



Statement by 13 UN experts on global detention initiative

6 October 2008

Thirteen independent experts of the UN Human Rights Council issued the following statement at the start of Dignity and Justice for Detainees Week -- a global initiative launched by the High Commissioner for Human Rights -- which takes place from 6-12 October 2008:

GENEVA -- "We strongly support the High Commissioner's initiative on improving respect for the human rights of detainees. As mandate holders of the Special Procedures of the Human Rights Council, we visit places of detention in many countries and receive information from all around the world. A serious problem we encounter is that often there are no proper records of those deprived of liberty, or, worse, they are held in places of detention that are not officially recognized. It is also of great concern that many people should not be deprived of their liberty at all, since their detention is arbitrary. Others are being detained solely on the basis of administrative orders unrelated to the criminal justice system, for example irregular migrants. Deprivation of liberty as such, whether lawful or not, makes persons extremely vulnerable to a broad range of human rights violations.

Often detention places undue restrictions on detainees including regarding access to health care and on their rights to food, education, privacy, family life and to participate in the political life of their country. Worse, in many cases, overcrowding, the lack of air and daylight and poor hygienic standards in detention literally make detainees ill as such conditions are conducive to the spread of disease.

Persons deprived of their liberty run an increased risk of being subjected to torture and ill-treatment, and in some extreme cases, to enforced disappearance. The range of forms of violence we have witnessed in detention facilities is wide and includes beatings and electroshocks to various parts of the body, threats, stress positions, burning, putting needles under fingernails, shooting, water boarding and sexual violence. Unfortunately this is by no means an exhaustive list, and new methods keep being invented.

All too often we have seen that discrimination existing in societies at large is exacerbated when people are deprived of their liberty. Even when policies and practices aim to treat everyone equally, they often overlook the particular needs of women, minors, non-citizens, the sick and the disabled. Poor detainees suffer disproportionately from overcrowding and their access to healthcare and food is often reduced to a minimum. Those detained far from home suffer the most for lack of family support. Members of vulnerable groups or women run an increased risk

of falling victims to sexual violence and slavery-like practices within places of detention, frequently with the tacit approval of, or directly committed by, State officials. Too often detention serves as a means of punishment without educational opportunities, thus further marginalising detainees rather than helping them to prepare for release.

Since violations of detainees' rights by definition take place behind closed doors and, in many places, no effective channels exist to denounce them, injustice done to detainees all too often remains unknown of and unaccounted for.

On the occasion of the week on "Dignity and Justice for Detainees", we call on all States to do their utmost to ensure that detainees, as all other human beings, are treated with respect and dignity. We also appeal to States to provide for effective complaints and monitoring mechanisms in places of detention, including efficient avenues to challenge the legality of detention and access to legal counsel, with a view to making human rights a reality for them.

Signatories:

Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions;
Mr. Jorge Bustamante, Special Rapporteur on the human rights of migrants;
Ms Manuela Carmena Castrillo, Chairperson-Rapporteur of the Working Group on Arbitrary Detention of the Human Rights Council;
Mr. Santiago Corcuera Cabezut, Chairperson of the Working Group on Enforced or Involuntary Disappearances;
Mr. Olivier de Schutter, Special Rapporteur on the right to food;
Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers;
Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences;
Mr. Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
Mr. Vernor Muñoz, Special Rapporteur on the right to education;
Mr Manfred Nowak, Special Rapporteur on torture and cruel, inhuman and degrading treatment or punishment;
Mr. Martin Scheinin, Special Rapporteur on the promotion and protection of human rights while countering terrorism;
Ms. Magdalena Sepulveda, Independent Expert on the question of human rights and extreme poverty;
Ms. Gulnara Shahinian, Special Rapporteur on Contemporary forms of slavery, its causes and consequences.

For further information on the Detention Initiative, visit the special web page entitled 'Dignity and Justice for Detainees Week' at www.ohchr.org

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