

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

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Human Rights Council Concludes its 23rd Session

Highlights of the most recent Human Rights Council Session, this June, were the urgent debate on Syria, the reports by the Special Rapporteurs on the Independence of Judges and Lawyers, the Working Group on Business and Human Rights and the many resolutions addressing the situation of human rights defenders.

The 23rd Session of the Human Rights Council (HRC) in Geneva took place between May 27th and June 14th 2013. Four important panel discussions were held on: the contribution of parliamentarians to the work of the Human Rights Council and its UPR mechanism; the business and human rights agenda; the yearly full-day discussion on women's rights; and, democracy and the rule of law from a human rights perspective. As expected, Qatar, Turkey and the United States called an urgent debate on the human rights situation of Syria, in the aftermath of the Al Qusayr offensive. The High Commissioner for Human Rights, Ms. Pillay, made a [statement](#) on the issue, during the debate.

A total of 26 resolutions and one Presidential Statement were adopted in the 23rd Session. Of interest to LRWC's mandate, Hungary, Australia, Botswana, Maldives, Mexico and Thailand, together with over forty co-sponsors, presented the traditional [resolution](#) on the independence and impartiality of judges and prosecutors, which the Council adopted by consensus. This resolution calls on states to: ensure that judges and prosecutors can perform their functions in an independent, objective and impartial manner; encourage diversity in the judiciary, including a gendered perspective; condemn acts of violence, reprisal and intimidation against judges, prosecutors and lawyers; call on national institutions to provide adequate international human rights education and training for judges and lawyers; and, provide legal aid systems that comply with international law obligations.

Regarding the work of Special Procedures, the Special Rapporteur on the Independence of the Judiciary, Ms. Gabriela Knaul, dedicated the substantive part of her [report](#), presented at the 23rd session, to the right to legal aid. LRWC's oral presentation during the interactive dialogue with the Rapporteur underscored the inequities caused by government cuts to legal aid and the resulting lack of legal representation in Canada. The continuing inadequacy of legal aid reflects Canada's failure to implement the recommendations of CESC (2006), CEDAW (2008) and CERD (2012) to ensure legal aid as an integral part of the right to equality before the law and equal protection of human rights. According to LRWC's statement such violations have a disproportionate impact on vulnerable groups, such as women and children affected by domestic violence as well as indigenous women.

The Working Group on the issue of human rights and transnational corporations and other business enterprises also presented its [report](#) to the Council. LRWC made an oral [statement](#) expressing regret that despite general acceptance of the [UN Guiding Principles on Business and Human Rights](#), instances of government complicity in attacks on human rights defenders by corporate and business actors persist, not only in states with poor rule of law, but also in countries with relatively robust legal systems such as the United States and Canada.

A welcome fact of this 23rd session was the record number of resolutions dealing with the situations of human rights defenders. A total of seven resolutions, on several issues, reminded member states of the important role of human rights defenders in both domestic and international contexts. The

resolution on the elimination of discrimination against women, proposed by Colombia and Mexico, recognized the important work of women human rights defenders to achieve these goals. A resolution tabled by Canada expressed concern over incidences of rape and other forms of sexual violence as means of intimidation against women human rights defenders.; Djibouti, Somalia and Nigeria proposed a recommendation, on the situation in Eritrea, condemning the severe restrictions imposed on the rights to freedom of expression of human rights defenders, journalists, political actors, religious leaders and legal practitioners. The resolution on the independence of the judiciary, mentioned above, also condemned attacks and reprisals against lawyers and judges. Other resolutions on women's empowerment (USA), the rights of migrants (Mexico) and on the situation of Belarus (EU), underlined the risks sustained by human rights defenders, in their indispensable role in implementing and enforcing international human rights standards.

Report by Paulo de Tarso Lugon Arantes, June 24, 2013.