



SELECTED DOCUMENTS RELATING TO DETENTION

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I. CORE HUMAN RIGHTS INSTRUMENTS

This Section provides a link to the most relevant human rights provisions at the international and regional level which relate to detention. Except for the Universal Declaration of Human Rights and the UN Guiding Principles on Internal Displacement, all other provisions are taken from treaties. Before using these provisions it is, therefore, recommended to verify if the country concerned is Party to the instrument. The list is not exhaustive. The provisions listed under Section I.C (on treatment of detained persons) focus on torture and other ill-treatment, although there are a number of other rights that detained persons should enjoy (e.g. education, health). Similarly, provisions of international humanitarian law have not been included, except under Section I.D regarding access to and monitoring of detention facilities.

A. *Freedom of Movement*

a) Universal Instruments

1. **Universal Declaration of Human Rights**, UN General Assembly resolution 217 A (III), 10 December 1948
Article 13
URL: <http://www.unhcr.org/refworld/docid/3ae6b3712c.html>
2. **International Covenant on Civil and Political Rights**, UN General Assembly resolution 2200A (XXI), 16 December 1966
Article 12
URL: <http://www.unhcr.org/refworld/docid/3ae6b3aa0.html>
3. **International Convention on the Elimination of All Forms of Racial Discrimination**, UN General Assembly resolution 2106 (XX), 21 December 1965
Article 15(4)
URL: <http://www.unhcr.org/refworld/docid/3ae6b3940.html>
4. **Convention relating to the Status of Refugees**, UN General Assembly resolution 429 (V), 28 July 1951
Article 26
URL: <http://www.unhcr.org/refworld/docid/3be01b964.html>
5. **Convention Relating to the Status of Stateless Persons**, Economic and Social Council resolution 526 A(XVII), 28 September 1954
Article 26
URL: <http://www.unhcr.org/refworld/docid/3ae6b3840.html>
6. **Convention on the Rights of Persons with Disabilities**, UN General Assembly resolution 61/106, 13 December 2006
Article 18
URL: <http://www.unhcr.org/refworld/docid/4680cd212.html>

b) Regional Instruments

7. **African Charter on Human and Peoples' Rights** (“Banjul Charter”), Organization of African Unity, 26 June 1981
Article 12
URL: <http://www.unhcr.org/refworld/docid/3ae6b3630.html>
8. **American Convention on Human Rights** (“Pact of San Jose”), Organization of American States, 22 November 1969
Article 22
URL: <http://www.unhcr.org/refworld/docid/3ae6b36510.html>
9. **Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto, as amended by Protocol No. 11**, Council of Europe, 16 September 1963
Article 2
URL: <http://www.unhcr.org/refworld/docid/3ae6b3780.html>
10. **Council Directive 2003/9/EC of 27 January 2003 Laying Down Minimum Standards for the Reception of Asylum Seekers in Member States**, European Union, 6 February 2003
Article 7
URL: <http://www.unhcr.org/refworld/docid/3ddcfda14.html>
11. **Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted**, European Union, 19 May 2004
Article 32
URL: <http://www.unhcr.org/refworld/docid/4157e75e4.html>

B. *Right to Liberty and Security of Person; Prohibition of Arbitrary Detention*

a) Universal Instruments

12. **Universal Declaration of Human Rights**, UN General Assembly resolution 217 A (III), 10 December 1948
Article 3; Article 9
URL: <http://www.unhcr.org/refworld/docid/3ae6b3712c.html>
13. **International Convention on the Elimination of All Forms of Racial Discrimination**, UN General Assembly resolution 2106 (XX), 21 December 1965
Article 9
URL: <http://www.unhcr.org/refworld/docid/3ae6b3940.html>
14. **Convention relating to the Status of Refugees**, UN General Assembly resolution 429 (V), 28 July 1951
Article 31
URL: <http://www.unhcr.org/refworld/docid/3be01b964.html>

15. **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families**, UN General Assembly resolution 45/158, 18 December 1990
Article 16
URL: <http://www.unhcr.org/refworld/docid/3ae6b3980.html>
16. **International Convention for the Protection of All Persons from Enforced Disappearance**, UN General Assembly resolution 45/158, 20 December 2006
Article 17
URL: <http://www.unhcr.org/refworld/docid/47fdfaeb0.html>
17. **Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime**, UN General Assembly resolution 55/25, 15 November 2005
Article 5
URL: <http://www.unhcr.org/refworld/docid/479dee062.html>
18. **Convention on the Rights of Persons with Disabilities**, UN General Assembly resolution 61/106, 13 December 2006
Article 14
URL: <http://www.unhcr.org/refworld/docid/4680cd212.html>
19. **Guiding Principles on Internal Displacement**, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39 – Addendum, E/CN.4/1998/53/Add.2, 11 February 1998
Article 10; Article 12
URL: <http://www.unhcr.org/refworld/docid/3d4f95e11.html>

b) Regional Instruments

20. **African Charter on Human and Peoples' Rights** (“Banjul Charter”), Organization of African Unity, 26 June 1981
Article 6
URL: <http://www.unhcr.org/refworld/docid/3ae6b3630.html>
21. **American Convention on Human Rights** (“Pact of San Jose”), Organization of American States, 22 November 1969
Article 7
URL: <http://www.unhcr.org/refworld/docid/3ae6b36510.html>
22. **Inter-American Convention on Forced Disappearance of Persons**, Organization of American States, 9 June 1994
Article XI
URL: <http://www.unhcr.org/refworld/docid/3ae6b38ef.html>
23. **Convention for the Protection of Human Rights and Fundamental Freedoms**, Council of Europe, 4 November 1950
Article 5
URL: <http://www.unhcr.org/refworld/docid/3ae6b3b04.html>

24. **Council Directive 2003/9/EC of 27 January 2003 Laying Down Minimum Standards for the Reception of Asylum Seekers in Member States**, European Union, 6 February 2003
Article 2(k)
URL: <http://www.unhcr.org/refworld/docid/3ddcfda14.html>
25. **Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted**, European Union, 19 May 2004
Article 18
URL: <http://www.unhcr.org/refworld/docid/4157e75e4.html>

C. *Fair Trial and Procedural Guarantees*

a) Universal Instruments

26. **Universal Declaration of Human Rights**, UN General Assembly resolution 217 A (III), 10 December 1948
Article 10
URL: <http://www.unhcr.org/refworld/docid/3ae6b3712c.html>
27. **International Covenant on Civil and Political Rights**, UN General Assembly resolution 2200A (XXI), 16 December 1966
Article 14
URL: <http://www.unhcr.org/refworld/docid/3ae6b3aa0.html>
28. **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families**, UN General Assembly resolution 45/158, 18 December 1990
Article 18
URL: <http://www.unhcr.org/refworld/docid/3ae6b3980.html>
29. **Vienna Convention on Consular Relations**, UN Treaty Series, vol. 596, p. 261, 24 April 1963
Article 36(b)-(c)
URL: <http://www.unhcr.org/refworld/docid/3ae6b3648.html>

b) Regional Instruments

30. **African Charter on Human and Peoples' Rights** (“Banjul Charter”), Organization of African Unity, 26 June 1981
Article 7
URL: <http://www.unhcr.org/refworld/docid/3ae6b3630.html>
31. **American Convention on Human Rights** (“Pact of San Jose”), Organization of American States, 22 November 1969
Article 8
URL: <http://www.unhcr.org/refworld/docid/3ae6b36510.html>

32. **Convention for the Protection of Human Rights and Fundamental Freedoms**, Council of Europe, 4 November 1950
Article 6
URL: <http://www.unhcr.org/refworld/docid/3ae6b3b04.html>

33. **Council Directive 2005/85/EC of 1 December 2005 on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status**, European Union, 2 January 2006
Article 21
URL: <http://www.unhcr.org/refworld/docid/4394203c4.html>

D. *Treatment of Persons Deprived of Their Liberty*

a) Universal Instruments

34. **International Covenant on Civil and Political Rights**, UN General Assembly resolution 2200A (XXI), 16 December 1966
Article 10
URL: <http://www.unhcr.org/refworld/docid/3ae6b3aa0.html>

35. **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, UN General Assembly resolution 39/46, 10 December 1984
Article 10(2) ; Article 11
URL: <http://www.unhcr.org/refworld/docid/3ae6b3a94.html>

36. **International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families**, UN General Assembly resolution 45/158, 18 December 1990
Article 17
URL: <http://www.unhcr.org/refworld/docid/3ae6b3980.html>

b) Regional Instruments

37. **Resolution 1/08, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas**, Inter-American Commission on Human Rights, 13 March 2008
Principle VIII ; Principle XXVI
URL: <http://www.unhcr.org/refworld/docid/48732afa2.html>

38. **Council Directive 2003/9/EC of 27 January 2003 Laying Down Minimum Standards for the Reception of Asylum Seekers in Member States**, European Union, 6 February 2003
Preamble (10); Article 6(2); Article 13(2); Article 14(8)
URL: <http://www.unhcr.org/refworld/docid/3ddcfda14.html>

E. *Access and Monitoring of Detention Facilities*

a) Universal Instruments

39. **Geneva Convention Relative to the Treatment of Prisoners of War** (“Third Geneva Convention”), 12 August 1949
Article 126
URL: <http://www.unhcr.org/refworld/docid/3ae6b36c8.html>
40. **Geneva Convention Relative to the Protection of Civilian Persons in Time of War** (“Fourth Geneva Convention”), 12 August 1949
Article 143
URL: <http://www.unhcr.org/refworld/docid/3ae6b36d2.html>
41. **Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment**, UN General Assembly resolution 57/199, 18 December 2002
Article 4; Article 12; Article 14; Article 19; Article 20
URL: <http://www.unhcr.org/refworld/docid/3de6490b9.html>

b) Regional Instruments

42. **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**, Council of Europe, 26 November 1987
Articles 7-13
URL: <http://www.unhcr.org/refworld/docid/3ae6b36314.html>
43. **Council Directive 2005/85/EC of 1 December 2005 on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status**, European Union, 2 January 2006
Article 21
URL: <http://www.unhcr.org/refworld/docid/4394203c4.html>

F. *Training of Personnel Involved in the Custody or Treatment of Persons Deprived of Their Liberty*

a) Universal Instruments

44. **International Convention for the Protection of All Persons from Enforced Disappearance**, UN General Assembly resolution 61/177, 20 December 2006
Article 23
URL: <http://www.unhcr.org/refworld/docid/47fdfaeb0.html>
45. **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, UN General Assembly resolution 39/46, 10 December 1984
Article 10
URL: <http://www.unhcr.org/refworld/docid/3ae6b3a94.html>

b) Regional Instruments

46. **Inter-American Convention to Prevent and Punish Torture**, Organization of American States, 9 December 1985
Article 7
URL: <http://www.unhcr.org/refworld/docid/3ae6b3620.html>

G. Children

a) Universal Instruments

47. **Convention on the Rights of the Child**, UN General Assembly resolution 44/25, 20 November 1989
Article 37
URL: <http://www.unhcr.org/refworld/docid/3ae6b38f0.html>
48. **International Covenant on Civil and Political Rights**, UN General Assembly resolution 2200A (XXI), 16 December 1966
Article 24
URL: <http://www.unhcr.org/refworld/docid/3ae6b3aa0.html>

b) Regional Instruments

49. **African Charter on Human and Peoples' Rights** (“Banjul Charter”), Organization of African Unity, 26 June 1981
Article 17
URL: <http://www.unhcr.org/refworld/docid/3ae6b3630.html>

II. DECLARATIONS, PRINCIPLES AND GUIDELINES

This Section lists the main soft law documents relating to detention. Universal documents are listed first, followed by regional documents. The first part focuses on asylum-seekers and refugees, the second part on treatment of persons deprived of their liberty and the third part on juvenile justice.

A. Asylum-Seekers and Refugees

1. **Detention of Refugees and Asylum-Seekers**, UNHCR Executive Committee Conclusion No. 44 (XXXVII) – 1986, 13 October 1986
URL: <http://www.unhcr.org/refworld/docid/3ae68c43c0.html>
2. **UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers**, UNHCR, February 1999
URL: <http://www.unhcr.org/refworld/docid/3c2b3f844.html>
3. **Report of the Working Group on Arbitrary Detention: Annex II, Deliberation No. 5 – Situation regarding immigrants and asylum-seekers**, UN Commission on Human Rights, E/CN.4/2000/4, 28 December 1999
URL: <http://www.unhcr.org/refworld/docid/3b00f25a6.html>
4. **Recommendation No. R (94) 5 of the Committee of Ministers to member states on guidelines to inspire practices of the member States of the Council of Europe concerning the arrival of asylum-seekers at European airports**, Council of Europe, 21 June 1994
URL: <http://www.unhcr.org/refworld/docid/48abd56d0.html>
5. **Recommendation Rec(2003)5 of the Committee of Ministers to member states on measures of detention of asylum seekers**, Council of Europe, 16 April 2003
URL: <http://www.unhcr.org/refworld/docid/3f8d65e54.html>
6. **Twenty Guidelines on Forced Return**, Council of Europe, 4 May 2005
URL: <http://www.unhcr.org/refworld/docid/42ef32984.html>

B. Treatment of Persons Deprived of their Liberty

7. **Standard Minimum Rules for the Treatment of Prisoners**, Economic and Social Council resolution 663 C (XXIV) and 2076 (LXII), 30 August 1955
URL: <http://www.unhcr.org/refworld/docid/3ae6b36e8.html>
8. **Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**, UN General Assembly resolution 43/173, 9 December 1988
URL: <http://www.unhcr.org/refworld/docid/3b00f219c.html>
9. **Basic Principles for the Treatment of Prisoners**, UN General Assembly resolution 45/111, 14 December 1990
URL: <http://www.unhcr.org/refworld/docid/48abd5740.html>

10. **Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, UN General Assembly resolution 3452 (XXX), 9 December 1975
URL: <http://www.unhcr.org/refworld/docid/3b00f1c030.html>
11. **Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live**, UN General Assembly resolution 40/144, 13 December 1985
URL: <http://www.unhcr.org/refworld/docid/3b00f00864.html>
12. **Code of Conduct for Law Enforcement Officials** (including Commentary), UN General Assembly resolution 34/169, 17 December 1979
URL: <http://www.unhcr.org/refworld/docid/48abd572e.html>
13. **Principles of Medical Ethics**, UN General Assembly resolution 37/194, 18 December 1982
URL: <http://www.unhcr.org/refworld/docid/3b00f01f8.html>
14. **Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions**, Economic and Social Council resolution 1989/65, 24 May 1989
URL: <http://www.unhcr.org/refworld/docid/3ae6b39128.html>
15. **Basic Principles on the Role of Lawyers**, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 7 September 1990
URL: <http://www.unhcr.org/refworld/docid/3ddb9f034.html>
16. **United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)**, UN General Assembly resolution 45/110, 14 December 1990
URL: <http://www.unhcr.org/refworld/docid/3b00f22117.html>
17. **Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules**, Council of Europe, 11 January 2006
URL: <http://www.unhcr.org/refworld/docid/43f3134810.html>

C. Juvenile Justice

18. **United Nations Standard Minimum Rules for the Administration of Juvenile Justice** (“The Beijing Rules”), UN General Assembly resolution 40/33, 29 November 1985
URL: <http://www.unhcr.org/refworld/docid/3b00f2203c.html>
19. **United Nations Rules for the Protection of Juveniles Deprived of Their Liberty**, UN General Assembly resolution 45/113, 14 December 1990
URL: <http://www.unhcr.org/refworld/docid/3b00f18628.html>

III. HUMAN RIGHTS MONITORING BODIES

This Section lists some of the most relevant General Comments by UN Treaty Bodies and describes some of the existing UN and regional human rights mechanisms who have a mandate which essentially relate to detention. This list is not exhaustive, as many other human rights bodies, special procedures or mechanisms, can deal with detention-related issues.

A. *United Nations Human Rights Treaty Bodies (General Comments and Recommendations)*

a) Human Rights Committee

1. **General Comment No. 8: Article 9 (Right to Liberty and Security of Persons)**, 30 June 1982
URL: <http://www.unhcr.org/refworld/docid/4538840110.html>
2. **General Comment No. 9: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)**, 30 July 1982
URL: <http://www.unhcr.org/refworld/docid/45388402c.html>
3. **General Comment No. 15: The Position of Aliens Under the Covenant**, 11 April 1986
URL: <http://www.unhcr.org/refworld/docid/45139acfc.html>
4. **General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)**, 10 March 1992
URL: <http://www.unhcr.org/refworld/docid/453883fb0.html>
5. **General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)**, 10 April 1992
URL: <http://www.unhcr.org/refworld/docid/453883fb11.html>
6. **General Comment No. 27: Article 12 (Freedom of Movement)**, 2 November 1999
URL: <http://www.unhcr.org/refworld/docid/45139c394.html>
7. **General Comment No. 32: Article 14 (Right to Equality Before Courts and Tribunals and to Fair Trial)**, 23 August 2007
URL: <http://www.unhcr.org/refworld/docid/478b2b2f2.html>

b) Committee on the Rights of the Child

8. **General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin**, 1 September 2005
URL: <http://www.unhcr.org/refworld/docid/42dd174b4.html>
9. **General Comment No. 10: Children's Rights in Juvenile Justice**, 25 April 2007
URL: <http://www.unhcr.org/refworld/docid/4670fca12.html>

c) Committee against Torture

10. **General Comment No. 2: Implementation of Article 2 by States Parties**, 24 January 2008
URL: <http://www.unhcr.org/refworld/docid/47ac78ce2.html>

d) Committee on the Elimination of Racial Discrimination

11. **General Recommendation XXX on Discrimination Against Non Citizens**, 1 October 2002
URL: <http://www.unhcr.org/refworld/docid/45139e084.html>
12. **General Recommendation XXXI on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System**, 2005
URL: <http://www.unhcr.org/refworld/docid/48abd56dd.html>

B. United Nations Working Group on Arbitrary Detention

The Working Group on Arbitrary Detention is one of the “Special Procedures”, mechanisms established by the UN Commission on Human Rights and assumed by the UN Human Rights Council to address either specific country situations or thematic issues in all parts of the world. Special Procedures are either an individual or a working group; they are prominent, independent experts working on a voluntary basis, appointed by the Human Rights Council. The Working Group has as part of its mandate to investigate cases of deprivation of liberty imposed arbitrarily and acts on information of alleged cases of arbitrary detention by sending urgent appeals to the Governments concerned. The Working Group also considers individual complaints.

See: <http://www2.ohchr.org/english/issues/detention/>.

C. United Nations Committee Against Torture

The Committee Against Torture (CAT) is the body of independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its State parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every four years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

See: <http://www2.ohchr.org/english/bodies/cat/>.

D. United Nations Subcommittee on Prevention of Torture

Established by the CAT Optional Protocol, the Subcommittee undertakes in-country inspections of places of detention in collaboration with national institutions.

See: <http://www2.ohchr.org/english/bodies/cat/opcat/>.

E. United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

This mandate covers all countries, including those who did not ratify CAT. It comprises three main activities: 1) transmitting urgent appeals to States with regard to individuals reported to be at risk of torture, as well as communications on past alleged cases of torture; 2) undertaking fact-finding country visits; and 3) submitting annual reports to the Human Rights Council and the General Assembly. Unlike the complaints mechanisms of the human rights treaty monitoring bodies, the Special Rapporteur does not require the exhaustion of domestic remedies to act.

See: <http://www2.ohchr.org/english/issues/torture/rapporteur/>.

F. Regional Bodies

a) Special Rapporteur on Prisons and Conditions of Detention in Africa

The Special Rapporteur examines the situation of persons deprived of their liberty within the territories of States Parties to the African Charter on Human and Peoples' Rights. The Special Rapporteur conducts country visits. His mandate includes: (1) Examining the state of the prisons and conditions of detention in Africa and make recommendations with a view to improving them; (2) Advocating adherence to the Charter and international human rights (3) at the request of the Commission, make recommendations to it as regards communications filed by individuals who have been deprived of their liberty, their families, representatives, by NGOs or other concerned persons or institutions; (4) propose appropriate urgent action.

See: http://www.achpr.org/english/info/index_prison_en.html.

b) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

Established by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) examines, by means of visits, the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment. The CPT has unlimited access to places of detention and the right to move inside such places without restriction. They interview persons deprived of their liberty in private and communicate freely with anyone who can provide information. Their country reports are confidential.

See: <http://www.cpt.coe.int/>.

IV. DETENTION MONITORING GUIDANCE

This Section provides an overview of some of the guidance and tools developed by partners to undertake detention monitoring. The first part lists some of the existing documents describing standards relating to detention, whereas the second part contains methodological guidance for work in detention facilities.

A. *Standards*

a) World Organization Against Torture

1. **OMCT Handbook Series** (four volumes), Series Editor: Boris Wijkström
 - Vol. 1: Article 3 of the European Convention on Human Rights: A Practitioner's Handbook
URL: <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Publication&articleId=6218>
 - Vol. 2: The Prohibition of Torture and Ill-Treatment in the Inter-American Human Rights System: A Handbook for Victims and their Advocates
URL: <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Publication&articleId=6890>
 - Vol. 3: The Prohibition of Torture and Ill-Treatment in the African Human Rights System: A Handbook for Victims and their Advocates
URL: <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Publication&articleId=6891>
 - Vol. 4: Seeking Remedies for Torture Victims: A Handbook on the Individual Complaints Procedures of the UN Treaty Bodies
URL: <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Publication&articleId=6892>

b) International Committee of Red Cross

2. **Water, sanitation, hygiene and habitat in prisons**, August 2005
URL: <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/p0823>

c) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

3. **The CPT standards. "Substantive" sections of the CPT's General Reports**, October 2006
URL: <http://www.cpt.coe.int/en/documents/eng-standards-scr.pdf>

d) London School of Economics and Political Sciences (Mannheim Centre for Criminology)

4. **A Sourcebook on Solitary Confinement**, October 2008
URL: <http://www.solitaryconfinement.org/sourcebook>

B. Monitoring Guidance

a) Detention

5. **Migration-Related Detention: a research guide on human rights standard relevant to the detention of migrants, asylum-seekers and refugees**, Amnesty International, POL 33/005/2007, 1 November 2007
URL: <http://www.amnesty.org/en/library/info/POL33/005/2007/en>
6. **Monitoring Places of Detention. A Practical Guide**, Association for the Prevention of Torture, April 2004
URL: http://www.apt.ch/component/option.com_docman/task.cat_view/gid,58/Itemid,59/lang,en/
7. **Visiting Places of Detention, Lessons Learnt and Practices of Selected Domestic Institutions**, Association for the Prevention of Torture, May 2004
URL: http://www.apt.ch/component/option.com_docman/task.cat_view/gid,83/Itemid,59/lang,en/
8. **Visiting Places of Detention. What Role for Physician and other Professionals?**, Association for the Prevention of Torture, 2008
URL: http://www.apt.ch/component/option.com_docman/task.cat_view/gid,121/Itemid,59/lang,en/
9. **Visits under Public International Law, Theory and Practice**, Association for the Prevention of Torture, November 2000
URL: http://www.apt.ch/component/option.com_docman/task.cat_view/gid,86/Itemid,59/lang,en/
10. **Handbook for Visitors and Social Workers in Detention Centres**, Jesuit Refugee Service Europe, January 2006
URL: http://www.jrs.ie/jgfx/documents/publications/detention_training_manual.pdf

b) Torture

11. **Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (“Istanbul Protocol”), United Nations Office of the High Commissioner for Human Rights, 9 August 1999
URL: <http://www2.ohchr.org/english/about/publications/docs/8istprot.pdf>
12. **Torture in International Law – A Guide to Jurisprudence**, Association for the Prevention of Torture and Center for Justice and International Law, 2008
URL:
http://www.apt.ch/component/option.com_docman/task.cat_view/gid,127/Itemid,99999999/lang,en/
13. **The Torture Reporting Handbook: How to document and respond to allegations of torture within the international system for the protection of human rights**, University of Essex, Human Rights Centre, 2000
URL: <http://www.essex.ac.uk/torturehandbook/>

V. SELECTED BACKGROUND PAPERS

This Section contains some of the most relevant background papers relating to the detention of refugees, asylum-seekers or stateless persons.

A. *Detention*

a) UNHCR

1. **Article 31 of the 1951 Convention relating to the Status of Refugees: Non-Penalization, Detention and Protection** (Global Consultations on International Protection/Second Track), June 2003
URL: <http://www.unhcr.org/refworld/docid/470a33b10.html>
2. **Detention of Asylum-Seekers and Refugees: The Framework, the Problem and Recommended Practice**, EC/49/SC/CRP.13, 4 June 1999
URL: <http://www.unhcr.org/refworld/docid/47fdfaf33b5.html>
3. **Note on Accession to International Instruments and the Detention of Refugees and Asylum-Seekers**, EC/SCP/44, 19 August 1986
URL: <http://www.unhcr.org/refworld/docid/3ae68cce18.html>

b) European Council on Refugees and Exiles

4. **Immigration, Asylum and Detention**, June 2004
URL: <http://www.unhcr.org/refworld/docid/4158297d4.html>
5. **Position on the Detention of Asylum Seekers**, 1 April 1996
URL: <http://www.unhcr.org/refworld/docid/3c0265aa4.html>

B. *Alternatives to Detention*

6. **Alternatives to Detention of Asylum Seekers and Refugees**, UNHCR Legal and Protection Policy Research Series, POLAS/2006/03, April 2006
URL: <http://www.unhcr.org/refworld/docid/4472e8b84.html>
7. **Research Paper on Alternatives to Detention; Practical Alternatives to the Administrative Detention of Asylum Seekers and Rejected Asylum Seekers**, European Council on Refugees and Exiles, September 1997
URL: <http://www.unhcr.org/refworld/docid/3c0273224.html>

VI. LINKS

This Section provides links to some websites that contain further guidance and materials relating to the detention of asylum-seekers, refugees and stateless persons. Country-specific pages are not included.

1. **Amnesty International (AI)**
URL: <http://www.amnesty.org/>
2. **Association for the Prevention of Torture (APT)**
URL: <http://www.apr.ch/>
3. **Committee Against Torture (CAT) (United Nations)**
URL: <http://www2.ohchr.org/english/bodies/cat/>
4. **Jesuit Refugee Service (JRS) – Europe: Detention in Europe**
URL: <http://www.detention-in-europe.org/>
5. **European Council on Refugees and Exiles (ECRE): Detention**
URL: http://www.ecre.org/topics/asylum_in_EU/detention
6. **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (Council of Europe)**
URL: <http://www.cpt.coe.int/>
7. **Human Rights Watch (HRW)**
URL: <http://www.hrw.org/>
8. **International Committee of the Red Cross (ICRC): Strengthening protection and respect for prisoners and detainees**
URL: <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/detention>
9. **International Detention Coalition**
URL: <http://idcoalition.org/>
10. **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (United Nations)**
URL: <http://www2.ohchr.org/english/issues/torture/rapporteur/>
11. **Special Rapporteur on Prisons and Conditions of Detention in Africa (African Commission on Human and Peoples' Rights)**
URL: http://www.achpr.org/english/info/index_prison_en.html
12. **Subcommittee on Prevention of Torture (United Nations)**
URL: <http://www2.ohchr.org/english/bodies/cat/opcat/>
13. **Working Group on Arbitrary Detention (United Nations)**
URL: <http://www2.ohchr.org/english/issues/detention/>