested not to be detained more than twenty four hours

No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.

Section-60 Power, on escape, to pursue and retake

- (1) If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in India.
- (2) The provisions of section 47 shall apply to arrests under sub-section (1) although the person making any such arrest is not acting under warrant and is not a police officer having authority to arrest.

Section-151 Arrest to prevent the commission of cognisable offences

- (1) A police officer knowing of a design to commit any cognisable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence can be otherwise prevented.
- (2) No person arrested under sub-section (1) shall be detained in custody for a period exceeding twenty four hours from the time of his arrest unless his further detention is required or authorised any other provisions of this Code or of any other law for the time being in force.

Section-160 Police Officer's power to require attendance of witnesses

- (1) Any police officer making an investigation under this chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the facts and circumstances of the case; and such person shall attend as so required:
Provided that no male person under the age of fifteen years or woman shall be required to attend at any place other than the place in which such male person or woman resides.
- (2) The State Government may, by rules made in this behalf, provides for the payment by the police officer of the reasonable expenses of every person, attending under sub-section (1) at any place other than his residence.

Section-167 Procedure when investigation can not be completed in twenty four hours

- (1) Whenever any person is arrested and detained in custody, and it appears that the investigation can not be completed within the period of twenty four hours fixed by section 57, and there are grounds for believing that the accusation or information is well- founded, the officer in-charge of the police station or the police officer making the investigation, if he is not below the rank of Sub-Inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the time forward the accused to such Magistrate.
- (2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that-

- (a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeded ,
 - (i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;
 - (ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provision of Chapter XXXIII for the purposes of that Chapter;]
- (b) no Magistrate shall authorise detention in any custody under this section unless and accused is produced before him;
- (c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

Supreme Court of India: Guidelines in DK Basu's Case

In the Supreme Court decision of *D.K.Basu* (supra) the Court set out the following requirements to be followed in all cases of arrest or detention "until legal provisions are made in that behalf as preventative measures":

1. The Police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register.
2. That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.
3. A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having an interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
4. The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
5. The person arrested must be aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or detained.
6. An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.
7. The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if present on his /her body, must be recorded at the time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest and its copy provided to the arrestee.
8. The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by Director, Health services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.

9. Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqa Magistrate for his record.
10. The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
11. A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

The court went on to say that failure to comply, quite apart from rendering the official liable to departmental disciplinary action, would render the defaulter to punishment for contempt of court.

Role of Human Rights Cell: In the State/City Police Headquarters

Letters were addressed to all the DGP's/Police Commissioners and Add DGP's/IGP's Human Rights on June 1st 1999 inviting their suggestions as to the role and duties that the Human Rights Cell of the State PHQ would undertake and perform. Based on the replies received and interaction with officers, the following guidelines are circulated for effective functioning of Human Rights Cells in the various Police Headquarters:-

1. Human Rights Cell will act as the main link between the NHRC and the State Police Agencies.
2. All-important cases/complaints referred by the commission to the State Human Rights Cell wherever specifically indicated would be got enquired into by an officer of an appropriate level. Thereafter the recommendations made by the commission are to be followed up to ensure appropriate action against the delinquent officials is initiated and remedial action taken, wherever required to the logical conclusion. However, in cases where the Human Rights Cell feels that an impartial enquiry may not be possible due to the extraneous consideration, then it may recommend investigation by the State CID or even CBI.
3. To keep a close watch on the alleged violations of Human Rights by police personnel which come to light through the newspapers/publications/other sources including complaints to different functionaries.
4. All enquiries/cases relating to police atrocities/harassment/abuse of authority, being sent by the commission to the District Superintendent of police for ascertaining facts and verification, may be monitored by the cell. A copy of all such references will be sent to the Cell, to enable them to monitor timely response from the SP's. They will also ensure follow up action wherever specific directions have been passed by the Commission by way of compliance.
5. Human Rights Cells to regularly interact with the DSP's on Human Rights petitions/complaints and issue instructions guidelines, so as to minimise and prevent violations of Human Rights by the police,
6. To conduct surprise visits to police stations, to check cases of illegal detention and abuse of authority.
7. To take such other steps as may be necessary for preventing violations and protecting and respecting the Human Rights of the citizens who come in contact with the police functionaries.
8. To ensure that all police stations in the State display the guidelines given by the Supreme Court in wp No. 539 of 1986, in the case of D.K. Basu V's State of West Bengal. These requirements are in addition to the constitutional and statutory safeguards and directions given by the courts from time to time in the connection with the safeguarding of the rights and dignity of the arrestee vis-à-vis the duties of the police. Special care has to be taken to see that women, children and the vulnerable sections of society are not harassed by the police by calling them to the police station, in avoidable circumstances.

9. To co-ordinate with the State Academy and Training Centres to ensure that their in service training curriculum have sufficient elements of Human Rights Jurisprudence for the trainees of all ranks. Such a module should aim at educating and sensitising on the following matters:-
 - a) Constitutional provisions relating to the rights of the citizens;
 - b) Key provisions in the substantive law that provide explicit "Do's" and "Don'ts" in matters of arrest, interrogation, search and seizure etc;
 - c) Landmark judgements of the Supreme Court on Human Rights matters; and
 - d) The implications of fall-outs and non-observance of the Human Rights guidelines/ instructions/laws, while discharging their duties and responsibilities.
10. Organise interactive sessions/capsule courses of appropriate duration in all training institutions where prominent personalities, lawyers, NGO's are called for participation.
11. Compilation of the departmental circulars and directions on the human rights mandate, issued by the PHQ from time to time to see that these are re-circulated for re-capitulation.
12. To identify specific areas of societal human rights violations in the States and to plan out preventative and re-habilitative schemes in conjunction with the concerned departments (for instance in the field of child rights, sexual abuse and child labour), Gender Justice, Juvenile Justice, non criminal mentally ill lodged in hospital, discrimination towards the under-privileged, backward, scheduled caste, scheduled tribes in specific areas etc.
13. To organise one day seminars/workshops on Human Rights in different cities in association with the State Human Rights Commissions (wherever they are constituted), local universities or colleges, philanthropic organisations like Lions/Rotary Club.
14. Personally monitor investigation of cases relating to custodial deaths/rape and torture/illegal detention in police custody and take remedial measures/follow up departmental action.
15. Actively promote Human Rights literacy and awareness through publications and media programmes.
16. Publication of quarterly newsletter on "Human Rights in Law Enforcement" for circulation amongst police officers.

Cognitive Interviewing

1. Introduction

“What is the central and most important feature of criminal investigation?”

If we were able to pose this question to police officers and crime investigators throughout the world, the overwhelming response should be “eye witnesses”. Their information is usually the best evidence in finding and convicting offenders. Nevertheless, few investigators have received any training on interviewing witnesses.

“Why don't we use hypnosis? - that works!”

On the whole research into hypnosis, is mixed. Many studies find no memory enhancement with hypnosis, some researchers have concluded that hypnosis may distort the memory process. As a result of the inconsistencies and as general safeguard against the potential problems encountered with memory under hypnosis, police forces are warned about the admissibility of hypnosis recall in a Court of Law.

In response to the need to improve police interviews with witnesses. Fisher and Geiselman set out to develop a non-hypnotic procedure based on two generally accepted scientific principles of memory.

First, a memory is composed of several elements. The more elements a memory retrieval aid has in common with the mental record of the event, the more effective the aid is likely to be.

Second, a memory, has several access routes, so information that is not accessible with one retrieval may be accessible with a different one.

From these principles the cognitive interview rose as a method of facilitating recall from an eye witnesses memory. This is achieved by recreating the scene and the event in the ‘mind's eye’ of the witness. Fisher and Geiselman suggest this can be done by:

- 1 Getting the witness to reconstruct the environment surrounding the original event, together with their feelings and reactions.
- 2 Instructing the witness to tell everything, not editing anything, even matters they consider unimportant.
- 3 Reporting the events in different order, forward, backward or starting from the middle.
- 4 Invite the witness to recall the event from the different perspectives they may have had during the crime.

Using these general guidelines, it has been shown that this will elicit approximately 25-30% more information than the standard police interview without generating any more incorrect information.

It is fair to say that this is cognitive interviewing in its elementary form. In 1993 in England and Wales ‘National Investigative Interview Training’ was started. Every police force in these countries is currently training investigative interviewing know by the mnemonic PEACE. This includes elementary cognitive interview training. PEACE means:

Plan & Prepare; Engage & Explain; Account; Close; Evaluate.

The author describes this as elementary cognitive interviewing. This suggests there may be an advanced cognitive interview. For us to understand this is necessary to understand our untrained method of interview, together with its inherent problems.

2. General Overview of Untrained Method

2.1 The interviewer briefly introduces himself.

2.2 The method then varies within the guidelines of this style.

2.3 There are usually a series of direct questions aimed at eliciting what took place and a physical description of the suspect.

These questions are generally briefly worded and exact an even briefer response, i.e.

Q "Was he tall, small, fat or thin?"

A "Thin."

2.4 The interview ends, frequently with a sentence like, "Is there anything else you can remember about the incident?" Followed after a short gap by "Thank you."

In England and Wales, until 1993, the method of interviewing witnesses was left to an individual officer's own intuition. We learnt good and bad practice from other officers because in the past there has been no formal training.

3. Problems with Untrained Method

In identifying these problems Fisher and Geiselman do not intend to pass judgement, but rather, to indicate where improvements can be made to enhance eyewitness recall.

There are three main problem areas:

3.1 Interrupting the eyewitnesses description

Initially we ask the eyewitness to describe what s/he remembered about the event in question. This initial request for an open ended description is highly recommended. *The problem comes when we frequently interrupt the witness throughout this narration.* By not permitting the witness to complete the initial narrative, uninterrupted, there is an increased possibility of missing out on valuable information.

The interviewer often wrongly believes the interruptions are helping the witness to remember. Whereas, if a witness is in the middle of describing a clear mental image, they are using a process which demands considerable concentration. Our well-meaning interruption often demands that they focus their mind on another image. In doing so we will have difficulty returning to the first image.

After several interruptions the witness develops an expectation that interruptions will continue to occur throughout the interview. So the witness will give shorter, less detailed responses and will be less likely to concentrate on retrieving a detailed of the event.

These well-meaning interruptions result in less detailed responses and will cause loss of information.

3.2 Excessive use of question/answer format

There are merits to short answer, or closed questions. They elicit relevant information and prevent the witness's description going far afield. They also promote problems. Some examples of this type of question are:

Q "Did he have a moustache?"

A "No."

Q "Was his hair long or short?"

A "Long."

The witness will use less concentration. The answers are usually brief or only one word. The interviewer generally has the next question fired out as soon as the answer is delivered. In doing so, the burden of the interview, the active mental processing falls on the interviewer, the witness remains passive. It is difficult enough for a witness to remember events when actually trying; it is virtually impossible when s/he remains mentally passive.

The second problem with this form of questioning is that all the information is tied to a specific request. Questions about a suspect's height elicit information about height; questions about the colour of the gun elicit just that. The parameters of the question are well defined so the witness terminates his/her response as soon as the required information is provided. This creates two limitations. First, if the interviewer forgets to ask a relevant question, that information will be lost. Second, even if all the relevant questions are asked, there will be some information the interviewer could not reasonably anticipate, e.g. right index finger disfigured, which will go unreported.

The use of open questions combined with silence and minimal encouragement, e.g. smiling, nodding, uh-uh, gains far more information. This stage can be concluded with closed questions to cover the relevant areas and clarifying particular points.

Rapid fire questioning discourages any development of the answer.

3.3 Inappropriate sequencing of questions

The third, major problem Fisher and Geiselman found is that the sequence of interviewer's questions are often incompatible with the witness's mental representation of the crime. This can be identified in three areas:

- a) Many officers work through a pre-determined checklist of questions, i.e. when asking about the suspect they will ask for age, height, weight, facial characteristics followed by clothing. While this sequence may be compatible with a police report, it is unlikely to be compatible with the witness's mental representation. It is far more effective to follow the witness's mental representation concluding with any clarifying checks.
- b) Another well-meaning form of incompatible questioning, described as 'lagging order', in which the interviewer's current questions relates to a previous answer by the witness. For example, during an open ended narration the witness describes a suspect's hat and then goes on to describe the shirt. In the middle of the description about the shirt, the interviewer interrupts and asks a follow-up question about the hat.

While it may be necessary to obtain further detail about the suspect's hat, the timing of the question is inappropriate. The question has interrupted the witness's train of thought and information may be lost about the shirt. This question would be far better held in abeyance until the witness has completed his/her description.

- c) A third variant on inappropriate sequencing is where the interviewer's questions seem ordered quite randomly, independent of the witness's responses. For example, a witness

when concentrating on a particular memory will be focusing that recall in a specific sensory area (what s/he saw; heard; felt; smelt or tasted). The interviewer might ask the witness a visually oriented question, e.g. about a suspect's face, followed by an auditory question about a spoken name, followed by a perceptual question (how s/he felt).

It has been shown that this can cause a 19% reduction in memory recall. Questions should deal with one sensory area at a time and remain with the witness's mental picture.

Following this same theme of random questions, interviewers will often interrupt the witness's narration with general knowledge questions. For example, a witness whilst describing a gun used in a shooting is interrupted with the question, "Why do you think he shot X?" The witness answers and then returns to the description of the gun to be interrupted again. "Is X married?" It is likely that these questions will disrupt the witness's recall and information will be lost.

4. Frequently Occurring Problem Techniques

As well as the three main problem areas, Fisher and Geiselman have identified some less severe problem techniques. Although they are not as damaging, they are easily identified and can be avoided.

4.1 Negative Phrasing

"I don't suppose you remember...?" or "You don't remember...?"

Instead of the positive wording - "Tell me everything you remember...?"

Negative phrasing subtly suggests that the witness does not know the answer. It does not encourage them to concentrate and provides an easy opportunity for an 'I don't know' response.

4.2 Non-neutral wording

"Did he have a ruddy complexion?"

Instead of the neutral wording

"Describe his complexion to me."

A witness may believe there is a subtle implication that the suggested description is correct, which may elicit an affirmative response. The potential for an inaccurate answer is therefore increased.

4.3 Inappropriate language

This can be wording which is overly formal or beyond the intellectual capability of the witness. It can simply be jargon. It is important to avoid inappropriate language as it produces barriers and can prevent a rapport being established.

4.4 Rapid fire questions

Fisher and Geiselman measured the gap between the end of the witness response and the beginning of the next question as being an average of one second. It is therefore unlikely that a witness will elaborate or provide more detailed information. The straightforward solution is to allow the witness more time to develop his/her answer and to wait a few seconds before developing the next question.

4.5 Distractions

The main distractions are caused by noise and visual interruptions. Most of these can be reduced or removed completely.

4.6 Judgmental comments

These are remarks that can undermine the credibility of a witness without any foundation.

"I find it strange that you can describe in detail the tattoos on the man's arm."

This will contribute little to the investigation and make the witness defensive.

A better way to find out why the witness recalls the tattoos is to say.

"Tell me what makes it so easy for you to remember the details of the tattoo on the man's arm?"

A witness is then positively encouraged to think again about the tattoos.

4.7 Lack of follow-up on potential leads

Witnesses describe in both objective ("He was 5' 10.") and subjective terms ("He looked like a newspaper boy." Both of these can be developed, i.e. "How did you establish the height at 5' 10?" and "What made you think he looked like a newspaper boy?"

4.8 Under emphasis of auditory cues

Interviewers put little or no emphasis on the suspect's voice. The words spoken and the manner in which spoken are equally important.

A witness will usually recall accurately what was said. This can be expanded by looking at accent, specific words, rate of speech, volume, speech defects etc.

Background noise is also under emphasised.

5. General guidelines to the Cognitive Interviewer

To achieve the cognitive interview it is necessary to follow the principles outlined below:

5.1 Promote focused retrieval

This is the recreation of the incident in the witness's mind's eye, mentally recreating the environment of the crime. The build-up to this can be started by describing the route the witness took to the scene concentrating their mind on the events immediately prior to the crime. Looking at the weather, their own thoughts and movements. Then the witness can move onto the specific episode.

In order to promote this focused retrieval there is a general strategy.

5.1.1 Explain what you want the witness to do.

5.1.2 Use the present tense regularly throughout the interview, for example:

"I want you to take your mind back to concentrate on the events just prior to the crime being committed. Tell me what is the weather like as you are approaching the scene now?" "You are there no. Tell me what you can see."

5.2 Beware of interruptions

5.2.1 Allow the witness to develop his/her answers.

5.2.2 If the witness's answer does not cover a vital piece of information, then note your question and ask it at the appropriate point without interrupting. The interruption would cause the witness to focus externally (on your question) taking him/her away from the internal focus (the image in their mind).

5.3 Encourage concentration

5.3.1 Convey to the witness that their efforts determine the success of the interview.

5.3.2 Encourage the witness to speak slowly thinking about what they are saying. To assist this, it helps if the interviewer speaks slowly and deliberately.

- 5.3.3 Allow the witness time to do this.
- 5.3.4 Avoid or minimise distractions.
- 5.3.5 Encourage the witness to report all details even if they seem trivial.

5.4 Use open questions

- 5.4.1 They encourage a narrative response.
- 5.4.2 The witness will do most of the talking, telling their story.
- 5.4.3 Open questions should be combined with the interviewer listening and providing encouragement signals.

5.5 Reduce anxiety

- 5.5.1 The witness is likely to be in a heightened state of anxiety. This can be reduced by building up a good working relationship.
- 5.5.2 The interviewer should explain everything that s/he is doing, e.g. role, procedures, reasons.
- 5.5.3 The interviewer should ask the witness about any concerns they may have, e.g. these may be identification or court procedures.
- 5.5.4 The witness's comfort and availability will also be issues.
- 5.5.5 This relationship is a vital component of the cognitive interview.

5.6 Sequencing of questions

- 5.6.1 Try to place yourself into the witness's frame of mind, asking questions which are compatible with their mental image.

The above points will require the interviewer to abandon any predetermined sequence of questions. It will force the interviewer to listen more intently to the witness's narration. Removal of the problem areas and development of the above principles should develop the advanced cognitive interviewer. In recreating this mental image in the witness's 'minds eye' the interviewer must be aware of causing any emotional trauma. This must be measured by the interviewer. If the interviewer believes s/he will not be able to effectively deal with this trauma, the cognitive interview should not be used.

6 Conclusion

The Cognitive Witness Interview is now a proven and successful method of obtaining information. It has been researched in the USA, Germany and England. Police Officers in England and Wales are being trained in the elementary form of cognitive interviewing.

Advanced cognitive interview training is being provided by IODA for officers from throughout Great Britain who carry out facial identification techniques.

This type of interview is innovative. An advanced interviewer gains an average of 45% more correct information. This is without generating any more incorrect information. The cognitive interview reduces a witness's susceptibility to misleading questions, which reduces the amount of incorrect information.

When the cognitive interview was used on children, aged between seven and twelve years, it produced 21% more correct information. Experimental studies in this area still continue.

The cognitive interview can be used in any incident to improve eye-witness recollection. This recollection could enhance a 45% increase in the amount of correct evidence.

Indian Case Studies by IODA, UK

CASES OF DALIT / VIOLENCE BY POLICE

Case Study 1

Mr. Moli Lal Bairwa, S/o. Mr. Kanyaiya Lal, belonging to Torad Village in Lalsotthehsil in Dausa district of Rajasthan, is the elected member of his village Panchayat. He and his brother, Mr. Ram Lal Bairwa, went to Nangal Police Station on 6 October, 1999 at 12.00 noon to lodge a complaint regarding a land dispute.

Allegedly after taking a bribe of Rs. 5,000 from the opposite party, Mr. Narendra, the SHO of Nangal Police Station, had the two brothers tied up to a pillar in the police station, stripped them naked before the opposite party and the other staff of the police station and had them beaten up mercilessly. Their moustaches were shaven off and abusive and filthy words were hurled against them. No food and water was given to them. Nor were they allowed to go for their nature calls. They were handcuffed and kept tied to a pillar throughout the night.

Besides forcibly seizing away a sum of Rs. 3,350 from the two brothers, they were detained illegally in the police station under secs. 107 & 151 Cr. P.C. The SHO is also alleged to have threatened them with death, or with life imprisonment by implicating them in serious criminal cases. He is also alleged to have declared that no one would take action against him and tarnish his image as Mr. Prashadi Lal Meena, Minister in Rajasthan Cabinet, is his close relative and Mr. Namo Narani Meena, Inspector General of Police, Rajasthan, is his maternal uncle. Again, the SHO is also alleged to have said that he is the "owner" of Nangal Rajvatan area.

After getting bail from the ACM Dausa Court the next day, the two brothers have been running from pillar to post to get their case of illegal detention and humiliation vindicated. In fact, it seems that being a member of the village Panchayat and a person of repute in the area, the humiliating treatment meted out to Moti Lal Bairwa was beyond any remedy.

Written complaints regarding the excesses and illegal acts of the local SHO were made to the District Magistrate of Dausa, Superintendent of Police in Dausa, the Director General of Police of Rajasthan at Jaipur, the Minister of Social Welfare in the Rajasthan Government, and to the Collector of Dausa District. All such efforts were in vain.

The victim's main allegation in this case is that they were subjected to this sort of inhuman, excessive and unbearable torture and humiliation precisely because of their social origin as Dalits. The police and other administrative machinery are fully manned by caste Hindus who are totally hostile towards Dalits. It is also alleged that the erring SHO is fully protected by his close relatives who occupy high positions in the Rajasthan Government.

Having availed in vain of all the channels of remedy in the State of Rajasthan, one of the two victims, Moti Lal Bairwa, filed an affidavit before the National Human Rights Commission, New Delhi on 16 November, 1999 through the Society of Depressed People for Social Justice.

To date Moti Lal Bairwa and Ram Lal Bairwa have not succeeded in securing justice and getting their due rights. They still continue to knock at the doors of justice, wondering whether and when they will open.

Case Study 2

On August 7, 1999 at 7 p.m., the mobile unit of the Excise Department, Patna, fired on inhabitants of Murlachak Musahari, Jagdeo Path, Bailey Road, injuring three people of whom two died, namely Demanti Devi and Dasai Manjhi. Both expired in the PMC Hospital as a result of the irresponsible firing. The third victim, Yadunandan Manjhi, was injured and underwent treatment at PMC Hospital. News items of the firing appeared in the local dailies on August 8, 1999.

On the day of the incident, the raiding party drove up in jeep and stopped in front of Murlachak

Musahari with the intention of arresting some of the local residents in connection with making and selling illegal arrack. At that time women were in their houses preparing food. When the Excise unit began to enter the houses to arrest people, some residents approached them with brickbats. Before they even had a chance or provocation to use them, the officer-in-law, Excise Inspector Bigneshwar Prasad Rai, gave orders to fire. In the firing, the residents fled, but three people were hit by bullets. As mentioned above, two died in the PMC Hospital from the bullet wounds, while another underwent treatment and survived.

The Excise Inspector later stated in his official Statement to the investigating officer Purushottam Singh of Gardanibagh P.S., that the only gave orders to fire in the air when the residents injured a few of his men by striking them with brick-bats. He also said that no one was injured in the firing.

A case (Crime No. 466/99, u/s. 302 IPC) was booked against the members of the raiding party. At least six of the accused were suspended, arrested and released on bail. These included Excise Inspector Bigneshwar Prasad Rai, Inspectors Arjun Prasad and Shambhunath Singh, Constables Md. Riaz and Md. Yunus, and Jagarnath Singh. After being released on bail, all the six have resumed their duties. Their case is pending before the Chief Judicial Magistrate Court, Patna, for final judgement.

To date compensation of just Rs. 10,000 (ten thousand only) has been given to each of the families of the deceased victims. This is far less than the compensation required under the SC / ST Rules.

While it is true that manufacturing of illicit arrack does take place in the area, the men who were arrested by the raiding party were innocent. The residents also resented that the police came at night and entered their homes when the women were alone inside. It is also commonly known that the Excise Department approaches the residents monthly to collect extortion from the people in return for not arresting them for their illegal activities. Another factor to consider is that unemployment and underemployment are high in

the area, so that making and selling illegal arrack is the only alternative means of making a living.

CASE OF YOUTH SEVERELY BEATEN AND KEPT IN A POLICE LOCK UP

Case Study 1

The deceased Dalit youth, Muljibhai Mangabhai Mundhav from Cher Village was summoned to Dhandhuka Police Station personally by Dhandhuka Constable Ramesh Chauhan on 19 August, 1993 to interrogate him about allegedly having bought a stolen bicycle. Some fifteen days earlier Muljibhai had been called to the police Station by the same constable and questioned over the stolen bicycle. At that time, only on his family paying a bribe of Rs. 200 was Muljibhai allowed to return home. The widowed mother and the brother of the deceased, who had followed him to the police station but had been barred entry on 19 August, were witnesses to the loud cries and pleadings of the deceased when he was being viciously beaten up by the then Sub-Inspector Chavda and Constable Ramesh Chauhan.

Muljibhai was then arrested under sec. 41(1)(a) Cr.P.C. He was kept in lock up for two days and police never presented him in front of the Magistrate in that time. Instead, Dudhabhai, the younger brother of Muljibhai, was forced under threat to appear before the Magistrate in the place of his brother and made of false sign bail papers in the name of his elder brother, Mr. Raghavbhai Mangabhai Mundhva, who was at the time working as a farm labourer in Gandhinagar.

Consequence of police threats : Victim refuses medical help and dies.

On 21 August, 1993, forty hours after the arrest, Muljibhai was bailed out by his brother. Severely injured on his thighs, buttocks and private parts, the deceased was covered in blood and could neither walk, stand erect nor sleep on his back. Due to police threats and warnings of dire consequences if he were to disclose the incident, Muljibhai was too frightened to admit himself into a hospital and instead resorted to herbal remedies at home. Nor

did the police care for his injuries or see to his admission in any hospital.

Still being in excruciating pain days later, Muljibhai was finally persuaded by two social workers, Mr. Bhikubhai. H. Solanki and Mr. Arjanbhai, to admit himself into the Community Health Centre, Dhandhuka at around 7:30 p.m. on 22 August, 1993. On the inquiry of the doctor, the truth about the beatings in police custody came out. After informing the police over the phone about the case, which was recorded at the police station in entry No. 13 on 22.08.93, Dr. D.M. Gheewala told the deceased that hospitalisation was a must. However, unfortunately, on hearing about the police being informed of his condition, Muljibhai again became scared and refused to be admitted into hospital. He was brought home by his family at

around 9:00 p.m. and was again threatened by police that night at about 10:00 p.m. Muljibhai died barely two hours later, at around midnight.

Postmortem reports : Victim dies of hanging

According to the post-mortals, the first being carried out at CHC Hospital, Dhandhuka on 23 August and the second one on 24 August at the Civil Hospital, Ahmedabad, the deceased is said to have died of asphyxia, due to hanging (see Annexure 2 & 3). However, discrepancies in these postmortem reports and such a verdict in spite of obvious physical injuries on the deceased's body, have led the family to question the possibility of undue influence in the writing of the postmortem reports.

International Case Studies by IODA, UK

NOTE

These case studies have been collected from around the world to provide you with examples in considering your responses to the questions in the IODA Distance Learning Programme (DLP). It may be that you have your own case studies, which can provide better evidence for the answer that you wish to give. So, please use your case studies by providing a brief history of them, together with the response to the question in the DLP.

CASE STUDIES

CASE 1. TURKEY - KURDISH GIRLS RAPED AND SEXUALLY ABUSED IN POLICE CUSTODY

Friday 19 November 1999

New evidence has emerged in the case of two Kurdish girls who were raped and sexually abused in police custody over several days earlier this year, demonstrating a continuing cycle of violence against young people in Turkish police stations, Amnesty International warned today.

Around midnight on 5 March 1999, a 16-year-old girl, N.C.S.*, a high school student was arrested in Iskenderun in the province of Hatay. Fatma Deniz Polatta¹, aged 19, was arrested on 8 March. Both were brought to the Anti-Terror Branch of Police Headquarters in Iskenderun where they were detained and tortured for seven and five days respectively.

In detention, the two girls were blindfolded, *prevented from sleeping, going to the toilet, denied water and food, and forced to listen to loud music and drink spoiled milk. The police made them strip and stay naked, and told them to stand in exhausting positions for long periods of time.*

The girls were routinely insulted and threats were made against their parents.

N.C.S. was exposed to verbal and sexual harassment, continually beaten on her genitals, buttocks, breast, head, back and legs, forced to sit on a wet floor for a long time and roll naked in water, suspended from the arms and exposed to pressurised cold water.

A formal complaint was lodged against the police officers and subsequently in November an investigation was been opened. The two girls have been sentenced to long prison terms after being charged with membership of the Kurdistan Workers' Party (PKK) and taking part in a violent demonstration against the arrest of PKK leader. The two girls claim that their convictions are based on statements extracted under torture, yet they remain in prison pending the decision of the Appeal Court.

While in detention, the girls underwent several medical examinations, including virginity tests, by different doctors. None of the doctors reported signs of violence. A later report by the Turkish Medical Association describes medical symptoms, which match the girls' testimonies of sexual torture. The Turkish Medical Association has stated that enforced gynaecological examinations are used simply to violate a woman's dignity and that they can be traumatic.

"Police officers are responsible for protecting people, not subjecting them to torture. The Turkish Government must take serious measures to ensure that children especially, are not left at the mercy of security forces and that those responsible for torture in custody are brought to justice." Amnesty International said.

The organisation is also urging Turkey to continue its law reform to bring Turkish law fully in line with international standards, in particular the Convention on the Rights of the Child, which Turkey ratified in 1995.

CASE 2. UK – GENDER; OLD ATTITUDES STILL PERSIST

Throughout the century, power has remained firmly in the hands of men. But it is the changing roles of women that have dominated gender issues. After decades of struggle, much has been achieved, yet old attitudes persist. These days, sisters may be doing it for themselves, but there's still a lot to be done.

By Sheila Rowbotham
Saturday May 15, 1999

At the beginning of this century, women lacked even the most basic right of citizenship - the vote. In 1900, only New Zealand had enfranchised women. Australia followed in 1902, though Aboriginal women and men were excluded until 1967. The campaign in Britain was to be particularly militant, evoking both violent hostility and support from men. The suffragettes' male supporters became prototype "new men", challenging assumptions about the male role and the family.

The first world war divided feminists. Women were seen as essentially pacific in nature and especially prepared to make personal sacrifices for the state. In reality, high wages and wartime mobilisation were disrupting existing ideas of femininity. The immediate post-war era saw both a panic about women's sexuality as out of control, and a challenge from radicals to militaristic masculinity.

During the 20s, psychology began to create a new language for relations between the sexes.

It seemed that individuals could break easily from customary identities. A new self could be adopted, like the clothes in the department stores or the flickering images in the movies. But all around the world, long-standing, deep divisions based on race and class undermined the view that women had interests in common. Increasingly, political and legal rights appeared insufficient as women in countries as diverse as Russia and India participated in movements for wider social change.

With the rise of fascism and a second world war, women put their claims as women to one side. This was to be the era of the "tough guy" hero in fiction

and on the screen. However, in the late 40s, a slight young man, the "crooner" Frank Sinatra, became the teenagers' pin-up, laying the way for the feminised rebel masculinity of Montgomery Clift and James Dean.

Women left well-paid war jobs as the men returned from the war. They were soon to move back into low-paid, part-time work, while bringing up their families, struggling with guilt in a decade when the emphasis was on mothers' natural place being in the home. By contrast, in the early 70s the supporters of the women's liberation movement argued that masculinity and femininity were social constructs, and that the social arrangements of gender could change. Its members were drawn mainly from the post-war generation that had benefited from the expansion in higher education.

By the 70s, young women were entering new kinds of work in the welfare state, while an increasingly consumer-orientated economy was stridently selling images of how to be women and how to be men. Women might be moving outwards into the public sphere through education and employment, yet attitudes towards personal relations between the sexes remained contradictory. And though more women with children were doing paid work, there was little provision for child care.

During the 80s and 90s, more young women were entering the older, male-dominated professions, such as law and academia, as well new kinds of professional services in the financial sector and the media. This, along with the improved educational performance of girls, opened new opportunities, even though, by the late 90s, it had become evident that women in these "good" jobs tended to cluster in the lower-paid areas.

Meanwhile, many traditional skilled male working-class jobs were in decline, and the disparities between the well-off and the poor intensified as a result of Thatcherite policies. The result has been increased poverty in many working-class families. The number of single mothers has increased in Britain in the past decade, and women caring for children, the sick or the elderly have been particularly affected by cuts in social welfare.

The rejection of social planning in the economic policies initiated by Margaret Thatcher has had repercussions globally over the past two decades, with dire consequences for the poor. Desperation led to new kinds of women's resistance, challenging market-led policies. In India, for example, the Self-Employed Women's Association has mobilised thousands to campaign for improved working conditions.

As the 20th century ends, despite vast changes in men and women's lives, inequality and conflicting attitudes persist. In the 90s, women with children still find themselves expected to be both workers and mothers, and young women continue to be pulled in opposite directions, facing contrary ideals of femininity. Their expectations would amaze their foremothers, yet they live in societies that still do not fully recognise their needs as women; their solutions will shape politics in the new century.

Key Points:

All change Emmeline Pankhurst (1858-1928) Key figure in the suffragette movement to win votes for women in Britain.

Simone de Beauvoir (1908-1986) Intellectual observer of women's predicament, advocate of women's rights.

Barbara Castle Socialist politician, Labour minister.

Margaret Thatcher The first woman prime minister.

Angela Davis American writer, academic, anti-racist and feminist. Studied philosophy in the 60s, involved in black rights struggle in the early 70s.

Ela Bhatt Organising women in India, through the Self-Employed Women's Association, to campaign for better working conditions and education.

1918 After years of campaigning, British women win the vote.

1945 Family Allowance introduced.

1967 Abortion Act.

1976 Equal Pay Act.

CASE 3. UK - A FIGHT FOR JUSTICE: THE STEPHEN LAWRENCE STORY

FRIDAY, FEBRUARY 19, 1999

It all goes back to a spring evening in 1993. Late on 22 April an 18-year-old A-level student called Stephen Lawrence and his friend Duwayne Brooks were making their way home after spending the day together.

The boys were rushing to catch a bus in the south-east London suburb of Eltham - Stephen was already late - when they were confronted by a gang of white youths.

The gang set upon Stephen. A stunned and helpless Duwayne briefly watched in paralysed silence, before he was chased off by one of the white youths.

Driven by fear and adrenaline, Stephen, managed to scramble free as Duwayne urged him to "just run". But he had been beaten badly and was bleeding profusely. He collapsed after 200 yards in a pool of blood and died.

What followed - the police investigation, or rather lack of it - sparked the most serious threat to a cohesive urban society since the mass inner-city rioting of 1981.

Britain's Rodney King

The Stephen Lawrence case has been likened to that of Rodney King in America. The acquittal of police officers who were secretly-filmed beating Mr King led to the Los Angeles riots of 1992 which resulted in more than 50 deaths.

The Lawrence public inquiry put the police and British justice as a whole on public trial. It raised allegations of systematic corruption and institutionalised racism.

For many, especially those in the black community, the case held up to ridicule the Rule of Law, a fundamental tenet of any true democracy.

Ironically, on the night of Stephen's killing, the police, in the form of a passing off-duty officer, were at the scene within minutes. But for law-

enforcement, that is where the momentum appeared to stop.

Despite receiving numerous tip-offs, within hours of the murder, as to those who might have been responsible for the attack, officers adopted a lacklustre approach to the investigation.

First of many inquiries

Eventually, a senior Scotland Yard officer, Superintendent Roderick Barker, was drafted in to conduct an internal inquiry into the police investigation. He reported that the probe had "progressed satisfactorily and all lines of inquiry had been correctly pursued".

Stephen's parents: Doreen and Neville Lawrence

But as evidence mounted up against the police, both in terms of their handling of the investigation and their treatment of Stephen's parents, Neville and Doreen, it became clear that a more far-reaching investigation would be called for.

A second internal inquiry was ordered by the Police Complaints Authority and conducted by Kent police.

The collapse of the Lawrences' private prosecution began to swell public belief that justice had gone awry. At the inquest into Stephen's death, the five main suspects - Jamie and Neil Acourt, Gary Dobson, Luke Knight and David Norris - refused to answer any questions.

Explosive potential

Newspapers and the wider media started to realise the Lawrence case could become the blue touch paper to an explosive break-up in British race relations.

By the time the Kent force reported back its findings, concluding the police had been well organised and effective, and that there was no evidence of racist conduct, a public inquiry was already in the offing.

In July 1997 the new Home Secretary Jack Straw had announced the inquiry and appointed Sir William Macpherson to chair the hearing.

Evidence from the inquiry kept the Lawrence case in

the headlines for much of 1998. Much of the evidence was shocking, including an apology for "our failure" offered by the Metropolitan Police Commissioner Sir Paul Condon to Mr and Mrs Lawrence.

But he has repeatedly denied allegations of institutional racism in his force.

CASE 4. AMNESTY INTERNATIONAL - THE DEATH PENALTY

Amnesty International Reports Gains and Losses in Anti-Death Penalty Fight

18/4/2000

By Marwaan Macan-Markar

Mexico city, Apr 18 (IPS world desk) - more than 1,813 people were executed in 31 countries last year, with close to 85 percent of the executions occurring in just five countries - china, the democratic republic of the Congo, Iran, Saudi Arabia and the United States, a leading human rights organisation says.

The London-based Amnesty International (AI), says that in addition, over 3,857 people were sentenced to death in 63 countries during the same period.

Although the figure for 1999 marked a decrease in the number of executions when compared with that of 1998 -- 2,258 executions-- such a pattern was not the case in three countries singled out by AI.

In Saudi Arabia, for instance, 103 people were "officially" reported to have been executed in 1999, as against the "official" number of executions for 1998 -- 29 people.

In the United States, on the other hand, the number of executed prisoners rose to 98 last year, 30 more than were executed in 1998. While in the case of Iran, 165 executions were carried out in 1999, as against the 66 recorded in 1998.

According to AI, however, the executions in China continued to be the highest in the world. "In 1999, limited records available at the end of the year indicated that the authorities carried out at least

1,077 executions - although the true figures are believed to be far higher."

Furthermore, remarks AI, many prisoners in that Asian nation were sentenced to death after trials that were "often grossly unfair."

AI's release Tuesday of the statistics on worldwide executions for 1999 is its latest effort to secure a global moratorium on the death penalty. The rights organisation will use the figures, in fact, to bolster its argument during an appeal before the United Nations Commission on Human Rights (UNCHR), which is currently conducting its annual session in Geneva.

AI hopes that the UNCHR will "soon pass another strong resolution reiterating its call for an immediate worldwide moratorium on executions," since the organisation feels that the United Nations should take a lead in pursuing "firm and positive measures to protect those facing the death penalty."

AI's push to stem the practise of judicial executions can be understood in light of other revelations made by the organisation in its release, with two areas, in particular, receiving mention - countries expanding the scope of the death penalty and countries reversing their de facto moratoria on executions.

Cuba, Oman and the United Arab Emirates, for instance, expanded the scope of the death penalty in 1999 to include such non-lethal crimes as drug trafficking, armed robbery and the import of banned materials.

Trinidad and Tobago and Uganda, on the other hand, reversed the position they had previously taken - not to implement the death penalty. "Nine men were hanged in Trinidad and Tobago in June, five years after the last executions had taken place, and in Uganda, 28 people were executed on Apr. 28, the first executions to occur in the country since 1996."

Tuesday's release also highlighted the progress that has been achieved towards abolishing the death penalty. Last year, countries such as East Timor,

Turkmenistan, Ukraine and the British dependent territory of Bermuda did away with judicial executions for all crimes, while Latvia abolished it for "peacetime offences."

Meanwhile, President Boris Yeltsin of the Russian Federation commuted more than 700 death sentences in June 1999.

For AI, such developments contributed to the gains that had been made by the end of the last century when set against the reality at the beginning of the 1900s. "At the turn of the last century only three countries in the world had permanently abolished the death penalty. Today, at the beginning of the 21st century, 108 countries have abolished the death penalty in law or practise, reflecting the worldwide trend towards abolition."

Since 1948, following the adoption of the Universal Declaration of Human Rights at the United Nations, the international community has regularly debated the question of judicial killings.

What occurred in the UN General Assembly late last year serves as one example. An initiative by the European Union (EU), calling for a worldwide moratorium on capital punishment and its eventual abolition, had to be abandoned, following a clamour by 83 countries for changes in the wording of the resolution.

The draft resolution, co-sponsored by 74 countries from Europe and Latin America, was challenged by countries from Asia, Africa, the Middle East and the Caribbean. The United States also aligned itself with the Third World voices.

In withdrawing the draft, an EU delegate remarked that the amendments proposed by the pro-death penalty lobby would have "wrecked the main resolution," which was an effort to enhance human dignity and promote the progressive development of human rights.

According to an East Asian representative, however, capital punishment was needed to fight crime, since the death penalty, in his view, has to be preserved as a criminal justice issue.

"We all cherish the right to life. But to abolish capital punishment without abolishing murders clearly indicates that the right of killers is defended more than the right to life of innocent victims," he observed.

However, research on the issue of capital punishment as a deterrent to crime concludes otherwise. One report presented before the UNCHR last year revealed that scientific studies had consistently failed to establish convincing evidence that the death penalty stopped crime more effectively than any other punishment.

AI is among those organisations that maintains such a view, too. And for this rights organisation, not only is the death penalty the "ultimate cruel, inhuman and degrading punishment," but it is a violation of the right to life, thus going against commitments made by governments that protecting the right to life is "an international responsibility."

CASE 5. TORTURE AND HARASSMENT BY POLICE IN MADHYA PRADESH, INDIA

NHRC orders Rs. 90,000 as compensation for victims of police harassment in Madhya Pradesh

The National Human Rights Commission has ordered immediate interim relief by way of monetary compensation for nine members of a family in Raipur, Madhya Pradesh who were illegally detained by the police for a period 14 days. During this period they were also tortured and threatened of false implications if they failed to pay a sum of Rs. 50,000/- to the concerned officials.

The Commission was seized of the matter on receipt of a complaint forwarded by Smt. Kiran Mayee Nayak, Advocate, Raipur, Madhya Pradesh alleging harassment, beating, torture of a certain Shri Mangloo Ram and eight other members of his family by the local police. The latter had also demanded Rs. 1 lakh as bribe threatening that the victim's family would otherwise be implicated in a murder case.

The Commission obtained a report from Senior Superintendent of Police, Raipur. The report

indicated that some unknown criminal had murdered the petitioner's sister. Her husband and nephew were found involved in the murder and were arrested and sent to judicial custody. The investigating officers also kept the petitioner and his family in custody for 14 days. They tortured the family and demanded Rs. 1 lakh, which was later scaled down to Rs. 50,000/-, to not involve them in the murder case. The Madhya Pradesh police had issued a show cause notice to the errant police officials.

The Commission, on perusal of the report, recommended the Director General of Police, Madhya Pradesh to direct the registration of a criminal case for the offences of wrongful confinement, torture, demand of bribe, extortion and other offences and to order a full-fledged inquiry by the State CID. Those found guilty should be prosecuted.

Pursuant to the directions of the Commission, a case was registered and investigation taken up by the State CB CID. As a result of the monitoring of the investigation by the Commission, the DGP (Research), of Madhya Pradesh has intimated that the investigations have since been completed and the allegations against the three errant police officials have been established. The State Government has been moved for permission for their arrest and prosecution.

The Commission is of the view that the victims of this episode are entitled to 'Immediate Interim Relief' envisaged in Section 18 (3) of the Protection of Human Rights Act, 1993. It has thus recommended to the Chief Secretary, Government of Madhya Pradesh to pay a sum of Rs. 10,000/- to each of the nine victims, without prejudice to their other rights.

CASE 6. FOUR INNOCENT PEOPLE KILLED BY POLICE IN UP, INDIA

NHRC orders Rs.16 lakhs as compensation in a 'fake encounter' case in UP

The National Human Rights Commission, on 19 May 1999, gave its recommendations on yet another

case of what was claimed as an 'encounter' by Uttar Pradesh police resulting in killing of 4 persons. But on intervention and inquiries made by the Commission, it was found to be a case of 'fake encounter'.

One Panna Lal Yadav of Bhadoi brought the incident to the notice of the Commission, UP, on 18 October 1998 first by means of a telegram followed by a complaint that his son and 3 others had been killed in a fake encounter.

A report called for from the Superintendent of Police of the region stated that four criminals were killed in an encounter between the police and a gang of criminals, in the area of the Bhadoi Police Station on 17 October 1998. The police had acted on the basis of a secret information that one Dhananjay Singh, a dreaded criminal carrying a reward of Rs.50,000/- on his head, would commit dacoity at the petrol pump situated on Bhadoi Mirzapur road. The police posted three teams on the spot and at about 11.30 A.M. found 3 persons coming towards the petrol pump who on seeing the police fled and under of the bushes started firing at the police. The police returned fire and after 15 minutes when a search was conducted four persons were found lying dead. One of the dead persons was identified as Dhananjay Singh, the dread criminal and the complainant's son was against the other three.

The Commission found the report of the SP unconvincing and directed its own investigation team to look into the incident. The Director General (I), NHRC, Shri D.R. Karthikeyan, on consideration of the report submitted by the Commission's investigation team opined this to be a case of fake encounter.

A subsequent report from the SP dated 2 February 1999, informed that a magisterial inquiry was being conducted under the orders of the District Magistrate of the area. The matter had also been entrusted to the State CB CID and pursuant to the investigations of CB CID, a case has been registered 36 accused persons including 34 police officers/officials. Further investigation of the case was in progress.

Material collected by the CB, CID clearly brought out the fact that the aforesaid encounter was entirely fake and that in fact 4 innocent person had been brutally killed by the police after taking them out from a hotel in Bhadoi. There was involvement of one DSP, one Inspector, 7 Sub-Inspectors and a number of police constables. Further, the cases of Arms Act registered against the deceased were found to be false. The State Government has proposed to file a final/cancellation report in these cases.

Since the State authorities had already initiated appropriate action, the Commission did not consider it necessary to make any further directions in this behalf. However, in the context of providing 'immediate interim relief' to the families/next of kin of the 4 victims, the Commission invoked its powers under Section 18 (3) of the Protection of Human Rights Act, 1993, and recommended to the Government of UP that:

The State CB, CID should conclude their investigation of the case within one month and file a charge sheet in a competent court of law for the prosecution of the accused.

The UP Government should pay a monetary compensation of Rs.4 lakhs each to the next of kin of each of the victims within a period of 4 weeks.

CASE 7. INDIA - ATTACKS ON CHRISTIANS

NHRC seeks reports from all States and Centre on attacks against Christians New Delhi, 22 June 2000

In view of several incidents of attacks on members of the Christian community and their institutions in the recent past, the National Human Rights Commission has issued notice to the Chief Secretaries of all States and Union Territories as well as to the Ministry of Home Affairs, Government of India calling for reports within two weeks on the measures already taken in this behalf and the plan of action drawn up by them to meet the situation. Urging them to accord top priority to this matter, the Commission pointed out that it is necessary to preserve "the secular credentials of the Nation and

to fulfil the promise of fraternity and common brotherhood" envisaged in our Constitution. The Commission's decision is based on the need to take a holistic view as well as to inspire requisite confidence amongst the people of Christian community who appear to be feeling insecure at this time. The Commission has already taken suo-motu cognizance of several incidents wherein some persons professing the Christian faith have been assaulted and even killed in different parts of the country. On 19th June, in response to a press report "Cleric's cook dies in police custody", the Commission issued notice to the Chief Secretary and Director General of Police, Uttar Pradesh calling for a report within one week. The Commission also directed the Director General of Police, UP to have a video recording of the post-mortem examination done in this case. An eyewitness to the murder of the Catholic Cleric in Mathura, Vijay Kumar Ekka, reportedly died in police custody under mysterious circumstances. Pursuant to the Commission's orders, a team from its Investigation Wing has already reached Mathura for an on-the-spot inquiry regarding the killings of Brother George Kuzhikandam and his cook, Vijay Kumar Ekka. The Commission also sought reports from the concerned State Governments with regard to a number of specific incidents in Uttar Pradesh; Indore, Madhya Pradesh; Rewari, Haryana; Nashik, Maharashtra; and the killing of a Christian Priest Ashish Prabhash at Batala, Punjab and the bomb blasts that rocked Churches in the States of Goa, Andhra Pradesh and Karnataka. After issuing appropriate directions in the above cases, the Commission has also received petitions from several persons and organisations *complaining that these incidents disclose a pattern of violence against Christians and their institutions, particularly in some States, which has created reasonable apprehension in the minds of the Christians throughout the country of they being victimised and their human rights being endangered.* The Commission took note of similar apprehensions that have been voiced in the form of editorials, articles and news items in the media and the general feeling that it should take up this matter to ensure the protection of human rights of the Christian community and their institutions and to prevent any future violations. The Commission noted that there can be no doubt that an apprehension of the above kind is of serious

concern and shared by many in the country and must be addressed by all the authorities. For this reason, the Commission proposes to make an in-depth scrutiny of the situation, not merely by inquiring into the violation of human rights of a section of people involved in the specific incidents of which suo-motu cognizance has already been taken but also to explore the avenues necessary for the prevention of any such violations in future and to ensure that there is no neglect on the part of the public authorities concerned in the performance of their duties in this behalf.

CASE 8. UK - RELIGION: RITES AND WRONGS

We have just done away with the hereditary peers. Now we should face up to the need for a secular state.

By Polly Toynbee

Friday October 29, 1999

Last night in the Lords, Lord Ahmed, Labour peer, opened a debate calling for a new law outlawing religious discrimination. The Race Relations Act, he said, does not prevent religious groups from being discriminated against. Northern Ireland has a law against religious discrimination, so why not the rest of the Britain? The home office will soon be producing a promised report on this.

Treating other religions as fairly as Christianity is important in a pluralist society. There is also pressure to reform the blasphemy law, which outlaws rudery against Christianity but permits abuse of other faiths. After years of campaigning, the state has finally agreed to fund Muslim schools the way it funds Christian and Jewish schools. As a nation, we are less religious than ever before - 90% of Briton's are wholly or mainly indifferent - and yet the clamour is for more not less religious law.

The only way to treat all religions equally is to favour none of them. Moonies, Scientologists, Mormons, Breathairians - how do you differentiate between cults, cranks, fruitcakes and true believers?

The charity commission is up to its neck in confusion. Dating back to 1601, "the advancement

of religion" is a legal charitable aim, but the law never specified what "religion" is, so the charity commission has to had to struggle along as best it can. It decided that only a religion with a dominant deity would qualify. This led to delightful absurdities, where tree-hugging pagans praying to the spirits of a place did not get charitable status, whereas Odin-worshippers did - because Odin is a chief god. Yet more laws defending the dignity of religion would protect all such nonsense from deserved mockery and vulgar abuse. Where does that leave free speech?

Lord Ahmed offered his own definition: "Religion is that system of belief and action centred around the worship of God which is derived in whole or in part from a book revealed by God to one of his messengers." What does it mean? It would provide a very enjoyable circus of court cases, trying to decide what had been revealed by which god to what bona fide messenger. The idea that God's words don't count unless a messenger writes them down is interesting too. Literacy was never before endowed with such supreme spirituality.

Above all Lord Ahmed's formulation reveals the bizarre irrationality of protecting any religions in a multicultural society. If you believe the one true god uniquely revealed the only truth to your particular prophet, why sanction anyone else's false god? To atheists the spectacle of believers bowing down before phantasms and fairytales is as distressing as seeing Papuan cargo cultists worshipping aeroplanes. It diminishes human reason and dignity to fall under the spell of hokum and magic. True believers should be just as distressed to see other worshippers bowing down before false gods. Tolerance of one another's faith casts doubt on how strongly they believe their own.

Lord Ahmed's real concern is with the discrimination against Islam and he quotes the Runnymede Trust's recent commission on Islamophobia. Pressure for reform of the law has come mainly from Muslims who feel their faith is treated unfairly and that religion is often used as a surrogate for race: to be anti-Islamic is just an underhand form of racism.

Plainly this is sometimes true and there is a huge

confusion between "race" and "religion". In law, Jews are regarded as one race, from the black Falashas of North Africa to white Russians of the Steppe. Muslims are not allowed to describe themselves as a single tribe across the world, so have less protection from the 1976 race relations act. An employer can advertise a job with a "No Muslims" sign. But a minor amendment to the race relations act could outlaw such blatant racism.

Although the west went to war in Kosovo to defend a Muslim minority, Islam is often a feared faith, whether it's mullahs in north London calling for holy war against all infidels or the distressing spectacle of Muslim women shrouded in the most extreme form of mask and veil: Islam, extreme or moderate, does teach that women are always one step behind men in the divine order. Meanwhile Salman Rushdie remains under a fatwah and even the moderate British Muslims have yet to loudly condemn it outright: they just say it doesn't actually apply on British soil.

Christianity is just as unpleasant and disreputable, from the Inquisition to the Crusades, to the present-day Catholic and Evangelical churches' destructive teachings on sex and fertility. Christianity is only less savage now because, mercifully, it has lost its deadly grip on us. It certainly deserves no better treatment than any other faith. The understandable pressure from Islam for equality now makes the case for disestablishing the Church of England even more pressing.

One-third of state schools are church run despite the tiny number of churchgoers. Now Muslim schools are gaining state funding, many of Britain's 400,000 Muslim children may also get a segregated education. While the disgraceful 1988 education act remains in force, demanding a daily act of Christian worship in every state school, it is hardly surprising. Lord Ahmed uses Northern Ireland's religious laws as a good example.

Others might think that religious segregation in their education has led to deepening the great social divide there. No one in Northern Ireland ever needed to discriminate overtly. They only had to ask one another what school they went to - the Immaculate Conception or St George's? Religion has

the potential to divide children dangerously, and we should move at once to take all religion out of state education before it is too late. Church schools are anyway usually socially divisive, a haven for the middle classes. Sadly it seems highly unlikely that this prime minister will be the one to take the necessary steps towards secularising society.

Labour's submission to the commission on the House of Lords - the one that doesn't mention democracy - calls for the bishops to stay and to be joined by leaders of other faiths. Will the Odin worshippers get their seat in the Lords too? Why not special places for Marxists, humanists or astrologers? There is nothing about religion that sets it above other aspects of cultural life and thought.

At last escaping feudal chains, this week we threw the aristocracy out of government. Now the clergy must go too. No more bishops as of right. The bishops are every bit as anachronistic as lords with no greater right to rule us. Even the next monarch has expressed his wish to be "defender of faiths", not merely C of E. We may wish there will not be a crown for him to inherit and that he departs along with their lordships, but he is quite right about the church. A modern, multicultural society needs a completely secular state.

CASE 9. UK AND INDIA - STUDENT SAVED FROM ARRANGED MARRIAGE

Luke Harding in New Delhi
Tuesday March 14, 2000

A British-born Indian woman rescued by diplomats from an arranged marriage in India to a man she had never met was an "extreme example" of a practice common across much of Asia, foreign office officials said yesterday.

The 21-year-old student was tricked by her parents into flying to the Punjab just before Christmas on the pretext of visiting her dying grandmother. She was imprisoned by her aunt's family while they sought a suitable groom for her.

Her British-born boyfriend, who was born in Gujarat, and of whom her parents disapproved,

reported her missing when she failed to turn up to college. While her relatives in India confiscated her passport and moved her from village to village, a team from the British high commission in Delhi, together with the Indian police, mounted a search.

At the first village they came to they drew a blank. But three days later local detectives discovered her near the north Indian city of Chandigarh, trapped in a third floor room with only one exit. She was being watched over by several relatives, including her aunt, her aunt's husband, their son and his wife.

"When I found the girl at first she was weeping," Inspector Parmjit Singh of the Punjab police said yesterday. "She said she would not talk to anyone. Then Angela Slater [the first consul at the high commission] and the British party reassured her that they were genuine.

"We took her to the sub-divisional magistrate where she gave a statement saying she wanted to go with Mrs Slater and she did not want any criminal charges against her relatives or parents."

The woman, who has not been named, is now in the care of a women's group in Britain. A spokeswoman for the high commission in Delhi yesterday said that she was one of "a handful" of extreme cases every year, in which British-born women were forced into arranged marriages in India.

"This is not a daily occurrence. They often do not get to this stage. This poor girl was practically being held prisoner," she added. "It isn't just India. This is happening in lots of other south Asian countries. But it is relatively unusual for us to rescue someone like this."

Foreign office officials estimate that there are two cases of forced marriages a week across India, Pakistan and Bangladesh. Last week the Foreign Office Minister Lady Asthal of Scotland announced she was setting up a team to work with Asian communities in Britain to try and halt the practice. Most cases in India take place in the states of Gujarat and Punjab, which have the strongest UK links.

Madhu Kishwar, who edits a Delhi-based women's rights journal, *Manushi*, yesterday said that young "expatriate" Indian women often under went more "subtle forms of pressure" than imprisonment to agree to an arranged marriage. "This level of coercion isn't very usual. The majority of mothers would emotionally pressure their daughters to marry within the community. It comes from a desire for communities to remain cohesive. Once inter-marriage starts then bonds loosen."

Following her release on February 3 the student, who had been taken to India by her father, told police she had not expected anyone to help her. She had grown resigned to the fact she was about to marry a young man she should have met later that day, "and that would be her life".

Inspector Singh said: "She was wearing a salwar kameez, and although there were no signs that she had been hurt, she said her passport had been taken away and she had been kept under close watch. The wedding was probably to have taken place in a month or so. She said: "I love my parents, but I can't believe they would do such a thing."

The high commission in Delhi yesterday said it was only able to act in the cases of British passport holders when there was clear information as to where women had been taken. When dual nationals are involved, foreign office staff are often powerless to intervene because countries like Bangladesh and Pakistan do not recognise the individuals as British, even if that is how they see themselves.

CASE 10. INDIA - GENDER

Justice J.S. Verma, Chairperson of the National Human Rights Commission calls for gender justice on International Women's Day - April 2000

Mr. Justice J.S. Verma, Chairperson of the Commission, was the Chief Guest at a function organised by the Madhya Pradesh Human Rights Commission in Bhopal on the occasion of International Women's Day. Speaking on the occasion, he stated that the time had come to get

to the practical implementation of human rights instead of wasting any further time on discussing the need for or merely trying to understand human rights. He felt that there were serious violations of women's rights. They do not need just equality of opportunity, but a more, in order to achieve equality through gender justice. He stressed the need for educating women and protecting their health, so that the overall societal conditions improved. At the international level, he said, women contributed to 2/3'rds of the total working hours, though they earned only 1/3'rd of the total income and owned only 1/10th of the resources.

The Chairperson emphasised that proper education about the fundamental duties of citizens would also go a long way in encouraging and spreading culture of human rights.

Appreciating the work done by State Human Rights Commissions, he said that a lot more was required to attend to the deficiencies in various spheres of life. This could not be done by the Commissions alone. Human rights philosophy needed to be translated into practice by proper networking between governmental and non-governmental agencies. This networking should result in the pooling of all resources – administrative, financial and human, and should involve civil society fully in the protection of human rights of all. If gender issues are well addressed, the three "un-freedoms" named by Dr. Amartya Sen, namely illiteracy, malnutrition and lack of health care – can be overcome.

The Governor of Madhya Pradesh, Dr. Bhai Manohar, and the Chief Minister, Shri Digvijay Singh, also attended the function. The Governor emphasised that Indian culture required people to respect women and every Indian should abide by this precept. The Chief Minister stated that the government of Madhya Pradesh was making strenuous efforts to achieve equality and justice for women through its various programmes.

CASE 11. UK AND INDIA - ARRANGED MARRIAGES: OH YES YOU DO

For their mothers and grandmothers, it was a foregone conclusion: they would marry the man their families chose. But what about today's young British Asian women? Satinder Chohan reports on how arranged marriages become forced.
Monday August 16, 1999

Wicked parents, sleeping potions, kidnapped daughters: you could be forgiven for thinking forced marriages are the stuff of fairytales, only without the obligatory happy endings. Witness MP Ann Cryer's claim that Home Office minister Mike O'Brien, who has set up an independent inquiry into the problem, is not a "fairy godmother who can make everything right" for women in forced marriages.

The child abduction charity Reunite estimates that forced marriages in Britain are running at around 1,000 per year - a figure black and Asian women's support group Southall Black Sisters believes is undoubtedly an underestimate. There have certainly been more high-profile cases in the past two years, among them Rukhsana Naz, a 19-year-old woman from Derby who was murdered by her mother and brother last March after she became pregnant by her lover. When she was 15, Rukhsana had been lured to Pakistan and forced to marry.

Another recent case was Anita, a 17-year-old Sikh from London who was taken to an Indian village to be married but was returned to Britain in May after a high court judge intervened and made her a ward of court. An increasing number of British Asian girls forcibly married to strangers on the Indian subcontinent are escaping and exposing an extreme cultural practice which has for years been covered up by many Asian communities and considered too "culturally sensitive" for government agencies to tackle.

Now forced marriage has been pushed into the spotlight. The independent inquiry, whose setting up was announced by the Home Office earlier this month, promises to investigate the extent of the problem in Britain. The working party will include

Hannana Siddiqui of Southall Black Sisters and Dr Ghayasuddin Siddiqui (no relation), leader of the Muslim Parliament, the body that represents the interests of the Muslim community in Britain. It will seek preventative measures in liaison with government departments and the wider Asian community.

Commonly misrepresented as a solely Muslim practice, forced marriage is in fact not specific to caste or religion. The Islamic Shar'ia law forbids marriages that occur without the consent of both parties, as required in arranged marriages. The two occupy opposite ends of the spectrum of Asian marriage, but consensual arranged marriages can become non-consensual forced marriages when a woman is subjected to emotional, social or even physical pressure. Forced marriages can entail abduction, violence, sexual abuse, rape and even murder.

Tonight's edition of the BBC Asian current affairs programme East follows Miya, who was just 16 when a routine holiday from her home in the east Midlands to Bangladesh ended in her marriage. "In an Islamic wedding, both parties have to say yes three times," she explains. "I sat with my head down and the priest came up to me and said: 'Do you take this man to be your husband?' My auntie had her hand on my head and before I could say anything, she pushed my head down. The priest accepted that."

Shazna found herself in a similar situation. She was 17 when her parents discovered she was involved in an inter-racial relationship and lured her to Bangladesh, where they confined her to the family home while a more "suitable" partner was found. With the help of her white boyfriend in Britain and the British Embassy in Dacca, she managed to escape. She now lives in Paris and has broken all ties with her family.

For Shazna, as for many other young British Asian women, access to education has created alternative life choices where previously few existed. Shazna describes her teenage world as "pop music, The Face, Jean-Paul Sartre and escapism through education. For me, it would be the way out."

The ingrained laws of family izzat (honour) and sharam (shame) have been replaced with a greater focus on individuality, independence and self-expression. In a traditional culture, their mothers may have followed unquestioningly the well-trodden path of female destiny, but British Asian girls are trying to shape their own and it is often when a woman rejects the traditional arranged marriage, or choses a partner on her own, that her parents attempt to enforce their will.

Shazna was fortunate. The dual nationality of British-born women of Pakistani or Bangladeshi origin can make the government reluctant to offer them the aid available to other British nationals, often leaving them helpless in remote villages.

Hannana Siddiqui has worked with women in forced marriages for over 20 years and intends to push for a review of dual nationality, believing the government uses it as an excuse not to act. "It's not good enough," she says. "Forced marriages are a hostage situation and the government has a responsibility to all British subjects."

The key to change, she says, lies in empowering women. "It is important that they feel they have the right to leave the parental home if it is the safest option for them." Siddiqui says services that support women who flee a forced marriage have not had the backing of community leaders or, until now, the government. "The race relations agenda has focused on improving relations with the Asian community and ignored gender issues. But we have reached a point at which the state must make a stand on gender and race."

CASE 12. INDIAN GOVERNMENT URGED TO RATIFY UN TORTURE CONVENTION

Government urged to ratify UN Torture Convention
New Delhi, 25 June 2000

The following is the text of a message of the Chairperson, National Human Rights Commission, Justice Shri J.S. Verma on the occasion of the United Nations International Day in support of Victims of Torture, which is being observed on 26 June 2000: "Once again, on 26 June, the peoples of

all nations are uniting to express their abhorrence of the evil practice of torture and their solidarity with those who are its victims. Let us join in unison with them. The Day commemorates the coming into force, thirteen years ago, of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which envisaged a world rid of such odious acts. Sadly, that goal remains elusive. Too frequently, in too many countries around the world, including our own, acts of torture persist, darkening the lives of its victims and challenging civilisation itself. It is time to eradicate this scourge. One hundred and nineteen States are now party to the Convention against Torture. But not our own country. On 26 June 1997, three years ago, our Government announced its intention to ratify the Convention. But this has not yet happened, despite the promise made, on 14 October 1997, when we signed the treaty, to "uphold the greatest values of Indian civilisation and our policy to work with other members of the international community to promote and protect human rights." For the National Human Rights Commission, which worked long and assiduously to secure ratification by India, this delay has, to say the least, been deeply disappointing. In the name of the Commission, I therefore urge the Government of India to announce a date by which the nation and the world can expect the completion of the ratification process by our country, and to abide by that date. No circumstance can justify the use of torture. Neither war, nor insurgency, nor public emergency, nor orders from superiors can be invoked to explain away the practice. It is forbidden by our Constitution, our laws and the categoric rulings of our Supreme Court. And it is prohibited, absolutely, both under international humanitarian law and the human rights instruments of the United Nations. Yet daily the Commission receives petitions alleging the use of torture, and even of deaths in custody, as a result of the acts of those who are sworn to uphold the laws and the Constitution of our Republic and to ensure the security of its citizens. Such a situation must end, through the united efforts of Government and all elements of civil society. In September 1999, jointly with the International Rehabilitation Council for Torture Victims (IRCT), and in collaboration with the Indian Medical Association (IMA) and the Indian Law Institute

(ILI), the National Human Rights Commission organized an International Symposium on Torture for the Health, Legal and other Professions. Its far reaching Declaration and Programme of Action stressed the need to break the silence surrounding torture, to end the impunity of those who may engage in this practice and to punish those involved unfailingly. All States, including our own, have an obligation to ensure that reparation is available to victims of torture. This is fundamental to their proper rehabilitation, and it must include restitution, compensation and the guarantee of non-repetition. On this commemorative occasion, when we focus on the anguish of those who have been tortured, I urge the Government of India and the Governments of the States and Union Territories of our country, to bear this obligation firmly in mind, and to act accordingly, so that the ends of justice are fully served and the values of our Constitution, our laws and treaty obligations are brought to bear, powerfully and consistently, to heal the wounds of those who are the victims of torture, and to bring to book those who are guilty of this vilest acts against other human beings.

CASE 13. INTERNATIONAL SLAVERY-CAMPAIGN AGAINST THE TRAFFICKING OF WOMEN AND GIRLS

Trafficking in persons - the illegal and highly profitable recruitment, transport or sale of human beings for the purpose of exploiting their labour - is a slavery-like practice that must be eliminated. The trafficking of women and children into bonded sweatshop labour, forced marriage, forced prostitution, domestic servitude, and other kinds of work is a global phenomenon. Traffickers use coercive tactics including deception, fraud, intimidation, isolation, threat and use of physical force, and/or debt bondage to control their victim. Women are typically recruited with promises of good jobs in other countries or provinces, and lacking better options at home, agree to migrate. Through agents and brokers who arrange the travel and job placements, women are escorted to their destinations and delivered to the employers. Upon reaching their destinations, some women learn that they have been deceived about the nature of the work they will do; most have been lied to about the

financial arrangements and conditions of their employment; and all find themselves in coercive and abusive situations from which escape is both difficult and dangerous.

CASE 14. INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN FOR SLAVERY

Testimony before the senate committee USA on foreign relations subcommittee on near eastern and south Asian affairs

February 22, 2000

By Regan E. Ralph, Executive Director

Women's Rights Division, Human Rights Watch

My name is Regan Ralph, and I am the Executive Director of the Women's Rights Division of Human Rights Watch. It is a pleasure to be here today, and I appreciate the attention this committee is devoting to the growing human rights problem of trafficking in persons.

Trafficking in persons -- the illegal and highly profitable transport and sale of human beings for the purpose of exploiting their labour -- is a slavery-like practice that must be eliminated. Human Rights Watch has been involved in documenting and monitoring this serious human rights violation for many years. We have reported on the trafficking of women and girls from Bangladesh to Pakistan (*Double Jeopardy*), from Burma to Thailand (*Modern Form of Slavery*), and from Nepal to **India** (*Rape for Profit*). We have also conducted extensive research regarding other incidences of trafficking, including the trafficking of women from Thailand to Japan and from Eastern Europe and the former Soviet Union to Bosnia. Reports resulting from these investigations are forthcoming.

The number of persons trafficked each year is impossible to determine, but it is clearly a large-scale problem, with estimates ranging from hundreds of thousands to millions of victims worldwide. The State Department estimates that each year, 50,000-100,000 women and children are trafficked into the United States alone, approximately half of whom are trafficked into bonded sweatshop labour or domestic servitude.

Trafficking is also a truly global phenomenon. The International Organization for Migration has reported on cases of trafficking in Southeast Asia, East Asia, South Asia, the Middle East, Western Europe, Eastern Europe, South America, Central America, and North America. And press reports in the past year have included accounts of persons trafficked into the United States from a wide variety of countries. In August 1999, a trafficking ring was broken up in Atlanta, Georgia that authorities believe was responsible for transporting up to 1000 women from several Asian countries into the United States and forcing them to work in brothels across the country. Four months later, a man pleaded guilty to keeping five Latvian women in involuntary servitude in Chicago. He had recruited the women from Latvia with promises of \$60,000-a-year wages. But when they arrived, he pocketed most of their earnings and forced them to work by confiscating their passports, keeping them under constant surveillance, and threatening to kill them and have their families murdered if they disobeyed him.

CASE 15. BANGLADESHI WOMEN AND GIRLS TRAFFICKED TO PAKISTAN

Hidden in the slums of Karachi, Pakistan is a flourishing trade in young women and girls from Bangladesh. The forced trafficking of Bangladeshi women and girls into Pakistan for the purposes of domestic or sexual slavery has been going on for at least ten to fifteen years. A 1991 study by the National Council for Social Welfare in Pakistan estimated that one hundred to 150 Bangladeshi women and girls are brought into Pakistan each year and many are sold against their will into prostitution, marriage or domestic servitude.

The average age of the trafficking victims is fifteen. The majority have been lured from Bangladesh to Pakistan with promises of jobs, decent pay and a better life. Others were abducted from outside their homes and then sometimes drugged. The Bangladeshi women and girls are brought by bus and train through India to Pakistan or, in many cases having been transported to India, they walk across the border into Pakistan. They often end up in brothels in Bangladeshi *paras* (slums) in Karachi, although as their numbers have grown, brothels

have been found in small towns throughout Pakistan.

In the early days of the female slave trade in Pakistan, when the number of victims was smaller and the crime less well-known, the sale of women and girls was advertised blatantly. A Bangladeshi journalist who witnessed an auction described it:

At night, girls were brought to the slum and [the] auction took place indoors. There was not bidding as such because there was an understanding between the procurers and the customers before the auction. Usually the younger and more beautiful girls were sold quickly and at higher prices. The unmarried and virgin girls were sold for 15,000 to 20,000 taka [U.S.\$1 = 33.20 taka]. Some girls were kept aside before the auction to be taken separately to hotels for wealthy buyers who were given the opportunity to inspect the girls individually. Those who were sold went with the buyers. The rest returned to the place they came from. Everyone remained silent. It seemed that the girls were helpless and speechless.

In recent years, as the number of Bangladeshi women and girls trafficked into Pakistan has increased and the problem has drawn additional public attention, the practice of selling females has become more clandestine. By the early 1990s, agents acting on behalf of pimps kept the women in dens within Karachi's teeming slums and quietly traded them from these hostels.

The Bangladeshi women and girls are held under terrible conditions. According to a 1993 report, the women are not given proper food and are kept in crowded rooms. They are given chores to do while they are in the den, such as washing and cooking. To compel the women and girls to provide the desired services, the pimps threaten to expose the women's status as illegal immigrants or denounce them under the *Hudood* laws, which penalize, among other things, sex outside of marriage and impose long prison terms and severe corporal punishment. Those who resist are beaten or worse.

Rather than continue to auction the Bangladeshi women and girls openly, as publicity about the abuses grew the pimps took to marrying them off,

sometimes to the pimps themselves. These forced marriages protect the pimps from being charged under the Hudood laws. In an interview with a local Karachi daily, an infamous pimp, Sher Khan, who denied selling girls but was later arrested for running a brothel, claimed, "I assist in the arrangements of a girl's marriage. It is a good deed. I collect the money from the bridegroom's parents and pay it to the girl's parents. The priest pronounces marriage and a simple ceremony takes place."

Bangladeshi women who were picked up during police raids of prostitution dens, or who escaped, reported that they were "married" rather than sold and that the exchange of money between the pimp and the buyer took the form of dowry. A 1988 story in a Karachi newspaper documented the sale of a Bangladeshi woman in which an Islamic judge charged 500 rupees (US \$19) to "marry" the girl to her buyer. Reportedly, these "husbands" often bought the girls and then sold them again at a small profit. Depending on the virginity, beauty and health of the women and girls, a sale could bring anywhere from US\$800 to US\$1,600.

Instead of protecting the Bangladeshi women and girls by arresting those accountable for their illegal sale and forced prostitution or forced marriage, the Pakistani government has imprisoned the women and girls while allowing most brokers and pimps to go free. According to the 1990 National Welfare Survey by the Human Rights Commission of Pakistan, 1,400 Bangladeshi women and girls were imprisoned in Pakistan, ostensibly for entering the country illegally or for offences under the Hudood Ordinances.

In many cases Bangladeshi women and girls arrested by police in raids on brothels suffered prolonged detention, usually because they lacked legal counsel or the financial resources to pay bail or surety. In other cases, the police allowed pimps to bail out the women and take them back to the prostitution dens. Meanwhile, the pimps went free. At the time of our investigation, some pimps involved in the sale of Bangladeshi women and girls had been arrested by the police, not one had been prosecuted or punished by the government for trafficking or for any of the other abuses resulting

from trafficking and forced prostitution. Speaking in 1991, one local activist noted that the Pakistani government, instead of dealing with the problems, seemed intent on "victimizing the victims."

CASE 16. PALESTINE - MARRIAGE: STORIES OF HONOUR AND SHAME

Antonia Caccia In Palestinian

DIRECTOR: Antonia Caccia

CINEMATOGRAPHER: Jonathan Collinson

EDITOR: Brand Thumim

1996

U.S. Premiere, 1997 Human Rights Watch Festival. Distributed by First Run/Icarus Films, Contact: Liz Fries, 153 Waverly Place, New York, N.Y. 10014, Tel: (212) 727-1711 Fax: (212) 989-7649.

In this heartbreaking and enraging documentary, director Antonia Caccia invites Muslim women in the Gaza Strip to tell the stories of their curtailed lives. With unflinching frankness, they speak of abductions into marriage at 12 years of age, of dreams of education and career smashed by annual pregnancy, of weaning daughters early so as to conceive a coveted boychild, of acid thrown in the faces of women who go out unveiled, of a husband shared by several wives, one of them a "feminist." The women in *Stories* are seared into the mind's eye, unforgettable in their dignity and force of character -- against all odds.

Stories of Honour and Shame completes Antonio Caccia's trilogy of films devoted to Palestinian lives and the difficult issues which consume them in both Israel and the occupied territories. A graduate of the National Film School, Caccia made her film debut in 1970 with *End of the Dialogue*, one of the earliest documentaries to expose life in the black townships of South Africa. On *Our Land* (1981), her first film about the Palestinians, was made in 1981 and largely featured the Arab village of al-Fahun in northern Israel. It remains one of the most eloquent films made on the subject of Palestinian dispossession. *Voices From Gaza* (1989), Caccia's second film, was made during the first year of the intifada and inevitably reflects the events of the period. *Stories of Honour and Shame* is Caccia's

most recent work, and she returns to Gaza where she touches on the deep cultural differences between the Middle East and the West. The film is her most intimate work yet.

Caccia and her Palestinian team, assistant director Marwan Darweish and research Norwraz Abu Mustafa from Gaza's Women Affaires Centre, interviewed nearly fifty women before shooting began. They had been warned that while women would speak to them face-to-face, when confronted with a camera, they might not want to be filmed. In the end, only one woman was too frightened to talk on camera. Caccia recalls, "You can have an idea that things are bad for women and perhaps you should make a film about this, but when you are actually confronted with the detailed stories of peoples' lives, it always felt so much worse than anything one had imagined. I used to think, how could they bear it?"

"A lot of people call Gaza 'the big prison' because it is so difficult to get in and out. I remember speaking to somebody about this, and this person said, 'Yes, the men are the prisoners and the women are the prisoners' prisoners.' Before the occupation, there were women who travelled, women swam and played tennis, there was a middle class women's community who were involved in women's struggles so I think there is a feeling that the concentration of the struggle against the occupation put all women's issues on to the side so there wasn't a

natural development as there might have been. The only thing one can say against the theory is that there hasn't been much natural development in the Arab world."

Caccia maintains that her social documentaries have been an attempt to "bridge gaps of information." She felt strongly that people must be heard in their own voices, and this is the reason why the stories in Honour and Shame are told mainly in an interview setting. Despite Caccia's own feeling of pessimism when she was making the film, she is not without hope. "Many of the things the women talk about may seem very strange and different from our experience but I found if I want to draw parallels with my grandmother's life or women's lives in the past in the west they would not be so dissimilar. Women often married because things were arranged in some way, and things have changed. So I feel it must change there equally, especially because the women there are so articulate and so conscious. They are not saying, 'This is our culture, this is the way it is and this is the way it should be.' There are many women here who are very oppressed and they accept it completely. So I think a lot has changed in a way and it is small and imperceptible. I just don't see how you keep everyone down forever."

Caccia has devoted more the 15 years to the making of her films and with each she delivers another layer of meaning to the lives of Palestinians.

PEACE Model

Chapter 1: The Professional Context

1.1 A Professional Approach

The task of all professional interviewers is to create a climate in which those being interviewed will wish to talk freely.

Developing the interpersonal skills to ask the right questions in the right way so that a full account is given, is the aim of all professional interviewers. It is a skilled job which requires training and practice if high standards are to be achieved.

1.2 Issues in Professional Interviewing

There are six issues that affect all interviewers.

1.2.1 Defining the Interview – Investigative Interviewing

Establish what type of what type of interview you are conducting. Is it one of the following?

- Grievance
- Discipline
- Development review
- Feedback
- Bad news
- Selection
- Counselling
- Retirement

They will all have different aims and objectives but the method will be similar. The term 'interviewing' is used to describe the task of obtaining information. 'Interviewing' originally meant an occasion when two people could examine each other's views (hence 'inter-view'). Interviewers rely on co-operation, the interview offers the opportunity to encourage this. An interviewee should be openly encouraged and his/her co-operation sought. The interview may be used for purposes other than obtaining information. For example it may provide information, advice and guidance.

1.2.2 Trust in the professional relationship

Studies have indicated that improving an interviewer's perceived trustworthiness will encourage the interviewee to give a full account. Establishing trust is particularly important because interviewees may all fear the consequences of providing information. Interviewers should seek to establish a relationship based on trust, in order to give the interviewee the confidence needed to provide a full account.

People give more accurate information when they have trust in the professional relationship. The interviewee has to be reassured that they can expect to be listened to and receive fair treatment.

1.2.3 The importance of being methodical

It is important to be methodical; this helps both interviewer and interviewee:

- planning and preparation
 - following your interview plan
 - logical sequences
 - allowing time to answer questions
 - summarising and probing
- ...are all parts of this process.

Useful techniques to help you interview methodically, e.g. writing an interview plan will be dealt with further ahead in this chapter. Using these techniques will enhance the amount of information that can be obtained in an interview.

Professionals who have received training not only do a better job, they have greater job satisfaction and co-operation of those they interview is increased.

A study of interviewing showed that **improvements can occur as a result of training**. Interviewers demonstrated improvement in the following areas:

- introducing the interview
- obtaining the interviewee's account
- questioning techniques

communication skills
structuring the interview
listening skills

covering all the points to prove the incident.

These are the basic skills offered on the P.E.A.C.E course which are taught in a practical and methodical way.

1.2.4 Personal style

Adopting a personal approach allows matters to be raised openly without embarrassment and this does not come naturally to many interviewers. This too can be acquired and people can be taught to interview in this way and it is *very* effective in encouraging people to discuss what they might otherwise be reluctant to talk about.

Interviews using *personal* approach result in more forthcoming, more accurate and more relevant than those interviewed in the formal style. Interviewees are more inclined to be co-operative to an interviewer who shows friendly, helpful interest. Interviewees become sticklers for the truth and defended their views more than those interviewed in the formal method.

Interviewing style matters because it affects the motivation of the interviewees to be accurate and relevant in their replies to questions. This is sometimes referred to as establishing 'rapport'. This does not necessarily mean establishing common interests. What it does mean is being genuinely open, interested and approachable, in a *personal* way that will be appreciated and hence reciprocated by the respondent. Avoid being formal, distant and uninterested in the other's feelings or welfare.

1.2.5 Where you interview

The location of the interview is important because it affects the relationship that is established between those involved. This means that the physical setting can help make the use of an informal, personal style, more or less effective.

E.g. children interviewed about their school, their friends and teachers, replied rather differently in different settings. When interviewed in the playground they were far more forthcoming than when interviewed in the classroom or in the head-teachers office and tended to respond with much

greater variety of content. Informal setting of the playground encouraged spontaneous speech, whereas classroom interviews were more constrained.

The physical settings of designated interview rooms may also differ in how much they encourage interviewees to relax and talk freely.

The setting can affect the ease with which interviewers establish a relationship which is conducive to spontaneous conversation. Of course the setting affects not only the interviewee, but also the interviewer. Being aware that this is the case, it may be necessary to make a special effort to overcome the drawbacks of particular settings.

1.2.6 The problem of suggestibility

Suggestibility is when the response of interviewees is influenced by what they believe the interviewer will expect or want them to say.

Many factors contribute to the suggestibility factor. e.g. the way an interviewer is dressed can affect what people think they should say. A person dressed in a suit will tend to encourage a more formal interview, whereas informal dress tends to relax the protocol.

People may vary in the degree to which they are suggestible. Children and people with disabilities are more vulnerable and require special care.

Chapter 2: The Structure of Interviewing

2.1 Giving the interview a structure: P.E.A.C.E

P.E.A.C.E provides the structure for an interview.

The term interview structure recognises that the interview is something we build or create. An interviewer is primarily responsible for the planning and conduct of the interview. A well planned and carefully conducted interview has a good chance of obtaining accurate and reliable information. The P.E.A.C.E model helps you do that.

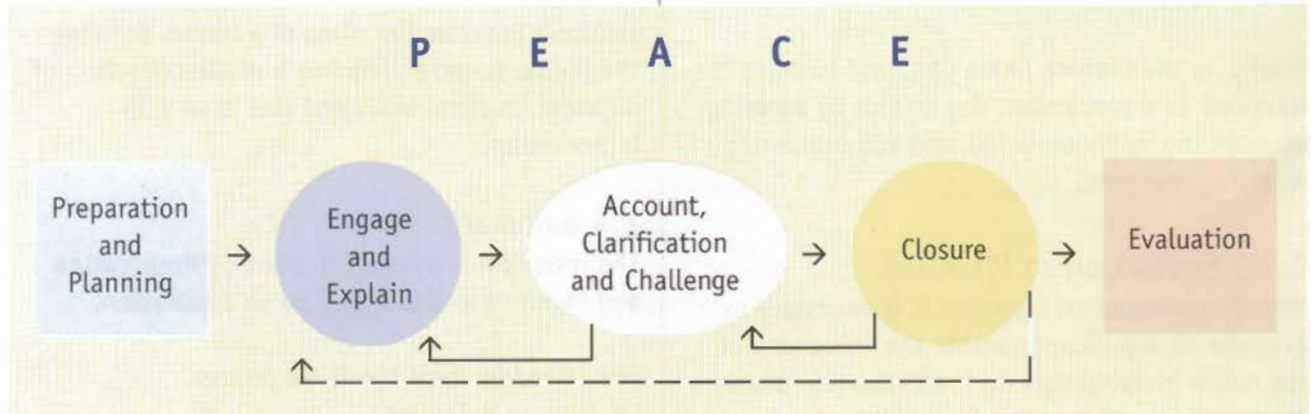
The P.E.A.C.E Model
Preparation and Planning

Engage and Explain
Account, Clarification and Challenge
Closure
Evaluation

The P.E.A.C.E Model - Movement between phases in the interview

conducted are important to maximise their effectiveness. *eg effectiveness of an interview will be influenced by the amount and quality of information previously obtained from other sources.*

The timing of interviews need to be carefully managed and the objectives of any particular



The “**P.E.A.C.E Model**” diagram shows lines linking the three phases of the interview. Some lines are solid, indicating that there is a natural forward movement from one phase to the next. These are the two horizontal lines linking, **Account & Clarification** to **Engage** and **Closure**.

Two dotted lines from both **Account, Clarification & Challenge**, and **Closure**, to **Engage & Explain** highlight the need to sustain a working relationship throughout the interview. *eg, explaining the purpose of an interview is a task that may require repetition and re-definition throughout the interview. It is important to remember that there are no rigid boundaries between the phases.*

Closure is also linked back to **Account, Clarification & Challenge** with a dotted line. This indicates that you might need to re-open the interviewee’s account during the **Closure** phase. *eg example the interviewee may recall something else, or may wish to challenge your memory of what they have previously said. When this happens, you will return to the **Account, Clarification & Challenge** stage.*

Preparation and Planning in P.E.A.C.E

During the course of a particular job or enquiry it may be necessary to conduct a number of interviews. The order in which the interviews are

interview clearly defined. Is an interview with a particular person necessary now? Are there more important priorities to attend?

Defining aims and objectives help clarify fundamental decisions which have to be made about the interview. **The ‘aim’ is why you are conducting the interview and what you want to achieve. The ‘objective’ is what you need to do to achieve the aim.** Consideration the following:
interview requirements and strategy
decided the time
what needs to be achieved in the interview
consider where to conduct the interview.

All these decisions constitute part of the **Preparation & Planning** phase of an interview (the ‘**P**’ in P.E.A.C.E).

2.2.2 The Interview - Engage and Explain; Account, clarification & challenge; closure

The interview, as shown in the diagram. is divided into three phases. These are referred to as **Engage** and explain. **Account**, clarification & challenge and **Closure**.

At the beginning of an interview you need to explain the purpose of it and establish a

relationship with the interviewee. This is what is meant by **Engage** and explain.

Account, clarification & challenge is where you obtain the interviewee's full account of events. You may need to clarify or challenge their account because of inconsistencies in what they have said, or with other issues in your possession.

Finally, in the **Closure** phase you need to bring the interview to a conclusion. You do this by agreeing on what the interviewee has said and explaining what happens next.

2.2.3 Evaluation in P.E.A.C.E

Having conducted an interview it is necessary to evaluate its significance within the framework of the entire investigation. In the Evaluation phase, a number of questions must be considered:

- What information has been obtained?
- What further enquiries now need to be made?
- How does the account given in this interview match other available information?
- What action needs to be taken?
- How did you perform/how could you develop your skills?

Your previous plan may have to be revised. Information obtained during the interview may suggest the need for an urgent reassessment of priorities. These considerations are all part of the process of **Evaluation** which is the final phase in P.E.A.C.E.

Sometimes there may seem to be precious little time for **Evaluation** or indeed **Preparation** and Planning, but that doesn't detract from the potential importance of these two phases. Time must always be spent on these phases.

2.3 Variations in P.E.A.C.E

Even though the P.E.A.C.E model is applicable to all categories of interview, there are special requirements and demands depending on the type of interviewee.

Although the accounts of some interviewees may have to be queried, the process of clarification can frequently lead to a direct challenge to their

versions of events. Similarly, the use of memory-enhancing techniques may be especially appropriate to help individuals recall details. However, they may also be appropriate to check the consistency of their accounts of their versions of events.

The P.E.A.C.E model provides the structure for interviewing in much the same way that an architect provides the plans of a house. Building the house, however, requires a whole collection of different practical skills and this is so with interviewing.

2.4 Summary

The interview is always preceded by **Preparation** and Planning and followed by an **Evaluation**.

The interview itself has three phases:

- Engage & Explain;
- Account, Clarification & Challenge;
- Closure.

The **P.E.A.C.E** mnemonic represents all five phases of the interview:

- Preparation and Planning
- Engage & Explain
- Account, Clarification & Challenge
- Closure and
- Evaluation.

The lines in the diagram show how there may be movement back and forth between phases. This model is applicable to all categories of interview despite differences in emphasis.

Chapter 3

Conversational Techniques

As interviewers, you assume responsibility for initiating and maintaining conversation with an interviewee in the interview. You now need to examine some of the basic characteristics of conversation which are applicable throughout all three phases of the interview (see *Diagram of the P.E.A.C.E Model*, Chapter 2.2).

In particular, you need to examine:

- How to personalise the interaction.

- The need to listen actively.
- Taking turns to speak and the need to allow the interviewee's contribution.
- How topics flow from the conversation.
- Appropriate use of questions.
- Monitoring the progress of an interview.

These are techniques that interviewers need to employ in order to facilitate a dialogue in which the interviewee is encouraged to participate.

3.1 Adopting an Approachable Style

As interviewers you need to adopt an approachable style. You must try to remove any barriers of authority we may have. This helps us establish a professional relationship (see *Engaging in Conversation* Chapter 5.1).

Your appearance and the way in which you behave is known as non-verbal communication and can influence the attitude of other people towards us. Initial impressions may influence the tone for the remainder of the interview. If an interviewee initially sees you as impatient and unsympathetic they will interpret your subsequent behaviour in that light. They may respond in a way which makes you feel impatient and unsympathetic even if you weren't to begin with.

Non-verbal behaviour will continue to have an effect throughout the interview. Facial expressions, the way you are seated and your actions with pens, paper and files for example can all give impressions to the interviewee that may hinder the interview. Such signals will not encourage an interviewee to participate in the interview. Adopting an approachable, confident and straightforward manner will maximise your chances of obtaining accurate and reliable information.

3.2 Personalise the Interaction

On meeting the interviewee you should introduce yourself. Tell them how you would like to be addressed. Having done this find out how they would like to be addressed. Using that name will demonstrate you have respect for them as an individual. Not treating people as individuals can add to the difficulties of interviewing.

During the interview it is up to you to convey to

the interviewee that you are genuinely interested in their comments, views and statements. Maintaining eye contact, showing other non-verbal signs of encouragement and summarising demonstrate your interest in their account.

3.3 Listen Actively

Listening is not a passive activity. You must actively process the information that is being provided by the interviewee. Consider how the information fits in with knowledge you already have and how it affects your interview plan. Active listening allows you to establish and maintain rapport.

Active listening helps you:

- Identify topics during the interview and therefore manage the conversation.
- Communicate your interest in the interviewee and their account.
- Identify important information.

Maintain eye contact with the interviewee, use non verbal prompts such as nodding in agreement. Reinforce these actions by incorporating their words into your questions when you summarise their account.

The four stages below are a suggested approach to active listening.

Stage 1 - Concentrate

- Try to organise the information into categories or into chronological order;
 - Stay in focus with the interviewee by avoiding inattentiveness;
- Notes may be taken, but should not be allowed to affect the flow of the interview.

Stage 2- Comprehend

It is an important aspect of listening that you gain a full and accurate understanding of what is being said and that you separate fact from opinion.

Active listening should encourage interviewees to tell you how they feel about a situation.

Stage 3-Sustain

Reinforce your commitment to giving interviewees adequate time and space to talk by making use of open posture, eye contact, encouraging nods of the

head and other non-verbal cues which indicate your continued attention.

Stage 4- Summarise

An important part of active listening is to summarise what has been said. Summarising has the following advantages:

- It helps concentration;
- It assists your comprehension and gives the interviewee the opportunity to confirm or contradict your understanding;
- It assists the transfer of information into your memory;
- It demonstrates you are interested and listening to the other person.

3.4 Take Turns to Speak

During an interview you should give the interviewee their turn to talk and the time to do so. This helps them to feel part of a conversation and encourages talking. Although this may seem obvious, you have all met people who dominate conversations by interrupting and not allowing others their turn to speak. Indeed some people even give the answers to their own questions! Remember that it is the interviewee's version of events that you want and you must allow them to have their say.

In the initial phase you may well need to speak rather more than in later stages. This is because initially you need to explain the purpose of the interview and set the 'ground rules'.

3.5 Expect Their Contributions

You should always give the interviewee time to formulate and give their reply. You should tell them at the outset that you will be giving them time to answer your questions. Waiting for a reply will convey the perfectly natural expectation that you wish them to talk with you in a normal conversational manner.

3.6 Conversation Topics

It is important to let the interview flow naturally from one topic to the next. Listen to their account and concentrate, this will encourage the natural progression of the conversation.

During the Engage and Explain phase you will be providing a lot of information and must actively

strive to bring the interviewee into the conversation. In the Account phase the interviewee should be providing you with information.

3.7 Open Questions

Asking open questions should produce a full response to the question. It does not limit the amount of information an interviewee provides. With open questions the interviewee is encouraged to search their memory providing a fuller response.

Even when your questions are directed towards particular features or details, you should avoid asking unproductive questions. For example: *"Tell me about your last job?"* is preferable to *"Did you enjoy your last job?"*, and *"Tell me, why you think people reacted this way"* is better than, *"Have you found that people often react that way with you?"*

Open questions minimise the possibility of suggestion and may increase the amount of relevant information obtained. When it is necessary to establish something specific eg. in the colour of the car, you must avoid closed or leading questions. For example, *"Was it a red car?"*. This may mislead the interviewee and plant a false memory. Moreover, it doesn't encourage the interviewee to recall or tell you the colour they really believe the car to be.

3.8 Coherent Questioning

Asking someone to recall something in detail takes mental effort on the part of the interviewee. To change topics prematurely before the interviewee has fully exhausted all the detail they can or wish to give is distracting and counter-productive. Therefore you should wait until a more appropriate time in the interview before asking questions, that suddenly occur to you, about another topic. Finish each topic before moving on. If something comes to mind during one topic that is not immediately relevant write it down in order that it can be raised later and is not forgotten.

3.9 Monitoring and Evaluating Progress

It is essential that you keep track of the information provided by the interviewee. Continually monitor the progress of the interview so that you can determine whether there will be a need to clarify or challenge their account. It is useful to take notes during an interview. Note

important points or questions in order that you can clarify or challenge the information when appropriate.

Note taking will also help you later to write a report, statement, or summary of the interview. This is important as it can be difficult to retain all the interviewee has to say. In these circumstances notes will help you retain valuable information and enable you to use the interviewee's own words rather than work jargon. In some cases, it may be useful to record interviews on audio tape.

3.10 Summary

Conversational techniques help to initiate conversations and facilitate an ongoing dialogue with interviewees. These techniques include:

- Adopting an approachable manner and personalising our interactions help establish a professional working relationship.
- Active listening to prevent the loss of important data, identify topics of conversation and demonstrate an interest in the interviewee's account.
- Taking turns to talk and expecting a contribution from the interviewee to assist in obtaining an accurate account from them.
- Using questions appropriately to encourage interviewees to provide a full account.
- Taking notes to keep track of the information being provided and highlight areas needing clarification and challenge.

All of these are invaluable during all phases of the interview.

Chapter 4

Preparation and Planning

4.1 The Importance of Preparation and Planning

Preparation is one of the most important phases in effective interviewing. Research has indicated that giving priority to **preparation** is one of the key characteristics of the effective interviewer.

Preparation should be carried out no matter what type of interview is being considered. The written

record of your preparation forms the basis of your plan. These plans provide a record of your reasons for taking the action you did. **Preparation and Planning** ensure that you are as adequately prepared for the interview.

4.2 Preparation for Interviews

There are a number of points to be considered in the Preparation and Planning phase of all interviews. These points will form the basis of your written plan:

- How this interview might contribute to the enquiry, job application, feedback session etc
- What we know about the interviewee
- Aims and objectives
- Legal requirements
- Practical arrangements

The circumstances of each case will determine the importance of each of these points and how they impinge on one another. Each point should be considered in relation to the others when preparing for an interview. For example, the practical matter of the timing of the interview may be affected by the need for a legal or union representative to be present. Your notes under each of these headings will be the core of your interview plan.

4.2.1 How this interview might contribute to the enquiry, job application etc

Preparing for an interview gives you an opportunity to review the situation, establish what information is available and decide what you want to achieve in this interview. You need to consider such questions as:

Do I have the full job description?

Am I complying with equal opportunity legislation?

- Which persons need to be interviewed and in what order?
- Why is this particular person's viewpoint so important?
- Is there information which I need to obtain urgently?
- Should I interview this person now or wait until I have obtained more information about the circumstances?

Such questions will help ensure that you obtain relevant and useful information from the interview.

Every interview must be prepared with the aims and objectives in mind.

4.2.2 What we know about the interviewee

To interview effectively you need to take account of the interviewee as an individual. Every interview must be approached with an open mind. You are required to act fairly and considerately in the circumstances of each individual case. To do this you will need to ensure you have the necessary background knowledge. The following are some of the factors that need to be considered:

- *Age, gender and domestic circumstances* - is information which will help you to establish the interviewer / interviewee relationship. In some circumstances it may influence whether or not you are the right person to conduct the interview.
- Knowledge of an interviewee's domestic circumstances will also help you to determine the appropriate time and place for the interview.
- *Cultural background* - can affect the way a person prefers to be addressed. You must consider how formal your approach needs to be. Does the interviewee have a strong regional dialect and will you be able to understand them? Does the interviewee understand or speak English and will you need an interpreter?
- *Educational background and intellectual disadvantage* - knowing something of a person's educational background and achievement can provide an indication of their vulnerability. Interviewees who are intellectually disadvantaged may not understand the significance of your questions and the implications of their answers.
- *Physical and Mental health* - some interviewees may be vulnerable because of the condition of their physical and mental health. You should be alert to signs and symptoms of health problems during your preparation. Indications can be obtained from their dress, behaviour, background checks and the concerns of others.

- *Previous contact* - this knowledge, if available, will assist you to assess a number of different factors ie how they might relate to you or establishing opening questions, during the engage stage. This should be done in an objective way maintaining an open mind.

- During a discipline enquiry, knowledge of who reported this incident and what they reported can indicate whether they are likely to be co-operative or hostile. Previous contact with your organisation is a useful indication of the co-operation you will receive. Consider checking the content of any message and recent reports.

- Remember that for many interviewees this may be their first contact with your organisation. Therefore you must plan how to explain the interview process to them and what will happen afterwards, including who they should contact if they want to ask questions or give more information at a later date and what support or assistance may be available.

4.2.3 Aims and Objectives

The 'aim' of an interview is
Why you are conducting the interview, and
What you want to achieve

The 'objective' is
What you need to do to achieve this aim

It is important that all interviewers have considered the aims and objectives. The need to cover these points should not dominate the interview by controlling the flow of information. Nor should they artificially constrain or distort the account of events given by an interviewee.

4.2.4 Legal Requirements

A knowledge is required of your organisations internal procedures. If the interview is likely to involve a disciplinary hearing or an industrial tribunal then guidance should be sought from your legal department or a solicitor.

4.2.5 Practical arrangements

Practical arrangements are an important consideration in the planning and preparation for an interview. These practical issues apply to the

planning of all interviews. The factors to be considered are:

- Location of Interview
- Roles of interviewers
- Time
- Provision of refreshments
- Removal or reduction of interruptions
- Social etiquette
- Other Factors

i) Location of Interview

You should always consider surroundings and the possibility of noise and interruptions.

ii) Roles of Interviewers

Ideally two interviewers should conduct an interview and it is important that they work together to prepare for the interview.

The roles and responsibilities of each interviewer should be considered and then agreed before the interview.

Thorough preparation will avoid the possibility of the second interviewer interrupting or breaking planned silences or pauses between questions. Your plan should include when the second interviewer is going to ask questions, this can be at the end of each topic or when the first interviewer has finished asking all his/her questions in relation to all the topics.

There may be occasions when the interview needs to be suspended in order to revise your plan.

iii) Time

The interview could be influenced by work or domestic responsibilities. You should always allow sufficient time to conduct your interviews.

iv) Provision of Refreshments

If conducting one interview, it is always appropriate to offer refreshments and appropriate breaks

v) Equipment

Your preparation should include making sure you have all the necessary forms and equipment required.

vi) Social etiquette

It is important to remember the basic rules of politeness i.e. drinking and eating in front of the interviewee, without offering the same to them.

vii) Other Factors

You need to consider in advance the role of this particular interview. This may include whether you are likely to deal with all the matters in one interview and how significant is the interview. These points will determine what information you will give the interviewee at the close. You should note in advance what advice may need to be given and what problems may need to be dealt with before you close the interview.

Post-interview contact can be as important as the interview itself. Discipline interviews might not lead to immediate suspension or dismissal, in which case you may wish them to contact you if they have anything more to say. All interviewees will continue to think about the incident beyond the end of the interview. In fact they may keep on remembering relevant details for several days or weeks and they should be encouraged to make a written note of these details. You need to plan how they can contact you with that information. You may also need to keep them informed about what is happening.

4.3 Making a Written Interview Plan

Your written interview plan should include:

- The range of topics you would like to see covered.
- The aims and objectives.
- What you know about the interviewee.
- What you would like to know about the interviewee.
- Any other points arising from your notes in response to the factors in 4.2.

These points may be added to during the interview as the interviewee introduces new information which requires clarification or challenge.

Your written interview plan summarises the aim(s) of an interview and provides a framework on which to base your questioning. A written plan will give you the confidence and flexibility to conduct a professional and effective interview.

Your written plan will assist you to:

- Keep track of what has been covered and what remains to be dealt with.
- Identify areas where the interviewee's account conflicts with what is already known or, has been suggested in other accounts.
- Identify new information whilst keeping track of the purpose of the interview.
- Identify any issues that have not been covered.

You must remember that your interview plan may be useful later on to show why you took a particular course of action, so it should be retained.

4.4 Summary

Preparation and Planning is a vital element of an effective interview. This chapter has described some factors that need to be considered in the Preparation and Planning phase. A written plan summarises the aim(s) and assists in conducting an effective interview.

INTERVIEW PLAN

INTERVIEWEE

DATE

INCIDENT/OFFENCE/AIM

POINTS TO PROVE

DEFENCES/EXCUSES/MITIGATION

FACTS ALREADY ESTABLISHED

FACTS TO BE DETERMINED

Chapter 5

Engage and Explain

Engage and explain is the first phase of an actual interview. During this phase you begin to establish a relationship between yourself and the interviewee. Engage is the first step in order to encourage conversation. Explain is used because the interviewee must understand the purpose of the interview.

5.1 Engaging in Conversation

Engaging someone in conversation is not always an easy task. This is especially true if the person is a

stranger. Factors such as their background, age and sex may also make it more difficult. The people you interview are usually strangers and from a wide range of backgrounds. The way you engage them in conversation will therefore not be the same in every case.

Before explaining the purpose of the interview consider that this may affect the interviewee's first impressions of you.

5.1.1 Managing first impressions

First impressions may influence how a conversation develops. Interviewers and Interviewees can be influenced by appearance, manner and speech regardless of what is said (*see Adopting an Approachable Style* Chapter 3.1). You may be similarly influenced by them.

Factors that make it difficult to manage first impressions include anxiety, which may come from both the interviewer and interviewee. You may believe that a person is reluctant to speak to you. On the other side an interviewee may not have had any previous contact with this type of situation. This may cause the interviewee to be anxious. The result of this is that both parties may enter into conversation reluctantly, thereby confirming that their anxiety was justified. Therefore you must plan for and manage the opening of the interview.

5.1.2 Creating the right atmosphere

In the interview, it helps to have a co-operative understanding between interviewer and interviewee. To establish a working relationship you should treat them as individuals with a unique set of needs. You can do this by personalising the conversation (*see Personalise the Interaction* Chapter 3.2). For example by:

- How you address the interviewee.
- Establishing their immediate needs/concerns.
- Showing an interest in them and their individual circumstances
- Showing empathy as appropriate.

Your responses to an interviewee must not be the result of a stereotypical image based on culture, clothing, speech, behaviour etc. Your aim is to create an atmosphere in which the interviewee will want to talk to you. Sometimes your efforts may not

be effective due to personality differences. Establishing a professional working relationship is important in every type of interview.

However, you can establish a working relationship by acting in a professional and considerate manner before the interview begins, by:

- Keeping the interviewee informed of what is happening (eg. when they are going to be interviewed).
- Being realistic about how long your preparations or deliberations will take and trying to keep the person informed.
- Ensuring that the interviewee receives sufficient refreshments (tea, coffee etc).
- Ensuring their entitlements have been appropriately dealt with.
- Considering whether there are any domestic issues that the interviewee may be worried about, such as collecting children from school.

These tasks may be the responsibility of another person but by ensuring that they have been carried out and keeping the interviewee informed, you will help develop a good working relationship.

5.2 Explaining the Interview Procedure

As you engage the interviewee in conversation you can begin to explain the purpose of the interview and the form it will take. This will consist of three main issues:

- Reason for the interview
- Routine that will be adopted
- Outline of the interview

Each of these will now be dealt with.

5.2.1 Reason for the interview

Generally, the interviewee will know why they are being interviewed. However, they may be unclear of the potential importance of their contribution. Therefore, ensure they have a clear idea of what is expected of them. With a discipline enquiry, this means ensuring that they know and fully understand the reason for their interview.

5.2.2 Routine that will be adopted

Whilst you may be familiar with interviewing and the routines that are involved, many interviewees are not. It is therefore useful to explain these

routines at an early stage to help relax the interviewee and avoid surprising them during the interview. The routines may include:

- Introducing and explaining the roles of any other persons present.
- How, why and by whom notes will be taken.
- Writing a statement (if necessary).
- The use of tapes(if used).

5.2.3 Outline of the interview

You should explain to interviewee's that they will be asked to give their answers or their account and you should provide an estimate of how long this process will take. Give the interviewee a chance to ask any questions or express any concerns that they may have at this stage. This will serve as an effective lead into your explanation of the 'ground rules' they should follow when giving their account.

5.3 Establishing a full account

All interviewees need to know that your primary purpose is to establish the fullest account possible. The following sections cover the 'ground rules' which you should explain in all interviews.

5.3.1 Tell all without editing anything out

Interviewees should be encouraged and permitted to give an account of all that they know and not to edit their account but tell you everything that comes to mind.

5.3.2 They can tell it their way

In all interviews, you want the interviewee to know that they can give their account in their own words. They should give the fullest answer as they understand it.

5.3.3 They should give as much detail as possible

Detailed accounts will help establish them better than accounts that are vague or too general.

5.3.4 They must not fabricate or make up answers to please you or anyone else

Explain that if they don't know something, they should say so and not be influenced by what they think you, or others, might want them to say.

5.3.5 Need to concentrate

Recalling an event from memory can be difficult, especially when there are other things going on. When the matter is painful, embarrassing, complicated, or confusing, remembering things accurately and giving a full account of them can be even more difficult. Tell the interviewee you understand that considerable effort and concentration is required and they will be given time to remember and provide their account.

5.4 Summary

This Chapter has examined the initial phase of the interview, when you engage the interviewee in conversation and explain what is expected of them during the interview. Important aspects of this phase are:

- First impressions can affect the conduct of the interview.
- Personalising the interview will help build a working relationship with the interviewee.
- The need to explain the reasons, routine and outline of an interview.
- The idea of setting 'ground rules' when explaining the purpose of an interview.

Having engaged the interviewee in conversation and explained the purpose and 'ground rules' for the interview, you are now in a position to obtain the interviewee's account. Your move into the Account phase should be a seamless shift, rather than an obvious completion of one stage and the start of the next.

Chapter 6

Account, Clarification and Challenge

Having **engaged** the interviewee in conversation and **explained** what you expect of them, you must now obtain the fullest **account** that they can, or will provide. There are a number of essential processes you must go through to obtain an accurate and reliable account. These are:

- Obtaining the interviewee's own uninterrupted account
- Expanding and clarifying their account
- When necessary challenging the interviewee's account

In this chapter you will consider what each of these processes involves and examine the problems of co-ordinating them. There are techniques for helping an interviewee to provide a full and accurate account of events. These were dealt with in Chapter 3:

- Personalising the interaction
- Listening actively
- Taking turns to speak
- Expecting the interviewee's contribution
- Identifying conversational topics
- Asking open questions
- Coherent questioning
- Monitoring and evaluating progress

They are the conversational basics required of all interviewers when obtaining an accurate and reliable account. We will now consider that task in greater detail.

6.1 Obtaining the Account

You will recall that the purpose of an interview is to obtain reliable information about a matter. During the Engage and Explain phase you will have given the interviewee 'ground rules' on how to provide their account. Having explained the purpose of the interview, you should move onto obtaining the interviewee's account. The following guidelines should assist you to obtain a complete account.

6.1.1 Don't rush - set the scene - 'reinstate the context'

Frequently an interviewee will be recalling an event that they experienced days, weeks, months, or even years previously. It is often difficult to recall details easily and accurately but given time to concentrate and encouraged to make an effort, more details about the incident may be recalled.

Many people already use the technique of '*setting the scene*' when they can't find an important item such as a purse or wallet. If you do, you may ask yourself questions such as, "where was I when I last had it?" Moreover, "what was I doing or thinking about when I last used it?"

Psychologists describe this scene-setting technique as '*reinstating the context*'. It is very useful in helping people recall events and increasing the amount they recall. Therefore, it is important that

you give willing interviewees an opportunity to reinstate the context, mentally recalling a picture in their mind.

You can help them do this by asking them to describe what was happening and how they were feeling at the time of the incident. This is done by asking simple questions such as:

- What were you doing at the time?
- Where were you? How were you feeling?

You can also help set the context by referring to other events that occurred either before, at the time or even after the incident.

Encourage the interviewee to use their senses to reinstate the context, smells, touch, taste, hearing, as well as what they see will assist them to do this. The idea is to help trigger the interviewee's memory of the day in question. The process of recalling contextual information helps the interviewee recollect information that is relevant.

6.1.2 First obtain an uninterrupted account

You should ask the interviewee to give an uninterrupted account of everything they know about the matter under investigation. Asking first for an uninterrupted account has the following advantages:

- You get to know their version without prompting or interrupting them.
- Interviewees have a chance to explain their views and should feel they have had an opportunity to say what they wish.

As the interviewee gives their first account, listen carefully and note areas that you wish to obtain further details about. This could include such things as clothing worn, the route travelled, or what happened at a particular place or time.

Interviewees must be given sufficient time to provide their first account and are encouraged to do so using the techniques described in Chapter 3.

On occasions, for a variety of reasons, you will not obtain a first account. This may be because an interviewee (even after careful explanation), does not understand what they are required to do. It could simply be that they refuse to answer your

questions. When this happens you must consider the aim(s) of the interview in your written plan (see *Making a Written Interview Plan* Chapter 4.3). Systematically cover the questions/topics that you identified during your Preparation and Planning. You should use open questions to encourage the interviewee to give a full response, (see Chapter 3).

6.1.3 Encourage repeated attempts to recall

During the interview, encourage the interviewees to search through their memory extensively. It is extremely unlikely that everything available in their memory will be immediately recalled.

To obtain as much detail as possible encourage the interviewee to make repeated attempts at recalling the information, from different view points or with different goals in mind. This will increase the number of routes that can be taken to any given piece of information and will help recall as much as possible.

Other recall strategies can be introduced if it seems appropriate. Often when you ask someone to explain what happened it is the visual scene they emphasise, in a chronological order. Remember information is received through all five senses.

It may be beneficial to ask for an account based on what the interviewee remembers from one of these other senses, such as what they remember hearing at the time. After this alternative recall strategy has been used, it can help to return to the original recall style to see if the interviewee's memory has been jogged by the different strategy.

6.2 Expanding and Clarifying the Account

The first account given by the interviewee may be incomplete. Frequently the interviewee's account will need to cover a broad time span or range of events. It may be difficult for the interviewee to manage such a wide range of information all at once. Subsequent questions must be put systematically to ensure they have remembered all they can.

6.2.1 Breaking down the questioning

To assist the interviewee you may need to break down the questioning of their account into

manageable episodes or topics. Possible episodes or topics should be identified during your planning and then modified or added to, as the interviewee provides their account. By breaking down the account in this way you can:

- Keep track of what has been covered.
- Understand new information introduced by the interviewee and fit it into the overall situation.

You can then expand their account by systematically examining each episode or topic and asking for more details when necessary. Use an open question to start examining (or probing) the areas you have identified. You should keep asking questions about each topic until you have all the information you need, or the interviewee is unable to provide any more information.

Remember the accuracy of eyewitness accounts depend on a number of different factors. R v Turnbull [1976] gave guidance on what should be considered when assessing eyewitness testimony. It may be helpful to remember the advice using the mnemonic **ADVOKATE**:

- A** Amount of time under observation.
- D** Distance from the eyewitness to the person / incident.
- V** Visibility - including time of day, street lighting etc.
- O** Obstructions - was there anything obstructing the view?
- K** Known or seen before - did the witness know, or had they seen the suspect before?
- A** Any reason to remember - was there something specific that made the person/incident memorable?
- T** Time lapse - how long since the witness last saw the suspect?
- E** Errors or material discrepancies.

These points must be recorded as part of a witness statement.

6.2.2 Summarise as you go along

You should summarise what has been said about one topic, to check your understanding is accurate, before moving on to the next. To maintain the conversational flow you should link the summary to

the next topic with an open question e.g.

"So the first man, the one wearing the blue anorak, got out of the car and ran into the bank whilst the driver stayed in the car. What happened next?"

Apart from giving you the opportunity to check on your understanding of what has been said, summarising also gives the interviewee the opportunity to add to, or alter what they have said. It also helps maintain a professional working relationship by showing you have listened and understood what they have said.

This should encourage the interviewee to continue their account and to be increasingly open with you as time goes on. Summaries also have the benefit of affording a break for the interviewee as you contribute your share of the conversation, whilst giving you an opportunity to collect your thoughts and to keep track of the information that has been provided.

On occasions there will be a lot of information in one topic area. To avoid becoming overloaded with this, you may need to summarise the interviewee's responses before the end of the topic and then summarise the whole topic before moving on.

Using summaries like this in lengthy or complex interviews not only demonstrate that you are listening, but also helps you to retain the information

6.2.3 Clarification

Clarification is required when you find inconsistencies in the interviewee's account, or when you are unclear about what it is they are saying. Often this will be clarified when obtaining the expanded account. However, sometimes you may wish to note the inconsistency and raise it later.

6.2.4 Check everything has been covered

Eventually you will have systematically examined the interviewee's account and obtained all the information they can give. You must now assess the information obtained against the aim(s) of the interview in your written plan. You will then be able to decide whether to:

- Challenge the interviewee's account of events;

or

- Give a final summary before moving into the Closure phase of the interview.

6.2.5 The role of the interviewers

Where there is a second interviewer in an interview, as previously discussed in Chapter 4, you should allow them the opportunity to question areas they may have identified as being ambiguous or in need of clarification. This should have formed part of your plan and may be at the end of each topic, or after the first interviewer's challenge phase.

6.2.6 When a challenge is not required

After the interviewee's account, with Clarification where necessary, you may feel the interview can be drawn to a close. There may be nothing to be challenged, with no more information to be obtained from this interviewee. In some cases, you may feel that although a challenge may be required it is inadvisable at this stage. For example, where you need to make further enquiries before interviewing further, or even that you no longer believe they were involved in the offence.

If you are satisfied that no challenge is required you should move to the next interview phase of, Closure. However, if there are areas of an account which you need to Challenge, you may wish to adjourn the interview whilst you revise your plan.

6.3 Challenge

Challenge is your response to an interviewee's account which is inconsistent with other evidence/information in your possession. It is important to emphasise that you should explore the inconsistencies you have noted in a confident and co-operative manner. There is no place for confrontational, sarcastic, aggressive remarks or attitude on the part of an interviewer. The task is one of challenge; the manner in which it is accomplished must be professional.

Challenges can be seen as occurring under two circumstances:

- Planned as a result of holding back information in order to test what an interviewee might say
- In response to the interviewee's version of events, given before or during an interview,

which is contrary to other evidence in your possession.

6.3.1 When a challenge is required

The account needs to be challenged when you have good reason to suspect that an interviewee is deliberately withholding relevant information, or knowingly giving a false account.

On occasions it might not be inappropriate to challenge their account on the basis of its completeness during the current interview. You may consider that a person is in an unfit state to be questioned further at this stage, or judge that they would be best challenged on a point at a later stage, when further enquiries have been made.

Inconsistencies with other evidence - What an interviewee says may be inconsistent with evidence from other sources. This evidence could have come from other interviewees or consist of material evidence. Inconsistency with other evidence does not, of course, necessarily mean that the interviewee is lying or even mistaken. But such inconsistency will need explanation, either immediately or in the future.

It is important to bear in mind that both clarification and challenge refer to the task of exploring with the interviewee the reasons for their evasiveness or inconsistencies. They do not refer to the manner in which you do this. The next section will consider how to conduct clarification or challenge in an appropriate professional manner.

6.4 The Process of Challenge

There are three aspects you should consider when challenging an interviewee's account:

- The timing of your challenge
- Adopt a problem solving approach
- Ask for an explanation of the discrepancies

6.4.1 The timing of your challenge

The timing of some challenges can be planned, particularly with evidence that you decide not to disclose to the interviewee immediately. But there can be no hard and fast rule about when to challenge an interviewee's account of events.

You would normally not challenge an interviewee whilst they are actually giving their account! Doing that might discourage them from continuing to give their explanation.

Whether you challenge at the end of a particular topic or wait until the interviewee has provided their full account will depend on the circumstances at the time.

6.4.2 Adopt a problem solving approach

You should explain to the interviewee that you wish to explore certain areas or points again. It is important that you present your continued questioning as a form of problem solving to which the interviewee can contribute. You can explain that there are aspects of their account that you wish to explore further. That way, the interviewee is not put on the defensive and is better able, if they so wish, to change their account, or to add to it, without embarrassment and without losing face.

6.4.3 Ask for an explanation of the discrepancies

You must ensure that any discrepancies requiring an explanation, or gaps in evidence are clearly put to the interviewee. To begin with you should ask the interviewee for suggestions as to how the discrepancies between their account and the evidence you have gathered, have occurred. In the case of evasiveness, ask for anything they might be able to add to what they have said, as there are still some questions you need to have answered. Reiterate the purpose of your enquiries and indicate the openness of your search for the truth. Explain that you will be continuing your enquiries until satisfied that you have an accurate and reliable understanding of what has happened.

You should not try to give an explanation of why the discrepancies have occurred (e.g. "You're lying"). Remember to give plenty of time for the interviewee to respond to your query.

Use the conversational techniques discussed earlier, (personalising by using their preferred name, asking open questions, listening actively, expecting the interviewee's contribution and summarising their explanations) before going onto the next problem.

6.5 Summary

This chapter has examined how you obtain the interviewee's account of an event under investigation and how to clarify and challenge that account as appropriate. Having obtained the interviewee's account of events the next phase of the interview is bringing it to a close. Closing an interview requires careful consideration and planning, as with all the other phases.

Chapter 7

Closure

The interview should be brought to a close when you have properly concluded that no purpose will be served by continuing. It is important to plan the termination or **Closure** of an interview. This should be done in a courteous and professional manner. When the interview is clearly drawing to its close, your aim should be:

- To ensure that there is mutual understanding about what has taken place
- To explain what will happen in the future
- To facilitate a positive attitude towards providing accurate and reliable information in the future.
- To verify that all aspects have been sufficiently covered.

In this chapter we will consider how this is achieved.

7.1 Verification and Consolidation

The answers to two key questions must be considered before Closure of the interview:

- *Have you covered all the questions you want to ask?*
- *Has the interviewee provided all the information they are able and willing to provide?*

These questions are most easily answered by reviewing the topics that were covered during the interview and the information obtained.

7.1.1 Reviewing the account

Reviewing the account tests whether Closure is appropriate and consolidates the information provided in the interview. Explain to the

interviewee that you are going to summarise what has been covered in the interview and that this will give them an opportunity to confirm, alter, clarify, deny or add anything they wish.

Where the interviewee has remained silent, or refused to answer questions you can summarise by systematically going over the main points. This tends to highlight any allegations and any defence which may be open to them but which they have declined to comment on. This ensures that they have no doubt about what has been covered.

7.1.2 Dealing with new information: Opening a new account phase

Do not hesitate to raise additional issues that occur to you during your summary and be on the look out for signs that the interviewee might have more to say. A person may indicate a willingness, verbally or non-verbally, to answer questions about topics on which they had previously remained silent. The interviewee may suggest that they have relevant information that has not yet been discussed. Be prepared for these eventualities. You may respond by re-entering the Account phase immediately, or, if a break is required, adjourning the interview and in effect starting the Account phase afresh.

Consider again the model of P.E.A.C.E presented in the diagram at 2.2. Closure provides the opportunity to re-enter Engage and Explain and Account. This allows you (and the second interviewer, where present), to explore any new information in a systematic manner.

7.1.3 Questions from the interviewee

Once you have summarised their account you should ask the interviewee if they have any questions. An interviewee may well want to clarify whether they will be required to attend a discipline hearing or tribunal and what this entails. They may have worries and concerns about their personal safety, or some other query. A willingness to listen at this point may well prove fruitful, not only in obtaining new information, but also in their attitude towards you and other interviewers in the future.

If they do ask questions, give honest answers and if you do not know the answer, say so. Do not discuss

the matter of what might happen at a subsequent 'hearing'. Point out that this is a matter for the 'hearing'. If you are asked directly what action will be taken, the person may be informed of the proposed action, provided this is proper and warranted.

7.2 The Closure

Having summarised the interviewee's account and answered any questions they might have, you are then in a position to close the interview. Once you have closed the interview you should continue to adopt an approachable, professional style. Ensure that the interviewee understands what is going to happen next. Offer refreshments when appropriate and ensure that they are provided. Remember this may be one of a series of interviews. You should continue to maintain a working relationship with the interviewee throughout.

Ensure that abrupt endings are avoided, by allowing adequate time is set aside to close the interview properly and explain the next stages of the process. Remember that most people will not have been through this experience before and will therefore, in appropriate cases, appreciate any support or information you may be able to supply.

Some people may need the support of friends, relatives and in some circumstances, professional counselling. Spending time with them after an interview creates good will and can pay dividends, by encouraging interviewees to report information that they might recall later, or come forward to help with other matters in the future.

7.2.1 Preparing Future Ground

The tasks here may differ depending on the type of person being interviewed. You should maintain the working relationship that you have established, whilst they have been with you. They should be left feeling that they have been dealt with fairly and in an approachable professional manner.

Remember that no matter which category the interviewee falls into there may be an occasion in the future when you or a colleague would like them to help .

You should explain to interviewees that they are likely to remember more information, about the

incident in the future. They should be asked to jot this down on paper. It is very important that you leave them with a method of getting new information to you. In appropriate cases you should also explain that you will contact them in a few days, to see if they have remembered anything else and to inform them of any developments.

7.3 Summary

Closure is more than just finishing the interview and moving onto the next task. It involves:

- Checking that it is appropriate to close the interview.
- Summarising what has taken place to ensure mutual understanding.
- Being prepared for new information and a return to the **Account** phase.
- Leaving the interviewee feeling that they have been treated with respect.

Having completed the interview phase of the P.E.A.C.E model there is still one more phase **Evaluation**.

Chapter 8

Evaluation

Evaluation is an integral part of an interview, just as much as any other phase. The interview is only effective if you:

- Know why and how it is to be carried out (**Preparation**); and
- Assess its significance (**Evaluation**).

Evaluation concludes the P.E.A.C.E procedure. You need to evaluate:

- The information obtained.
- The whole situation/enquiry in the light of the information obtained.
- Your performance.

8.1 Evaluate the Information Obtained

Evaluate the information provided during the interview and the extent to which your aims and objectives have been achieved. Often this can be accomplished by posing a series of questions to yourself and evaluating the answers.

8.1.1 Aims and objectives

Consider first your interview plan and your initial aims and objectives:

- Were these revised during the interview? If so, why?
- Have you achieved your (possibly revised) objectives?
- Have you covered the points needed to in question?

8.1.2 New information

Similarly, you should consider:

- What new information do you now have?
- Is it consistent with information already obtained?
- Are there any conflicts to be resolved?
- What further enquiries do you need to make?

8.2 Re-evaluate the Information

The above questions will assist you to assess what impact the interview has had on the situation/enquiry and what action you need to take next.

Consider how your views have changed as a result of this interview. For example, the person may have provided a supported set of circumstances which provide a different picture to the one you had initially.

The interview may have given you new lines of enquiry to follow, such as the involvement of another person not previously known about. Maybe it has merely confirmed and strengthened previous conclusions. Be precise about what evidence you actually have to support your understanding of this incident and identify where you are merely putting forward an opinion.

You will have to answer these questions carefully. You should make a careful note of the reasons for your conclusions and what further action needs to be taken.

8.2.1 Evaluate Your Performance in the Interview

To improve your interviewing skills you need to learn from experience. This means that in addition to evaluating the evidence you must also evaluate your own performance:

- What did you do well?
- What could you have done better?
- What areas can you develop?
- How do I acquire these skills?

Evaluate the whole P.E.A.C.E process. Look back at your Preparation and Planning. Establish where your interviewing can be improved. Evaluate your performance and set goals to improve it where necessary. The more interviews you conduct the more proficient you should become. If you are working with a colleague, feedback should be sought and given on each others interviewing.

Some organisations have a formal evaluation and supervision process. In this, trained supervisors examine interviews, give feedback and advice on how to develop interview skills. This system can be adopted in your organisation.

The important point in evaluating performance is the setting of appropriate aims and objectives whether by yourself or with a supervisor. This is a way to develop your skills as a professional investigative interviewer.

8.3 Summary

The purpose of **Evaluation** is to:

- Examine whether the aims and objectives for the interview have been achieved.
- Review the investigation in the light of information obtained during the interview.
- Develop interviewing skills by evaluating how you performed and setting goals for the future.

It is an integral part of the interview process.

Report Writing

If you want to write reports, study the professionals: read a daily newspaper. Reporters are trained to provide their readers with the essential facts in descending order of importance.

If only people in business did the same. The truth about business reports is that a lot of the intended readers don't actually bother to read them fully. Some just look for the summary and ignore the rest others skim read. Presentation is vital, the precise form depends on the type of report involved.

Here are six steps to help in producing a powerful report.

Step 1. Assessment and information gathering

Ask yourself why are you writing this report, and for whom. What is it really designed to achieve?

There are three main types of report, and each requires the reporter to gather certain types of material.

1. Meeting report or minutes

This should always include the following:

- Time and place
- Names of those present, or of those participating
- A true record of proceedings
- Notice of next meeting

2. Analysis report

This could include anything from a situation report or update to an in-depth feasibility study. The onus is on the writer to take as objective a view as possible. It requires that you gather information under headings like these:

- Objectives and scope of report
- History or background
- Description of situation and relevant factors
- Implications and options
- Summary of prospects

Everything depends upon the brief you are given, and the subject you are tackling.

3. Report with recommendations

This covers much of the same ground as the analysis report, but requires the reader to go further and make a recommendation or recommendations. All the information in the report is marshalled with one clear objective or decisive course in mind. Information needs to be gathered in much the same way as the analysis report:

- Objectives
- Background
- Evidence
- Assessment of options

An executive summary is usually put at the front for the reader's convenience.

If you think it necessary to do a substantial amount of original research, You'd better check with your boss first. How long do you expect to take?

Explore all the obvious information sources and speak to a number of interviewees. You should also be thinking about illustrations for your report. Here is a checklist for basic report requirements:

- Have I got enough information, from enough relevant sources?
- Do I have a realistic schedule, budget and deadline?
- Do I really know what this report is supposed to accomplish?

Step 2. Planning

Plan your report in skeleton form. Look carefully through your material and highlight key passages. Consider your main subject headings (e.g. terms of reference, objectives, background, meetings, present situation, assessment of options, findings, recommendations, cost, appendices etc) you might find it useful to number your headings. The whole process should be giving you a clear idea where you are going before you start writing in earnest.

Step 3. Executive summary

You might think you should leave the summary until the end, but do yourself a favour and have a stab at writing it before you begin to write the report.

The executive summary is so called because it is intended for busy executives who may not have the time or the inclination to read a long report. A good Executive summary -not one that fills several pages- is one of the best tests of a good report. If the summary reads well, it is proof that your report has a clear and convincing message, and readers will be encouraged to read on, to explore in finer detail what you have to say. After all your research you should know by now what the main issues are, if you change your mind about these in the course of writing the report, you can always rewrite the summary at the end.

Step 4. First draft

Try to stick to the headings you have created. Keep reminding yourself who is going to read the completed report. You will need to answer—in writing—some or all of the following questions:

- When, why and by whom was this report commissioned?
- What is the relevant historical background?
- Who has been involved in discussions or meetings to date?
- Why is this an important matter and what are its implications?
- What are your sources of information?

Just because whoever commissioned the report knows certain things you can't assume that everyone else does. Don't use jargon if you can possibly help it. Imagine how you would explain the situation to your mother. If it seems too simplistic, you can always refine it later, but don't change the wording merely to sound more official. Whatever it is, explain it. You've got to keep your readers fully informed. You will have to move on to some sort of assessment of current options (this has to be more than your personal opinion)

Be as specific as you can, where possible give examples. If you are expected to include recommendations in this report, you will in due course find yourself moving from explanation to persuasion.

Above all, by the end of your report, you must feel that you have enlightened your readers. Your job is to shed light

Remember:

- Put the reader fully in the picture

- Keep explaining
- Make a good case
- Be clear

If you can leave the report overnight, or turn your attention to something else for a while, now is the time to do it.

Step 5. Presentation: second draft

After a suitable pause, take a fresh look at your report from a readers point of view. Is it easy to read? Does it flow? Is it logical and well laid out? Is the quality of research up to scratch? Have the important issues been properly investigated? Does it have some useful conclusions or recommendations?

Here are a few points to bear in mind about layout of people who pick up a newsletter:

- 100% read headlines and photo captions
- 70 % read sub-headings, bullet points, underlined or bold items and quotations taken out of the body text
- Only 5-30% read the text itself

What applies to newsletters also applies in much the same way to reports, letters and faxes so try to present your information in the most accessible, attractive way possible.

The presentation of a report will depend, above all, on the client's wishes and expectations.

Choose an appropriate title for your report. Make it as short and relevant as possible.

Step 6. Check and send: final draft

Check for accuracy, if possible have someone proof read the report for you.

Have you acknowledged your sources. Do you need any thing else-footnotes, glossary or bibliography.

Finally, where are you going to send this report? Does it need a covering letter?

If you have followed all SIX steps with care, this should be a powerful report.

Profile of Lead Trainers

Human Rights Investigation & Interviewing Skills

Name : **Ramesh Chandra Bhanu**
 Date of birth : 2 December 1949
 Educational qualification : MA, English Literature
 Address for correspondence : IG Police (HQ), Police Headquarters
 Thiruvananthapuram 695014
 (formerly with the Kerala Human Rights Commission)
 Telephone : 0471 728 415 (O), 0471-445592 (R)



Joined Indian Police Service in 1976. Worked as ASP, SP, DIG and IGP in local Police, special branch. Armed Police Battalion, Protection of Civil Rights, Administration, Anti-Corruption Training, Excise and State Human Rights Commission. Awarded Indian Police medal for meritorious Service in 1997.

Name : **Ashok Chakravarti**
 Date of birth : 18 March 1957
 Educational qualification : MA English Literature
 Address for correspondence : Senior Superintendent of Police,
 NHRC 27 (C) Type V Press Road
 New Delhi 110002
 Telephone : 011-3361655(O) 011-3234507(R)



Joined service as Dy. SP (class I) in the Central Police Organisation in 1971. Worked in the BSF the CBI, Shah Commission of enquiry and the IB. During this period served in various parts of country including north-east state, and Jammu & Kashmir. In early 1995 joined the National Human Rights Commission as Senior Suptd. of Police and presently on its permanent strength. Attended UN sponsored seminars / workshop on Human Rights issues in India and abroad. Visited UK in 1997 to see how police deals with cases of Human Rights violation and then investigative techniques. Also visited prison to see prison management. In the NHRC, investigated cases of police atrocities, abuse of authority, custodial violence/deaths, prison reform, refugees environmental issues, starvation deaths, demolition/eviction, child labour, child prostitution/ sexual abuse/ child marriage, dalit / backward classes, senior citizens, old age home etc.

Name : **MS Yadav**
 Date of birth : 2 March 1954
 Address for correspondence : Deputy Superintendent of Police
 Custodial Death Cell, NHRC
 Sadar Patel Bhavan
 Sansad Marg, New Delhi 110001
 Telephone : 011-3346243 (0)



Working with NHRC since June 1995. Has experience of UN Peace Mission in Cambodia from May 1992 - August 1993. As district Chief of UN Police, supervised the working of Border Control Unit, customs at Cambodia-Thailand Borders. Monitored and ensured impartial and fair working of local police. Associated in election process and repatriation of Cambodian refugees. Investigated Human Rights Violation cases in Cambodia. Attended Advance Scientific Method of Crime Investigation Course at CDTs, Chandigarh; Police Photography course at National Institute of Criminology and Forensic Science, New Delhi. Human Right Investigation Course conducted by CBI and ACRCC and other departmental courses. Received Director General's Commendation Disk twice and commendation/ cash rewards more than 100 times.

Name : **K.K. Arora**
 Date of birth : 5 March 1947
 Educational qualification : B. Com (H) 1969, MA Economics-1971
 Address for correspondence : Inspector of Police
 National Human Rights Commission
 Sardar Patel Bhavan
 Sansad Marg, New Delhi - 110001
 Telephone : 011-3346243 (0)



Joined Delhi Police (Ministerial) in 1970. Was selected as SI (Executive) in 1977, promoted as Inspector, Delhi in 1994. On deputation to NHRC, New Delhi since August 1995. Currently in the Investigation Division, NHRC. Experience in police cases for 18 years and in investigation of human rights cases for six years.

Name : **Dinesh Kumar Dwesar**
 Date of birth : 23 October 1951
 Educational qualification : BA, LLB
 PG Diploma in Personnel Management and Industrial Relations
 Address for correspondence : Inspector
 Punjab State Human Rights Commission
 SCO 20-21-22, Sector 34-A
 Chandhigarh
 Telephone : 0172-608575 (0) 0172-565753 (R)



Joined service in 1976 MHA (GOI). Joined Punjab State Human Rights Commission Investigation Wing in October 1998. Awarded for exemplary work 20 times including commendation certificate. During student life took active part in culture/youth leadership activities after attending university level leadership camps. Always keen to learn and read to be able to work for upliftment of society.

Name : **Hariprasanna Ghosh**
 Date of birth : 7 January 1946
 Educational qualification : MA (Cal) LLB and LLM (Gold Medallist)
 Address for correspondence : C/o Tapati Nandy
 1st floor, 2/35 Netaji Nagar
 Kolkata 700092
 Telephone : 033-4799618
 Occupation : Inspector of Police
 West Bengal Human Rights Commission
 Guest Lecturer, Department of Law
 Advocate, High Court, Calcutta



Name : **Anusuya Ernest**
 Educational qualification : BA
 Address for correspondence : Inspector of Police W3
 Women Police Station
 Kothawal Charadi
 Chennai - 1
 Telephone : 044-4422852
 (formerly with the
 Tamil Nadu Human Rights Commission)



Joined as Sub Inspector in Tamil Nadu Police in 1981. Served in Chennai Airport Security, Cuddalore, Villupuram, Thirultani and Kancheepuram women wing between 1981 and 1995. Promoted as Inspector of Police in 1995 and served in CBI on deputation and assisted the investigation of Rajiv Gandhi case till 1999. Then served in Tamil Nadu Fire service Vigilance Cell for one year. Joined the State Human Rights Commission in October 2000 till October 2001. Currently, Inspector at All Women Police Station, Chennai. Received 160 rewards for good work. Rewarded cash award of Rs 95,000 in Rajiv Gandhi's case for giving valuable evidence. Maintaining a clean defaulter sheet without any punishment for the past 20 years.

Name : **A. S. Pinge**
 Date of birth : 4 August 1940
 Educational qualification : BA from Sagar University, MP
 Address for correspondence : Flat no 104
 Cauvery Apartment
 Aakarti Enclave, G-1 Gulmohar Colony
 E-8 Arera Colony, Bhopal
 Madhya Pradesh
 Telephone : 0755-725688 (R), 0755-764505 (O)



After completing graduation in 1962, joined as Sub-Inspector of Police, MP. Posted as Station House Officer, Police in District Chinwada, Balaghat and Bhopal. In 1976 promoted as Inspector of Police and posted in Chinwada and Bhopal Police Headquarters in different branches. Promoted in 1985 as Dy. Supdt. of Police and posted at Bhopal and Police Head Quarters. Promoted in 1996 as Addl. SP and posted at Bhopal. Retired on 31 August 2000. Decorated by Police Medal in 1996. Since retirement, working with Human Rights Commission, MP as Administrative Officer.

Profile of Lead Trainers

Human Rights & Custody Management

BIHAR

Rajya Bardhan Sharma

Deputy Inspector General (Human Rights)
Office of DIG and IG Police Bihar
Old Secretariat, Patna 800015
Tel: 0612- 237066 (O) 292211 (R) Fax: 0612-237066



1. Katkamsandi (Pelawal, now a part of Jharkhand State Hazaribagh District) PS Case No. 108/97 dated 8.10.1997 u/s 302/201/379/364/34 and 17C LA act. An unknown extremist murdered Father St Thomas. This case was monitored by HR cell of the State Police. The case was detected and people's faith in the police was restored.

2. Kerelari PS (Hazaribagh District) Case No. 32/99 and 33/99. In this case the police arrested some persons. They complained that police had assaulted and arrested innocent people. The matter was enquired and allegation was found to be true. Action was taken against erring police officers by seniors.

Ms Shoba Ohatker

SP, Vaishali
Vaishali
Bihar
Tel: 0926- 72318 (O) 72307 (R)

1. As the SP of district Hazaribagh, Jharkhand, I could protect the rights of a very poor adivasi woman. I got information through an anonymous call that a lady had been raped by four men and the o/c had hushed the matter by taking a bribe of Rs. 50,000 from the accused and by not lodging an FIR. When I got this information, I located the victim, brought her to my confidential office, and recorded her statement. Four men raped her and one of them happened to be the son of the owner of the mill in which she was working as a labourer. I lodged the FIR, arrested all the four culprits, got the statement of the victim recorded in a court, suspended the o/c, initiated a departmental proceeding against him and made the owner of the mill pay a compensation of Rs 15,000 to the victim for her medical treatment. In this way, the rights of a woman who was raped and the rights of that woman under Prevention of Atrocities on SC/ST Act were protected.

2. Two young girls, one a Hindu aged 18 years and other a Muslim aged 22 years were trapped into marriage and made pregnant after which the boys refused to marry them. When these two girls came to me for help, I had two options: either lodge a FIR or arrest the boys and send them to jail in which case the girls would have remained unmarried for the rest of their lives, and may have even ended their lives. The other option was to persuade the boys to marry them. I went in for the second option. Both the boys were brought to my office and I counselled both of them to marry the girls. They agreed and married the girls. Later on, after a few days, both the couples came to my office to seek my blessings and they were quite happy. This way four lives were saved and the rights of these women were protected.

GUJARAT

K. Kumarasamy

Inspector General of Police (IGP)
Special IGP Human Rights and ST/ SC Cell DGP
Police Bhavan
Gandhinagar
Gujarat 382010
Tel: 02712 46311 (0), 079/6307832
Fax: 02712/46329
Email: kumaraswamyk@hotmail.com



Selected as direct IPS officer in 1978 and allotted to Gujarat state. Worked as ASP, SP, DCP, and DIG and now working as IGP (HR & SC/ ST Cell) in DGP office, Gandhinagar since last one year. The guidelines issued by NHRC are taught in the police training institute to the police staff and circulated to all senior officers at director level, who in turn, monitor the implementations of the same by the field officers. These are debated during crime conferences at various levels. The press, local NGOs and social workers interact with police and public on such issues to bring better awareness and implementations of human rights.

A I Saiyed

IGP & Executive Director
Gujarat Police Academy
Karai
Gandhinagar
Tel: 079 3277806
Fax: 079 3277320
(former IGP & Principal, Police Training College, Junagadh)



As a trainer in Police Training College, has taught the subject of human rights to trainees at all level. Assesses trainees and recommends as part of the post training evaluation and for their absorption in the Department with special emphasis on their work regarding promotion and protection of human rights.

HARYANA

Dr John V. George

IGP (Law & Order)

Hissar Range

Hissar

Tel: 01662 - 33041 Fax: 01662 - 33088

(former IGP Law and Order, Haryana Police Headquarters, Chandigarh)



Joined Indian Police Service in 1975. Worked as Asstt. Suptd. of Police/ Suptd. of Police in District Bhiwani, Ambala, Jind, Narnaul, DIG Rohtak Range, Deputy Director Intelligence Bureau, IG Rohtak Zone. IG Law and Order, IG Administration. Was instrumental in Haryana Police issuing a standing order vide which it was made compulsory to register a case and investigate in case of death of a woman within five years of marriage. This has become the law of the land now. Free and immediate registration of complaints and proper investigation into the complaint grievances is an important step in protecting rights. As IGP law and order and as IGP zone, I was assisting in the same. As IGP incharge of Human Rights Cell in the state, I investigated or got investigated all complaints against police officials and ordered appropriate disciplinary action/ criminal proceedings.

K K Sharma

DIG (Crime)

Haryana 1430-B

Transit Flats Sector 19-B

Chandigarh

Tel: 0172-741373 (O), 541913 (R)

Fax no 0172-566686

Email: sanchi@glide.net.in

(former SP Crime, CID, Chandigarh)



Taught Botany to degree students in Vaish College, Bhiwani, Haryana. Joined Indian Police Service in 1986, allotted to Haryana Cadre. Served as Superintendent of Police in Narnaul, Kaithal, Kurukshetra, Panipat and Rohtak district of Haryana. Besides this, also worked as Dy Director / principal of the state police training college, Madhuban, Karnal. As SP Crime CID Haryana, looked after complaints from NHRC and directly to PHQ Haryana as a nodal officer of Human Rights Cell, PHQ Haryana. As SP of Kurukshetra district organised a state level workshop on human rights violations; Police under seige; deteriorating standards of investigation; and how to check the slides in which all ranks of state police participated. As SP Crime conducted an enquiry into a complaint by an NGO wherein an SHO of a police station wilfully and for extraneous considerations had tried not only to save the accused of a gang rape and murder of a dalit girl of Loharmajra village, but had also falsely implicated the poor father of the deceased / victim girl in this case. On the basis of this enquiry report the CBI later on initiated investigation against that SHO who is still facing trial in this case in the designated courts at Ambala.

HIMACHAL PRADESH

Jaswant Monga

DIG Wireless
New Police Complex
Khalini
Shimla - 171002
Tel: 0177 224906
(former DIG Police Training College (PTC), Daroh)



PTC conducts basic, promotional and in-service courses. Teach and practice Parma Yog and monitor. Feedback reflects that sound mind does not violate, instead promotes and protects personal and public, human rights and performs legal, humanitarian duties sincerely. Police behaviour and attitude undergoes a change from being a master to a servant; being public servant rather than a public master of the payer - the commoner. Police public relations improve being a server. Police image improves. Inculcates positive attitude.

KC Sadyal

DIG PTC
Daroh
Distt Kangra - 176092
Himachal Pradesh
Tel: 01894 75610 / 75138
Email: kcsadyal@yahoo.co.in
(former DIG /NR Dharamshala)



Worked as Additional SP in the district from 1987 to 1990. Thereafter, worked as SP of various districts from 1990 to 2000. Worked constantly to protect the human rights of poor people. Honoured by the Governor of HP with a Commendation Certificate and a cash prize of Rs. 25,000 in 1999 for protecting the rights of underprivileged in the society. Organised an educational and awareness seminar for the women of the district which was highly appreciated. Also launched a campaign to ensure that every complainant is provided with a free copy of the FIR. Efforts are also on to ensure that witnesses are not called to the police station again and again and that they are not made to wait for long hours.

UTTAR PRADESH

Ram Deo

DIG Human Rights

DGP/HQ

1 Tilak Marg

Lucknow

Tel: 0522-208371 (O), 365002,361299 (R)

Fax: 0522- 206120



Worked as DIG Human Rights in two postings for about one and a half year. Looking after all cases, which come either directly or through DGP or office of the Chief Minister. In a recent case in Moradabad district, after enquiring, found that the person was implicated wrongly and his missing sheet was opened. Case was false and on enquiring ordered SSP to close his history sheet and got a case registered against SO of that police station. In another case in Banda district, where rape victim was not registered, the husband and wife were put in the lock up. Got the case registered. CO and inspector of police station were placed under suspension from the department. Proceedings have been initiated against SP of the district also.

BN Singh

Addl. SP Crime

DGP Headquarters

1 Tilak Marg

Lucknow

Tel: 0522-206903 (O), 302324 (R)

Fax: 206901



Provincial Police Officer recruited on the basis of 1979-batch exam. Worked in different capacities - presently DGP Headquarters. Present assignment includes monitoring of sensational cases, including cases of complaints of abuses of authority by field officers. Two cases listed:

1. In a case of Baghpat district, information was received that a Dy SP falsely implicated a person in a case. Enquires were made and suitable action proposed.
2. In a case of Kanpur district, received a complaint against an Inspector. Enquiry started and suitable action initiated against erring police officer.

NATIONAL HUMAN RIGHTS COMMISSION

A Chakravarti

Sr. Superintendent of Police
National Human Rights Commission
27-(C) (Type V) Press Road
New Delhi 110002
Tel: 3361655 (O), 3234507(R)
Fax: 3344113, 3340016, 3366537
Email: nhrc@ren.nic.in



Serving the NHRC since its inception and dealing with investigation of cases relating to Human Rights violations like police atrocities, abuse of authority, illegal detention, custodial deaths, rapes, prison matters reforms, refugees issues, environmental, starvation deaths, demolition/evictions, child labour, child prostitution, bonded labour, forced labour, denotified tribes, child sexual abuse, infanticide, foeticide, child marriage, atrocities, dalits/backward class, senior citizens, old age homes etc.

1. Foreigner inmates lodged in Tihar Jail, alleged discrimination and harassment by the jail authorities. Winding up the Foreigner's Cell in which about 300 inmates were lodged and sending them to general enclosure.
2. Picking up of an innocent Dalit youth from Jahangirpuri, (Delhi) by the Ghaziabad Police (UP) and allegedly killing him in a fake police encounter, showing his involvement in a number of criminal cases. Relatives refused to remove the body for cremation and created a serious law and order problem. Arranged for second post-mortem to defuse the tense situation, followed by a field enquiry.

Contact Details

National Human Rights Commission

Sardar Patel Bhawan

Sansad Marg

New Delhi - 110001

Fax: 011 3340016 / 3366537 / 3344113

Website: www.nhrc.nic.in

Mr PC Sen

Secretary General, NHRC

Mr YN Srivastava

DG (INV), NHRC

Mrs S Jalaja

Joint Secretary, NHRC (Tel : 3346243)

Mr Shashi Valiathan

Under Secretary, NHRC (Tel: 3348477)

The British Council

British High Commission

17 Kasturba Gandhi Marg

New Delhi - 110001

Tel: 011 3711401 Fax: 011 3710717

Website: www.britishcouncil.org

Ms Kamal Singh

Head, Governance & Social Justice

(extn 210)

Ms Manpreet A. Singh

Assistant Manager, Governance & Social Justice

(extn 232)

State Human Rights Commissions

Punjab State Human Rights Commission

Suite Nos. 20-21-22
Near Inscop Hospital
Sector-34a
Chandigarh
Tel: 0172 608469
Fax: 0172 608520

West Bengal Human Rights Commission

Bhabani Bhavan
Alipore
Kolkata - 700027
Tel: 033 4799618
Fax: 033 4799633

Tamil Nadu Human Rights Commission

Justice Pratap Singh Maaligai
(Second Floor) No. 35
Thiru Vi. Ka. Salai
Royapettah
Chennai - 600 014
Tel: 044 8217895

Kerala State Human Rights Commission

Arkanilayam M.P.
Appan Nagar
Vizhuthacaud
Thiruvananthapuram-14
Tel: 0471 - 336522 /320137

Madhya Pradesh Human Rights Commission

Paryavas Bhawan
Arera Hills
Jail Road
Bhopal-462001
Tel: 0755 764505
Fax: 0755 574028

Partner State: Police Academies

HARYANA

Mr M S Malik
 Director General Police
 Police HQ
 Haryana State Government
 Sector 6
 Panchkula
 Fax: 0172 - 740239

Haryana Police Training College
 Madhubhan
 Near Karnal
 Tel: 0184 380116 / 7
 Fax: 0184 380109

HIMACHAL PRADESH

Mr A K Puri
 Director-General Police
 Police HQ
 Himachal Pradesh State Government
 Shimla
 Fax: 256358

Police Training College
 Daroh
 Distt Kangra - 176092
 Tel: 01894 - 75610 / 75138
 Fax: 01894 - 75170

UTTAR PRADESH

Director General Police
 Police HQ
 State Government of Uttar Pradesh
 Lucknow
 Fax: 206120

Police Training College
 Sitapur
 Tel: 05862 44263

Armed Training Centre
 Sitapur
 Tel: 05862 44231

GUJARAT

Director General Police
 Police HQ
 Gandhinagar
 Fax: 211 2321

Gujarat Police Academy
 Karai
 Gandhinagar
 Tel: 079 3277806
 Fax: 079 3277320

BIHAR

Mr R R Prasad
 Director General Police
 Police HQ
 Bihar State Government
 Patna
 Tel: 0612 228877
 Fax: 0612 230033

Advance Training School
 (now under Jharkhand)
 Bailey Road
 Patna
 Tel: 0612 282292

Constable Training School
 Nath Nagar
 Bhagalpur

Host Institutions

Regional Institute of Correctional Administration

Sector 26
Chandigarh
Tel: 0172 790058
Fax: 0172 790055

Andhra Pradesh Police Academy

Golconda Fort
Himayat Nagar
Hyderabad - 500 008
Tel: 040 4016920 to 23 / 4012238
Fax: 040 4016983
E-mail: appa_hyd@hotmail.com

M P Academy of Administration

Hitkarini Nagar
Arera Colony (1100 Quarters)
Post Bag No. 6
Bhopal - 462 016
Tel: 0755 564244
Fax: 564239

Assam Administrative Staff College

Government of Assam
Directorate of Training
Jawaharnagar
Khanapara
Guwahati - 781002
Tel: 0361 263325 / 262372
Fax: 0361 262361

Administrative Training Institute

Home (P&AR) Department
Government of West Bengal
Block FC, Sector 3
Bidhannagar
Kolkata - 700091
Tel: 033 3370120 / 4043
Fax: 033 3374015

Institute of Management in Government

Vikas Bhavan
P.O. Law College Road
Thiruvavanthapuram - 695 033
Tel: 0471 304 229
Fax: 0471 302 391

Administrative Training Institute

Shri Krishan Lok Prasashan Sansthan
Ranchi
Bihar
Tel: 0651 301 433
Fax: 0651 304 048

Yeshwantrao Chavan Academy of Development

Administration (Yashada)
Rajbhavan Complex
Baner Road
Pune - 411 007
Tel: 020 - 5657360/62
Fax: 020 5659135

UP Academy of Administration

Nainital
Uttaranchal
Tel: 05942 36268 / 36149
Fax: 05942 36260