



Right to information about rights

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“Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.”

Principle 13 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

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Introduction

A recent study¹ commissioned by the Association for the Prevention of Torture (APT) demonstrated that one of the most effective measures to prevent torture and other ill-treatment is to ensure that all persons in custody have effective access to safeguards during the first few hours of custody.² According to the analysis, four safeguards in particular have proved to be the most effective in preventing torture and ill-treatment:

- the right to notify third parties of the fact of deprivation of liberty—which, according to the study, is the most effective safeguard against torture;

¹ In 2012 the APT commissioned an independent academic global research to address the question: does torture prevention work? In 2016, Dr. Richard Carver and Dr Lisa Handley published the results of their research. The book *Does torture prevention work?* includes 14 chapters analysing the impact of preventive measures in 16 countries.

² For the purposes of the series, “custody” is understood to span from the moment of the suspect’s apprehension to the time he or she is brought before a judge or released.

- the right to an independent medical examination upon request;
- the right to have access to a lawyer; and
- the right to information about rights.

This document is the fourth in a four part series on the implementation of safeguards in 10 Latin American countries during the first hours of police custody. It was drafted on the basis of responses to a questionnaire by 16 National and Local Mechanisms for the Prevention of Torture (NPM and LPM)³ and other institutions in Latin America. Information was also obtained from discussions held during a workshop in Panama in November 2017.⁴ The series seeks to summarise provisions in national legislation that govern the above-mentioned safeguards and to address challenges in their practical implementation. This document provides an overview of the right of persons in police custody to receive information about their rights.

Why is the implementation of this safeguard important?

In order for persons in police custody to be able to exercise their rights effectively, they must first be informed of their rights, and the ways in which they can go about exercising them.⁵ This safeguard is of critical importance as it allows persons in custody to learn about their rights, and equips them to exercise them effectively. In this sense, this safeguard is a gateway to the effective implementation of other fundamental safeguards and rights (such as the right to have access to a lawyer, among others), and can help reduce the risks of arbitrary arrest and detention. Its effective implementation is furthermore fundamental in preventing torture and ill-treatment as it reduces uncertainty and can equip the detainee to challenge his or her detention before a court and to bring complaints.⁶

³ 7 NPMs (Bolivia, Costa Rica, Ecuador, Mexico, Paraguay, Peru and Uruguay), 7 LPMs (Argentina: Mendoza, Misiones, Salta, Chaco; Brazil: Rio Janeiro and Pernambuco), the National Human Rights Institute in Chile (INDH), and the National Prisons Ombudsman (PPN) in Argentina responded to the questionnaire.

⁴ Members of NPMs in Argentina, Brazil, Bolivia, Costa Rica, Ecuador, Mexico, Paraguay, Peru and Uruguay, and representatives of LPMs in Misiones and Mendoza Provinces in Argentina, and Rio de Janeiro Brazil, and from the National Prisons Ombudsman (PPN) in Argentina attended the workshop.

⁵ SPT, Report on the visit of the SPT to Benin, (2011), UN Doc CAT/OP/BEN/1, § 70.

⁶ APT, Symposium on Procedural Safeguards in the First Hours of Police Custody, (2017), § 25.

Essential elements for torture prevention



- Persons in custody should be informed of their rights from the moment they are detained. An explanation must be provided about how these rights can be exercised in practice, and the means to do so ought to be provided.
- Information about rights should be provided orally and in writing, using language that is clear and simple. Police and justice operators should make sure that the detainee has understood his or her rights and how to avail him- or herself of these rights.
- The detaining authority should record the fact that the detainee was informed of his or her rights, and whether the detainee chose to exercise these rights.

1. When should the detainee be informed about his or her rights?

<p>What do international standards specify?</p>	<p>According to international standards, detainees should be notified of their rights at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter.⁷ To this end, the United Nations Subcommittee on Prevention of Torture (SPT) has recommended that detainees be informed of their rights from the very start of their detention.⁸</p>
<p>What does the legislation in Latin American countries state?</p>	<p>Some of the national legislation sets out that detainees should be informed of their rights at the time of the arrest (Bolivia, Ecuador, Honduras, Salta Province in Argentina)⁹ or immediately (Costa Rica, Honduras, Paraguay, Mendoza Province in Argentina, Uruguay).¹⁰</p> <p>In some jurisdictions, notification of rights is provided both at the time of arrest and when the detainee is brought before the Public Prosecutor's Office. When a suspect is apprehended <i>in flagrante delicto</i> or on the basis of an "emergency detention"¹¹, authorities must ensure that the person is fully and clearly aware of his or her rights (Mexico).¹²</p>
<p>What happens in practice?¹³</p>	<p>According to information gathered in some countries and provinces, detainees do not receive information on their rights (Mendoza and Misiones Provinces in Argentina; Rio de Janeiro State, Brazil; Paraguay).</p> <p>In other places, information on rights is not provided until detainees enter the place of detention (Salta Province in Argentina), or when they are charged by the Public Prosecutor's Office, i.e. within 24 hours of the arrest (Costa Rica). The SPT has observed during some of its visits that persons deprived of their liberty are not informed of their rights either at the time of the arrest or at any later stage.¹⁴</p>

⁷ UN, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 13.

⁸ SPT, Report on the visit of the SPT to Honduras (2010), UN Doc CAT/OP/HND/1, §149.

⁹ Bolivia, Code of Criminal Procedure, 296; Ecuador, Constitution of Ecuador, Article 77; Honduras, Code of Criminal Procedure, Article 101; Argentina, Salta Province, Code of Criminal Procedure, Article 88.

¹⁰ Costa Rica, Code of Criminal Procedure, Article 82; Honduras, Code of Criminal Procedure, Article 101; Paraguay, Code of Criminal Procedure, Article 75; Mendoza Province in Argentina, Law No 6.722, Article 12; Uruguay, Code of Criminal Procedure, Articles 56 and 65.

¹¹ In Mexico this refers to forms of arrests in the absence of a warrant, when a suspect is caught in the act of committing a crime (*in flagrante delicto*) or immediately thereafter; or when the Public Prosecutor's Office considers that it is not possible to obtain an arrest warrant and there is a risk that the person may evade justice (emergency detention).

¹² Mexico, National Code of Criminal Procedure, Article 113 (v) and Article 152.

¹³ The information provided in this section was obtained from the response to the APT questionnaire and during the NPM and LPM working meeting held in Panama from 21 to 23 November 2017.

¹⁴ SPT, Report on the visit of the SPT to Mexico, (2010), UN Doc CAT/OP/MEX/1, §120-123.

2. What rights are the detainees informed about?

<p>What do international standards specify?</p>	<p>International standards state that at the time of arrest, law enforcement authorities should provide the person in custody information about his or her rights, and explanations about how to exercise these rights.¹⁵ Some of the rights on which information must be provided are:</p> <ul style="list-style-type: none"> • The right to remain silent.¹⁶ • The right to notify a third party about the situation of arrest, and to communicate with third parties. • The right to physical and mental integrity and the absolute prohibition and right to be free from torture and other cruel, inhuman or degrading treatment or punishment.¹⁷ • The right to have access to a lawyer and the right to legal aid. • The right to request and access a medical examination, and to medical assistance. • The right to challenge the lawfulness of arrest and detention. • The right to receive information about rights in a language that the detainee understands.
<p>What does the legislation in Latin American countries state?</p>	<p>National legislation¹⁸ in the region grants detainees the following rights:</p> <ul style="list-style-type: none"> • The right to remain silent/abstain from making a statement (Mendoza Province in Argentina, Brazil, Bolivia, Chile, Costa Rica, Ecuador, Honduras, Paraguay, Uruguay). • The right to notify third parties about the situation of detention (Brazil, Chile, Costa Rica, Ecuador, Honduras, Mexico, Paraguay, Uruguay, Salta and Mendoza Provinces in Argentina). • The right to access a lawyer (Argentina, Bolivia, Chile, Costa Rica, Ecuador, Honduras, Mexico, Paraguay, Mendoza Province in Argentina, Uruguay). • The right to request and access a medical examination, and to access medical care (Honduras, Mexico, Mendoza Province in Argentina, Peru, Uruguay). • The right to an interpreter/to be informed of one's rights in a language that one understands (Costa Rica, Ecuador, Honduras, Mexico, Paraguay). • The right to have one's physical well-being and dignity protected (Chile, Costa Rica, Honduras, Mexico, Paraguay). • The right to receive written information about rights (Mexico). • The right to be brought before a judge within 24 hours (Salta Province in Argentina, Paraguay, Uruguay).

¹⁵UN, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 13.

¹⁶UN, United Nations Principles and Guidelines on Access to Legal Aid, Guideline 3(b).

¹⁷SPT, Report on the visit of the SPT to Honduras, (2010), UN Doc CAT/OP/HND/1, §148 - 149.

¹⁸See Annex B.

	<ul style="list-style-type: none"> • The right to be informed of the grounds for detention (Ecuador, Honduras, Paraguay, Peru, Mexico, Uruguay, Mendoza Province in Argentina). • The right to be informed of the identity of the authority ordering the arrest, and of the officers who carry it out (Ecuador). <p>In some countries, legislation recognises other rights, such as: the right to have access to adequate amenities during custody (Chile, Mexico, Uruguay); and to not be subject to methods of restraint that prevent free movement in the place of custody (Costa Rica, Honduras, Paraguay).</p>
<p>What happens in practice?¹⁹</p>	<p>It has been reported that in practice, persons in police custody receive information about the reasons for their detention and about their rights, such as the right to access a lawyer (Uruguay).</p> <p>It was also noted that the detainees receive a written statement of their rights. However, they are sometimes unable to ask questions or request an explanation about the information they have received (Chile).</p>

¹⁹The information provided in this section was obtained from the response to the APT questionnaire and during the NPM and LPM working meeting held in Panama from 21 to 23 November 2017.

3. Methods for effectively communicating rights

<p>What do international standards specify?</p>	<p>Some international human rights instruments and mechanisms outline methods that promote the effective communication of rights to detainees. For example:</p> <ul style="list-style-type: none"> • Communicating the rights in the language used by the detainee. A person who does not sufficiently understand or speak the language used by the authorities to communicate his or her rights is entitled to receive this information in a language that he or she understands.²⁰ • Providing information in writing and orally. The SPT considers that persons deprived of their liberty have the right to be informed about their rights both orally and in writing.²¹ The Nelson Mandela Rules states that when a person is illiterate, information must be provided orally.²² • Using simple language to communicate rights. The SPT considers that information should be communicated to detainees in a clear and simple manner,²³ so as to allow them to easily understand their rights. • Complementary methods for providing information on rights. The European Committee for the Prevention of Torture (CPT) finds that detainees should be systematically given a form setting out their rights in a straightforward manner, at the very onset of custody.²⁴ The SPT also recommends that detainees should be provided with such a form, which they should be asked to sign and entitled to keep.²⁵ Other, complementary, methods of providing information on rights that are highlighted by the SPT include displaying posters in places of detention and handing out leaflets enumerating detainees' rights.
<p>What does the legislation in Latin American countries state?</p>	<p>Legislation in some Latin American countries addresses the ways in which rights ought to be communicated to detainees. For example:</p> <ul style="list-style-type: none"> • Communicating rights in the language used by the detainee. Some national laws stipulate that persons deprived of liberty must be informed of their rights in their own language (Ecuador).²⁶ If the detainee does not speak the same language as the detaining authorities, he or she must be provided with a translator or interpreter (Costa Rica).²⁷

²⁰UN, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 14; Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Principle V; SPT, Report on the visit of the SPT to Mexico, (2010), UN Doc CAT/OP/MEX/1, §120-123.

²¹SPT, Report on the visit to Argentina, (2013), UN Doc CAT/OP/ARG/1, §18; Report on the visit of the SPT to Gabon, (2015), UN Doc CAT/OP/GAB/1, §35.

²²UN, United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 54. (b), 55(2).

²³SPT, Report on the visit of the SPT to Paraguay, (2010), UN Doc CAT/OP/PRY/1, § 77.

²⁴CPT, Developments concerning CPT standards in respect of police custody, (2002), § 44.

²⁵SPT, Report on the visit of the SPT to Honduras, (10 February 2010), UN Doc CAT/OP/HND/1, §149; Report on the visit of the SPT to the Maldives, (26 February 2006), UN Doc CAT/OP/MDV/1, §98.

²⁶Ecuador, Comprehensive Organic Criminal Code, Article 12 (10).

²⁷Costa Rica, Code of Criminal Procedure, Article 130.

	<ul style="list-style-type: none"> • Providing information orally. In one country, legislation states that before asking any questions intended to verify a detainee's identity, authorities must read his or her rights, as set out in the law, aloud (Argentina).²⁸ • Using simple and plain language to communicate the rights. In some countries, criminal procedure laws state that people's rights must be communicated in a way that is understandable (Costa Rica, Honduras, Paraguay, Mendoza Province in Argentina).²⁹
<p>What happens in practice?³⁰</p>	<p>In practice, detainees are informed of their rights in different ways, including verbally (Chaco Province in Argentina; Uruguay), and in writing. In some countries, detainees are presented with a document containing information of their rights, which they are required to sign. It should be noted that sometimes, if the detainee does not sign the form, it may be signed by the police officer in charge of the investigation (Salta Province, Argentina).</p> <p>To publicise the rights of detainees in police stations, various groups such as civil society organisations or public defence institutions have produced materials (such as posters) providing information on rights (Rio de Janeiro State in Brazil, Honduras). A recently implemented measure in one country is the use of posters with information on rights displayed in police vehicles used to transport detainees (Uruguay).</p>

²⁸ Argentina, Code of Criminal Procedure, Article 184 (10).

²⁹ Costa Rica, Code of Criminal Procedure, Article 82; Honduras, Code of Criminal Procedure, Article 101 (11); Paraguay, Code of Criminal Procedure, Article 75; Argentina Mendoza Province, Law 6722, Article 12.

³⁰The information provided in this section was obtained from the response to the APT questionnaire and during the NPM and LPM working meeting held in Panama from 21 to 23 November 2017.

4. Persons in situation of vulnerability

What does international standards state?

International human rights law standards provide for additional guarantees related to the provision of information about rights to persons in situations of vulnerability:



Foreigners. In the event of an arrest, the right to communicate and meet with diplomatic or consular authorities shall be informed without delay.³¹ The SPT has recommended that foreign language interpreters should be used to provide information on rights to those who require it.³²



Children. Children have the right to be informed promptly and directly of the charges against them, and, if appropriate, through their parents or legal guardians.³³



Persons with disabilities. The Nelson Mandela Rules state that persons with sensory disabilities will be provided with information in a manner appropriate to their needs.³⁴



Persons belonging to indigenous groups. The International Labour Organization's Convention concerning Indigenous and Tribal Peoples in Independent Countries (*ILO Convention No. 169*) states that measures should be taken to ensure that indigenous persons can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means.³⁵

Not only do indigenous persons have a right to be informed of their rights in a language they understand, in order to ensure that they are able to avail themselves of these rights, they must have access to interpretation for the entire duration of legal proceedings.

³¹UN, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Article 16.

³²SPT, Report on the visit of the SPT to Mexico, (2010), UN Doc CAT/OP/MEX/1, §123.

³³UN, Convention on the Rights of the Child, Article 40 (b).

³⁴Rule 55.2, Mandela Rules.

³⁵Article 12, Indigenous and Tribal Peoples Convention (No. 169).

<p>What does the legislation in Latin American countries state?</p>	<p> <i>Children.</i> The legislation in some countries states that information on rights must be provided without delay in simple, clear, and understandable language. This information will be provided in person and in the presence of the persons caring for the minor (Mexico).³⁶ Legislation in other countries guarantees that the minors ought to be informed of their rights according to their age and development (Bolivia).³⁷</p> <p> <i>Persons with disabilities.</i> Legislation in one country requires that authorities provide different means intended to accommodate and enable persons with disabilities to understand their rights, such as sign language for persons with hearing loss (Mexico).³⁸</p>
<p>What happens in practice?³⁹</p>	<p>In practice, only a few countries take steps to address the specific needs of persons in situations of vulnerability. For example:</p> <p> <i>Persons with disabilities.</i> For persons with visual impairments, there are Braille texts outlining their rights in some places of custody (Chile, Salta Province, Argentina). Persons with psychosocial disabilities, or suspected of having such disabilities, may have access to services providing psychological and social support at the time of the arrest (Salta Province, Argentina). In one country, an expert may in some cases be called upon to identify a detainee's specific communication needs (Mexico).</p> <p> <i>Persons belonging to indigenous groups.</i> In some cases, police lacks capacity to provide interpretation services in order to enable indigenous people to be informed of their rights in a language that they or she understands (Salta Province in Argentina).</p>

³⁶Mexico, National Law on the Comprehensive Criminal Justice System for Adolescents Article 40.

³⁷Bolivia, Code for Children and Adolescents, Article 262, e.

³⁸Mexico, National Code of Criminal Procedure, Article 120.

³⁹The information provided in this section was obtained from the response to the APT questionnaire and during the NPM and LPM working meeting held in Panama from 21 to 23 November 2017.

5. Challenges identified and next steps for implementation

a. Challenges identified in practice

- Detainees do not receive information about their rights and/or how to exercise them in practice.
- In legislation, there is an absence of sanctions for police officers who fail to inform detainees of their rights.
- Whether a detainee is informed of his or her rights in practice depends on the willingness of individual police officers.
- The language used in documents containing information on rights (leaflets, brochures) is difficult to understand.
- The information is not provided in multiple languages.
- The information is provided only once, orally.
- No measures are taken to ensure that persons have understood the information they have been given (i.e. no accounting for the inherent stress of the situation of custody).
- No additional guarantees or measures are provided to ensure that persons in situations of vulnerability are adequately informed of their rights.

b. Steps to be taken to implement the safeguard

- National legislation should recognise the right of persons to be informed about their rights immediately, including at the very onset of police custody, and subsequently at the place of custody.
- Training for police personnel should include specific training on how to meaningfully provide detainees with information about their rights and how to exercise them in practice.
- Information should be communicated and explained orally as well as in writing, by means such as brochures, booklets, factsheets, and posters displayed in places of custody. Detainees should be given and allowed to keep a copy of the document setting out their rights.
- Officials should take steps to ascertain whether, and ensure that, detainees have understood their rights.
- When the police read detainees their rights, they must read slowly and in a plainly understandable manner; an explanation about how each right can be exercised in practice must also be provided. If the person is given a document stating his or her rights, enough time should be provided for him or her to read the document.
- Measures should be taken to verify that detainees have understood the information that has been provided, for instance by asking them to explain their rights, and their understanding of how they can go about availing themselves of them, in their own words.
- The language (whether in writing or orally) used to convey the information must be simple, clear, direct, and easy to understand, avoiding the use of complex legal or technical terms.

- The specific needs of persons in situations of vulnerability should be considered, with provisions being made to ensure that they are adequately informed of their rights.
- Police should record the fact that persons in custody have been informed of their rights, and whether they have availed themselves of these rights in practice.

Practical examples for implementation	
Colombia	Studies recommend applying the principles of plain language ⁴⁰ in documents (such as booklets) that provide information on rights, so that people in police custody can easily understand the information about their rights and know how to exercise these. ⁴¹ For instance, in Colombia the Guide on using clear language for public servants is meant to enable public servants to they deliver information in such a way that persons understand their rights.
European Union	In the European Union , the provision of information on rights is governed by Directive 2012/13/EU on the right to information in criminal proceedings. The Directive sets out that States must promptly provide detainees with Letters of Rights, and provides a template for this document.
Honduras	In Honduras , the law provides that the National Police, the Public Prosecutor's Office, and judges must inform persons in custody of their rights. The fact that this has been done will be recorded in the minutes of the relevant encounter or proceeding and signed by the detainee; if the detainee refuses to sign-off on this, the refusal will be recorded. ⁴²
Hong Kong	In Hong Kong , a factsheet on rights is provided for detainees to read and retain for reference. In addition to outlining detainees' rights, the form requires the provision of relevant information such as the identity of the officer who provided the information; the language in which the information was provided; and whether an interpreter or an appropriate adult were present.
United Kingdom	In addition to the Notice of rights (available in 56 languages) the police in the UK have an Easy Read version for people with disabilities, and a leaflet designed for young people (under the age of 18).
Paraguay	Following SPT recommendations, the police in Paraguay displayed posters with information on the rights of detainees in both national languages of Spanish and Guaraní. ⁴³
Peru	The Code of Criminal Procedure of Peru explicitly states that the National Police should inform detainees of their rights, and that the fact that this has been done must be recorded and signed by detainee.

⁴⁰ According to Plain Language Association International, plain language (or plain writing) is a way of writing and presenting information so that the reader can understand it quickly and easily.

⁴¹ Fair Trials, *Understanding your rights the European Union's model of letter of rights*, p.7. Available in English here: <https://www.fairtrials.org/wp-content/uploads/2017/06/LOF-Summary-Spreads.pdf>

⁴² Honduras, Code of Criminal Procedure, Article 101.

⁴³ SPT, Report on the visit of the SPT to Paraguay, (2010), UN Doc CAT/OP/PRY/1, para. 76.

Annexes

A. International and regional human rights standards:

- [Article 9 \(2\)](#) , International Covenant on Civil and Political Rights
- [Article 16](#), UN International Convention on the Protection of the rights of all Migrant workers and members of their families
- [Article 40 \(b\)](#), UN Convention on the Rights of the Child
- [Article 12](#), Indigenous and Tribal Peoples Convention (N° 169)
- [Principles 13-14](#), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- [Guideline 2 \(42.c and 43.1\)](#) , United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice System
- [Paragraph 5](#), UN Basic Principles on the Role of Lawyers
- [Rule 55 \(2\)](#), UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)
- [Guideline 11 \(a\)](#), UN Guidelines for Action on Children in the Criminal Justice System
- [Principle V](#), Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas
- [Guideline 20. D](#) Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa
- [Article 5](#), Guidelines on the Conditions of arrest, police custody and pre-trial detention in Africa (Luanda Guidelines)
- Juan E. Méndez, Interim report of the Special Rapporteur on torture and other, cruel, inhuman or degrading treatment, 2016, [UN Doc A/71/298](#), §64-67
- Leandro Despouy, Report of the Special Rapporteur on the independence of judges and lawyers, 2008, [UN Doc A/HRC/8/4](#), §27.
- UN Human Rights Council Resolution 31/31 on safeguards to prevent torture during police custody, 2016, [A/HRC/RES/31/31](#)
- [EU Directive 2012/13/EU](#) of the European Parliament and the Council of 22 May 2012 on the right to information in criminal proceedings.
- CCPR Human Rights Committee General Comment [N° 20](#), 1992, §11.

UN Subcommittee on Prevention of Torture reports:

- Benin, [CAT/OP/BEN/1](#), §69-70
- Honduras, [CAT/OP/HND/1](#), §148-149
- Maldives, [CAT/OP/MDV/1](#), §94-98
- Mexico, [CAT/OP/MEX/1](#), §120-123
- Paraguay, [CAT/OP/PRY/1](#), §75-77

See also:

- APT, [Monitoring Police Custody a practical guide](#), p. 121.
- APT, [Outcome Report](#) of the Symposium on Procedural Safeguards in the first hours of police custody 2017, p. 25.
- Amnesty International, [Fair Trial Manual Second Edition](#), 2014, p. 37-41.
- Fair Trials, [Understanding your rights the European Union's model of letter of rights](#), p.7

B. National legislation

- **Constitutions**

State	Regulations	Text
Brazil	Public Constitution	Article 5. 62. the arrested person shall be informed of his rights , among which the right to remain silent, and he shall be ensured of assistance by his family and a lawyer;
Ecuador	Constitution of the Republic of Ecuador, 2008	Section 77. Where a person has been arrested and detained, the following basic guarantees shall be observed (...) (...) 4. At the time of detention, the agent shall inform the arrested person of his/her right to remain silent, to request the assistance of an attorney or court-appointed defense attorney in the event he/she is unable to designate one by himself/herself, and to communicate with a relative or any other persons indicated by him/her.
Honduras	Public Constitution of Honduras	Article 84. (...) The arrested or detained must be informed upon arrest and with total clarity of his rights and the charges against him; furthermore, the authorities must permit him to report his detention to a relative or to a person of his choice.
Mexico	Political Constitution of the United Mexican States	Article 20. B. III. Defendant's rights Every arrested person has the right to be informed of the grounds of arrest and of his rights at the moment of his arrest and while appearing before the Public Prosecution Service or a judge.
Paraguay	Constitution of the Republic of Paraguay	Article 12. (...) All detained persons have the right: 1. to be informed, at the moment of the act, of the cause that motivates [the arrest], of their right to remain silent and to be assisted by a defender of their confidence.

- **Codes of Criminal Procedure**

State	Regulations	Text
Argentina	Argentina Code of Criminal Procedure	Article 184. 10 Officials of the police or security forces shall have the following powers: 10) They may not take a statement from the accused. They may only ask the accused questions to establish his or her identity, after reading aloud the rights and guarantees set out in Articles 104, paragraph 1 and last, 197, 295, 296 and 298 of this Code, which apply by analogy to the case (...).
Argentina/ Salta	Salta Code of Criminal Procedure	Article 88. Information on minimum guarantees. From the moment of the arrest or the first action taken with respect to the accused, the latter must be notified by the authority that is involved that he or she enjoys the following minimum guarantees: a) To be informed without delay, in a language which he or she understands and in detail, of the deed with which he or she is being charged; b) To communicate freely and confidentially with a lawyer of his or her choice, and that he or she has the right to be assisted and to communicate with the Public Defender; c) To appoint a defence counsel that he or she trusts or the Public Defender; d) To have his or her arrest or detention immediately communicated to a person he or she trusts;

State	Regulations	Text
Brazil	Code of Criminal Procedure	Article 289. If the accused is on Brazilian territory, outside the trial judge's jurisdiction, a prison sentence will be invoked, and the court writ should include the entire content of the warrant. Paragraph 4 The prisoner shall be informed of his or her rights, in accordance with the Federal Constitution, Article 5, paragraph LXIII [...].
Bolivia	Code of Criminal Procedure	Article 296. In cases where this Code authorises arresting the accused, members of the police force shall comply with the following basic principles of conduct: 6) Inform the person at the time of the arrest what he or she is being charged with, that he or she has a right to remain silent without this being used against him or her and a right to appoint a defence counsel.
Costa Rica	Costa Rica Code of Criminal Procedure	Article 82. The judicial police, the Public Prosecutor's Office and the judges, as appropriate, shall inform the accused immediately and in a manner that can be understood that he or she has the following rights: a) To know the cause or motive for his or her deprivation of liberty and the name of the officer who ordered it, showing him or her, as appropriate, the warrant issued against him or her. b) To communicate immediately and effectively with the person, association, group or entity to which he or she wishes to report his or her arrest. c) To be assisted, from the very start of the proceedings, by the defence counsel appointed by him or her, his or her relatives or the group to which his or her arrest was notified and, failing that, by a public defender. d) To come before or be brought before the Public Prosecutor's Office or the court, to be informed and made aware of the charges made against him or her. e) To refrain from making a statement and, if he or she agrees to do so, for his or her counsel to be present when the statement is made and at other proceedings where his or her presence is required. f) Not to be subjected to techniques or methods that affect or undermine his or her free will or violate his or her dignity. g) Not to have measures used against him or her that prevent his or her free movement within the premises and during proceedings, notwithstanding surveillance measures that may, in particular cases, be ordered by the court or the Public Prosecutor's Office.
Ecuador	Comprehensive Organic Criminal Code	Article 12. Rights and guarantees of persons deprived of their liberty. (...) 10. Information: when he or she enters any place of deprivation of liberty, the person deprived of liberty has the right to be informed in his or her own language about his or her rights, the rules of the establishment and the means available to him or her to lodge requests and complaints. This information must be public, written and available at all times. Article 533. Information on rights. The judge must ensure that the detained person is informed of his or her rights, which include clearly understanding the reasons for his or her detention, the identity of the authority ordering it, the officers who carry it out and those responsible for the respective interrogation. He or she shall also be informed of his or her right to remain silent, to request the presence of a public or private counsel and to communicate with a family member or any person he or she nominates. The same notification should be sent to a person of trust of the detained person's choice and to his or her public or private defence lawyer. If the detainee is a foreigner, the person carrying out the arrest shall immediately

State	Regulations	Text
		inform his or her country's consular representative or, failing that, the rules of the relevant international instruments shall be followed. The rights of victims and detainees must be clearly and visibly displayed in all police, prosecutors, courts and public defenders' offices.
Honduras	Honduras Code of Criminal Procedure	<p>Article 101.The accused has the right to: 1) Have the corresponding authority set out to him or her in a clear and precise manner the acts that constitute the offence with which he or she is being charged;</p> <p>2) Have an individual or legal entity of his or her choice be notified immediately of his or her detention and the place where he or she is detained.</p> <p>3) Be assisted by a Legal Professional, as soon as he or she is arrested or summoned to testify.</p> <p>4) Have a private meeting with his or her defence lawyer from the start of his or her detention, including with the National Police and before making a statement, if he or she so wishes;</p> <p>5) Refrain from making any statement without this decision being used to his or her detriment and, if he or she agrees to do so, to ensure that his or her defence lawyer be present when making it, as well as in any other proceedings in which the presence of the accused is required;</p> <p>9) To be assisted by an interpreter or translator if he or she does not know Spanish, has a hearing impairment, cannot be understood in writing or cannot express him or herself for any reason (...).</p> <p>The National Police, the Public Prosecutor's Office and the judges shall, immediately and in a manner that can be understood, inform the accused or the person who, although not yet charged but is under investigation by the Public Prosecutor's Office, appears before it to be heard, of all the rights referred to in this Article, which shall be placed on record and signed by the person who is present or whose refusal shall be recorded. If this Article is breached, the detention shall be rendered unlawful, solely for the purposes of criminal liability.</p> <p>Article 282. When apprehending, detaining or arresting a person, members of the National Police shall act in accordance with the following rules:</p> <p>6) They must inform the persons who are detained or arrested, at the time of their arrest or detention, as clearly as possible, of the reason for their arrest and to make them aware of their right to report their situation to a relative or person of their choice; to be assisted by a defence counsel (...).</p>

State	Regulations	Text
Mexico	National Code of Criminal Procedure	<p>Article 18. Guarantee of being informed of his or her rights. All the authorities involved at the start of the proceedings must ensure that both the accused and the victim or aggrieved party are aware of his or her rights under the Constitution, the Treaties and the resulting laws.</p> <p>Article 113. The defendant's rights. The defendant shall have the following rights:</p> <p>V. To be informed, both at the time of his or her arrest and when he or she is brought before the Public Prosecutor's Office or the supervisory judge, of the facts alleged against him or her and of his or her rights, (...).</p> <p>Article 152. The rights of the detainee.</p> <p>Authorities executing an arrest in flagrante delicto or urgent cases should ensure that the person has full and clear knowledge of the rights listed below at any stage of the custody:</p> <p>I. The right to inform someone of his or her arrest;</p> <p>II. The right to consult his or her defence counsel in private;</p> <p>III. The right to receive written notification that establishes the rights set forth in the preceding sections and the steps he or she must take to obtain legal advice;</p> <p>IV. The right to be placed in a cell in dignified conditions and with access to personal hygiene facilities;</p> <p>V. The right not to be detained naked or wearing underwear;</p> <p>VI. If, for the purposes of the investigation, the detainee is required to surrender his or her clothes, he or she shall be provided with clothes to wear, and</p> <p>VII. The right to clinical care if he or she is ill, injured or appears to be suffering from a mental disorder.</p>
Paraguay	Paraguay Code of Criminal Procedure	<p>Article 75. The defendant's rights</p> <p>The defendant shall be assured of the necessary guarantees for his or her defence, and shall immediately and comprehensively be informed by the National Police, the Public Prosecutor's Office and the judges of his or her rights:</p> <ol style="list-style-type: none"> 1) not to have measures that are an affront to his or her dignity used against him or her; 2) to be told of the cause or reason for his or her arrest and the name of the officer who ordered it, showing him or her, as appropriate, the arrest warrant issued against him or her; 3) to nominate the person, association or entity to whom his or her arrest should be reported immediately 4) to be assisted from the very start of the proceedings by the defence counsel nominated by him or her, his or her spouse, partner or relative up to the fourth degree by blood or by adoption or second degree by marriage and, in the absence of this defence counsel, by a public defender; 5) to appear before the Public Prosecutor's Office or the judge, so that he or she may be informed and heard about the facts against him or her; 6) to refrain from making a statement, and if he or she agrees to do so, for his or her defence counsel to be present when his or her statement is made and at any other proceedings in which his or her presence is required; 7) not to be subjected to techniques or methods that limit or affect his or her free will; and 8) not to use measures that prevent his or her free movement within the premises

State	Regulations	Text
		<p>and during proceedings, notwithstanding surveillance measures that may, in particular cases, be ordered by the court or the Public Prosecutor's Office.</p> <p>Article 298. Basic principles of action. Officers already in the police force must arrest or detain the accused (...) according to the following principles of engagement: 6) inform the person at the time of arrest of all the accused's rights I(...).</p>
Peru	Code of Criminal Procedure	<p>Article 71. The defendant's rights</p> <p>2. The Judges, Prosecutors or the National Police must inform the accused immediately and in a manner that can be understood, that he or she has the right to:</p> <p>a) hear the charges against him or her and, in the event of arrest, be informed of the cause or reason for his or her arrest and be presented with the signed warrant for his or her arrest, where appropriate;</p> <p>b) nominate the person or institution to which his or her detention should be communicated; this notification should take place immediately;</p> <p>c) be assisted by a defence lawyer from the outset.</p> <p>3. Compliance with the provisions of the preceding paragraphs must be recorded in the minutes and signed by the accused and the corresponding authority. If the accused refuses to sign the minutes, the abstention shall be recorded, and the reason shall be stated if he or she expresses it. If the refusal occurs during the early stages of the investigation, before the Prosecutor's involvement, this fact shall be recorded in the minutes.</p>
Uruguay	<p>Law No. 19,293</p> <p>Code of Criminal Procedure</p>	<p>Article 64. (The defendant's rights and guarantees). Every defendant shall have the right to: (c) be informed in a specific and clear manner about the facts alleged against him or her and of his or her rights under the Constitution of the Republic and the laws.</p> <p>Article 65 (Defendant deprived of liberty). The defendant deprived of liberty shall also have the following guarantees and rights:</p> <p>a) to be told the reason for his or her deprivation of liberty.</p> <p>b) the staff member responsible for carrying out the detention or arrest shall inform him or her of his or her rights;</p> <p>c) that if he or she does not have a previously appointed defender, any family or relative may suggest a specific defender, notwithstanding the provisions in Article 64, paragraph b) of this Code.</p> <p>d) to be brought promptly before the court that ordered his or her arrest;</p> <p>e) to request that the court grant him or her freedom of movement;</p> <p>f) that the administrative authority in the place where he or she is being detained informs the person he or she appoints in his or her presence that he or she has been arrested and the reason for his or her arrest;</p> <p>g) to have at his or her own expense access to amenities and activities that are compatible with the security at the premises in which he or she is being detained;</p> <p>(h) to meet his or her defence lawyer privately.</p>

- **Organic and procedural laws of police institutions**

State	Regulations	Text
Argentina/ Mendoza	Mendoza Police Regulations	<p>Article 12. Any deprivation of liberty shall be conducted so as to avoid harming the detained person's psychophysical integrity, honour, dignity and property.</p> <p>Any person deprived of his or her liberty shall be informed by the police staff responsible for his or her arrest, immediately and in a manner that can be understood, of the specific reason for the deprivation of his or her liberty, and of the rights to which he or she is entitled.</p>
Mexico	NATIONAL FIRST RESPONDER PROTOCOL	<p>Detention. Upon arrest, the First Responder shall proceed as follows:</p> <p>b.3 Reading of rights. The booklet of the rights of persons in detention will be read, and a corresponding record made in the Standard Police Report.</p>
Uruguay	Law on Police Procedure No. 18 315	<p>Article 49. (Right of the person who has been arrested or apprehended to be informed). Any person who is apprehended or detained shall immediately be informed of the reason he or she has been detained or apprehended. At the police station, this information shall be documented in writing and the corresponding minutes shall be drawn up and signed by the person who has been detained or apprehended. If the person who has been detained or apprehended does not wish or is unable to do so, two witnesses shall sign the aforementioned record.</p>

- **Other laws**

State	Regulations	Text
Brazil	Statute of the child and adolescent	<p>Article 106. No adolescent shall be deprived of his or her liberty except in cases of flagrante delicto or by written and substantiated order of the competent judicial authority. The adolescent has the right to identify those responsible for his or her arrest and must be informed of his or her rights.</p>
Mexico	National Law on the Comprehensive Criminal Justice System for Adolescents	<p>Article 40. Information for adolescents</p> <p>Every adolescent has the right to be informed of the reasons why he or she has been arrested, charged, tried or had a measure imposed upon him or her; the name of the person who has attributed the crime to him or her; the consequences of attributing the deed; his or her rights and guarantees and the right to free legal defence.</p> <p>The information should be provided in clear, simple, understandable language and without delay, in person and in the presence of the person or persons responsible for the adolescent, his or legal representative or the person he or she has nominated as being someone he or she trusts.</p>
Uruguay	Law No. 17823 Code on Children and Adolescents	<p>Article 76. (Procedure)</p> <p>A) Tasks of the police authority. If the adolescent is arrested (...) the detaining authority shall be fully responsible for: c) Ensuring the adolescent is aware of the reasons for the detention and his or her rights, especially his or her right to appoint a defence counsel.</p>