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Press Briefing by UN High Commissioner for Human Rights Navi Pillay

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Introductory remarks

Good afternoon. I had hoped to meet you earlier, but I'm discovering that being High Commissioner for Human Rights means being someone who is never sufficiently available to anyone.

Before trying to answer your questions, I would just like to make some introductory remarks about our Dignity and Justice for Detainees Initiative.

Background to Detention Initiative

As part of the commemorations for the 60th anniversary of the Universal Declaration of Human Rights, OHCHR is calling on national human rights institutions, NGOs and other partners to pay special attention to the rights of people who are deprived of their liberty in prisons and other places of detention.

The Dignity and Justice for Detainees Initiative starts on 6 October, with an entire week set aside to try and boost the issue internationally. However, we would like people to focus on the issue longer term, since many of the problems we are focusing on are systemic, and it will take time and sustained effort to bring about major improvements.

Article 9 of the Universal Declaration of Human Rights states the basic principle simply and clearly: "No one shall be subjected to arbitrary arrest, detention or exile."

Article 10 lays down the rights of those who have been arrested: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

There are problems relating to detention in almost all countries, both in the North and in the South. The nature of the problems can vary enormously. It may centre around a particular piece of legislation that seeks to short-circuit due process, or omits essential safeguards, or it may manifest itself in widespread, open-ended detention of people for political or other reasons which, under international law, should not be considered

as crimes. In the worst cases, it may serve as a necessary prelude to premeditated crimes against humanity, such as torture and extra-judicial killings.

Lawful and unlawful detention

Many people, in both the South and the North, are in prison for good reason. They have committed crimes and may be a threat to society. The battle against impunity is one in which my office is constantly engaged. We are not against prisons and detention centres per se – but they should be reserved for those who really deserve to be there according to the extensive, detailed and fundamentally sound international standards governing criminal justice.

Increasing the pressure on states, parliaments, judiciaries and other relevant institutions to abolish, or at least reduce, arbitrary and unlawful detention is one of the TWO main goals of the detention initiative.

We need to tackle this problem more effectively, and with greater determination. No accurate figures exist, but the number of people around the world who are believed to be held in some form of detention that is unjust or inappropriate probably runs into the millions.

Detention conditions

The other principal goal of this initiative is to ensure that conditions in prisons and other places of detention are brought in line with minimum international standards. Even murderers and rapists retain their fundamental human rights not to be tortured, starved, or treated like animals. They should be punished for their crimes by being deprived of their liberty for a set period, in accordance with the law, but they should not be stripped of their humanity.

The great majority of people with disabilities, and the great majority of immigrants, refugees and asylum seekers are not criminals, and therefore should not be confined like criminals.

If any woman – or man for that matter – is sexually abused or physically attacked in a prison, the prison authorities should not simply shrug their shoulders. Obvious safeguards, like separating male and female prisoners, should always be observed. Children who have committed crimes, however serious, should never be placed in prisons with adults to whom they are not related. If prisoners fall ill, they should get medical treatment. They should not be packed in overcrowded cells with inadequate sanitation facilities or insufficient food.

These are basic standards. If they are violated, the holding authorities ought to be accountable. It is no good preaching the importance of combating impunity and practising criminal justice, if the authorities or other influential individuals or entities are themselves free to transgress the law.

A global problem

Every day, around the world, there are hundreds of new cases of men, women and children being placed in detention, when they shouldn't be – sometimes in quite atrocious conditions. The physical and mental toll on them, as well as on their families, is hard to imagine unless you have been through such an experience yourself.

Fear, despair, humiliation. Careers wrecked. Families dismembered and reduced to penury. In the 21st century, it is high time we took more effective action to reduce this hidden, large-scale violation of human rights.

Men, women and children of all races and creeds, all social levels and all political stripes, are right now -- as I speak -- suffering unjust imprisonment, or unjust treatment in prisons.

However, as with so many of the world's major problems, it is very often the poor who suffer most. The poorest and most marginalized groups tend to constitute the bulk of the prison population in almost every country. Their rights are easier to disregard, because they have no influence and cannot afford bribes or lawyers.

Other forms of detention

Detention comes in many insidious forms: it is not simply a question of those imprisoned without charge, or on trumped-up charges.

- People with disabilities are, in some countries, confined without time-limit and without hope, simply because they are disabled.
- Orphans or abandoned children are sometimes kept in institutions where the regime is similar to, or even worse than, those in real prisons.
- Trafficked women are often deprived of their identity documents and kept confined in brothels or private residences. If they escape, they often find themselves locked up for prostitution or immigration offenses.
- Other women suffer hidden forms of detention, which go by other names – for example, bonded labour and some forms of domestic servitude which come close to slavery.

These are some of the most vulnerable cases that we could do more to protect. But everyone kept in an enclosed environment is potentially vulnerable to abuse.

Journalists, like human rights defenders and civil and political activists, are all too often illegally detained, simply for pursuing an inconvenient truth or following a frowned-upon political line. Once out of sight behind bars, they are often ill-treated – their families and careers ruined, their children traumatized. There are people just like you and me who are sitting in jails across the world today, who shouldn't be there. So let's use this Dignity and Justice for Detainees Week to promote their cause, which could so easily also be our cause.