



HUMAN RIGHTS COUNCIL - 48th SESSION

Interactive Dialogue with the Working Group on Arbitrary Detention

[Ms. Elina Steinerte - Chair-Rapporteur of the Working Group on Arbitrary Detention:](#)

- *Report of the Working Group on Arbitrary Detention: [A/HRC/48/55](#)*

Due to the travel restrictions during the unprecedented global COVID-19 pandemic, the Working Group was **not able to hold meetings in person** in 2020 nor was it able to carry out any **country visits**.

In 2020, the Working Group adopted **92 opinions** concerning the detention of **221 persons in 47 countries** under its regular communications procedure. It also transmitted **55 urgent appeals to 27 Governments**, as well as **150 letters of allegation** and other letters to **62 Governments** and, in two cases, to other actors, concerning **651 identified individuals**.

The Working Group received reports of **reprisals** suffered by individuals who had been the subject of an urgent appeal or opinion. It calls on the **States concerned to take measures to prevent and refrain from all acts of intimidation or reprisal** against those who have cooperated with the Working Group.

In its report, the Working Group formulated the **Deliberation No. 12 on women deprived of their liberty**. The Working Group remains concerned that women continue to be arbitrarily deprived of their liberty in violation of their human rights. In its Deliberation No. 12, the Working Group considers the **gender-specific dimensions of arbitrary detention** and provides guidance to assist States and other stakeholders to prevent and address **arbitrary detention of women** in the criminal justice system, immigration detention, administrative detention, healthcare situations and certain private settings.

The Working Group also presented its study on arbitrary detention relating to **drug policies** ([A/HRC/47/40](#)) at the Council's forty-seventh session in July. In this study, the Working Group examines how **drug policies may result in human rights violations** relating to arbitrary detention and makes recommendations.

The Working Group also examined the **arbitrary detention of human rights defenders**. It urged States to give full effect to the **Declaration on Human Rights Defenders** by ensuring that defenders are not **deprived of their liberty as a result of their activities**. This requires putting an end to practices such as **lengthy imprisonment terms, detention under vague laws**, and the repeated **targeting** of those who protect the rights of others.

The Working Group examined the practice of **forcible transfers of individuals from one State to another** and called upon States to afford all due process guarantees, and especially the rights to legal representation and to challenge the legality of detention, to all those who are to be **expelled** or **extradited** from their jurisdiction, and ensure that it does not result in arbitrary deprivation of liberty.

In the context of the **global COVID-19 pandemic**, the need to prevent and address the arbitrary deprivation of liberty is greater than ever. The prevailing tragedy of the **global pandemic should never be used to curtail the right to personal liberty** and freedom from arbitrary detention, and the Working Group invites all States and other stakeholders to adhere to its **Deliberation No. 11** on the prevention of **arbitrary deprivation of liberty during public health emergencies**. Now more than ever the **presumption of personal liberty** must be upheld.



INTERACTIVE DIALOGUE

Delegations that took the floor during the Interactive Dialogue (37 statements)

Country statements: European Union, Latvia *on behalf of the Nordic-Baltic States*, State of Palestine, Australia, Armenia, Egypt, Indonesia, France, Republic of Korea, Venezuela, Cuba, Belarus, United States, Russian Federation, Morocco, India, Ireland, Namibia, Belgium, China, Mauritania, Pakistan, Ukraine, Poland, Afghanistan, Algeria, Philippines, Yemen, United Kingdom, Nigeria, Botswana, Chad, Iran, Tunisia, Cambodia, Ethiopia. UN Agencies: UN Women

Many delegations commended the Working Group for its important work undertaken and for its report. Most of the States were concerned by the **alarming number of human rights defenders arbitrary arrested**. They agreed with the Working Group that human rights defenders should not be deprived of their liberty as a result of their activities.

States also commended the Working Group for its **deliberation Number 12 on women deprived of their liberty**. States were particularly concerned about the detention conditions of women.

Several States were concerned by the use of **Special Procedures as a tool of interference** to advance political agenda of third parties. They also reminded the Working Group that it should abide by the **code of conduct** (Egypt, Cuba, Belarus, Russian Federation, Morocco, China, Algeria).

The **State of Palestine** denounced **Israel's** arbitrary detention of Palestinian citizens; **Armenia** mentioned the detained Armenians combatants and civilians in **Azerbaijan**; **Belarus** was concerned that the Working Group did not mention cases of arbitrary detention in the **European Union**; the **United States** were concerned about the high number of arbitrary detention in **Russia, China, Syria** and **Yemen**; **China** mentioned cases of arbitrary detention in the **United States, Canada** and **Australia**; **Pakistan** mentioned arbitrary detention of defenders in Kashmir by **India**; **Ukraine** deplored the arbitrary detention of Crimean Tatars by **Russian Occupation Authorities**; **Afghanistan** denounced the violence of **Taliban** against protesters and the cases of arbitrary detention against defenders, women and journalists; **Yemen** denounced arbitrary detention of civilians by the **Houthis** rebels.

10 NGOs took the floor during the Interactive Dialogue:

Law Council of Australia, Helsinki Foundation for Human Rights, Il Cenacolo, International Service for Human Rights, American Association of Jurists, Commonwealth Human Rights Initiative, Swedish Federation of Lesbian Gay Bisexual and Transgender Rights, Right Livelihood Award, Al-Haq, International Federation of ACAT.

The Law Council of Australia denounced arbitrary detention of human rights defenders and lawyers in **Myanmar** and **Belarus**. Al-Haq was concerned about cases of arbitrary detention of Palestinian defenders by **Israel**. The *Right Livelihood Award Foundation* denounced the numerous cases of arbitrary detention in **Saudi Arabia** and urged the country to reform its laws, particularly those restricting freedom of expression. Il Cenacolo denounced kidnappings and arbitrary detention in the Sahrawi camps in southern **Algeria**. The *American Association of Jurists* mentioned the arbitrary detention of defenders in **Western Sahara**.

The Helsinki Foundation for Human Rights exposed cases of arbitrary detention of **Uyghurs** human rights defenders in **China** and wave of arrests touching **Tibetans defenders**. The *International Service for Human Rights* exposed the numerous cases of arbitrary detention in **China** against defenders.

The *Commonwealth Human Rights Initiative* and *International Federation of ACAT* commended the Working Group for its **deliberation No.12 on women deprived of liberty** and highlighted the worrying **conditions of detention of women** around the world. The Swedish Federation of Lesbian Gay Bisexual and Transgender Rights denounced the **conditions of detention and harassment of LGBTQI persons**.

Watch the full Interactive Dialogue with the Working Group on Arbitrary Detention on [UN WebTV](#)