



Supporting lawyers at risk worldwide

# Towards an enabling environment for lawyers

March 27, 2018

Strategic Plan 2018 – 2021

Lawyers for Lawyers (L4L)

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## Executive Summary

Lawyers play a vital role in the protection of the rule of law and human rights. It is the responsibility of lawyers to protect and establish the rights of citizens from whatever quarter they may be threatened. Their work is indispensable for ensuring effective access to justice for all.

To fulfil their professional duties effectively, lawyers should be able to practice law freely and independently, without any fear of reprisal. Around the world, however, lawyers are harassed, threatened, attacked or worse for simply doing their job.

Lawyers for Lawyers is an independent, non-profit, civil society organization, based in the Netherlands. We are lawyers who promote the common values of lawyers and their contribution to the justice system. Around the world, we stand up for colleague-lawyers under threat.

Established in 1986, Lawyers for Lawyers has more than 30 years of experience in providing emergency support and assistance to lawyers in danger and creating awareness of the importance of the independent functioning of the legal profession to the protection of citizens' rights.

Lawyers for Lawyers' Strategic Plan for 2018 - 2021 is informed by consultations with lawyers at risk and other stakeholders, our research and analysis of recent trends and developments, and the evaluation of and lessons learned from our Strategic Plan for 2014 - 2017.

It builds on our experience in supporting lawyers to protect them from risks and reprisals, strengthen their international recognition and legal protection, and empower them to fulfil their role as essential agents of the administration of justice. Especially, but not exclusively, in countries where respect for fundamental rights is not self-evident.

In the next four years, we will focus on strengthening our impact of supporting lawyers under threat and on expanding our financial and human resources. In doing so, we will also concentrate on enhancing our means of communication.

We will continue to provide our tailor-made expert support to lawyers at risk. At the same time, we seek to deepen our impact on the ground by expanding and enhancing our range of measures and tools of defending and empowering lawyers and our lobbying for better laws and safeguards for lawyers' safety and independence; by better aligning, integrating and streamlining our activities to support lawyers, and by further building collaboration and alliances with stakeholders.

Notably, we will expand our trial observation and interventions in international and regional human rights mechanisms and align these activities with targeted advocacy and empowering lawyers to achieve national-level change. We will also explore opportunities to set up a Lawyers for Lawyers Academy as well as new ways of using our communication as a tool for empowerment.

In order to safeguard our financial sustainability and to be able to do long-term planning, to expand and enhance our services and reach our full potential, we will continue to expand and diversify our funding sources and *in-kind* support. And explore new collaborations with law firms and academic institutions to contribute to our work on a *pro bono* basis.

# **PART I Strategic Framework**

## **1. About Lawyers for Lawyers**

### **1.1 History**

Lawyers for Lawyers is an independent, non-profit, civil society organization. We are lawyers who promote the common values of lawyers and their contribution to the justice system and the rule of law. We stand up for colleague-lawyers who are hindered or threatened because of their work.

The organization has its roots in a solidarity campaign for lawyers in Argentina who ‘disappeared’ or were detained without trial under the military juntas from 1976-1983. The campaign was initiated by a Dutch lawyer and cartoonist, Willem van Manen, in the context of an international congress of lawyers hosted in Buenos Aires.

It showed that international solidarity of the legal profession can play an important role in order to defend and protect colleague-lawyers from attacks, especially since lawyers are bound by universal core values underpinning their profession.

Inspired by the lack of an independent lawyers’ organization dedicated to raising international awareness and recognition of the specific role of lawyers in the protection of the rule of law and human rights and responding to immediate threats to their safety and ability to perform their professional duties effectively, Lawyers for Lawyers was established in 1986.

The creation of Lawyers for Lawyers was supported by the Dutch sections of Amnesty International and the International Commission of Jurists (NCJM), the Netherlands Bar Association and the Netherlands Institute of Human Rights at University Utrecht.

### **1.2 Lawyers for Lawyers penguin logo**

The first President of Lawyers for Lawyers was Willem van Manen. He was also the originator of the Lawyers for Lawyers penguin-logo that was based upon his famous series of penguin lawyers’ cartoons.

## **2. Mission, Vision, Core Values and Goals**

### **2.1 Mission**

#### **Promote and protect the independence of lawyers**

Our mission is to promote and protect the independence of the legal profession through the support and empowerment of lawyers who face reprisals, interferences and restrictions because of their work.

In doing so, we refer to internationally recognized human rights laws and standards, including the UN Basic Principles on the Role of Lawyers.

## **2.2. Vision**

### **Every lawyer can practice law independently**

We strive for a world where lawyers can practice law independently to effectively fulfil their role in upholding the rule of law and the protection of human rights.

Lawyers should be able to do their job without improper interference or any fear of reprisal. Always and everywhere. Also, when that does not suit the government, the bar association or the establishment.

## **2.3 Core Values**

### **Put lawyers under threat at the heart of our work**

When we work to promote and protect the independence of lawyers, we are committed to:

- Put lawyers under threat at the heart of our work.
- Provide support to meet expressed needs by lawyers whose rights are violated.
- Analyse why lawyers face reprisals, guided by local lawyers and other stakeholders.
- Identify the most effective ways to achieve tangible impact and lasting progress.
- Act independently, objectively, professionally, and with integrity.
- Act in coordination and solidarity with other actors working toward common goals.

## **2.4 Goals**

### **Promote and protect a safe and enabling environment for lawyers**

We pursue three complementary and interrelated goals to enable lawyers to fulfil their professional duties effectively:

#### **1. ENDING REPRISALS**

Ending, mitigating or preventing reprisals against lawyers resulting from discharging their functions and ensuring accountability where such reprisals occur.

#### **2. STRENGTHENING PROTECTIONS**

Strengthening effective protections for the independent functioning and safety of lawyers in laws, policies and practices.

#### **3. ENHANCING SOLIDARITY**

Enhancing solidarity of lawyers, other stakeholders, and of the public with lawyers at risk across the world.

### 3. Strategies, programs and activities

To achieve our mission, vision and goals, we **support lawyers** at risk across the world and **raise awareness** of the importance of the independent functioning of lawyers for the protection of the rule of law and human rights.

#### 3.1 Supporting Lawyers

We provide individual and structural support to lawyers and lawyers' associations through three **programs**: Defend, Empower and Implement.

##### 1. DEFEND

We **defend** individual lawyers at risk globally to end, mitigate, or prevent reprisals against them for doing their jobs and ensure accountability where such reprisals occur.

We'll do so by:

- Providing tailor-made support to individual lawyers at risk, guided by the lawyers concerned or their representatives.
- Monitoring and highlighting violations of lawyers' rights.
- Conducting advocacy on targeted impunity cases.
- Building networks and alliances to act in coordination and solidarity.

##### 2. EMPOWER

We **empower** lawyers and associations of lawyers to fulfil their role in upholding human rights and fundamental freedoms.

We'll do so by:

- Sharing best practices on core values and ethics underpinning the legal profession.
- Providing interactive training sessions and resource materials on international human rights law and international, including regional, mechanisms for the protection of human rights.
- Developing tools, including the Lawyers for Lawyers database of the UN Basic Principles on the Role of Lawyers.
- Facilitating access to and opportunities for exchange between international networks of lawyers, associations of lawyers and other stakeholders.

##### 3. IMPLEMENT

We **advocate** for laws, policies and practices that provide or reinforce effective protections for the independent functioning and safety of lawyers in accordance with internationally recognized laws and standards.

We'll do so by:

- Engaging with international bodies and their mechanisms to advocate for standards, resolutions and recommendations that strengthen the independence and safety of lawyers.

- Lobbying governments to adopt, implement and enforce effective legal protections and change laws as necessary that encroach on the independence of lawyers.

### 3.2 Raising Awareness

We **promote** the UN Basic Principles on the Role of Lawyers to **inform** lawyers, other stakeholders and the public about the important role of lawyers in the protection of the rule of law and human rights and fundamental freedoms and **enhance the understanding thereof**.

We'll do so by:

- Organizing seminars, workshops, roundtable discussions, and side-events.
- Publishing articles and speaking at public conferences.
- Engaging in professional ethical training of young lawyers.
- Disseminating information on the UN Basic Principles on the Role of Lawyers.

*Kader:*

*The UN Basic Principles on the Role of Lawyers represent the most comprehensive international normative framework aimed at safeguarding access to justice and the independent functioning of the legal profession.*

*The Principles have been formulated to assist Member States of the United Nations in their task of promoting and ensuring the proper role of lawyers and are an emanation of and give practical effect to binding obligations, notably those of the International Covenant to Civil and Political Rights.*

## 4. Why does it matter?

**The independence of lawyers is indispensable for the rule of law and a fair judicial system**

### 4.1 Vital role of lawyers in the protection of the rule of law and human rights

Lawyers play a vital role in upholding the rule of law and the protection of human rights, including the rights to effective remedy, due process of law, fair trial and the right of freedom from torture and other cruel, inhuman or degrading treatment or punishment. Their work is indispensable for the public confidence in the administration of justice and to ensure effective justice for all.





Special  
Rapporteur of  
the Human

Rights Council on the Independence of Judges and Lawyers, Mónica Pinto (A/71/348 – par. 16).

*“On 25 September 2015, the Member States of the United Nations acknowledged the centrality of the right to access to justice when they committed themselves to “provide access to justice for all” by adopting Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development. This political engagement commits the 193 Member States to work positively towards this goal. Lawyers play a critical role in ensuring the exercise of the right to access to justice and the realization of the right to a fair trial.”*

All persons are entitled to call upon the assistance of a lawyer of their choice to provide legal services. It is the responsibility of lawyers to protect and establish the rights of citizens from whatever quarter those rights may be threatened and defend them in all stages of legal proceedings.

#### **4.2 Prerequisites for lawyers to fulfil their role effectively**

To fulfil their professional duties effectively, lawyers should be able to practice law independently in accordance with recognized laws, standards and ethics. They should be free from improper interferences, any fear of reprisals, or unreasonable restrictions.

A legal profession which is controlled, manipulated, or intimidated by politicians or any other third-party, cannot effectively carry out its duty of sustaining the rule of law and the independence of the administration of justice.

#### **4.3 Chilling effects**

Where improper interference or reprisals become widespread and systematic, this may create a climate in which lawyers may eventually refuse to represent clients connected to politically sensitive or controversial issues out of fear of becoming the target of acts of harassment.

This severely compromises the universal right to effective legal representation as well as the proper functioning of the rule of law and the protection of human rights and fundamental freedoms.

*“Access to Justice becomes an empty promise if lawyers are prevented from doing their job.”*

Phon van den Biesen – President Lawyers for Lawyers

## **PART II Strategic Plan 2018 - 2021**

### **5. Current situation**

#### **5.1 Organizational development**

Lawyers for Lawyers has more than 30 years of experience in providing emergency support and assistance to lawyers who are under threat for exercising their professional duties and for creating awareness of the importance of the independent functioning of the legal profession to the protection of human rights.

Established in 1986, Lawyers for Lawyers initially focused on providing support to lawyers in South America, including Argentina, Brazil and Colombia, as well as in Cambodia through tailor-made measures and solidarity campaigns, with the ad-hoc support of a network of lawyers-volunteers.

Over time, Lawyers for Lawyers has become a professional organization led by an inspiring board and a qualified staff, and on top of that having an effective work-force of more than fifty dedicated lawyers-volunteers organized in focus groups that specialize in thematic and country specific issues concerning the independence and safety of lawyers and the legal profession.

#### **5.2 Who we support - Where we work**

Lawyers for Lawyers supports lawyers at risk in all continents of the world, especially lawyers who work in challenging environments.

We stand up for lawyers who have the formal status of lawyers in accordance with domestic laws and are bound by recognized standards and ethics of the legal profession. At the same time, we may include lawyers who exercise the functions of lawyers but are not or not any longer formally recognized as such, for example because access to the legal profession has been refused to them or they have been suspended or disbarred on improper grounds as a reprisal of their work.

On the individual level we prioritize support to lawyers who are in imminent danger or acutely vulnerable. However, since our resources are limited, we are forced to make choices. These choices are based upon our capacity, expertise, and networks, as well as potential opportunities and impact. Also relevant is whether support is already or can be better provided by other organizations.

#### **5.3 What we do - How we collaborate**

In addition to emergency support and rapid assistance to lawyers in immediate danger, we provide a range of tools and preventive support to defend and protect lawyers from attacks and improper interference and to strengthen their international recognition and legal protection. At the same time, we empower lawyers and associations of lawyers to support, safeguard, and advocate for the independence of the legal profession on a more lasting basis at the domestic level.

We promote respect for the UN Basic Principles on the Role of Lawyers.

In doing so, we act in collaboration or coordination with international bar associations, lawyers' organizations and other civil society actors.

Lawyers for Lawyers is a member of the BMO (*Breed Mensenrechten Overleg*), a coalition of human rights and development organizations based in the Netherlands.

We also engage with governments and international and regional intergovernmental institutions and their mechanisms. In 2013, Lawyers for Lawyers was granted consultative status with the United Nations Economic and Social Council (ECOSOC), providing us access to this Council and its many subsidiaries bodies, to the Human Rights Council, to the various human rights mechanisms of the UN, as well as to special events organized by the President of the General Assembly.

## **5.4 How we make an impact**

Lawyers for Lawyers acknowledges that it is often hard to tell whether our activities have contributed to or resulted in reducing or preventing attacks and restrictions against lawyers or improving legal protections, and if so, to what extent. Our activities can also have unintended effects, both positively as well as negatively.

When it comes to supporting lawyers, we define success in terms of making a positive difference for individual lawyers. We make a positive impact, when lawyers feel morally supported, when we offer a source of strength in times of need, or when their personal situation changes positively, e.g. they are released from prison, travel bans are lifted, disciplinary or criminal proceeding are withdrawn, etc. Our impact is also positive when lawyers feel empowered to support their colleague lawyers at home.

When it comes to structural support, we define success in terms of progress, e.g. is there an increased number of recommendations made by United Nations human rights mechanisms, strengthening the independence of lawyers and the legal profession that were originally issued by Lawyers for Lawyers or by organizations we are collaborating with or by governments we have engaged with; is there an increase in the number of governments we have engaged with, accepting those recommendations; are those supported recommendations implemented effectively; and do they result in positive changes for lawyers discharging their professional duties.

When defining performance indications for specific projects, we make a distinction between what outcomes may be reasonably expected, given our circle of influence, and what outcomes would be best in terms of achieving our mission, vision and goals.

To understand our impact, we monitor and evaluate the results of our activities on an on-going basis.

## **5.5 Why Lawyers for Lawyers**

Lawyers for Lawyers has a strong track record in acting quickly and effectively to support lawyers in danger. Our international network and the way we operate, enable us to be flexible and amendable to fast-changing situations and developments.

Lawyers for Lawyers are practicing lawyers and human rights experts. We are therefore particularly well placed to monitor and highlight violations of lawyers' rights and threats to

their independence and to raise awareness of the harmful consequences thereof for upholding the rule of law and the protection of human rights.

Our board of directors, staff members, and lawyer-volunteers have deep knowledge and expertise of the laws, standards and ethics underpinning the legal profession, the concept of the rule of law as well as international human rights laws and mechanisms. They also know how to apply these laws, concepts and mechanisms in practice.

## **5.6 Achievements and reflections from Strategic Plan 2014-2017**

### ***Consolidation and Strengthening***

From 2014 - 2017, Lawyers for Lawyers consolidated, strengthened and streamlined its means and activities and we improved our focus to support lawyers and promote the Basic Principles on the Role of Lawyers.

### ***Strategic Direction***

We also developed our strategic direction to evolve from an organization committed to providing merely individual support to lawyers in danger when needed, into an organization dedicated to providing individual and structural support, both proactively as well as reactively, to enable a safe and enabling environment for lawyers at risk in a sustainable way.

### ***Defend***

We created a program for individual support ('**DEFEND**') and for structural support ('**IMPLEMENT**'), to plan, organize and prioritize our work and we identified concrete goals and objectives for both programs.

We supported on average 145 individual lawyers per year in 28 different countries. We wrote on average 29 letters per year to governments and domestic bar associations and organized ten letter-writing and social media campaigns. In the last four years, we observed 17 legal proceedings and disciplinary hearings against lawyers and participated in three fact finding missions. On average we worked together with at least 80 other organizations

### ***Implement***

We also enhanced our engagement with the Human Rights Council of the United Nations and its procedures and mechanisms particularly, including the Universal Periodic Review mechanism, the special procedures, and the human rights treaty bodies, especially the Human Rights Committee that monitors the implementation of the International Covenant on Civil and Political Rights and its optional protocols.

In this period, we issued 22 written submissions, delivered 17 (joint) oral interventions, and co-hosted two side events at the United Nations and two at the OSCE/ODIHR Human Dimension Implementation Meetings amongst others. We also provided input to the thematic report of the UN Special Rapporteur of Judges and Lawyers devoted to the independence of lawyers and the legal profession of 22 August 2016.

### ***Empower***

We also appreciated that we would need to adopt a more empowering approach, i.e. supporting lawyers to be agents of change for the promotion and protection of the independence of the legal profession and human rights in their home countries, to achieve sustainable change and engagement.

As a result, we launched our Empowerment program (**'EMPOWER'**) to build the capacity of local lawyers to help support and safeguard an independent legal profession.

### ***Toolkit***

We developed a toolkit for lawyers with a special focus on one country in the Middle East to apply international human rights law at the domestic level and to make use of international mechanisms for the protection of human rights.

### ***Interactive training***

We also conducted interactive training sessions to groups of lawyers, including a special edition of the 'The Hague Training Course', together with Justice and Peace and People with a Mission, for more than twenty lawyers and human rights defenders from the Democratic Republic of Congo, the Republic of Burundi and Rwanda.

### ***Connect2Protect Project***

The training was conducted in the context of the Connect2Protect project, in which Lawyers for Lawyers and Justice and Peace work together with Congolese lawyers of the association 'Défense de la Défense'. The project focuses on providing support to lawyers in the Democratic Republic of Congo who frequently encounter obstacles and threats during the execution of their work.

The project was launched in 2015 in Kinshasa in the presence of seven lawyers from Lawyers for Lawyers and two program officers from Justice and Peace.

### ***Recognition and Awareness***

In 2011, the Lawyers for Lawyers Award was installed at the occasion of the 25th anniversary of Lawyers for Lawyers, to generate international recognition and awareness of the work of lawyers in challenging environments.

The Award is awarded every two years to a lawyer or group of lawyers who work to promote the rule of law and human rights in an exceptional way and are threatened because of their work.

During the period covered by our Strategic Plan for 2014 - 2017, the Lawyers for Lawyers Award was awarded twice. In 2015, the Award was granted to the Colombian lawyer Jorge Molano and in 2017 to the Thai lawyer Sirikan Charoensiri.

### ***Impact Assessment***

We improved our understanding of the importance of measuring the impact of our work. It enables us to make informed choices, put lessons learned into practice, and to be accountable and transparent about our results. It also helps us explain why our work is effective.

We are currently developing and evaluating our process to effectively assess the impact of our more recent programs ([EMPOWER](#) and [IMPLEMENT](#)).

## 6. Future situation

### 6.1 Our focus in 2018 - 2021

The purpose of this Strategic Plan is to inform our continued journey to be an internationally recognized expert in promoting and safeguarding the independence of individual lawyers and the legal profession across the world, serving as a catalyst for a safe and enabling environment for lawyers.

Lawyers for Lawyers' Strategic Plan is informed by consultations with lawyers at risk and other stakeholders, our research and analysis of recent trends and developments, and the evaluation of and lessons learned from our Strategic Plan for 2014 - 2017.

In the next four years, we will focus on strengthening our impact of supporting lawyers and expanding our financial and human resources. In doing so, we will also concentrate on enhancing our communication strategy.

We will continue to provide our tailor-made expert support to lawyers at risk, while deepening our impact on the ground in a sustainable way.

We'll do so by:

- Working to expand, enhance and reinforce our range of measures and tools of defending and empowering lawyers as well as our lobbying for better laws and safeguards of lawyers' safety and independence.
- Better aligning, integrating and streamlining our activities to support lawyers and raise awareness of their vital role as essential agents of the administration of justice,
- Further building collaboration and alliances with stakeholders who work toward common goals.

To enable us to support lawyers at risk and raise awareness of the vital role of lawyers and strengthen our impact, we will continue to communicate about our mission, vision, goals and results and secure the resources we need.

We'll do so by:

- Reinforcing our communication strategy and explore new ways of using our communication as a tool for empowerment.
- Expanding and diversifying our funding sources and in-kind support.
- Exploring new collaborations with law firms and academic institutions to contribute to our work on a pro bono basis.

## 6.2 Supporting Lawyers - Challenges and Opportunities

### Challenges

#### *Attacks against lawyers continue to occur*

Around the world, lawyers are harassed, threatened or attacked for simply doing their job.

In June 2017, following a report of the UN Special Rapporteur on the Independence of Judges and Lawyers in August 2016, the Human Rights Council of the United Nations, expressed its “deep concern about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession”.

The Committee on Legal Affairs and Human Rights of the Council of Europe’s Parliamentary Assembly also expressed its concern in December 2017 ‘that harassment, threats and attacks against lawyers continue to occur in many Council of Europe member States and are even increasing in some of them’.

#### *Various instruments are used to oppress lawyers*

It depends on the political reality and the factual circumstances what instruments are used to silence lawyers or prevent them from representing certain clients. These include, amongst other things, killings, (death)threats, attacks on the physical integrity and reputation, intimidation, enforced disappearances, and harassment of lawyers (and sometimes also their family members).

Lawyers also increasingly face arbitrary arrest and prosecution as well as abuse of disciplinary proceedings and contempt of court. As a result, lawyers are subject to groundless detention or disbarment and to other sanctions or unreasonable restrictions, including travel bans or house arrest.

In some cases, lawyers have been released after several weeks or months; long enough, however, to disrupt their practice and prevent them from representing certain clients. In other cases, lawyers have been sentenced to more than twenty years in prison.

Lawyers in custody very often face poor prison conditions. Their health may deteriorate rapidly, while adequate medical treatment is lacking. They also suffer ill-treatment, including torture and solitary confinement, to punish them, e.g. for issuing complaints or continuing legal proceedings.

In some countries, lawyers are increasingly summoned as witnesses in their own client’s cases as a tactic to force lawyers to withdraw from these cases for compromising lawyer-client privilege.

#### *Clear violations of international law*

The attacks on lawyers and instances of improper interference constitute clear violations of various international human rights instruments, most notably the International Convention on Civil and Political Rights and the Basic Principles on the Role of Lawyers.

### *State authorities are very often the perpetrators*

The perpetrators are very often (entities linked to) state authorities, including politicians, law enforcement and security agencies, the armed forces and sometimes even judges or their own bar associations, but also non-state actors.

### *Impunity is the rule rather than the exception*

Where state authorities refrain from attacking lawyers themselves, they still may contribute to an environment that is hostile to lawyers, by failing to publicly condemn such attacks.

Very often, state authorities also fail to even begin proper investigations to arrest and prosecute the perpetrators of attacks against lawyers.

### *Underlying causes*

#### *Safeguards for the professional functions of lawyers and their security are lacking*

It is up to the government of each state to ensure that safeguards are put in place to guarantee the independence of the legal profession as well as the liberty and security of lawyers.

There are still many states, however, where the independence and security of lawyers is not fully protected, or where domestic legal guarantees are not adequately implemented and enforced.

Domestic guarantees for the independence of the legal profession are also often curtailed by other laws, such as counter-terrorism, surveillance or defamation laws.

#### *Lawyers' activities threat to established interests*

Attacks on lawyers are frequently the direct consequence of the identification of lawyers with their clients or their clients causes.

In many cases, the victims are lawyers who represent or defend people who are considered 'enemies of the state', such as people who are accused under counter-terrorism laws, or who have been critical to the government's policies or behavior, including journalists, bloggers, environmental activists, human rights defenders, opposition leaders, trade union leaders or members of minority groups.

Lawyers also face reprisals for taking part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights or for joining or forming local, national or international organizations and attend their meetings.

The activities of lawyers are very often considered as threats to the power of a state in general, certain institutions, groups or individuals. In most cases these appear to be state authorities. The lawyers remind these entities of the concept of the rule of law, which - in many states - endangers established interests.

#### *Bar associations lack independence*

Professional associations of lawyers have a vital role to play in promoting and safeguarding the independence and the integrity of the legal profession and protecting their members from persecution and improper restrictions and infringements.



To fulfil their role effectively, these associations should be self-governing bodies, independent from the state or other national institutions.

There are countries, however, where state authorities control the bar or attempt to take over control over the bar. Sometimes lawyers are compelled to be members of a state-controlled professional association of lawyers.

#### *Admission to the legal profession controlled by the Executive Branch*

A closely related issue exists when the admission or continued practice within the legal profession is conditioned or controlled by the executive branch.

#### *Increased requests and demands on Lawyers for Lawyers from lawyers at risk*

Consequently, the volume and complexity of the requests and demands on Lawyers for Lawyers from lawyers at risk have increased.

Lawyers at risk have particularly highlighted the importance of permanent reminders that the international community is watching, including through:

- Observing court hearings, especially in cases where lawyers are detained.
- Accompanying lawyers to meetings with government and law enforcement officials.
- Sending fact-finding missions to affected countries followed by policy advocacy.
- Issuing submissions to governments and *amicus curiae* briefs.
- Translating and disseminating reports from international bodies in the countries concerned.
- Providing public recognition of the legitimate professional duties of lawyers at risk and the vital role they play in upholding the rule of law and the protection of human rights.

They also emphasized the need of moral and practical support to lawyers working in challenging environments, including through:

- Strengthening the position of lawyers who are excluded from the formal status of lawyers because of a lack of an independent bar association.
- Building the capacity of lawyers and lawyers' associations by sharing best practices, resource materials, tactics and networking opportunities.
- Promoting the access and use of international, including regional mechanisms for the protection and safety of lawyers.

#### **Opportunities**

- Sustainability Development Goal 16 in which the Member States of the United Nations acknowledged the centrality of the right to access to justice, creates a new opportunity to act in collaboration and coordination with other actors to work towards promoting and protecting the vital role of lawyers in ensuring the right to access to justice and other fundamental human rights and freedoms.
- 2018 marks the 70th anniversary of the Universal Declaration of Human Rights (UDHR),

the 20th anniversary of the UN Declaration on Human Rights Defenders and the 10<sup>th</sup> anniversary of the EU Guidelines on Human Rights Defenders. Where a lawyer seeks to act in the course of their profession in such a manner that protects the rule of law and upholds universally recognised human rights their position is analogous to that of a human rights defender simply by virtue of them adequately discharging their profession.

- Action by UN to address reprisals against human rights defenders, including lawyers, seeking to engage with the UN may create new opportunities/entry points for policy influencing:
  - During its 36<sup>th</sup> session, the Human Rights Council [adopted a resolution on reprisals](#). The resolution affirms the right of all people to safe and unhindered access to and communication with international human rights bodies. It established a dedicated dialogue to address acts of intimidation and reprisals against those seeking to engage with the United Nations at each September Council session. Through the resolution, the Council also affirmed the particular responsibilities of its Members, President and Vice-Presidents to investigate and promote accountability for reprisals and intimidation.
  - In his [annual report](#) to the Human Rights Council of 15 September 2017, the UN Secretary General confirmed the absolute unacceptability of any act of intimidation or reprisal against individuals or groups seeking to cooperate or having cooperated with the UN in the field of human rights. Acts of reprisals against individuals, as well as their family members and legal representatives, ‘run contrary to the very principles of the UN, and violate human rights’ said the UN Secretary General.

## 6.3 Objectives and Results

### Goal 1: Ending Reprisals

*We work to defend and protect lawyers from instances of improper interference and attacks for doing their jobs to end, mitigate, or prevent these acts and ensure accountability where such acts occur.*

In the coming years, we will focus on providing moral and practical support and assistance to lawyers who face arbitrary arrest, prosecution and detention as well as abuse of disciplinary proceedings and contempt of court.

We will also support and empower lawyers working in countries where no independent bar association exists or where the bar association does not function properly, and who are - as a result - particularly vulnerable for attacks or restrictions on their independence and safety.

#### DEFEND

We'll do so by:

- Enhancing the [Lawyers for Lawyers Recognitions](#) project through which we generate international recognition and protective publicity to lawyers working in challenging environments.
- Launching the [Free Lawyers Campaign](#), a worldwide two yearlong campaign on detained lawyers, consisting of a series of activities, including interventions, social media campaigns, individual petitions and submissions as well as advocacy on targeted cases from different parts of the world.
- Enhancing our trial monitoring projects to observing more trials against lawyers, issuing and disseminating more trial monitoring reports, and better aligning our trial monitoring activities to support other advocacy and capacity-building activities.
- In collaboration with partners, setting up a [European Rule of Law Amicus Clinic](#), monitoring emerging cases before the European Court of Human Rights, and drafting and submitting amicus interventions.
- Exploring opportunities to expand the Rule of Law Amicus Clinic to other Courts, tribunals and bodies.

## Results

- An increased number of lawyers will feel supported and recognized through nominations and receiving international human rights awards.
- An increased number of lawyers subjected to arbitrary arrest, prosecution, and detention, feel morally supported through international solidarity and recognition.
- International attention for arbitrary arrest, prosecution, and detention of lawyers has increased, aiming to reduce the number of these acts of harassment.
- An increased number of lawyers will be encouraged or supported to pursue justice by submitting complaints to the European Court of Human Rights and other Courts, tribunals and bodies.

## EMPOWER

- Expanding and innovating our empowerment tools and projects, including the toolkit, for groups of lawyers from at least two new countries and exploring opportunities to enhance collaboration with bar associations.
- Reinforcing the [Connect2Protect](#) project in the Democratic Republic of Congo and developing and implementing similar projects in at least two new countries.
- Exploring opportunities to set up the [Lawyers for Lawyers Academy](#) to bring together lawyers at risk whose rights are violated, our network of lawyers-volunteers, and external experts, to share knowledge, expertise, best practices and tactics.

## Results:

- Lawyers have access to our toolkit and interactive training sessions and increase their capacity to use international human rights laws at the local level more effectively.

- Lawyers have better access to and knowledge of using international, including regional human rights mechanisms and are better connected to conduct national and global policy advocacy.
- An increased number of lawyers are empowered to make an impact.

## Goal 2 – Strengthening Protections

*We advocate for better laws and policies and the implementation and enforcement thereof to strengthen legal and policy protections of the independence and safety of lawyers “on the ground”.*

In the coming four years, we will continue to focus on strengthening safeguards to enable lawyers to perform their professional functions without unreasonable restrictions or fear of adverse personal consequences.

Notably, we will focus on the prevention of prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

### IMPLEMENT

We’ll do so by:

- Reinforcing our engagement with the United Nations, including through our engagement with the Universal Periodic Review mechanism and the treaty bodies as well as the support of the Special Rapporteurs on the Independence of Judges and Lawyers and on Human Rights Defenders.
- Exploring opportunities to increase effective participation and engagement with regional mechanisms.
- Highlighting:
  - the increased issue of arbitrary arrest, prosecution and detention of lawyers;
  - the abuse of disciplinary proceedings to prevent lawyers from representing their clients, including the tactic to interrogate lawyers as witnesses in their own cases;
  - attempts of states to control bar associations, and
  - the vulnerable position of lawyers in countries where the admission or continued practice within the legal profession is conditioned or controlled by the executive branch.
- Advocating for strengthened legal protections and practices with regards to the establishment and independent functioning of (1) bar associations; (2) systems for the consideration of disciplinary proceedings for alleged violations of the rules of professional ethics, and (3) systems for the admission or continued practice within the legal profession.
- Translating and disseminating recommendations from international mechanisms in the countries concerned.

**Results:**

- Lawyers feel safe and supported and are better protected through effective action by national, regional, and international institutions and mechanisms.
- There will be an increase in the number, quality and implementation of recommendations related to lawyers.
- Elimination (or reduction) of the practice of calling lawyers as witnesses in cases in which they are representing a defendant.

## Goal 3 - Enhance Solidarity

*We seek to enhance the solidarity of lawyers, other stakeholders, and of the public with lawyers at risk across the world.*

In the coming four years, we focus on informing lawyers, other stakeholders and the public about the vital role lawyers play in upholding the rule of law and the protection of human rights and fundamental freedoms, and especially on the meaning and importance of the principle of non-identification.

### AWARENESS

We'll do so by:

- Developing innovative ways to promote the Basic Principles on the Role of Lawyers to lawyers, judges, prosecutors, members of the executive and the legislature and the public in general.

Results:

- An increased number of national courts refer to the Basic Principles on the Role of Lawyers to strengthen legal recognition and protection of lawyers.
- The vital role of lawyers for the protection of human rights is better understood by relevant stakeholders and the public.

## Part III – Capacity and Governance

### 7. Communication and resources

In addition to supporting lawyers and raising awareness, Lawyers for Lawyers has three other focus areas that are necessary building blocks to enable us to do our work and achieve our mission, vision and goals: communication, our people and funding.

## 7.1 Communication

Lawyers for Lawyers can only deliver results and have an impact if we communicate effectively with all our stakeholders, externally as well as internally, through various channels, including social media.

We have developed and implemented different communication tools, methods and products to ensure that external and internal stakeholders are kept informed and engaged, including policy reports, annual reports, newsletters, press releases, articles, briefings, minutes, speeches, as well as through our website and social media presence.

### Objectives and Results

In the coming four years, we will focus on enhancing our means of communications and explore new ways of using our communication as a tool for empowerment. We aim to strengthen our brand positioning and visibility for multiple audiences, including lawyers at risk, existing and potential partner organizations, donors, and volunteers, in order to enhance our social impact as well as our organizational capacity and cohesion.

We'll do so by:

- Enhancing our external and internal communication and engagement strategy, including developing our social media presence and innovating our empowerment tools.
- Launching a new Lawyers for Lawyers website and expanding our media portfolio, including the use of visual communications, such as design icons, infographics, photos, movies etc.
- Optimizing our digital security.

### Results

- Improved brand recognition, including on what we do and why and trusted by the public.
- Increased # of visitors to our website, followers on social media, subscribers of our newsletter, etc.
- Enhanced accessibility and impact of our messages, tools and resources.
- Better public understanding of the vital work of lawyers.

## 7.2 Our People

Lawyers for Lawyers' volunteers are essential to fulfil our mission. They also significantly outnumber paid staff. Lawyers for Lawyers has a Board of Directors comprised of practicing lawyers and human rights experts and a pool of more than 50 highly motivated and skilled volunteers, consisting mainly of practising lawyers, as well as a journalist and a management assistant.

Additionally, Lawyers for Lawyers has two part-time staff members who are responsible for the day-to-day management of the organization. They are supported by a few on-call law students.

The Board of Directors of Lawyers for Lawyers currently consists of five members:

Phon van den Biesen    President

|                    |           |
|--------------------|-----------|
| Irma van den Berg  | Secretary |
| Maarten 't Sas     | Treasurer |
| Nienke van Renssen | Member    |
| Harald Wiersema    | Member    |

## Objectives and Results

In the coming four years we will further develop Lawyers for Lawyers as an effective and inspiring organization that continues to be able to attract and retain highly motivated and qualified volunteers with complementary competencies, expertise and skills whose efforts help us achieving our mission, vision and goals.

Additionally, we also seek to expand the number of FTEs.

We'll do so by:

- Enhancing our internal communications and engagement tools and methods.
- Strengthening our onboarding and training program, including necessary policies and procedures.
- Shaping volunteer and employee relations and meaningful volunteer opportunities for a range of activities.
- Quantify both the financial and nonfinancial impact that our volunteers have on our programs.

## Results

- Lawyers for Lawyers' staff members, board members and other volunteers work together in an inspiring, flexible and energetic environment that empowers collaboration and shared responsibility.

## 7.3 Funding and Financial resources

As a foundation, Lawyers for Lawyers does not have any members. Lawyers for Lawyers is supported entirely by financial donations and in-kind support, mainly from individual lawyers, law firms, lawyers' associations and other organizations related to the legal profession.

We raise funds by cultivating relationships and partnerships in the legal sector and through third-party events. We sometimes also receive royalties from an author or composer for each copy of a legal book that has been sold or fees for a service that has been provided, such as a legal training.

Lawyers for Lawyers has been recognized as a charity by the Central Bureau on Fundraising (CBF), i.e. "*CBF-erkend goed doel*".

Lawyers for Lawyers is also tax-exempted under Dutch law. It qualifies as a Public Benefit Organisation (ANBI status).

The reserves of Lawyer for Lawyers are at a level that is considered to be justified by the Herkströter Committee (Commission on Capital Standards for Charities), i.e. a continuity reserve of a maximum of one and a half times the annual turnover.

In the coming years, we will continue to expand and diversify our funding sources and in-kind support in order to safeguard our financial sustainability, be able to do long-term planning and reach our full potential. We also seek to expand and enhance our services to meet the increase in and complexity of the requests and demands on Lawyers for Lawyers from lawyers at risk.

We'll do so by:

- Reviewing our current development and fundraising strategy and exploring innovative fundraising approaches.
- Retaining existing donors and reaching out to new donors for monetary and in-kind support.
- Exploring opportunities for partnerships with other civil society actors in empowerment projects.
- Exploring new collaborations with law firms and academic institutions to contribute to our work on a pro bono basis.

**Results:**

- Income growth of 10 %.
- Increased number of long-term donors.
- Increased number of partners that provide in-kind support.

Please visit our website for our annual report and 2017 financial statement with explanatory notes, including information on the ratio between the spending on the objective, generating income and management and administrative records.