



Check Against Delivery

Organization: Lawyers' Rights Watch Canada and Lawyers for Lawyers
Item: Item 10 – General Debate: Technical assistance and capacity-building
Date: 28 September 2017
Speaker: Catherine Morris

Oral Statement to the 36th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), and Lawyers for Lawyers (L4L) NGOs in special consultative status

States must cooperate with UN Advisory Services and Technical Cooperation in the Field of Human Rights towards independence and integrity of the legal profession

Mr. President:

Lawyers' Rights Watch Canada and Lawyers for Lawyers are concerned about instances of lack of cooperation with UN programs on technical assistance and capacity building in the field of human rights.

Although stating support for UN technical cooperation on human rights,¹ Thailand criminalizes legitimate work of human rights lawyers such as Ms. Sirikan Charoensiri,² rights defenders and journalists.³ The Secretary General's 2017 report named Thailand for its reprisals against lawyer

¹ Annual thematic discussion on technical cooperation in the promotion and protection of human rights. A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward (pursuant to Human Rights Council resolution 33/28), 20 June 2017, 3 - 6 p.m. Room XX, Palais des Nations, Geneva, available at:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Documents/ConceptNoteTC.docx>.

² Thailand: Immediately drop sedition case and all proceedings against human rights lawyer **Sirikan Charoensiri**, Joint statement of 10 NGOs, 2 October 2016, available at

<http://www.lrwc.org/thailand-immediately-drop-sedition-case-and-all-proceedings-against-human-rights-lawyer-sirikan-charoensiri-joint-letter/>

³ E.g. Human rights journalist **Mr. Pravit Rojanaphruk** has been charged with sedition for criticizing a draft Constitution in February 2016. See the Joint Submission Of The International Commission Of Jurists and Thai Lawyers for Human Rights in Advance of the Examination of the Kingdom Of Thailand's Second Periodic Report Under Article 40 Of The International Covenant on Civil and Political Rights United Nations Human Rights Committee, 119th Session of the UN Human Rights Committee, Geneva, 6 to 29 March 2017, available at

<https://www.icj.org/wp-content/uploads/2017/02/Thailand-ICCPR-Submission-ICJ-TLHR-Advocacy-Non-legal-submissions-2017-ENG.pdf>. See UN Human Rights Committee, Concluding observations on the second periodic report of Thailand, CCPR/C/THA/CO/2, para. 35 and 36, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/THA/CO/2&Lang=En

Mr. Somchai Homla-or and two other defenders in connection with their cooperation with the UN Voluntary Fund for Victims of Torture.⁴

Cambodia has received technical assistance from the OHCHR since 1993 but has made little progress to ensure the independence and integrity of the legal profession and continues to criminalize the legitimate human rights advocacy of lawyers such as Mr. Ny Chakrya and other defenders.

Turkey has been the recipient of OHCHR advice but is judicially imposing arbitrary detentions and illegitimate charges on thousands of lawyers and other defenders—including Amnesty International’s Turkey Chair, Mr. Taner Kiliç.⁵

Saudi Arabia, persists in punishing lawyers such as Waleed Abu al-Khair and other rights defenders for their legitimate human rights advocacy despite its technical cooperation program with the OHCHR, including training of judges and lawyers in international standards of fair trials.

China continues to punish lawyers and other human rights defenders for their legitimate, peaceful advocacy despite years of participation in OHCHR human rights programs and claims in December 2016 to be committed to technical cooperation on human rights.

We ask Council to urge full cooperation with all UN technical assistance and capacity-building by States with legal systems that fail to comply with international human rights standards and where independence of lawyers is inadequately protected.

Thank you, Mr. President.

⁴ After publishing a report on torture in the deep south of Thailand funded in part by the United Nations Voluntary Fund, human rights defenders **Ms. Pornpen Khongkachonkiet** and **Mr. Somchai Homla-or** of Thailand’s Cross-Cultural Foundation and **Ms. Anchana Heemmina** of Duay Jai Group were charged with criminal defamation and under the Computer Crimes Act by the Royal Thai Army See Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - Report of the Secretary General, A/HRC/36/31, 15 September 2017, para. 57, available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session36/Pages/ListReports.aspx>; http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session36/Documents/A_HRC_36_31.docx. The charges of criminal defamation have been withdrawn, but the charges under the Computer Crimes Act have not yet been formally dropped.

⁵ Turkey: Immediately Release and Withdraw Charges against **Taner Kiliç and other Lawyers**, Joint Letter of Law Society of Upper Canada and Lawyers’ Rights Watch Canada, July 5, 2017, available at: <http://www.lrwc.org/turkey-immediately-release-and-withdraw-charges-against-taner-kilic-and-other-lawyers-joint-letter/>