

DEMOCRACY &amp; HUMAN RIGHTS

# The Summit for Democracy as a Platform to Promote the Mendez Principles

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The [Summit for Democracy](#) will be held this week and “bring together leaders from government, civil society, and the private sector.” Being the first of its kind and held at a time when [human rights violations](#) and [democratic backsliding](#) have peaked globally, the summit could be an invaluable opportunity for the Biden administration to raise awareness of and find solutions to the burning human-rights issues of the day.

The summit will address three key themes: (1) defending against authoritarianism, (2) addressing and fighting corruption, and (3) promoting respect for human rights. The White House announced that they have been consulting with experts from all walks of life and that the summit will be a platform for encouraging leaders to take specific actions and commit to meaningful internal reforms and international initiatives related to the key themes of the summit.

Of paramount importance for the summit participants should be a frank discussion about the [problematic interview, interrogation, and intelligence gathering practices](#) and how to solve the problems resulting from these practices.

In a June 26 [statement](#) on the International Day in Support of Victims of Torture, quoting the late-Sen. John McCain, who himself was a torture survivor, President Joe Biden acknowledged that torture is an ineffective method for gaining reliable intelligence, it violates U.S. and international law, spurs terrorist recruitment and violent extremism, and compromises the

moral standing of the United States in the world. Indeed, [research](#) has shown that coercive interrogations not only violate the human rights but also are ineffective in terms of gathering accurate and extensive information.

The use of political rhetoric to set the tone for opposition to torture is a good starting point, words alone are not enough. [World leaders](#) must take tangible steps—based on international scientific guidelines—to prevent torture and other human rights violations. [Positive and normative guidance](#) for the practitioners is needed if the goal of abolishing torture as an intelligence-gathering tool is to be realized. Simply restating the immorality and ineffectiveness of torture and other malevolent treatment will not suffice.

Unethical interview methods—including torture, ill-treatment, and coercion—must be banished. The need is urgent. Practitioners and policy makers should embrace efforts that will ensure fair trials, effective criminal investigations, ethical intelligence gathering, and evidence-based and ethical interview and interrogation methods.

The Principles on Effective Interviewing for Investigations and Information Gathering, also known as the [Méndez Principles](#), have been [endorsed](#) by the United Nations and are widely perceived to be the gold standard for effective and ethical interview methods. The Méndez Principles represent the first, and a very powerful, attempt to develop universal guidelines in this area. The principles aim to change law enforcement practices by replacing coercive interrogations with rapport-based interviews, as the [scientific evidence](#) shows the latter to be far more effective in gathering useful intelligence. The Méndez Principles are the outcome of a collective and multidisciplinary effort initiated by Juan E. Méndez, the U.N. special rapporteur on torture, in 2016.

Through this initiative, U.N. member states are invited to recognize a universal set of guidelines for effective and noncoercive interviewing methods and procedural safeguards to prevent unethical interview practices.

The Méndez Principles provide a practical roadmap for abandoning accusatory, coercive, manipulative, and confession-driven interview practices. The details of the six principles were published in a comprehensive [document](#) and are summarized here:

1. Foundations: Effective interviewing is instructed by science, law, and ethics.
2. Practice: Effective interviewing is a comprehensive process for gathering accurate and reliable information while implementing associated legal safeguards.
3. Vulnerability: Effective interviewing requires identifying and addressing the needs of interviewees in situations of vulnerability.
4. Training: Effective interviewing is a professional undertaking that requires specific training.
5. Accountability: Effective interviewing requires transparent and accountable institutions.
6. Implementation: The implementation of effective interviewing requires robust national measures.

Upon the document's publication, the U.N. Human Rights Council passed a [resolution](#) inviting member countries to adopt these guidelines in their investigative practices.

The United States should take a leading role in this effort to ensure that the principles are embraced globally and that participating countries have and enforce a zero-tolerance policy against unethical interview practices at home and abroad.

Adoption of these principles by U.N. member states requires the guidance and leadership of experts and well-respected institutions. The Summit for Democracy therefore should create either a working group or a task force to monitor the implementation of the [three themes](#) of the summit.

Similar to the [Financial Action Task Force](#), the working group or task force could create recommendations for monitoring U.N. member states' compliance with the Méndez Principles, incentives for complying with the principles, and sanctions for member states that engage in human rights violations. Institutions—such as [Project Aletheia](#) at John Jay College, the [Center for Ethics and the Rule of Law](#) at the University of Pennsylvania, and the [Just Security](#) initiative at New York University School of Law—that are committed to ensuring effective and ethical interview practices can be invited to join the working group or task force.

The summit participants also should seek to collaborate with national and international human rights organizations, including Human Rights Watch, Freedom House, Amnesty International,

the U.N. Human Rights Council, the U.S. Helsinki Commission, the Organization for Security and Co-operation in Europe, and Anti-Torture Committee of the Council of Europe. For example, the Anti-Torture Committee of the Council of Europe could use [country visits](#) as an opportunity to promote the Méndez Principles—especially in countries where torture and ill-treatment are common practices or the risk of human rights violations is high.

The Summit for Democracy is an important opportunity for the Biden administration [“to restore the United States’ credibility as a human rights leader”](#) by strengthening the human rights system and leading the world through best practices at home. The Méndez Principles need to be a part of these efforts to ensure that democracy can overcome the threats of unethical and unlawful interview practices around the world through collective action.

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