

Commonwealth Human Rights Initiative (CHRI)

48th 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, 20 September 2021

The Commonwealth Human Rights Initiative (CHRI) thanks the Working Group for addressing some key issues in its annual report, including the arbitrary detention of human rights defenders worldwide.

We would like to draw your attention to two related points:

First, we appreciate the Working Group's holistic approach in its Deliberation No. 12 for addressing the concerns of 'women deprived of their liberty' in contexts going beyond the criminal justice system. We commend the underlining of gender-specific needs and intersecting vulnerabilities putting women at a greater risk of arbitrary and discriminatory detention.

We urge States to ensure availability of non-custodial measures and quality legal representation at all stages of the criminal justice process as well as to facilitate continued contact of women prisoners with their children and families in line with the Bangkok Rules 2010.

Secondly, we share the concerns raised by the Working Group in relation to the detention of foreign nationals and further call on States to:

- Impose the duty upon the arresting authority to inform the foreign national of their right to consular access as well as the duty of the arresting authority and the consular representative to track and inform the foreign national's family about such detention within a stipulated time.
- Review cases of all foreign nationals in detention from time-to-time to ascertain that no person is confined beyond their sentence, and take immediate measures to facilitate their release and repatriation, especially in light of the limitations imposed by the COVID-19 pandemic.

We thank you.