

## **Commonwealth Human Rights Initiative**

### **45th Regular Session of the United Nations Human Rights Council Item 3: Interactive Dialogue with the Working Group on Arbitrary Detention**

**Oral statement delivered by the Commonwealth Human Rights Initiative (CHRI)**

**Monday, 21 September 2020**

The Commonwealth Human Rights Initiative would like to thank the Working Group for its comprehensive annual report. We have three points:

First, we re-emphasise the obligation of States to enact specific legislation to ensure a comprehensive legal aid system that is accessible, effective, and sustainable, as outlined in the UN Principles and Guidelines for Access to Legal Aid in the Criminal Justice System 2012. We call on States to prioritise provision of quality legal representation from the moment that a law enforcement official restricts a person's liberty as its absence increases the risk of custodial abuse and violations.

Secondly, we note an increase of 53 per cent in the population of women prisoners across the world over the last two decades. We urge States to consider non-custodial measures during sentencing or while deciding pre-trial measures for women offenders in keeping with the Bangkok Rules 2010.

Finally, we call on States to constitute specialised mechanisms for periodic review of all cases of persons in detention, as substantive checks against arbitrary and prolonged detention. The Under-Trial Review Committees constituted for each district in India is one such example, where these committees are mandated to review the cases of prisoners every three months, and now on a weekly basis following the pandemic.

We commend the Working Group for addressing the issue of arbitrary deprivation of liberty in the context of public health emergencies and support its call for States to strictly adhere to the principles of necessity and proportionality; to refrain from using emergency measures from targeting certain groups; and to reduce over-crowding in prisons in accordance with the Tokyo Rules and the Bangkok Rules.

Thank you.