SELECTED DOCUMENTS RELATING TO DETENTION

PROTECTION POLICY AND LEGAL ADVICE SECTION (PPLAS) / STATUS DETERMINATION AND PROTECTION INFORMATION SECTION (SDPIS)
DIVISION OF INTERNATIONAL PROTECTION SERVICES (DIPS)
United Nations High Commissioner for Refugees
CP 2500, CH-1211 Geneva 2, Switzerland

E-mail: refworld@unhcr.org
Website: http://www.refworld.org/

February 2009
This list, including weblinks that lead directly to the individual documents, is accessible in Refworld at http://www.unhcr.org/refworld/docid/49a7ee842.html. It will be updated whenever necessary.
Table of Contents

I. CORE HUMAN RIGHTS INSTRUMENTS 5
   A. Freedom of Movement ................................................................. 5
      a) Universal Instruments ......................................................... 5
      b) Regional Instruments ......................................................... 6
   B. Right to Liberty and Security of Person; Prohibition of Arbitrary
      Detention ................................................................. 6
      a) Universal Instruments ......................................................... 6
      b) Regional Instruments ......................................................... 7
   C. Fair Trial and Procedural Guarantees ........................................ 8
      a) Universal Instruments ......................................................... 8
      b) Regional Instruments ......................................................... 8
   D. Treatment of Persons Deprived of Their Liberty ....................... 9
      a) Universal Instruments ......................................................... 9
      b) Regional Instruments ......................................................... 9
   E. Access and Monitoring of Detention Facilities ......................... 10
      a) Universal Instruments ......................................................... 10
      b) Regional Instruments ......................................................... 10
   F. Training of Personnel Involved in the Custody or Treatment of
      Persons Deprived of Their Liberty ........................................... 10
      a) Universal Instruments ......................................................... 10
      b) Regional Instruments ......................................................... 11
   G. Children ........................................................................ 11
      a) Universal Instruments ......................................................... 11
      b) Regional Instruments ......................................................... 11

II. DECLARATIONS, PRINCIPLES AND GUIDELINES 12
   A. Asylum-Seekers and Refugees .................................................. 12
   B. Treatment of Persons Deprived of their Liberty ....................... 12
   C. Juvenile Justice ................................................................... 13

III. HUMAN RIGHTS MONITORING BODIES 14
   A. United Nations Human Rights Treaty Bodies (General
      Comments and Recommendations) ........................................... 14
      a) Human Rights Committee .................................................. 14
      b) Committee on the Rights of the Child .................................. 14
      c) Committee against Torture ............................................... 15
      d) Committee on the Elimination of Racial Discrimination ....... 15
   B. United Nations Working Group on Arbitrary Detention ............ 15
   C. United Nations Committee Against Torture .......................... 15
   D. United Nations Subcommittee on Prevention of Torture .......... 15
   E. United Nations Special Rapporteur on Torture and Other Cruel,
      Inhuman or Degrading Treatment or Punishment ...................... 16
   F. Regional Bodies ................................................................ 16
      a) Special Rapporteur on Prisons and Conditions of Detention in
         Africa ................................................................. 16
      b) European Committee for the Prevention of Torture and
         Inhuman or Degrading Treatment or Punishment (CPT) ......... 16
IV. DETENTION MONITORING GUIDANCE 17
A. Standards ......................................................................................................17
   a) World Organization Against Torture............................................................ 17
   b) International Committee of Red Cross......................................................... 17
   c) European Committee for the Prevention of Torture and
      Inhuman or Degrading Treatment or Punishment ........................................ 17
   d) London School of Economics and Political Sciences
      (Mannheim Centre for Criminology) ........................................................... 17
B. Monitoring Guidance ...................................................................................18
   a) Detention ...................................................................................................... 18
   b) Torture ........................................................................................................ 18

V. SELECTED BACKGROUND PAPERS 19
A. Detention ......................................................................................................19
   a) UNHCR ........................................................................................................ 19
   b) European Council on Refugees and Exiles .................................................. 19
B. Alternatives to Detention ..............................................................................19

VI. LINKS 20
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](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](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](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](http://www.unhcr.org/refworld/docid/3be01b964.html)

   - *Article 26*
   - URL: [http://www.unhcr.org/refworld/docid/3ae6b3840.html](http://www.unhcr.org/refworld/docid/3ae6b3840.html)

   - *Article 18*
   - URL: [http://www.unhcr.org/refworld/docid/4680cd212.html](http://www.unhcr.org/refworld/docid/4680cd212.html)
b) Regional Instruments

   *Article 12*  
   URL: [http://www.unhcr.org/refworld/docid/3ae6b3630.html](http://www.unhcr.org/refworld/docid/3ae6b3630.html)

   *Article 22*  
   URL: [http://www.unhcr.org/refworld/docid/3ae6b36510.html](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](http://www.unhcr.org/refworld/docid/3ae6b3780.html)

    *Article 7*  

    *Article 32*  
    URL: [http://www.unhcr.org/refworld/docid/4157e75e4.html](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](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](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](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](http://www.unhcr.org/refworld/docid/3ae6b3980.html)

   *Article 17*
   URL: [http://www.unhcr.org/refworld/docid/47fdaeb0.html](http://www.unhcr.org/refworld/docid/47fdaeb0.html)

   *Article 5*
   URL: [http://www.unhcr.org/refworld/docid/479dee062.html](http://www.unhcr.org/refworld/docid/479dee062.html)

   *Article 14*
   URL: [http://www.unhcr.org/refworld/docid/4680cd212.html](http://www.unhcr.org/refworld/docid/4680cd212.html)

   *Article 10; Article 12*
   URL: [http://www.unhcr.org/refworld/docid/3d4f95e11.html](http://www.unhcr.org/refworld/docid/3d4f95e11.html)

b) **Regional Instruments**

   *Article 6*
   URL: [http://www.unhcr.org/refworld/docid/3ae6b3630.html](http://www.unhcr.org/refworld/docid/3ae6b3630.html)

   *Article 7*
   URL: [http://www.unhcr.org/refworld/docid/3ae6b36510.html](http://www.unhcr.org/refworld/docid/3ae6b36510.html)

   *Article XI*
   URL: [http://www.unhcr.org/refworld/docid/3ae6b38ef.html](http://www.unhcr.org/refworld/docid/3ae6b38ef.html)

   *Article 5*
   URL: [http://www.unhcr.org/refworld/docid/3ae6b3b04.html](http://www.unhcr.org/refworld/docid/3ae6b3b04.html)
   Article 2(k)
   URL: http://www.unhcr.org/refworld/docid/3ddcfda14.html

   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

   Article 18
   URL: http://www.unhcr.org/refworld/docid/3ae6b3980.html

   Article 36(b)-(c)
   URL: http://www.unhcr.org/refworld/docid/3ae6b3648.html

b) Regional Instruments

   Article 7
   URL: http://www.unhcr.org/refworld/docid/3ae6b3630.html

   Article 8
   URL: http://www.unhcr.org/refworld/docid/3ae6b36510.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/3ae6b3a0a.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

   Principle VIII ; Principle XXVI
   URL: http://www.unhcr.org/refworld/docid/48732af92.html

   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

   Article 126
   URL: http://www.unhcr.org/refworld/docid/3ae6b36e8.html

   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

   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/47fdaeb0.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](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](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](http://www.unhcr.org/refworld/docid/3ae6b3aa0.html)

b) Regional Instruments

   *Article 17*
   URL: [http://www.unhcr.org/refworld/docid/3ae6b3630.html](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

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

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.unhchr.org/refworld/docid/3b00f1c030.html](http://www.unhchr.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.unhchr.org/refworld/docid/3b00f00864.html](http://www.unhchr.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.unhchr.org/refworld/docid/48abd572e.html](http://www.unhchr.org/refworld/docid/48abd572e.html)

13. **Principles of Medical Ethics**, UN General Assembly resolution 37/194, 18 December 1982
   URL: [http://www.unhchr.org/refworld/docid/3b00f01f8.html](http://www.unhchr.org/refworld/docid/3b00f01f8.html)

   URL: [http://www.unhchr.org/refworld/docid/3ae6b39128.html](http://www.unhchr.org/refworld/docid/3ae6b39128.html)

   URL: [http://www.unhchr.org/refworld/docid/3ddb9f034.html](http://www.unhchr.org/refworld/docid/3ddb9f034.html)

   URL: [http://www.unhchr.org/refworld/docid/3b00f22117.html](http://www.unhchr.org/refworld/docid/3b00f22117.html)

   URL: [http://www.unhchr.org/refworld/docid/43f3134810.html](http://www.unhchr.org/refworld/docid/43f3134810.html)

**C. Juvenile Justice**

   URL: [http://www.unhchr.org/refworld/docid/3b00f2203c.html](http://www.unhchr.org/refworld/docid/3b00f2203c.html)

   URL: [http://www.unhchr.org/refworld/docid/3b00f18628.html](http://www.unhchr.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

   URL: http://www.unhcr.org/refworld/docid/4670fca12.html
c) Committee against Torture

URL: http://www.unhcr.org/refworld/docid/47ac78ce2.html

d) Committee on the Elimination of Racial Discrimination

URL: http://www.unhcr.org/refworld/docid/45139e084.html

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.


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

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


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


URL: http://www.apt.ch/component/option,com_docman/task,cat_view/gid,58/Itemid,59/lang,en/

URL: http://www.apt.ch/component/option,com_docman/task,cat_view/gid,83/Itemid,59/lang,en/

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/


b) Torture

URL: http://www2.ohchr.org/english/about/publications/docs/8istprot.pdf

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. SELECTION 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

   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/](http://www.amnesty.org/)

2. **Association for the Prevention of Torture (APT)**
   URL: [http://www.apt.ch/](http://www.apt.ch/)

3. **Committee Against Torture (CAT) (United Nations)**
   URL: [http://www2.ohchr.org/english/bodies/cat/](http://www2.ohchr.org/english/bodies/cat/)

4. **Jesuit Refugee Service (JRS) – Europe: Detention in Europe**

5. **European Council on Refugees and Exiles (ECRE): Detention**
   URL: [http://www.ecre.org/topics/asylum in EU/detention](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/](http://www.cpt.coe.int/)

7. **Human Rights Watch (HRW)**
   URL: [http://www.hrw.org/](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/htmllall/detention](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmllall/detention)

9. **International Detention Coalition**
   URL: [http://idcoalition.org/](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/](http://www2.ohchr.org/english/issues/torture/rapporteur/)

    URL: [http://www.achpr.org/english/_info/index_prison_en.html](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/](http://www2.ohchr.org/english/bodies/cat/opcat/)

    URL: [http://www2.ohchr.org/english/issues/detention/](http://www2.ohchr.org/english/issues/detention/)