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Oral Statement by

PENAL REFORM INTERNATIONAL, HARM REDUCTION INTERNATIONAL, AMNESTY INTERNATIONAL, the INTERNATIONAL LEGAL FOUNDATION, INTERNATIONAL DRUG POLICY CONSORTIUM, and OPEN SOCIETY FOUNDATION.

Panel discussion on the negative impact of the legacies of colonialism on the enjoyment of human rights (28 September 2022)

Check against delivery

Mister President, panellists, and delegates

This statement is delivered on behalf of six organisations.

Around the world, criminal procedure, penal codes, and policing policy continue to reflect a brutal colonial legacy. Many states continue to use laws that were created by colonial powers to control local populations, which have not evolved in line with modern human rights standards.

This results in routine deployment of law enforcement, courts, and prisons against the poorest and most marginalised members of society for reasons that have little to do with safety, but to protect the boundaries of wealth and privilege.

A key driver of this phenomenon are vague and arbitrary offences rooted in the age of empire law-making which allow police to arrest and detain someone for so-called 'nuisance' behaviours like being a rogue or vagabond, not being able to 'give a good account' of yourself, loitering, begging, touting, or not being able to pay fines.

These laws effectively criminalise poverty and target people for who they are, rather than what they have done, resulting in the arrest and imprisonment of people who are poor or homeless, migrants, the LGBTQ+ community, people with disabilities, informal traders, people who use drugs, and racial and ethnic minorities.

The application of these powers results in fundamental human rights violations including systemic discrimination; use of lethal force; torture; arbitrary, unlawful, and excessive imprisonment; extreme and disproportionate sentencing; and inhumane conditions of detention. Compounding this, many people face multiple, intersectional forms of discrimination in the criminal justice system, including combinations of gender, disability, race, ethnicity, nationality, and class.

We thank you for today's discussion and welcome any suggestions from the panellists on how the international community can support states to repeal or reform these outdated colonial laws and policing practices, to protect human rights and fundamental freedoms for all citizens.