



**Organization:** Lawyers' Rights Watch Canada

**Item:** Item 3: Interactive Dialogue with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

**Date:** 11 March 2022

**Speaker:** Catherine Morris

**Oral Statement to the 49th Session of the UN Human Rights Council by Lawyers' Rights Watch Canada (LRWC), International Bar Association's Human Rights Institute (IBAHRI), Lawyers for Lawyers (L4L), and Human Rights Now, NGOs in special consultative status and endorsed by The 29 Principles and The Rights Practice.**

**China: End enforced disappearances, torture and ill-treatment of lawyers and defenders**

Mr. President,

This is a joint statement. We thank the Special Rapporteur for his report.<sup>1</sup> We share his concern about lack of cooperation by governments to address issues raised during his mandate.<sup>2</sup> We are concerned about abuses in places where judicial harassment of lawyers and human rights defenders, including torture and ill-treatment, is used systemically to obstruct effective remedies for rights violations.

Authorities in China, for example, have tortured and ill-treated numerous arbitrarily detained jurists<sup>3</sup> and other human rights defenders, including Uyghur rights advocates.<sup>4</sup> China has persistently failed to provide access to UN officials and experts for independent investigation of violations, including alleged atrocity crimes in the Uyghur region.

We call on the Council to:

1. Insist that China halt torture and ill-treatment of human rights lawyers and defenders;
2. Urgently adopt the 2020 recommendations of numerous Special Procedures mandates, including creation of an impartial and independent mechanism to investigate and report annually on human rights in China;
3. Request the High Commissioner to urgently release her report on human rights violations in the Uyghur region;<sup>5</sup> and
4. Adopt measures to ensure that all Council members uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council, including its Special Procedures, as required by GA Resolution 60/251.<sup>6</sup>

Thank you, Mr. President.

## References

- <sup>1</sup> UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, A/HRC/49/50, 28 December 2021, <https://undocs.org/A/HRC/49/50>. We also note the following statements and press releases of the mandate: Human Rights Council, “Protecting civic space critical to ensuring redress and accountability for victims of torture - 26 June 2021,” Joint statement by the UN Committee against Torture, the UN Subcommittee on Prevention of Torture, the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, and the Board of Trustees of the UN Voluntary Fund for Victims of Torture, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27199&LangID=E>; Communication to China by several Special Procedures mandates concerning Zhang Zhan, UA CHN 12/2021, 15 November 2021, e.g., <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26821>; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26375>.
- <sup>2</sup> *Ibid.*, A/HRC/49/50, para. 3, 4.
- <sup>3</sup> China: Release disbarred human rights lawyer **Zhang Zhan** at risk of death in prison, 9 December 2021, Joint statement of The 29 Principles, Lawyers’ Rights Watch Canada, the International Bar Association’s Human Rights Institute (IBAHRI), Bar Human Rights Committee of England and Wales, Paris Bar Association, Taipei Bar Association’s Human Rights Committee, Human Rights Now, and China Change, <https://www.lrwc.org/china-release-disbarred-human-rights-lawyer-zhang-zhan-at-risk-of-death-in-prison-joint-statement/>; China: Arbitrary detention of human rights lawyer **Ding Jiayi** and legal scholar **Xu Zhiyong**, joint statement of The 29 Principles, Lawyers’ Rights Watch Canada, Lawyers for Lawyers and Human Rights Now, 23 December 2021, <https://www.lrwc.org/china-arbitrary-detention-of-human-rights-lawyer-ding-jiayi-and-legal-scholar-xu-zhiyong-joint-statement/>; China: **Yu Wensheng** must be fully free on March 1st: No ‘non-release release’ from prison for Chinese human rights lawyer, Joint statement of ten human rights organizations led by International Service for Human Rights, 16 February 2022, <https://www.lrwc.org/china-yu-wensheng-must-be-fully-free-on-march-1st-no-non-release-release-from-prison-for-chinese-human-rights-lawyer-joint-statement/>.
- <sup>4</sup> China: Cease and Remedy Widespread Human Rights Violations Against Human Rights Defenders and Activists [including **Ilhan Tohti**], Joint letter of 19 human rights organizations, 17 February 2017, <https://www.lrwc.org/11399-2/>; Amnesty International Canada, “Free **Celil Huseyin**,” <https://www.amnesty.ca/huseyin-celil/>.
- <sup>5</sup> Human Rights Watch et al, OHCHR report on grave human rights violations in Xinjiang can wait no longer. Joint statement: Item 2 General Debate on High Commissioner’s update, 8 March 2022, <https://www.hrw.org/news/2022/03/08/open-letter-un-high-commissioner-human-rights-ohchr-report-grave-human-rights>; [https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/56/NGO/43316\\_82\\_fde87a09\\_3aae4118\\_9364\\_a4f11d548e8c.docx](https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/56/NGO/43316_82_fde87a09_3aae4118_9364_a4f11d548e8c.docx) (check against delivery at <https://media.un.org/en/asset/k1n/k1nkdjv3t4>).
- <sup>6</sup> UN General Assembly, *Human Rights Council : resolution / adopted by the General Assembly*, 3 April 2006, A/RES/60/251, [https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251\\_en.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf)