

Lawyers' Rights Watch Canada

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

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Organization: Lawyers' Rights Watch Canada
Item: Item 10 – General Debate: Technical Assistance and Capacity-building
Date: 28 September 2016
Speaker: Mr. Gavin Magrath

Oral Statement to the 33rd Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in **special consultative status**

Mr. President:

Lawyers' Rights Watch Canada appreciates the technical assistance and capacity-building work of Special Procedures and the OHCHR. Council Resolutions have affirmed that this work depends on cooperation of States as well as participation of national stakeholders including civil society.¹

When States curtail peaceful human rights research and advocacy, civil society cannot effectively participate.

For decades, Cambodia has failed to cooperate with technical assistance and capacity-development efforts towards an independent judiciary and legal profession and has allowed impunity for the murders of government critics like Dr. Kem Ley, and rights defenders including Chut Wutty and Chea Vichea. Cambodia continues to prosecute and imprison defenders for their peaceful advocacy.²

Despite the OHCHR's advice, Thailand continues to impose criminal sanctions on defenders who expose serious rights violations, including Somchai Homlaor, Pornpen Khongkhachonkiet, Anchana Heemmima, Andy Hall and Sirikan Charoensiri.

¹ E.g. Human Rights Council, Enhancement of technical cooperation and capacity building in the field of human rights, A/HRC/30/L.10/Rev.1, 30 September 2015, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/30/L.10/Rev.1&Lang=E>

² This month, five more defenders were convicted in unfair trials and jailed, including lawyer Ny Chakrya, and four women land rights defenders, Ms. Tep Vanny, Ms. Heng Mom, Ms. Kong Chantha and Ms. Bo Chhorvy. Cambodia Sentences 4 Rights Activists to Six Months in Prison, VOA, 19 September 2016, <http://www.voanews.com/a/cambodia-sentences-4-rights-activists-to-six-months-in-prison/3515124.html>; LICADHO, Civil Society Condemns Conviction of Human Rights Defender Ny Chakrya, 22 September 2016, <http://www.licadho-cambodia.org/pressrelease.php?perm=409>

Honduras has had an OHCHR Advisor since 2010 but refuses to accept the recommendation of the Special Rapporteur on Human Rights Defenders for an independent, international investigation of the 2016 murders of indigenous defenders Berta Cáceres and Nelson García.

We applaud the High Commissioner's call for an independent mission to Kashmir, where authorities have sought to avoid exposure of State wrongdoing by preventing rights defender, Khurram Parvez, from attending this session of Council and arbitrarily detaining him.

These examples of non-cooperation with the OHCHR and Special Procedures illustrate the need for firm and decisive action by Council to ensure State cooperation with technical assistance and capacity-development efforts and that rights violations by States are investigated, denounced and remedied.

Thank you, Mr. President.