

Lawyers' Rights Watch Canada

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

Video Intervention

Organization: Lawyers' Rights Watch Canada

Item: Item 3: Interactive Dialogue with the Independent Expert on the enjoyment of all human rights by older persons

Date: 18 September 2020

Speaker: Catherine Morris

Oral Statement to the 45th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Mme. President,

Lawyers' Rights Watch Canada thanks the Independent Expert for her reports and agrees with the need for China to “adopt a human rights-based approach”¹ to ensure the rights of older persons.

The Independent Expert confirms that older persons are “active contributors to society,”² but China subjects older human rights defenders – along with other defenders – to violations of rights to liberty, freedoms of assembly and expression, fair trials, and access to remedies. Arbitrary arrests of older persons are made without consideration of age-related heightened risks of injury.

China has unlawfully extended the criminalization of peaceful dissent and human rights advocacy to the Hong Kong Special Administrative Region. Older defenders subjected to arbitrary arrest include Martin Lee, 81-year-old barrister and founder of Hong Kong's Democratic Party; Jimmy Lai, 71-year-old media executive and democracy activist; and Chan Ki-kau, a 73-year-old youth advocate.³

We request that the Council promote the right to engage in human rights advocacy and rights-based treatment of older persons by acting on the call by UN Experts:⁴

1. for a special session to evaluate rights violations by China, and
2. a UN mechanism to monitor and report on rights violations, particularly in Hong Kong, Xinjiang and Tibet.

Thank you.

¹ Report of the Independent Expert on the enjoyment of all human rights by older persons on her visit to China, A/HRC/45/14/Add.3, 27 July 2020, available at: <https://undocs.org/en/A/HRC/45/14/Add.1>. “I feel my visit and the dialogue with the Government is very timely in this regard, as this is an opportunity for me to emphasize that any normative or policy action on older persons has to adopt a human rights-based approach. A human rights-based approach places the individual and his/her rights at the centre.”

² Report of the Independent Expert on the enjoyment of all human rights by older persons, “Human Rights of older persons: the data gap”, A/HRC/45/14, 9 July 2020, at para. 4, available at: <https://undocs.org/en/A/HRC/45/14>

³ See ‘Grampa Chan’ protest mediator says Hong Kong police pepper-sprayed him without warning, Holmes Chan, 25 September 2019, Hong Kong Free Press. <https://hongkongfp.com/2019/09/25/grandpa-chan-protest-mediator-says-hong-kong-police-pepper-sprayed-without-warning/> and ‘Protect the Children’? Hong Kong’s grandpa protesters speak softly but carry a big stick, Vivian Lin and Jasmine Leong, 8 September 2019, AFP.

<https://hongkongfp.com/2019/09/08/protect-children-hong-kongs-grandpa-protesters-speak-softly-carry-stick/>.

⁴ “UN experts call for decisive measures to protect fundamental freedoms in China”, 26 June 2020. At <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>