

Recommendations

DETENTION

Session 1 (7-18 April 2008) and Session 2 (5-19 May 2008)

In this document are contained recommendations only mentioned in Section II "Conclusions and/or recommendations" of the Reports of the Working Group of session 1 and 2 and sorted by States submitting them:

ALGERIA

○ **To the United Kingdom – A/HRC/8/25**

- To harmonize its legislation with its human rights obligations towards individual protesters exercising their freedom of expression and opinion and to curtail excessive pretrial detention.

○ **To Poland – A/HRC/8/30**

- To alleviate the overcrowding of detention centres and to review the conditions of detention centres so that they are in conformity with minimum international standards.

- Recommended that limits be set for pre-trial detention, according to minimum international standards

○ **To Zambia – A/HRC/8/43**

- To continue improving the living conditions of detainees

○ **To Japan – A/HRC/8/44**

- To ensure that the interrogation of detainees in police custody are systematically monitored and recorded and that the Code of Criminal Procedure is harmonized with article 15 of the Convention against Torture and article 14, paragraph 3, of the International Covenant on Civil and Political Rights, and uphold the right of defence to have access to all relevant materials

CANADA

○ **To Argentina – A/HRC/8/34**

- To adopt measures to improve prison conditions, especially the overcrowding. To address the issue of unduly protracted detentions and to promote the use of alternative measures to pretrial detention, in particular for pregnant women and young children.

- To continue its efforts to improve the situation of children in detention as recommended by the Committee against Torture and the Committee on the Rights of the Child.

○ **To Benin – A/HRC/8/39**

- To establish as a priority a reform of the judiciary by strengthening a justice system which would be better able to combat impunity and corruption, including by putting an end to exaggerated pre-trial detention

○ **To Switzerland – A/HRC/8/41**

- To treat offenders under the age of 18 in police custody and detention differently from adults

○ **To Pakistan – A/HRC/8/42**

- To implement international human rights obligations within Federally Administered Tribal Areas and refrain from detention that contravenes international standards of due process

○ **To Japan – A/HRC/8/44**

- To institute mechanisms to enhance procedural guarantees for the detention of detainees

○ **To Ukraine – A/HRC/8/45**

- To take measures to implement the recommendations made by the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Human Rights Committee regarding prison conditions and the treatment of detainees

<u>GERMANY</u>

○ **To Argentina – A/HRC/8/34**

- To adopt measures to improve prison conditions, especially the overcrowding. To address the issue of unduly protracted detentions and to promote the use of alternative measures to pretrial detention, in particular for pregnant women and young children.

○ **To Algeria – A/HRC/8/29**

- To implement measures to protect detainees from torture, cruel, inhuman or degrading treatment and ensure that all cases of persons detained are brought to the attention of the judiciary without delay

<u>HUNGARY</u>

○ **To Gabon – A/HRC/8/35**

- To take further steps to ensure that juvenile courts are set up and that children are separated from adults in detention facilities

- To bring prison conditions in line with article 10 of ICCPR and the Standard Minimum Rules for the Treatment of Prisoners

INDONESIA

○ **To the United Kingdom – A/HRC/8/25**

- To withdraw its reservation to the Convention on the Rights of the Child, concerning the provision that detained children be separated from adults while in detention, as well as the reservation concerning refugee and asylum-seeking children.

IRELAND

○ **To Romania – A/HRC/8/49**

- To take further action to improve living conditions in places of detention

ITALY

○ **To Ecuador – A/HRC/8/20**

- To take appropriate measures to further improve the conditions of detainees in prisons, as recommended by the Committee against Torture in 2006 and 2007

○ **To Argentina – A/HRC/8/34**

- To continue its efforts to improve the situation of children in detention as recommended by the Committee against Torture and the Committee on the Rights of the Child.

PERU

○ **To Argentina – A/HRC/8/34**

- To consider the creation of a national register of detained persons.

RUSSIAN FEDERATION

○ **To the United Kingdom - A/HRC/8/25**

- To enshrine in legislation the right of access of detainees to a lawyer immediately after detention, and not after 48 hours.

- To introduce strict time limits on pre-charge detention of those suspected of terrorism, and provide information about so-called “secret flights”.

○ **To Poland - A/HRC/8/30**

- Having studied all the background information, recommended that a national programme to combat overcrowding in prisons be developed in order to bring Polish places of detention into line with international standards

SLOVENIA

○ **To Argentina – A/HRC/8/34**

- To adopt measures to improve prison conditions, especially the overcrowding. To address the issue of unduly protracted detentions and to promote the use of alternative measures to pretrial detention, in particular for pregnant women and young children

- To continue its efforts to improve the situation of children in detention as recommended by the Committee against Torture and the Committee on the Rights of the Child

○ **To Gabon – A/HRC/8/35**

- To bring detention and prison conditions in line with articles 9 and 10 of ICCPR and with the Standard Minimum Rules for the Treatment of Prisoners, making these rules available to the police, the armed forces, prison staff and anyone else responsible for conducting interrogations, as well as to persons deprived of their liberty

SOUTH KOREA

○ **To Brazil – A/HRC/8/27**

- To give a more thorough consideration to the issues of human rights violations of indigenous people, lack of public security and poor detention conditions

SWEDEN

○ **To Ecuador – A/HRC/8/20**

- To establish a time frame and a follow-up mechanism regarding the improvements on the situation of detainees in prisons

○ **To France – A/HRC/8/47**

- To take additional measures, if not already taken, to reduce the time frame for the process of improving conditions in places of detention

SWITZERLAND

○ **To the United Kingdom - A/HRC/8/25**

- To strengthen guarantees for detained persons, and not to extend but to shorten the length of time of pre-trial detentions.

- To consider that any person detained by its armed forces is under its jurisdiction and respect its obligations concerning the human rights of such individuals.

TURKEY

○ **To Romania – A/HRC/8/49**

- To take further action to improve living conditions in places of detention

UNITED KINGDOM

○ **To Algeria - A/HRC/8/29**

- Recommends that steps be taken to guarantee the rights of detainees, including immediate access to a lawyer, information to families on detentions, and ensuring that judicial authorities are informed of all detentions

- **To Gabon – A/HRC/8/35**

- To provide a full response about allegations of arbitrary detention and restrictions on press freedom

- **To Japan – A/HRC/8/44**

- To review the “daiyo kangoku” system in order to ensure that the detention procedure is consistent with its obligations under human rights law and implement the Committee against Torture’s recommendation with regard to external monitoring of police custody

- **To France – A/HRC/8/47**

- To increase human rights training for law enforcement officials in response to reports of excessive use of force, notably in detention centres and holding areas for migrants