



FIACAT Oral Statement

Item 3 - Interactive dialogue with the Special Rapporteur on extrajudicial, summary or arbitrary executions

53rd session of the Human Rights Council

26 June 2023

Thank you, Mr President,

Mr Special Rapporteur,

FIACAT welcomes your report on deaths in custody.

As you point out, many deaths in custody could be prevented by improving conditions of detention. One way of achieving this objective is obviously to tackle prison overcrowding.

In this regard, FIACAT would like to emphasise two aspects.

Firstly, in many countries, FIACAT and its member organisations have noted a high prevalence of detainees awaiting trial among prisoners. While these people are always presumed innocent and pre-trial detention should be an exceptional measure and a last resort, they sometimes represent 50%, 60% or even 80% or more of the prison population in some prisons.

Consequently, Member States must address this issue by ensuring cooperation between all stakeholders, in particular the judicial and prison administrations and civil society, and by guaranteeing in practice that judicial safeguards and time limits governing pre-trial detention are respected.

Beyond this issue, we must ask ourselves whether the penal and prison response is always the most appropriate. A number of petty offences continue to be used arbitrarily and disproportionately against poor or marginalised populations.

States should therefore decriminalise these offences in order to put an end to these discriminatory practices and reduce prison overcrowding.

Thank you for your attention,