

The Méndez Principles on Effective Interviewing:

A torture prevention tool for National Human Rights
Institutions (NHRIs) and National Preventive
Mechanisms (NPMs)

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association for
the prevention
of torture

“During my time as UN Special Rapporteur on Torture, I observed that the most frequent settings where torture and coercion takes place is in the course of interrogation of suspects and for the purpose of obtaining confessions.”

These are the words of Juan E. Méndez, Co-Chair of the Steering Committee of Experts, Former UN Special Rapporteur on Torture in the foreword to the [Principles on Effective Interviewing for Investigations and Information Gathering](#) also known as the “Méndez Principles”.¹

Effective investigations are crucial to keeping societies safe and secure. They prevent and respond to crime, while upholding fundamental rights. However, practices such as coercive interrogations and forced confessions undermine effective investigations and can compromise access to justice and lead to miscarriages of justice. They also place those being questioned at risk of torture or ill-treatment.

The Méndez Principles are a constructive, solution oriented tool to move away from coercive and confession driven interrogation towards rapport based interviewing that:

- Support law enforcement officials and investigative bodies in collecting accurate and reliable information, thereby contributing to more effective investigations;
- Strengthen the rule of law by ensuring strong safeguards are implemented in practice, from the time a person is detained or questioned;
- Exclude torture-tainted evidence and false confessions;
- Safeguard the integrity of criminal justice processes and the effective administration of justice;
- Increase public trust in and foster cooperation with criminal justice institutions;
- Contribute to the Sustainable Development Goals, in particular SDG 16.3 - promote the rule of law at the national and international levels and ensure equal access to justice for all.

What are the Méndez Principles?

The Méndez Principles are a critical reference framework for effective interviews. They offer practical guidance for authorities to improve the effectiveness, fairness, and outcomes of investigation and information gathering processes, while protecting the inherent dignity and human rights of all persons being interviewed (suspects, victims and witnesses), in line with recognized international law and standards. Additionally, they assist policy makers on how to engage in reform, including on institutional culture to move away from confession driven criminal justice systems.

The Méndez Principles are the result of a four-year, expert-driven drafting process² following the call by Prof. Juan E. Méndez, for the development of standards on interviewing in his last thematic report to the UN General Assembly (UNGA) in 2016.³ The Principles were officially launched in June 2021.

Since then, there is growing support and recognition of the Mendez Principles. Today, 53 States,⁴ along with several National Human Rights Institutions (NHRIs), National Preventive Mechanisms (NPMs), legal and judicial actors and civil society organisations have expressed [public support](#).

The Principles have been welcomed in key resolutions by the [UNGA](#), the UN Human Rights Council, the [African Commission on Human and Peoples’ Rights](#), and the [Organization of American States](#).

¹ Principles on Effective Interviewing for Investigations and Information Gathering, May 2021. Retrieved from <https://interviewingprinciples.com/>.

² An international Steering Committee of 15 members from different backgrounds - in the fields of interviewing, law enforcement, criminal investigations, national security, military, intelligence, psychology, criminology and human rights - guided the drafting process based on a wide empirical research, documented good practices, established international law and professional ethics. The Steering Committee was chaired by two renowned experts in the field of torture prevention: Prof Juan E. Méndez, former UN Special Rapporteur on Torture, and Mr Mark Thomson, former Secretary General of the Association for the Prevention of Torture (APT). The process was carried out in consultation with an Advisory Council of more than 80 experts from over 40 countries, and supported by three international organisations: the Anti-Torture Initiative (ATI), the Norwegian Centre for Human Rights (NCHR) and the APT.

³ Report of the Special Rapporteur on Torture, UN Doc. A/71/298, 5 August 2016.

⁴ APT, https://www.apr.ch/en/news_on_prevention/mendez-principles-support-grows-un-general-assembly.

They are also [referred to](#) in a growing body of recommendations and observations by UN treaty bodies and special procedures, as well as increasingly integrated into the practice of various regional and national entities.

How are the Méndez Principles relevant for NHRIs and NPMs?

The Méndez Principles are primarily addressed to policy makers but are also relevant for NHRIs and NPMs.⁵ They highlight the importance for effective interviewing to be implemented in a context of transparent and accountable systems and processes.⁶

The Principles emphasize the critical role that oversight and monitoring bodies play through their access to places of deprivation of liberty and confidential contacts with detained persons.⁷ With their recommendations, NHRIs and NPMs can also support any reforms needed to improve the effectiveness of interviews and implementation of legal safeguards.⁸

Serving as vital intermediaries between the global and domestic arenas, NHRIs and NPMs can significantly contribute to disseminating the Principles with national authorities and promoting the use of effective interviewing in law and practice, in cooperation with other relevant stakeholders.⁹

How can NHRIs and NPMs support the implementation of the Méndez Principles?

First, NHRIs and NPMs can express [public support](#) for the Méndez Principles and encourage others to do so. Additionally, they may consider to:

1. Share and raise awareness with the authorities and judiciary

- Disseminate the Méndez Principles with the authorities – possibly in coordination with NGOs and others who assist persons deprived of liberty;
- Organise round tables with all relevant actors, including law enforcement, judges, prosecutors, lawyers and bar associations;
- Translate the Méndez Principles into their national languages and use this opportunity to discuss terminology and practices.

2. Education and training

- Engage with police academies and other relevant training institutions in integration of the Méndez Principles into training curricula for law enforcement, investigative authorities, and other relevant public officials;
- Mainstream the Méndez Principles into educational programs and materials on torture prevention for lawyers, medical personnel, teachers, journalists and other relevant actors.

3. Research and analysis

- Conduct an analysis of national laws and practice on interviewing and implementation of legal safeguards in light of the Méndez Principles;
- Identify best practices and gaps/shortcomings in relation to interviewing and safeguards.

⁵ Méndez Principles, para. 17.

⁶ See Principle 5 on Accountability: effective interviewing requires transparent and accountable institutions.

⁷ See Principle 5, paras. 172 (on the right of access to information for oversight mechanisms), 188 (on the right of access to places of deprivation of liberty and information on detained persons), and 189 (on the importance of free and confidential communications with persons complaining about ill-treatment or infringements by State agents). See also para. 190 (on the status of NHRIs under the 1993 Paris Principles on National Human Rights Institutions) and para. 191 (on the status of NPMs under the Optional Protocol to the UN Convention against Torture).

⁸ *Ibid.*, para. 192.

⁹ See Principle 6 on Implementation: the implementation of effective interviewing requires robust national measures, para. 223.

4. Engage in dialogue with authorities and advocacy for legal reform

- Advocacy with institutional leadership for support towards shifting practices, training and institutional culture on the basis of Méndez Principles;
- Engage in dialogue with law enforcement authorities on reviews and updates of regulatory frameworks, standard operating procedures, code of conduct and other institutional directives on interviewing;
- Advocate with the legislative authorities for legal reform based on the Méndez Principles, i.e., policing reform, legal safeguards such as access to a lawyer;
- Engage in dialogue with judicial authorities on their role in ensuring respect for the exclusion of any evidence obtained by torture.

5. Monitoring

- Monitor policing from arrest to police custody and conduct visits focusing on the first hours of detention, respect for safeguards and effective interviewing, in light of the Méndez Principles;
- Provide relevant recommendations to authorities based on Méndez Principles;
- Integrate references to the Méndez Principles in thematic, annual and other reports and other relevant documents;
- Report relevant developments to international and regional bodies, including as part of the UPR and treaty body review cycle.

6. Protection

- Promote accountability, including by undertaking investigations and handling complaints related to forced confessions or coercive interrogations;
- Provide redress and remedies, including direct services and support to victims and survivors and their families, where violations are reported.¹⁰

¹⁰ Oversight and monitoring bodies may have different powers related to accountability, depending on their respective legal mandate and applicable jurisdiction.



Principle 1 On Foundations

Effective interviewing is instructed by science, law and ethics.



Principle 2 On Practice

Effective interviewing is a comprehensive process for gathering accurate and reliable information while implementing associated legal safeguards.



Principle 3 On Vulnerability

Effective interviewing requires identifying and addressing the needs of interviewees in situations of vulnerability.



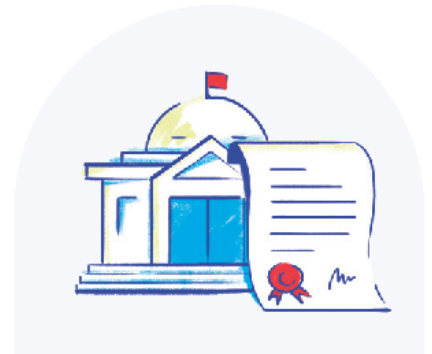
Principle 4 On Training

Effective interviewing is a professional undertaking that requires specific training.



Principle 5 On Accountability

Effective interviewing requires transparent and accountable institutions.



Principle 6 On Implementation

The implementation of effective interviewing requires robust national measures.