

# 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 5: General Debate – Human rights bodies and mechanisms

Date: 13 March 2019

Speaker: Ms. Judith van den Lichtenberg

## **Oral Statement to the 40th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status**

Mr. President,

Lawyers' Rights Watch Canada remains concerned by systematic, widespread, and grave violations against lawyers and other human rights defenders by members of Council.

Council members **China** and **Saudi Arabia**, routinely abuse criminal law powers to suppress peaceful expression and target lawyers and defenders with arbitrary detention in reprisal for lawful advocacy and dissent. Council<sup>1</sup> and the UN General Assembly<sup>2</sup> have long condemned, and called for an end to, arbitrary detentions and impunity for perpetrators. UN Experts recently emphasized there “can be no realisation of human rights without [defenders]” and identified an alarming increase in attacks.<sup>3</sup>

Under certain conditions, widespread or systematic arbitrary detentions may constitute crimes against humanity.<sup>4</sup>

We invite Council to

1. Require Council members to halt and remedy arbitrary detentions;
2. Address the systematic, widespread, and grave nature of arbitrary detentions and the vulnerability of lawyers and defenders to such attacks; and
3. In consultation with civil society,<sup>4</sup> adopt election reform, nominee pledges, and procedures to monitor the compliance of Council members with obligations to uphold the “highest standards in the promotion and protection of human rights” and “fully cooperate with the Council”<sup>2</sup> as required by General Assembly Resolution 60/251 and to suspend members for significant non-compliance.

Thank you, Mr. President.

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<sup>1</sup> See *Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights*, HRC Res 31/32, UNHRCOR, 31st Sess, UN Doc A/HRC/RES/31/32 (2016) at 4. See also *Protecting human rights defenders*, HRC Res 22, UNHRCOR, 2nd Sess, UN Doc A/HRC/22/L.13 (2013) at 3.

<sup>2</sup> See *Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, GA Res 72/247, UNGAOR, 72nd Sess, UN Doc A/RES/72/247 (2017) at 4; *Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, GA Res 70/161, UNGAOR, 70th Sess, UN Doc A/RES/70/161 (2016) at 4. See also *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human*

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*Rights and Fundamental Freedoms: protecting women human rights defenders*, GA Res 68/181, UNGAOR, 68th Sess, UN Doc A/RES/68/181 (2013) at 5; *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, GA Res 66/164, UNGAOR, 66th Sess, UN Doc A/RES/66/164 (2012) at 3.

<sup>3</sup> Press Statement on the 20th anniversary of the Declaration on Human Rights Defenders, 5 December 2018.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23980&LangID=E>.

<sup>4</sup> See *Rome Statute of the International Criminal Court*, 17 July 1998, 2187 UNTS 90, art 7 (entered into force 1 July 2002); WGAD, Opinion No 26/2017 (Viet Nam), UNHRCOR, 78th Sess, UN Doc A/HRC/WGAD/2017/26 (2017) at para 67.