

A personal reflection: The ‘Dignity and Justice for Detainees Initiative’

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Mrs Navanethem Pillay, the newly designated UN High Commissioner for Human Rights launched the Dignity and Justice for Detainees Initiative beginning on 6 October 2008 and as part of the events surrounding this year's commemoration of the 60th anniversary of the Universal Declaration of Human Rights.

At a press conference on October 2, Mrs Pillay said, “In the 21st century, it is high time we took more effective action to reduce this hidden, large-scale violation of human rights,” adding that while no accurate figures exist, “the number of people around the world who are believed to be held in some form of detention that is unjust or inappropriate probably runs into the millions”.

The Initiative aims to increase the pressure on states, parliaments, judiciaries, and other relevant institutions to abolish, or at least reduce, arbitrary and unlawful detention. It also seeks to ensure that conditions in prisons and other places of detention are brought in line with minimum international standards.

“We are not against prisons and detention centres per se—but they should be reserved for those who really deserve to be there according to the extensive, detailed and fundamentally sound international standards governing criminal justice,” she said.

The High Commissioner pointed out that among those that are often illegally detained are people with disabilities, immigrants, refugees and asylum-seekers, as well as journalists, human rights defenders and political activists.

“There are people just like you and me who are sitting in jails across the world today, who should not be there,” said Mrs Pillay. She highlighted in particular the case of Aung San Suu Kyi, the pro-democracy leader and Nobel laureate who has been under house arrest for the past 12 years, noting that she “has in fact served a sentence that far exceeds that served by many hardened criminals”. She also welcomed the decision of the United States Supreme Court in June that the country’s constitution extends to foreigners being held in Guantánamo Bay and that they have the right to challenge their detention in the civilian court system.

“Those detainees in Guantánamo, some of whom have been there for up to six years, have the right to a prompt review of the reasons for their detention. They also have an unequivocal right not to be sent to places where there is a risk of torture,” she stated.

This UN initiative strikes a poignant but hopeful note in me. My human rights awareness, and later, activism, started in 1974 when I joined the families and relatives of a number of detainees who were arrested and detained without any formal charges by the Philippine military during the Marcos regime. My husband, sister, widowed mother and a family friend were taken into custody and eventually detained in a military detention camp following a raid of my mother’s house shortly after midnight one day in June 1974. As no charges were filed against them, their detention could be indefinite. The military spared me from being arrested only because of my 8-month old baby. I ended up splitting my time looking after my child, my younger siblings, working to sustain the family and finding ways of getting my detained family released. Efforts of families of detainees to release their loved ones were hardly a collective effort until an opportunity came through the visit of the first Amnesty International mission to the Philippines which prompted the late Senator Jose Diokno to gather a number of us to be interviewed and to present our case to the Amnesty delegation. I clearly remember the role played by members of the Maryknoll Sisters who

took the risks in setting up the meetings between us and Senator Diokno at their Convent. The rest is history.

I tend to believe that this initiative by Senator Diokno laid the ground for the eventual establishment of what then became a very robust human rights movement in the Philippines. Sixteen years later, I found myself privileged to be employed by Amnesty International at its London international headquarters where I spent 15 years of my adult life, understanding, internalizing and eventually embracing human rights as a core part of who I am. I hope that this UN Initiative would also be an occasion to pay tribute to the invaluable work of local human rights movements all over the world and that of their international allies like Amnesty International, The Front Line, Human Rights Watch, the Asian Human Rights Commission, to name a few. Without them, the word 'detainee' would not have even figured in today's human rights lexicon.