

### Advocacy Charter Lawyers for Lawyers – UPR Nepal – 37<sup>th</sup> Session – 21 January 2021

Lawyers for Lawyers (“L4L”), established in 1986, is an independent foundation merely funded by lawyers’ donations. L4L is committed to safeguard the proper functioning of the rule of law through a free and independent exercise of the legal profession in accordance with international norms, including the United Nations Basic Principles on the Role of Lawyers. L4L was granted Special Consultative Status with the UN Economic and Social Council in July 2013.

Stakeholders’ submission	Suggested Questions	Suggested Recommendation
For lawyers to be able to carry out their activities, authorities should “ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients.” <sup>i</sup> Such access should be provided at the earliest appropriate time. It was reported that it has occurred that in the preparation of cases brought before the Court, lawyers received the necessary documentation shortly before the hearing. As a consequence, they did not have sufficient time to prepare their case. (L4L submission, §9).	<ol style="list-style-type: none"> <li>1. How does Nepal ensure that lawyers are able to provide effective legal assistance to their clients?</li> <li>2. How does Nepal ensure access to appropriate documents and files in sufficient time to enable lawyers to provide effective legal assistance to their clients?</li> </ol>	<b>Nepal should immediately take measures to guarantee that lawyers have access to appropriate information, documents and files in sufficient time to enable lawyers to provide effective legal assistance to their clients.</b>
It was reported that insufficient measures are taken to guarantee the confidential nature of the meetings of lawyers with their clients, that lawyers sometimes don’t have access to their clients at all, that visits often do not take place in a private room and that there is often a police officer present who can hear what is being discussed. This is not in line with the Basic Principles on safeguards in criminal justice matters and on guarantees for the functioning of lawyers. <sup>ii</sup> (L4L submission, §10, 11).	<ol style="list-style-type: none"> <li>1. How does Nepal ensure that the professional relationship between lawyer and client are confidential?</li> <li>2. How does Nepal ensure that lawyers are granted enough opportunities, time and facilities to visit their detained clients?</li> <li>3. How does Nepal ensure that consultations between lawyers and their detained clients are fully confidential?</li> </ol>	<b>Nepal should take immediate measures to ensure that all consultations between lawyers and their clients within their professional relationship are confidential, in accordance with art. 22 of the Basic Principles.</b>
According to our information, lawyers in Nepal working on sensitive cases are sometimes the subject of surveillance by law enforcement agencies. Some lawyers in Nepal reported to have been subjected to threats and harassment in connection to their professional activities. (L4L submission, § 12). Some lawyers working on sensitive cases have been subjected to or threatened with prosecution. There is reason to believe that their prosecution is connected to their legitimate activities. (L4L submission, §13).	<ol style="list-style-type: none"> <li>1. How does Nepal ensure the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activities?</li> <li>2. How does Nepal prevent that lawyers are subject to harassment, prosecution and undue interference for the legitimate exercise of their profession?</li> <li>3. What does Nepal do to ensure that threats and harassments against lawyers are effectively investigated, publicly condemned, and prosecuted?</li> </ol>	<p><b>Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in.</b></p> <p><b>Immediately take effective measures necessary to ensure that threats, harassment, and other violations against lawyers are effectively investigated and publicly condemned at all levels, and that the perpetrators of such acts are prosecuted.</b></p>

<sup>i</sup> Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Basic Principle 21.

<sup>ii</sup> Basic Principle 8 and 22.