

30^h session of the Human Rights Council

Item 3 – ID WG on Arbitrary Detention

Joint statement by the Allied Rainbow Communities International and International Lesbian and Gay Association

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Mr. President,

We strongly welcome the Report of the Working Group on Arbitrary Detention and in particular the enunciation of a much needed Basic Principles and Guidelines on Rights of anyone deprived of their liberty to bring proceedings before a Court.

We are pleased to see that on an issue of much controversy before this Commission, the principles are forthright. The Principles unambiguously state that when one uses the term 'everyone', 'anyone', or 'any person' you mean every person without discrimination including LGBTI people.

The fact that inclusion is not just a matter of words but demands a change of substance is elucidated in principle 17 which urges the adoption of specific measures to ensure meaningful access to marginalized groups such as sex workers and LGBTI people so as to enable them to effectively challenge arbitrary detention.

We cannot urge the importance of this principle strongly enough as the reality around the world is that both sex workers and LGBTI people face arbitrary detention by state authorities based on nothing more than a deep rooted bias against sexual and gender non conformity of any type.

The specific measures urged with respect to LGBTI people as well as sex workers must include measures which tackle the bias and prejudice which pervades the bureaucracy, police as well as the higher echelons of leadership in many states around the world.

We urge states to take seriously this illegal practice of arbitrary deprivation of liberty and ensure that the principles are incorporated into domestic law.

Thank you.