



International Service for Human Rights

The Reports in Short

ISHR's summaries of documents for the UN Commission on Human Rights
62nd Session and Human Rights Council 2nd Session

Reports of the Special Rapporteur on freedom of religion or belief¹

Name of Mandate Holder

Asma Jehangir

Mandate

The Special Rapporteur monitors and reports on violations of religious freedoms around the world to prevent intolerance and discrimination based on religion or belief. She examines governmental actions that are inconsistent with the provisions of the UN *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*. These provisions include the rights to freedom of thought, conscience and religion, choose a religion or belief, manifest this religion or belief in worship, observance, practice and teaching, and protection from discrimination on the grounds of religion or other belief. Her work is also based on the *ICCPR* and the *UDHR*, which state that every person has the right to freedom of thought, conscience and religion.

Activities

- Annual Report;
- 84 communications transmitted to 36 different countries, 38 responses received from 25 countries;
- Mission to Nigeria;
- Mission to Sri Lanka;
- Mission to France;
- Joint preliminary report on the applicability of international human rights law to the persons held at the detention facilities in Guantánamo Bay, Cuba.

Annual Report²

Summary and key conclusions

In her annual report, the Special Rapporteur focused in particular on the issue of display of religious symbols. She also sets out a framework on communications in order to send out more precise communications and increase their effectiveness.

Framework for communications:

- The framework is in the form of a table³, which lists the different types of situations that the Special Rapporteur addresses under her mandate, along with the corresponding international standards relevant to each issue;
- It has been developed on the basis of an analysis of **international standards** on freedom of religion;

¹ Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

² E/CN.4/2006/5, 9 January 2006.

³ The table is included as an annex to the Annual Report.

- It is divided in **five categories**: elements of the right to freedom of religion or belief and the right to manifest one's religion or belief; discrimination; vulnerable groups; intersections between violations of the right to freedom of religion or belief with other human rights; and cross-cutting issues.

Religious symbols:

- Many people are prevented from identifying themselves through the display of religious symbols; the Special Rapporteur refers to this as **positive** freedom of religion or belief. On the other hand, practices in some countries require people to identify themselves through the display of religious symbols, including religious dress in public; the Special Rapporteur refers to this as **negative** freedom of religion or belief. The report examines both negative and positive freedoms in relation to wearing of religious symbols but does not cover the issue of display of religious symbols in public locations.
- A comparative analysis of factual aspects reveals that there are different levels of regulations or prohibitions on wearing religious symbols in more than 25 countries;
- Most international human rights bodies consider the display of religious symbols as a manifestation of religion or belief rather than a part of internal conviction, which is not subject to limitation. Several human rights instruments refer to the freedom to manifest religion or belief in 'worship, observance, practice and teaching'. It is unclear whether the wearing of religious symbols falls under the category of 'practice' or 'observance' and some commentators have suggested that while 'observances' are prescribed under the religion, 'practices' are only authorised under the religion. The Special Rapporteur, however, believes that such a distinction between compulsory prescriptions and mere authorisations may lead to problems when trying to determine **who should be competent to decide what should constitute a manifestation of religion**. She shares the approach of the Human Rights Committee of dealing with the wearing of religious symbols under the headings of 'practice and observance' together.
- There is considerable controversy on what could be possible grounds to limit the freedom to manifest one's religion or belief. Generally such limitations are only acceptable, when they are set out under the law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others;
- There are a number of **international law cases** and **precedents** before the Human Rights Committee, European Court of Human Rights and European Commission on Human Rights;
- Contentious situations should be evaluated on a case-by-case basis but it is still desirable to develop a **set of general criteria to balance competing human rights** and give some guidance on the applicable international human rights standards and their scope. Factors that need to be taken into account when developing such criteria include: competing human rights and public interests; the need to protect both positive and negative freedom of religion or belief; equal rights of men and women; the need to accommodate different categories of individuals; and measures that should be taken to promote religious tolerance and avoid stigmatising any particular religious community.
- The Special Rapporteur has developed a general set of criteria to evaluate restrictions and prohibitions on wearing religious symbols. She has identified "aggravating indicators"⁴ which list legislative and administrative actions that are typically incompatible with international human rights standards, and "neutral indicators"⁵ which by themselves do not tend to contravene these standards. Restrictions must not be imposed for discriminatory purposes or in a discriminatory manner; must be directly related and proportionate; and the burden of justifying the limitation lies with the State.

Other issues and conclusions:

⁴ Examples of aggravating indicators include; limitations on the freedom to manifest a religion or belief for the purpose of protecting morals are based on principles deriving exclusively from a single tradition or the limitation amounts to the nullification of the individual's freedom to manifest his or her religion or belief. See p. 17 of the report for the list of aggravating indicators.

⁵ See pp. 17-8.

- Freedom of religion or belief is not a reality for many individuals throughout the world;
- In view of the increasing number of countries that do not extend invitations for *in situ* visits the Rapporteur reiterates her support for a **mechanism** to appropriately address the situation of countries that consistently **fail to cooperate** with special procedures mechanisms;
- It is important to initiative a **dialogue** with Governments concerned by allegations of violations;
- The Rapporteur will in her forthcoming activities focus on the interaction between **freedom of expression** and **religious tolerance**.

Key Recommendations

- Governments and non-governmental organisations should support the initiative undertaken at the occasion of the **twenty-fifth anniversary** of the adoption of the 1981 UN *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*;
- Governments should organise more **inter-governmental events** to discuss the rise of religious intolerance and other issues relating to the mandate;
- States should **respond favourably** to requests for **country visits**, and respond to communications comprehensively and in a timely manner;
- **Additional resources** should be allocated to Special Procedures, and in particular to the Special Rapporteur's mandate in view of the evolving scope of cases and situations falling within its responsibility.

Mission to Nigeria⁶

Scope

Mission to Nigeria from 27 February to 7 March 2005. The Special Rapporteur met with members of the Government, members of civil society, the National Human Rights Commission, religious leaders, representatives of religious communities and organisations, and non-governmental organisations.

Summary and Key Conclusions

- Recent inter-communal violence and the adoption of a criminal law based on the sharia in a number of states have **aggravated tensions** and lack of understanding between Muslim and Christian communities in recent years, and the situation is exacerbated by **political manipulation**. As a result, the level of enjoyment of the right to freedom of religion or belief is not satisfactory, and the Rapporteur warns about the possibility of a **wider crisis** erupting, as there are reports that members of both communities are arming themselves;
- The **sharia penal code** contains provisions that raise concern in terms of human rights with regard to torture and other cruel, inhuman or degrading treatment or punishment, equality before the law and non-discrimination, the right to convert, freedom of expression, the death penalty, and rights of members of religious minorities. Furthermore there are questions as to the **constitutionality** of the sharia penal code;
- The Government has however proven reluctant to take a firm stand on religious practices that could be harmful to human rights, or to take appropriate action with regard to religious violence;
- The Nigerian government generally does not deliberately violate right to freedom of religion but its **interference in religious life**, through selective subsidies to certain religions at the

⁶ E/CN.4/2006/5/Add.2, 7 October 2005.

state level for example or the absence of appropriate measures to protect religious minorities, may indirectly lead to violations. **Non-State actors** commit most violations;

- There is no place for **dissent**, as people fear to criticise the sharia, even within Muslim communities.

Key Recommendations

- The Government should adopt a more careful approach when it comes to supporting one or the other religious community, and refrain from interfering with religious matters wherever these do not endanger human rights, in which case firm positions should be taken;
- The Government should **strengthen inter-religious dialogue** at the local and national levels in order to promote religious tolerance and respect. Such dialogue should include all members of civil society including women and religious leaders, and should be reflected in the education system;
- The government should reassess its position toward **traditional religions**;
- The Government must ensure that the laws of the Nation, whether local or federal, are in **conformity with the international human rights treaties** to which it is a party;
- The Government should ensure **freedom of expression**, even within religious communities;
- The Government should ensure that the appropriate mechanisms are in place to ensure that citizens are able to contest the constitutionality of the sharia penal code without being attacked or threatened;
- The rights of members of **religious minorities** should be systematically monitored and protected;
- It is the obligation of the Government to ensure that **justice** be done promptly and properly with respect to religious tensions and communal violence, as a culture of **impunity** can only worsen the latter;
- **Early warning mechanisms** should be set up in view of the inter-communal violence.

Mission to Sri Lanka⁷

Scope

Mission to Sri Lanka was undertaken from 2 to 12 May 2005. The Special Rapporteur met with local officials; political leaders; non-governmental human rights organisations; representatives from political parties, the Human Rights Commission of Sri Lanka, religious communities and organisations, and the Liberation Tigers of Tamil Eelane (LTTE); members of the Northeast Secretariat on Human Rights, and the civil society.

Summary and key conclusions

- During her visit and in her report, the Special Rapporteur concentrated on reports of attacks on certain religious groups, allegations of unethical conversions, and the introduction of draft laws criminalising certain attempts to convert anyone to another religion;
- Sri Lanka is a country with a high level of tolerance, which has always experienced religious harmony, and whose Government generally respects freedom of religion. There has been **recent deterioration of religious tolerance**, and the absence of appropriate action by the Government has brought the respect for freedom of religion to an unsatisfactory level;
- Other problems include complaints of improper use of some religious symbols, in particular inappropriate commercial use of the image of Buddha; the difficulties experienced by minority groups within the Muslim community; and the lack of legal framework for those citizens who do not believe in any religion. The Rapporteur also noted attempts to intimidate or pressurise her after her visit, possibly to influence her conclusions.

⁷ E/CN.4/2006/5/Add.3, 12 December 2005.

Forced or Unethical Conversions:

- For the past few years, **religious tolerance** among religious groups has **declined** as Christian communities have been accused of aggressive and **unethical proselytising behaviour**. The reactions to these incidents have been alarmist, and there has been **stigmatisation** of, and **attacks against**, the **Christian community**. Government reaction to these tensions has been weak, although the Permanent Mission of Sri Lanka to the UN Office at Geneva sent a letter to the Rapporteur arguing that there was no evidence to substantiate allegations of inaction or reluctance on the part of the police;
- Three bills have been drafted **criminalising forcible** or "**unethical**" **conversions**. The bills make it an offence to convert, or attempt to convert by force, allurement or by any fraudulent means any person from one religion to another. They also make it an offence to "unethically convert" or attempt to convert another person. The term "unethically convert" includes a wide variety of acts, allowing for a broad interpretation of the offence;
- The Special Rapporteur has stressed that the **draft legislation** is not an appropriate response to the religious tensions and is **incompatible** with **international human rights law**, in particular the freedom of religion. The principle of these laws, as well as their vague and broad wording could engender a widespread persecution of certain religious minorities;
- Allegations of "**unethical conversions**" have rarely been precise and have been largely overestimated, although the Rapporteur recognises that a number of improper ways of persuading people to change their religions may have been used by members of some religious groups or religiously affiliated NGOs; This lack of precision has led to a generalised condemnation of certain religious groups and a dangerous pattern of blaming the group as a whole.

Key Recommendations

- The Government has **positive obligations** to protect the right to freedom of religion or belief of all its citizens. The obligations include prompt investigation of violations, prosecution of all perpetrators, and awarding proper compensation to victims. It should also ensure the protection of all religious groups, including those within wider religious communities, such as Muslim minorities;
- The government should **reconsider** the **adoption** of the draft **legislation criminalising unethical conversions** and instead should take suitable measures to implement existing criminal provisions. It should also consider the different mechanisms proposed to deal with religious tensions in consultation with civil society and United Nations agencies, aiming at creating an inter-religious body;
- All religious actors and groups should strictly abide by the recognised principle of **humanitarian ethics**, demonstrate sensitivity and **respect** for religious symbols and sentiments of the Sri Lankan society, and should not use aggressive forms of proselytising as they could disturb the atmosphere of religious harmony;
- The leaders of **LTTE** should further implement a culture of **religious tolerance** in the territories they control and increase their efforts to reintegrate the Muslim communities that have been displaced.

Mission to France⁸

Scope

A mission to France was undertaken from 18 to 29 September 2005, during which the Special Rapporteur met with Government officials, leaders and representatives of religious communities and communities of belief, representatives of non-governmental organisations, academics and experts in the field of freedom of religion or belief.

⁸ E/CN.4/2006/5/Add.4, 8 March 2006.

Summary and key conclusions

Most religious communities are generally satisfied with the level of freedom of religion or belief in France, but opinions on the level of religious tolerance within French society are more varied. The Jewish community continues to be the target of a number of acts of religious intolerance and more recently, members of other religious communities have reported that they are increasingly being targeted. However, the Government takes these acts of religious intolerance very seriously. The Government of France generally respects the right to freedom of religion or belief, as protected by relevant international treaties, and the strength of the judiciary constitutes a guarantee of these main values, but there are some areas of concern:

The principle of **laïcité**:

- The Law on the Separation of Church and State of 1905 is the primary law relevant to the issue of religion and provides for the separation of the State and the Church. This law is the foundation of the principle of *laïcité*, which maintains a totally secular public sector. This implies two principles: the principle of equality guaranteeing the freedom of conscience of civil servants, and the duty to respect neutrality, including the prohibition on wearing religious symbols.
- In some circumstances, the selective interpretation and rigid application of the principle of separation of Church and State has operated at the expense of the right to freedom of religion or belief, to the extent that access to employment in public services has been barred for members of certain religious communities.

The question of **religious symbols** in the public school system:

- The Special Rapporteur considers that the 2004 legislation on the wearing of conspicuous religious symbols in public schools is appropriate insofar as it is intended to protect the autonomy of minors who may be forced to wear religious symbols. However, the law denies the right of those minors who have chosen freely to wear a religious symbol.
- The law has mainly affected certain religious minorities, notably people of Muslim and Sikh backgrounds and its direct and indirect consequences have not been thoroughly considered. While the Government and most interlocutors argued that the implementation of the law has proved less problematic than expected, it is difficult to assess the number of pupils who have chosen not to abandon their religious signs and left their schools, abstained from registering or enrolled in private or distance learning schemes.
- Another problem is that the law leaves the assessment of whether a religious symbol constitutes a conspicuous sign to the head of the school establishment, which means that implementation has sometimes led to abuses and provoked humiliation.
- The stigmatisation of the headscarf has also provoked acts of religious intolerance when women wear it outside school, at university or in the workplace.

The question of **cult groups**:

- The policy of the Government, notably the publishing of a list of religious movements considered 'cults' in 1996, may have contributed to a climate of general suspicion and intolerance towards certain cult groups and new religious movements and has negatively impacted their freedom of religion or belief.
- The French authorities have in recent years adopted a more balanced approach to this phenomenon by adjusting their policies, including by transforming the Inter-ministerial Mission to Combat 'Sectes' into the inter-ministerial Mission to Monitor and Combat Sectarian Abuse.

There is a generally satisfactory level of respect for the religious rights of **persons deprived of their liberty**.

Key recommendations

- The Government should closely monitor the way educational institutions are implementing the **law on the wearing of religious symbols** and should promote flexible implementation of the law;
- In all circumstances, the Government should uphold the principle of the **best interests of the child** and guarantee the **fundamental right of access to education**;
- The Government should take appropriate measures to **better inform school authorities**, and more generally the **French population**, about the exact nature and purpose of the law;
- The Government should remain extremely vigilant and continue to take the appropriate measures to prosecute the **perpetrators of acts of religious intolerance** and provide redress to victims of such acts;
- The Government should ensure that its mechanisms for dealing with sects deliver a message based on **tolerance, freedom of religion or belief** and on the principle that no one can be judged for his actions other than through the appropriate judicial channels. In particular the use or referral to the list published in 1996 should be discontinued.

Summary of cases transmitted to Government and replies received⁹

Scope

The report gives an account of communications transmitted by the Special Rapporteur between 12 November 2004 and 30 November 2005, replies received from Governments by 30 January 2006, and observations of the Special Rapporteur.

Summary and key conclusions

Please note that countries marked with an asterix have replied to the Special Rapporteur's current or previous communications.

- The Special Rapporteur has transmitted communications to Armenia*, Azerbaijan*, Bangladesh*, Belarus*, Belgium*, China*, Denmark*, Egypt, Eritrea*, Greece*, India, Indonesia*, the Islamic Republic of Iran*, Iraq, Jordan*, Kazakhstan*, Kuwait*, Malaysia, the Maldives*, the Netherlands, New Zealand*, Pakistan*, the Republic of Korea*, Romania, the Russian Federation*, Saudi Arabia, Serbia and Montenegro*, Sri Lanka*, Thailand, Turkey*, Turkmenistan*, the United Kingdom of Great Britain and Northern Ireland*, the United States of America*, Uzbekistan*, Vietnam*, and Yemen*.

Joint Report on the situation of detainees at Guantánamo Bay¹⁰

By the Chairperson- Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Scope

Since January 2002, the five mandate holders have been following the situation of detainees held at the United States Naval Base at Guantánamo Bay. In June 2004, they decided to continue this task as a group because the situation falls under the scope of each of the mandates. In studying the situation, they have continuously sought the cooperation of the United States authorities and on 25 June 2004, they sent a letter, followed by several reminders, requesting the Government of the United States of America to allow them to visit Guantánamo Bay in order to gather first-hand information from the prisoners themselves. By letter dated 28 October 2005, the Government of

⁹ E/CN.4/2006/5/Add.1, 27 March 2006.

¹⁰ E/CN.4/2006/120, 27 February 2006.

the United States extended an invitation for a one-day visit to three of the five mandate holders, inviting them “to visit the Department of Defense’s detention facilities [of Guantánamo Bay]”. The invitation stipulated that “the visit will not include private interviews or visits with detainees”. In their response to the Government dated 31 October 2005, the mandate holders accepted the invitation, including the short duration of the visit and the fact that only three of them were permitted access, and informed the United States Government that the visit was to be carried out on 6 December 2005. However, they did not accept the exclusion of private interviews with detainees, as that would contravene the terms of reference for fact-findings missions by special procedures and undermine the purpose of an objective and fair assessment of the situation of detainees held in Guantánamo Bay. In the absence of assurances from the Government that it would comply with the terms of reference, the mandate holders decided on 18 November 2005 to cancel the visit¹¹.

The report is therefore based on the replies of the Government to a questionnaire concerning detention at Guantánamo Bay; interviews with former detainees; responses from lawyers acting on behalf of some Guantánamo Bay detainees; and information available in the public domain, including reports prepared by NGOs, information contained in declassified official US documents and media reports. A number of revisions were made in the light of the Government’s reply of 31 January 2006. The report should be seen as a preliminary survey of international human rights law relating to the detainees in Guantánamo Bay.

Summary and Key Conclusions

- As of 21 October 2005, approximately **520 detainees** are being held in Guantánamo Bay. From the establishment of the detention centre in January 2002 until September 2005, 264 persons were transferred from Guantánamo, 68 of whom were transferred to the custody of other Governments. As of the end of December 2005, a total of **nine detainees** had been **referred to a military commission**;
- **International human rights law** is applicable to the analysis of the situation of detainees in Guantánamo Bay and the war on terror, as such, does not constitute an armed conflict for the purposes of the applicability of **international humanitarian law**. The USA has not notified the Secretary-General of any official derogation from the *International Covenant on Civil and Political Rights* (ICCPR). Nevertheless, some rights can never be derogated from, such as the right to life; the prohibition of torture or cruel, inhuman or degrading treatment or punishment; and freedom of thought, conscience and religion;
- The position of the USA is that the laws of war allow it to hold enemy combatants without charges or access to counsel for the duration of hostilities, not as a measure of punishment, but of security and military security. It is particularly important to distinguish between the detainees captured by the United States in the course of an armed conflict and those captured under circumstances that did not involve an armed conflict. Many of the detainees held at Guantánamo Bay were captured in places where there was - at the time of their arrest - no armed conflict involving the United States. In this context, it is to be noted that the global struggle against international terrorism does not, as such, constitute an armed conflict for the purposes of the applicability of international humanitarian law. The legal provision allowing the United States to hold belligerents without charges or access to counsel for the duration of hostilities can therefore not be invoked to justify their detention. The interviews conducted by the mandate holders with detainees corroborated allegations that the purpose of the detention of most of the detainees is not to bring criminal charges against them but to extract information from them on other terrorism suspects.. The persons held at Guantánamo Bay are entitled to challenge the legality of their detention before a judicial body in accordance with article 9 of ICCPR, and to obtain release if detention is found to lack a proper legal basis. This right is currently being violated, as the Combatant Status Review Tribunal (CSRT) created to consider challenges to the legality of detention does not provide detainees with a

¹¹ P. 4 of the Report.

fair opportunity to do so; and the continuing detention of all persons held at Guantánamo Bay amounts to arbitrary detention in violation of Article 9 of ICCPR.

- The executive branch of the United States Government operates as judge, prosecutor and defence counsel of the Guantánamo Bay detainees: this constitutes serious violations of various guarantees of the right to a fair trial before an independent tribunal as provided for by Article 14 of the ICCPR. The right to a fair trial is also limited by restrictions on the right to be tried in one's presence, the right to adequately prepare one's defence, the manner in which information is obtained from detainees, and the right to be tried without undue delay;
- Attempts by the US Administration to redefine "torture" in the context of the war on terror, as well as confusion with regard to authorised and unauthorised interrogation techniques raise extremely serious human rights concerns;
- The interrogation techniques authorized by the Department of Defense, particularly if used simultaneously, amount to degrading treatment in violation of Article 7 of ICCPR and Article 16 of the *Convention against Torture*. In individual cases, which were described in interviews, the victim experienced severe pain or suffering, these acts amounted to torture as defined in Article 1 of the *Convention Against Torture*.
- The general conditions of detention, such as the uncertainty about the length of detention, prolonged solitary confinement amount to **inhuman treatment**, to a violation of the **right to health** and to a violation of the right of detainees under Article 10 (1) of ICCPR to be treated with humanity and with respect for the inherent dignity of the human person;
- The **excessive violence** used during transportation, operations by the Initial Reaction Forces, and force feeding of detainees on hunger strike amount to torture;
- The practice of **rendition** of persons to countries where there is a substantial risk of torture amounts to a violation of the principle of non-*refoulement* and is contrary to Article 3 of the *Convention Against Torture*;
- The lack of any impartial **investigation into allegations of torture** and ill-treatment and the resulting impunity of the perpetrators amount to a violation of Articles 12 and 13 of the *Convention Against Torture*;
- There are reliable indications of violations of the right to **freedom of religion or belief**, such as interrogation techniques based on religious discrimination or aimed at offending the religious feelings of detainees. There were also reports of possible mishandling of religious objects such as the Holy Koran, which were confirmed by the Government;
- The totality of the conditions of the confinement of detainees at Guantánamo Bay constitute a violation of the **right to health** because they derive from a breach of duty and have resulted in profound deterioration of the mental health of many detainees reflected in the 350 of acts of self-harm recorded in 2003 alone;
- The American Medical Association has adopted the *Declaration of Tokyo*, which prohibits doctors from participating in, or being present during, any form of torture or other cruel, inhuman or degrading treatment and providing any knowledge to facilitate such acts. In light of this commitment, there are serious concerns about **alleged violations of ethical standards by health professionals**, such as breaches of confidentiality; participation in, advice for or presence during interrogations; and presence or participation in non-consensual treatment, especially the force-feeding of competent detainees.

Key Recommendations

- Persons suspected of being terrorists should be detained in accordance with a criminal procedure that respects safeguards enshrined in international law. The Government should therefore either expeditiously bring all Guantánamo Bay detainees to trial, or release them without further delay. The USA should consider trying suspected terrorists before a **competent international tribunal**;
- The USA should **close the Guantánamo Bay detention facilities** without further delay. Until then, it should refrain from any practice amounting to torture or cruel, inhuman or degrading treatment or punishment; discrimination on the basis of religion; and violations of the rights to

health and freedom of religion. In this respect, all special interrogation techniques authorised by the Department of Defence should immediately be revoked;

- The Government should refrain from **expelling, returning, extraditing or rendering** Guantánamo Bay **detainees** to States where there may be at serious risk of being tortured;
- The Government should ensure that every detainee has the right to make a complaint regarding his treatment and that all allegations of torture or cruel, inhuman or degrading treatment or punishment are thoroughly investigated by an independent authority, and all those who have perpetrated, ordered, tolerated or condoned such practices are brought to justice;
- The Government should ensure that all victims of torture or cruel, inhuman or degrading treatment or punishment are provided with **fair and adequate compensation**;
- The Government should provide personnel of detention facilities with **adequate training** on international human rights standards for the treatment of persons in detention, and to enhance their **sensitivity of cultural issues**;
- All five mandate holders should be granted **full and unrestricted access** to the Guantánamo Bay facilities, **including private interviews with detainees**.