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Speaker: Ms. Vani Selvarajah

Oral Statement to the 25th Session of the UN Human Rights Council Regular Session - Oral Statement Item 4: Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Myanmar, Mr. Tomas Ojea Quintana

Lawyers' Rights Watch Canada (LRWC) & Lawyers for Lawyers (L4L), non-governmental organizations in special consultative status

Concerns about the independence of lawyers in Myanmar

Mr. President:

Lawyers Rights Watch Canada and Lawyers for Lawyers thank the Special Rapporteur on the situation of human rights in Myanmar for his report, particularly his extensive discussion about establishment of the rule of law including independence of the judiciary and legal profession.¹

L4L and LRWC are pleased to learn that authorities have decreased their obstruction of and interference in legal processes since 2011. Despite improvements, major challenges remain. In their work on cases, lawyers are often denied prompt access to clients, and court officials fail to provide them with access to case information. There is widespread and systematic corruption and abusive legal action by authorities against lawyers. These issues need to have full attention.

We support the Special Rapporteur's recommendation to reform laws on contempt of court to ensure that lawyers cannot be subject to sanctions for their legitimate representation of clients in politically sensitive cases.

Myanmar has no independent bar association. The Myanmar Bar Council is government-controlled and fails to promote and protect the independence of lawyers. Legal education is inadequate, and the process of licensing and admission of lawyers to the bar is not transparent.

In line with current initiatives by members of the legal profession to establish a national bar association,² we support the Special Rapporteur's recommendation to amend the Bar Council Act "to transform the Bar Council into a self-governing professional association to defend the integrity and independence of the profession and to maintain professional standards"³ in accordance with international human rights law and principles, especially the United Nations Basic Principles on the Role of Lawyers.⁴ Thank you Mr. President.

¹ Report of the Special Rapporteur on the situation of human Rights in Myanmar, Tomás Ojea Quintana, A/HRC/25/64, 12 March 2014, para 52, available at: <http://www.refworld.org/docid/532068854.html>.

² Myanmar's legal profession moves to establish a national bar association, International Bar Association, 6 March 2014, <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=4670e898-428b-440d-b986-52b35593d40d>.

³ A/HRC/25/64, para 86.

⁴ Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990), available at: <http://www.refworld.org/docid/3ddb9f034.html>.