

@The Convention on the Rights of the Child

1 Background

The Convention on the Rights of the Child (the Convention) is an international human rights treaty which was adopted by consensus by the United Nations (UN) General Assembly (Resolution 44/25) on 20 November 1989, the 30th anniversary of the adoption of the UN Declaration of the Rights of the Child.

This was the culmination of a ten year drafting process. In 1979 the UN Commission on Human Rights established a working group of government representatives. The group met annually to work on the text (originally been submitted to the UN by Poland). A large number of non-governmental organizations (NGOs) including Amnesty International participated actively with UN bodies such as the United Nations Children's Fund (UNICEF) in the various stages of the drafting process.

After it had been adopted by the General Assembly, the 20 ratifications or accessions by states needed in order for the Convention to enter into force were achieved in record time and it came into force on 2 September 1990.

A World Summit for Children was held on 29 and 30 September 1990 in New York, organized by UNICEF. More than 70 heads of state or government attended and the World Declaration on the Survival, Protection and Development of Children was adopted. They made a number of commitments including giving priority to the rights of the child and promoting ratification and implementation of the Convention.

The Convention on the Rights of the Child now has the highest number of States Parties of all international human rights treaties. The full text of the Convention is given in Appendix I and a list of states which had signed, ratified or acceded to it at the time of publication can be found in Appendix II.

2 General observations

The Convention is the first legally binding international instrument to deal specifically and uniquely with the rights of the child, although other universal human rights standards apply to both adults and children alike.

Unlike most other international standards which deal with particular sets of rights, the substantive part of the Convention covers a wide spectrum of civil, political, economic, social and cultural rights of the child, thus affirming the universal, indivisible and interdependent nature of human rights. Some of the Convention's provisions affirm the applicability of existing standards to the child but its drafters generally attempted to formulate the articles to take into account the specific and possibly different needs of the child.

The Convention sets out its principles in a Preamble and then consists of 54 articles divided into three parts. The first part (Articles 1 to 41) sets out the substantive rights applicable to the child; the other parts (Articles 42 to 54) concern implementation of the Convention and establish the Committee on the Rights of the Child to monitor States Parties' reports on their progress in complying with their obligations under this treaty.

While the Convention recognizes the right of the family to provide appropriate guidance to the child, it emphasizes the concept of the evolving capacities of the child and gives them the right to express their own views and to be heard in judicial or administrative proceedings affecting them.

Notable innovations have been introduced in the area of economic, social and cultural rights. The Convention establishes safeguards for adoption procedures and the right of the child to be free from the dangers of sale or transfer, the illicit use of drugs, labour as well as sexual and other forms of exploitation. Among the rights reaffirmed are those relating to an adequate living standard, physical and mental health, social security and education.

However, while some of the Convention's civil and political rights provisions expand on existing international law, others reaffirm rights already provided for, sometimes in a more complete form, in other international treaties (such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)). While it may seem inevitable that the Convention, as a consensus text, does not always reflect the maximum desirable standard, it is regrettable that it falls short of established principles in certain areas.

Article 41 states that nothing in the Convention shall affect provisions in national or international law which are more conducive to the realization of the rights of the child, thereby imposing a duty on states to apply any higher standards by which they may be bound. However, the Convention fails to stipulate which rights can never be suspended (or derogated from) by states, even in time of a public emergency threatening the life of a nation.

Such non-derogation clauses are contained in other major international human rights instruments, such as the ICCPR and the CAT.

The ICCPR prohibits derogation from rights including the right to life, recognition as a person before the law, protection against retroactive penal laws, freedom from discrimination, freedom from torture and other cruel, inhuman or degrading treatment or punishment, freedom of thought, conscience and religion, freedom from slavery and servitude and the prohibition of imprisonment due to inability to fulfil a contractual obligation.

This Convention fails to confirm the established principle that, at the very least, certain rights are necessarily non-derogable.

3 Main provisions of direct relevance to Amnesty International

The Convention contains a number of rights of direct relevance to the work of Amnesty International. These provisions will be set out briefly below, together with an indication of significant differences to other standards where these exist.

3.1 Definition

Article 1 defines the child as every human being below the age of 18 years, unless under the law applicable to the child, majority is attained earlier. Although this qualification may have been necessary to reach a consensus, it is nevertheless unsatisfactory, as it could be used by states to justify the non-applicability of the Convention to persons not classified as children according to national law. In certain cases this could limit the protection guaranteed to the child.

In contrast no qualification is contained in Article 37(a), which establishes the right for any person below 18 years of age not to be subjected to the death penalty nor life imprisonment without the possibility of release.

3.2 Non-discrimination

Article 2 lays down the basic principle of non-discrimination found in many other international instruments. Apart from the prohibition of discrimination on the basis of colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, it also lists ethnic origin or disability as unacceptable grounds for discrimination.

This Article contains an important provision stipulating the duty of the state to protect children not only from discrimination on the basis of their own attributes but also those of their parents, legal guardians, or family members. This kind of treatment is all too often a bitter reality for many children who become victims of torture, "disappearance", political killings or other gross human rights violations solely on account of their family links.

3.3 The death penalty and the right to life

Article 6 guarantees to the child the inherent right to life, although it does not stipulate the prohibition of arbitrary deprivation of life, as contained in Article 6.1 of the ICCPR. Article 37(a) prohibits the death penalty for any person below 18 years of age without exception. This is already provided for in Article 6.5 of the ICCPR, but Article 37(a) goes further than other international standards in providing that life imprisonment without possibility of release shall not be imposed for offenses committed by persons below 18 years of age.

3.4 "Disappearances" and the right to identity

The provisions contained in articles 7, 8 and 9 are of particular importance in the case of "disappeared" children, although the phenomenon of "disappearances" is not mentioned explicitly in the text of these articles. Article 7 affirms the right of the child to his or her own identity, including the right to be registered immediately after birth, to have a name, acquire a nationality and know and be cared for, as far as possible, by their parents.

Article 8 provides for the right of a child to preserve his or her own identity and to

re-establish it if the child has been illegally deprived of it; this is a unique provision in international human rights treaties.

Article 9 stipulates that a child shall not be separated from his or her parents against his or her will, except if this is determined by competent authorities in accordance with law. All interested parties, ie including the child, shall have an opportunity to participate in any proceedings and the child has the right to maintain regular contact with his or her parents.

While these provisions also refer to private acts, Article 9.4 is of particular importance as it obliges states which have caused a child to be separated from his or her parents to provide the parents, the child or other family members with information (on request) about the whereabouts of the absent family member. Article 9.4 also stipulates that a request for information shall not lead to adverse consequences being suffered by the persons concerned; although this formulation is vague, this should include the person about whom information is being sought.

By putting the onus on the state and implying a duty to investigate, this provision operates as a safeguard against "disappearances" (characterized by the refusal of states to acknowledge such acts and to account for the fate and whereabouts of persons in their custody).

By focusing on the act of the separation of a child from his or her parents, this article does not oblige the state to provide information to interested parties on the whereabouts of a child who may have "disappeared" with his or her parents, ie who has not been separated from them. The state is apparently under no duty to disclose the fate of whole families who might have "disappeared" and whose "disappearance" has been denounced by persons other than members of their own family. The article also fails to give the child or his or her family an enforceable right to compensation in the case of unlawful separations such as "disappearances".

It should be noted that the provisions of Articles 7-9 are linked to Article 21(a), which provides that the adoption of a child is to be authorized only by competent authorities (who must determine the child's status concerning parents, relatives and legal guardians and that these have given their informed consent to the adoption). Although Amnesty International takes no position on the issue of adoption, this provision is important in cases where a child who was born during the "disappearance" of his or her mother, or who "disappeared" with their parents or other family members and was later adopted (sometimes by law enforcement agents involved in their "disappearance").

The 1992 United Nations Declaration on the Protection of All Persons from Enforced Disappearance, although not a binding treaty, is more explicit than Articles 8 and 21(a) of the Convention by providing in Article 20.2 for the possible annulment of such adoptions resulting from enforced "disappearances".

3.5 Freedom of expression

In contrast to Article 19 of the ICCPR, Article 13 of the Convention does not state that the child has the right to hold opinions without interference, but it otherwise affirms their right to freedom of expression (which includes seeking, receiving and imparting information and ideas regardless of frontiers in any media of the child's choice).

Article 17 additionally obliges states to ensure that the child has access to information and material from a diversity of sources, in particular by recognizing and encouraging the important function of the mass media. Taken together, these two Articles confirm the vital link between freedom of expression and the right to information, as the state not only grants the child the right to seek information, but also has an active duty to ensure access.

3.6 Freedom of thought, conscience and religion

Article 14 affirms the right of the child to freedom of thought, conscience and religion.

However, it does not explicitly guarantee freedom to have, adopt or manifest a religion or belief of the child's choice, as provided in Article 18 of the ICCPR. Neither does it specify that no child shall be coerced into having or adopting a religion. It fails to indicate clearly the rights of the child in the case of a conflict between his or her own wishes and those of others (such as the state).

Article 14 does oblige States Parties to respect the rights and duties of parents and legal guardians to provide direction to the child. This clause is qualified by the provision that such direction must be given in a manner consistent with the evolving capacities of the child, taking into account different stages in their development and the diminishing role of carers as the child develops. This may indicate that the child has greater freedom to choose their own religion or belief than they were granted by Article 18.4 of the ICCPR which, without attaching a qualifying clause, obliges State Parties to respect parents' and legal guardians' liberty to ensure religious and moral education in conformity with their own convictions.

3.7 Freedom of association and peaceful assembly

Article 15 affirms that the right to form associations with others and to assemble peacefully also applies to the child. In contrast to Article 14 on the right to freedom of thought, conscience and religion, there is no clause in Article 15 which obliges states to respect the rights and duties of parents or guardians to provide direction to the child in these matters.

In common with other international human rights treaties, however, this article (as well as the Articles 13 and 14) stipulates that the exercise of the rights proclaimed therein may be restricted according to law and the exigencies of a democratic society in the interests of national security, public safety, order, health or morals or the protection of the rights and freedoms of others.

3.8 Torture and other cruel, inhuman or degrading treatment or punishment

Article 37(a) affirms the right of the child not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. Such treatment is usually

assessed according to its effect on the victim. In the application of this provision it must be recognized that some forms of treatment may constitute torture and cruel, inhuman or degrading treatment for the child but not for adults.

The right not to be subjected to medical or scientific experimentation without his or her free consent, contained in Article 7 of the ICCPR, is not guaranteed in the Convention. This right is important for children and adults alike, and its omission is particularly unfortunate as children are especially vulnerable to such treatment.

Article 39 of the Convention obliges States Parties to promote the physical and psychological recovery and social reintegration of child victims of, inter alia, torture and cruel, inhuman or degrading treatment or punishment. The need for rehabilitation has been emphasized in particular by NGOs; the Convention acknowledges the importance of this principle and its application not only to torture but also to cruel, inhuman or degrading treatment or punishment. However, Article 39 does not oblige States Parties to ensure that the child can obtain redress and have an enforceable right to fair and adequate compensation (including financial compensation).

3.9 Liberty and security of the person

Article 37(b) affirms the child's right not to be deprived of his or her liberty unlawfully or arbitrarily. This clause provides that in the case of the child, deprivation of liberty shall be used only as a last resort and for the shortest appropriate period of time. However, there is no mention of a child's right to release if he or she is not tried within a reasonable time, although it appears that this is of particular importance to children (especially in the light of the aforementioned provisions).

The right of the child deprived of his or her liberty to be treated humanely and with respect and in a manner which takes into account the needs of a person of his or her age is affirmed in Article 37(c). This article also reaffirms the principle found in Article 10 of the ICCPR that adult and child prisoners should be separated, qualified by the notion of the child's best interests: it may be in the child's best interest to stay with his or her adult parents, even in detention. However, the principle that convicted and unconvicted persons should be segregated is not affirmed. Article 37(c) gives the child the explicit right to maintain contact with their family, except in exceptional circumstances; this goes further than Article 9 of the ICCPR.

Article 37(d) affirms a child's right to legal assistance and provides for other appropriate assistance. The child has a right to challenge the legality of the deprivation of liberty (as already provided for in Article 9.4 of the ICCPR) and the Convention requires a prompt decision on such *habeas corpus* or other petition. In contrast to Article 9.5 of the ICCPR, Article 37(d) is silent on the issue of an enforceable right to compensation for unlawful deprivation of liberty.

3.10 Fair trial and other safeguards

Article 40 states that one of the aims of the treatment of children alleged, accused or recognized to have committed a crime is to reinforce their respect for the human rights and

fundamental freedoms of others. In keeping with this principle, this article obliges states to provide for laws, procedures, authorities and institutions specifically applicable to the child and in particular to promote the establishment of a minimum age of criminal responsibility as well as the availability of alternatives to judicial proceedings and institutional and penitentiary care.

While Amnesty International takes no position on such provisions, Article 40 also identifies a list of safeguards intended to ensure equality before the law and a fair trial for a child alleged to have or accused of having committed a crime under the penal system. Such provisions are of particular relevance to Amnesty International in cases where a child risks becoming a political prisoner or where their rights to life and freedom from torture and other cruel, inhuman or degrading treatment or punishment are threatened.

Article 40.2(b) affirms the applicability to the child of rights already established in Articles 9 and 18 of the ICCPR, such as the presumption of innocence until proven guilty, the right not to be compelled to testify against himself or herself or to confess guilt, the right to examine witnesses or to have witnesses examined, the right to the free assistance of an interpreter if necessary and the right to judicial review of conviction and sentence.

Other rights have been formulated in a way which takes into account a child's specific needs, and thereby expand similar provisions in the ICCPR and other international instruments. The child has a right to be informed promptly of any charges against him or her; if appropriate, this information may also be provided through parents or legal guardians. The child must be tried without delay and given a fair hearing in the presence of legal counsel and must have other appropriate assistance (which may include parents or legal guardians).

There is no explicit reference to the child's right to be present at the judicial proceeding although Article 12 provides for the opportunity to be heard. Contrary to other international instruments, there is also no provision for a public hearing.

Article 40.2(vii) specifically stipulates that the child's privacy must be fully respected at all stages of the proceedings. This provision was intended to provide additional protection to the child, though clear safeguards are necessary to prevent possible human rights violations which might go unnoticed in proceedings not open to the public.

While Article 40 further guarantees to the child several other rights contained in the ICCPR, in some cases it does so in a less complete form. Among these are the right to not be charged under retroactive penal laws, as stipulated in Article 40.2(a). The prohibition on the imposition of a heavier penalty and the opportunity for the offender to benefit from a lighter penalty (Article 15 of the ICCPR) are not confirmed.

Article 40.4(a) not only prohibits conviction of a child under retroactive penal law, but also prohibits a child being accused of committing or alleged to have committed acts or omissions which did not constitute criminal offences at the time they were committed.

While there is provision for legal assistance in the preparation and presentation of the child's defence, Article 40.2 does not provide for this assistance to be assigned without payment where necessary. Neither does this clause confirm the right to have adequate time and facilities for the preparation of the defence, or the right to communicate with counsel.

Lastly, although Article 40.2 states that regard is to be had to the relevant provisions of international instruments, there is no reference to some important principles which should also apply to the child. Among these is the right not to be tried or punished again for an offence for which a person has already been convicted or acquitted (the rule against double jeopardy). Moreover there is no entitlement to compensation for child victims of miscarriages of justice.

3.11 Participation in armed conflicts

Article 38.2 obliges States Parties to take all feasible measures to ensure that persons under 15 years do not take a direct part in hostilities. Paragraph 3 sets the minimum age for recruitment of children into armed forces at 15, but obliges States Parties to endeavour to give priority to older children for this purpose. This provision is weaker than those contained in international humanitarian law standards and many states as well as NGOs who participated in the drafting of the Convention were not satisfied with this provision, emphasizing that the minimum age should have been set at 18.

Upon becoming parties to the treaty, a number of states made declarations expressing their disagreement with Article 38.2 and 38.3 and stating their intention to apply the higher age limit. As this issue proved to be particularly contentious, a preliminary draft optional protocol to the Convention raising the age of recruitment into the armed forces and participation in direct hostilities was prepared by the Committee on the Rights of the Child in cooperation with NGOs. At its annual meeting in Geneva, the Commission on Human Rights decided on 9 March 1994 in Resolution 1994/91 to establish a working group to elaborate the draft optional protocol. Subject to approval by the Economic and Social Council, the proposed working group will meet for the first time prior to the next session of the Commission in early 1995.

4 Implementation of the Convention

4.1 Monitoring by the Committee on the Rights of the Child

Article 43 provides for the establishment of a Committee on the Rights of the Child (consisting of 10 experts from different legal systems and regions of the world) charged with monitoring the implementation of the Convention.

The first members of the Committee on the Rights of the Child were elected at a meeting of States Parties at UN Headquarters in New York from 27 February to 1 March 1991. Five members were elected for the normal term of four years whereas the term of the other five members, chosen by lot, expired at the end of two years. Their successors were elected for four years in 1993.

The Committee's main task during its sessions is to examine the reports by States Parties on the measures they have adopted to give effect to the rights recognized in the Convention. The Committee discusses these reports with States Parties' representatives and makes its observations and recommendations public.

Initial reports have to be submitted within two years of the entry into force for the State Party concerned, and subsequent reports every five years thereafter. Article 44.6 specifically obliges States Parties to make their reports widely available to the public in their own countries.

The Committee held its first session from 30 September to 18 October 1991 and provision was made for annual meetings. However, the increasingly high workload of the Committee due to the unprecedented number of ratifications and reports from States Parties led to it holding two sessions in 1993 and scheduling three sessions in 1994.

A pre-sessional working group now meets regularly to conduct preliminary reviews of reports and consider questions relating to technical assistance. To promote awareness of the Convention and enable its members to better understand the realities of the rights of the child, the Committee has also held informal regional meetings open to participation by UN bodies, specialized agencies and NGOs.

4.2 Complaints alleging violations of the rights of the child

The intention of the drafters of the Convention was to solve implementation problems in a spirit of dialogue and mutual cooperation. Unlike other major international human rights treaties, the Convention on the Rights of the Child establishes no formal mechanisms to enable the Committee to examine complaints by States Parties, individual children or other persons on their behalf who allege violations of the rights guaranteed to children by the treaty.

At its second session in 1992, the Committee decided to establish an urgent procedure which would enable it to consider communications from interested parties, including NGOs, regarding alleged violations of the rights enshrined in the Convention. It emphasized that this urgent procedure would be part of the reporting process and would enable the Committee to ask States Parties for additional information or to suggest a visit to the country concerned.

In the absence of formal inter-state or individual complaints procedures, this is an interesting development. The procedure is still under consideration and it is too early to evaluate its functioning. As its immediate interventions could have significant political impact, it is to be hoped that the Committee will develop the urgent procedure into an effective means of improving the human rights situation of children.

4.3 Involvement of NGOs and UN bodies

The drafting of the Convention benefited from close cooperation between government representatives, UNICEF and a large number of NGOs (who joined forces in an NGO Group which briefed delegates to the Working Group and presented submissions

and draft articles). An NGO initiative also led to the wide provision for participation by NGOs contained in Article 45 of the Convention, which enables UN specialized agencies, UNICEF and other United Nations organs to be represented at the consideration of States Parties' reports.

The Committee may invite the above mentioned and "other competent bodies" (which in practice includes NGOs) to provide expert advice or to submit reports on the implementation of the Convention. Other interested parties may participate actively by contributing their own assessment of States Parties' compliance with the Convention, assessments which may often differ from that of a government. Many NGOs are very active in this field, either individually, through national coalitions or under the umbrella of the NGO Group. Together with UNICEF they play a major role in encouraging ratification, monitoring compliance, promoting awareness of the Convention and not least reminding States Parties of their obligation to make the Convention widely known (Article 42).

Another interesting feature of Article 45 is the Committee's power to forward reports from States Parties which indicate a need for technical assistance to competent UN or other bodies for their consideration. The potential opportunities for international cooperation contained in this provision are to be welcomed but do not absolve a State Party of the duty to undertake its own appropriate measures for the implementation of the rights recognized in the Convention (Article 4).

4.4 Obligations and compliance by States Parties

The Committee on the Rights of the Child must rely on international pressure on States Parties to implement its recommendations as it has no enforcement powers of its own.

All measures designed to monitor States Parties' compliance with the provisions of the Convention can only be effective to the extent that states are willing to implement them. The reality of human rights violations occurring daily all over the world casts doubt on the commitment of some governments as does their failure to accept that human rights should be guaranteed unconditionally to all.

A significant number of states have entered **reservations or declarations** upon signature, ratification or accession (permissible under Article 51).

Some states have made interpretative declarations which are intended to make clear how they interpret certain provisions. A number of states have declared that they believe the Convention applies before as well as after birth, while the definition contained in Article 1 was deliberately drafted in a flexible way. Where declarations actually enlarge the responsibilities of States Parties they are to be welcomed: several states have declared that they set a higher age limit than 15 (Article 38) for the recruitment of persons into their armed forces.

Most reservations to the Convention are specific and intended to exclude or modify the legal effect of a limited number of rights (such as the provisions on adoption, opposed by some Islamic states whose legal systems do not recognize the practice of adoption). Although the Convention is silent on the issue of derogation, it is deplorable that some States Parties have entered reservations on rights which are clearly non-derogable under international law (such as the right to freedom of thought, conscience and religion). Article 51.2 states, in accordance with international treaty law, that reservations incompatible with the object and purpose of the Convention are not permitted.

Some States Parties' reservations are of a general, vague or sweeping nature: for example, some states do not consider themselves bound by provisions incompatible with their constitutions, traditional values or religion. Such declarations or reservations have been entered for example by Djibouti, Indonesia and Pakistan¹. Such fundamental limitations of responsibilities casts doubt on the commitment of states to comply with the object and purpose of the Convention, as they allow states to change their interpretation and

¹ Upon ratification of the Convention, Djibouti pledged '[...] to adhere to it conscientiously and at all times, except that it shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values'.

Indonesia declared that the ratification of the Convention 'does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce any right beyond those prescribed under the Constitution'.

Pakistan declared that the provisions of the Convention 'shall be interpreted in the light of the principles of Islamic laws and values'.

application of certain provisions as they wish. Some States Parties (including Finland, Ireland, Norway and Sweden) submitted formal objections to these kinds of reservations or declarations, although the majority of States Parties have chosen not to do so.

Sweeping reservations concerning the underlying principles of the Convention also make it more difficult for the Committee on the Rights of the Child to assess whether relevant states fulfil their obligations to implement the Convention. Reports from States Parties who are evading scrutiny cannot be examined in any meaningful way. This has been acknowledged by the Committee on the Rights of the Child which has been pursuing a dialogue with relevant states to encourage them to withdraw their reservations; Myanmar did so in October 1993 with respect to its reservation on Article 37².

The withdrawal of reservations should be further encouraged, in keeping with point II.46 of the Vienna Declaration and Programme of Action (adopted at the UN World Conference on Human Rights in June 1993) which urged states "to withdraw reservations to the Convention on the Rights of the Child contrary to the object and purpose of the Convention or otherwise contrary to international treaty law".

The Convention has the highest number of **ratifications** of all international human rights treaties, but a number of states who are parties or signatories to it have not signed or ratified other important instruments, such as the ICCPR or the CAT. As of 25 July 1994, the following states were parties to the Convention but had not signed or ratified the ICCPR: Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Belize, Bhutan, Burkina Faso, Chad, China, Comoros, Cuba, Djibouti, Fiji, Ghana, Greece, Guinea-Bissau, Holy See (Vatican), Honduras, Indonesia, Kuwait, Laos, Liberia, Liechtenstein, Maldives, Marshall Islands, Mauritania, Myanmar, Namibia, Pakistan, Papua New Guinea, Samoa, São Tomé and Príncipe, Sierra Leone, South Africa, St. Kitts and Nevis, St. Lucia, Swaziland, Thailand, Turkey, Uganda and Vanuatu.

It is concerning that these states can accept the applicability of the fundamental standards proclaimed in the Convention (such as the prohibition on torture or the right to life, liberty and a fair trial) with respect to the child but are unwilling to guarantee those rights to adults. While it particular groups in society require special protection, it is vital to reaffirm the notions of the universality, indivisibility and interdependence of human rights by guaranteeing to all human beings the rights they all have in common.

² Myanmar had reserved the right to assume or exercise 'such powers as are required by the exigencies of the situation', including the powers of arrest, detention, imprisonment, exclusion, interrogation, inquiry and investigation. Abuse of such powers facilitates torture and unlawful deprivation of liberty.