

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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## **Check against delivery**

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HRC section: Agenda Item 4

Speaker: Ms. Vani Selvarajah

**Oral Statement to the 22nd Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), a non-governmental organization in special consultative status, and Lawyers for Lawyers (L4L) and the Asian Legal Resource Centre**

## **Report of the Special Rapporteur on the situation of human rights in Myanmar**

Mr. President:

Lawyers' Rights Watch Canada, Lawyers for Lawyers and Asian Legal Resource Centre welcome the report of the Special Rapporteur.<sup>1</sup> We share his appreciation of the progress towards recognition of human rights in Myanmar,<sup>2</sup> including the release of some prisoners of conscience.

We join his call for the speedy release of all remaining prisoners of conscience *without conditions*, and with provision of adequate medical, psychosocial and rehabilitation services to allow them to resume employment or education. Many former prisoners of conscience continue to be denied identity documents and thus cannot obtain passports. Such restrictions on former prisoners of conscience must cease.<sup>3</sup> Lawyers have been subjected to arbitrary revocation of their licences in judicial proceedings conducted privately, without representation, without adherence to relevant legislation and without independence from the executive.<sup>4</sup> Several lawyers have successfully applied for return of their practicing licenses, but many remain without licences.

We share the concern about continued incidents of arbitrary detention and torture or ill-treatment of prisoners, without access to legal counsel or independent judicial supervision.<sup>5</sup>

Independence of judges and lawyers is fundamental to human rights and the rule of law. Lawyers continue to be subjected to politically motivated intimidation by state officials.<sup>6</sup> There is no evidence of progress towards developing an independent judiciary. The proposed amendments to the Bar Council Act provide for election of advocates to the Bar Council, but contain no provisions necessary to ensure those elections are fair.

We call on Council to insist that Myanmar adhere to international human rights standards in all new legislation, and to ratify the core human rights treaties including the Convention Against Torture and the ICCPR.

Thank you, Mr. President

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<sup>1</sup> Report of the Special Rapporteur on the situation of human rights in Myanmar, Human Rights Council, A/HRC/22/58, 11 March 2013 [Report of the Special Rapporteur],

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.58\\_AUV.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.58_AUV.pdf)

<sup>2</sup> We share the Special Rapporteur's appreciation for improvements in media and internet freedom, Ibid, para 18, as well as his alarm about recently introduced draft media laws that fail to meet international human rights standards.

<sup>3</sup> The Report of the Special Rapporteur notes (para. 10) an official commitment to establish a Committee to speed up releases of political prisoners. We agree that such a committee needs a mandate to ensure that identity papers, right to work in their profession, and all other rights are restored without condition. However, such a Committee must not become a bureaucratic method of stalling the immediate release of all prisoners of conscience.

<sup>4</sup> Relevant legislation includes the Bar Council Act, the Legal Practitioners Act and the Courts Manual.

<sup>5</sup> Report of the Special Rapporteur, para 58.

<sup>6</sup> Ibid, para 67. This includes intimidation of lawyers representing Muslim clients in Rakhine State.