

Jacqueline Scott

UIA-IROL Director General

Directrice Générale d'UIA-IROL

Directora General de UIA-IROL

RE: Meeting of 24th February 2021

Thank you for participating in our online meeting. It was a very productive meeting, and we hope you found it so, also.

As discussed, UIA-IROL has many significant initiatives in defense of lawyers, promoting the independence of the profession and defending and promoting the rule of law. Unfortunately, these unprecedented times have led to an extraordinary derogation of the protection of lawyers, which protections were set out in the Havana Basic Principles on the Role of Lawyers, issued 30 years ago, in 1990. Lawyers, judges, human rights defenders and Bar Associations alike are increasingly under attack, and now more than ever, we all must join together to defend and strengthen our profession. To that end, UIA-IROL is particularly focused on the crucial role of Bar Associations in the fight to defend the independence of the legal professions and the rule of law.

To better understand the context, there are generally three (3) categories of countries, loosely categorized, when it comes to the protection of our profession. They are:

- 1) Category 1: There is no systematic persecution of lawyers, and broadly, there is independence of judges. Attacks on the role of lawyers or the independence of judges may exist, but there is a strong bar, bar associations, and state institutions where redress and remedy is available (e.g., France, U.S.)
- 2) Category 2: There are broader attacks on the protection of lawyers or the independence of judges, and state institutions are either complicit or silent in protecting, but bar, or bar associations exist, and it is possible, though difficult, to obtain redress domestically (e.g., Turkey, Romania, Afghanistan).
- 3) Category 3: The state, institutions, and bar associations do not allow for effective domestic redress for the protection of lawyers, and the independence of judges (e.g., People's Republic of China, Kingdom of Saudi Arabia, Egypt).

Of course, the examples above are not exhaustive, and we need to be mindful of the derogations from the Havana Principles that continue to occur today, even in our respective jurisdictions. As such, we have worked on a survey to determine each jurisdiction's consistency with the Havana Principles, and we ask that each of you, our collective members, work with UIA-IROL and appoint a rapporteur for your particular jurisdiction.

In addition, as we mentioned, we would like to collaborate with our collective members in supporting bar associations with capacity building efforts – for which we are developing training modules -- in

order that bar associations and legal organizations have the strategies and necessary legal frameworks to both engage with their governments to strengthen the protection and independence of lawyers and judges and to be able to respond to the derogation of either.

Lastly, we ask you to join in our campaigns for those lawyers and judges being persecuted, particularly in countries that are in Category 3, so that protection of lawyers and independence of judges is part of the human rights conversation in the diplomatic conversations being conducted. We firmly believe that the rule of law starts with our profession, and any discussion of human rights must include the protection of lawyers and the independence of judges.

We look forward to engaging with you constructively.

Thank you for your consideration.

Yours,

Jacqueline Scott
Director-General

Avi Singh
Director, Defense of Defense
Liason, Collective Members