**QUESTIONNAIRE: LAWYERS AT RISK**

This questionnaire aims to elicit information on **threats to lawyers’ security and independence and professional associations of lawyers**. The questionnaire is framed on the United Nations Basic Principles on the Role of Lawyers*[[1]](#footnote-1)*(endorsed by General Assembly Resolutions 45/121 and 45/166) which set out the key functions of and safeguards for an independent legal profession.    
  
The information you provide will be used to inform the next thematic report of the **Special Rapporteur on the independence of judges and lawyers** and to support the work of the **International Bar Association’s Human Rights Institute** in its mandate to protect and promote the independence of the judiciary and of the legal profession worldwide.The Special Rapporteur's report willbuild on the 2009 report drafted by former Special Rapporteur, Leandro Despouy (A/64/181)[[2]](#footnote-2), and will consider **threats facing the legal profession and measures to address them**.

**The questionnaire is available in English, French and Spanish. You may answer in any of these languages. The deadline for responses is Thursday 30 June.**

**Thank you for contributing to our research.**

***Confidentiality***: Your identity will remain confidential. When responding to questions, please indicate clearly where there are any details in the information you provide that should also remain confidential.

***Contact for follow-up***: We may wish to follow up on the information you provide. Please include your contact details below if you are happy to be contacted.

***Recommendations***: There is an opportunity for you to suggest recommendations to the Special Rapporteur regarding the topic of this questionnaire in **Section F**.

***Options for organizations who work on several countries/regions***: If you wish to provide specific information in relation to more than one country, please complete a separate questionnaire for each country.

Alternatively, if you would like to contribute information on trends or a regional and/or international perspective on the challenges facing lawyers, you may wish you answer questions in **Sections E and F** only.

**Your name (optional):**

**Your contact email address/telephone number (optional):**

**Your organization (if applicable):**

**Your country/country under consideration (please indicate):**

When answering the questions, please mark Yes or No, as applicable, and provide the relevant information briefly and accurately when requested.

1. **National legislation and general principles**
2. Which of the followings statements summarises the situation in the country? (mark all that apply)

* There is no law protecting the independence of the legal profession Yes  No
* Existing law is weak or poorly enforced Yes  No
* The law expressly interferes with the independence of lawyers Yes  No
* The law is used to attack lawyers' independence Yes  No
* Lawyers face harassment/threats/attacks Yes  No

1. Is the right to prompt, effective and equal legal assistance protected by national legislation?

Yes  No

* If yes, please indicate the legal source/s: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does the national legal framework regulate the professional functions of lawyers?

Yes  No

* If yes, did lawyers and/or professional associations of lawyers participate in the drafting process? Yes  No

1. Is the principle of lawyer-client confidentiality protected by national legislation? Yes  No

* If yes, is it protected in practice? Yes  No
* If yes, can it ever be lifted? Yes  No
* If yes, please indicate when: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Is the principle of non-identification of lawyers with their clients or their clients’ interests and rights protected by national legislation? Yes  No

* If yes, is it effectively protected in practice? Yes  No

1. Have state officials made public comments identifying a lawyer(s) with their client(s) or their client’s causes? Yes  No

* If known, please indicate the name and position of the state official, time, date and place, as well as a brief indication of the relevant content of the comment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Professional associations of lawyers and the right to freedom of association and expression

1. Do lawyers enjoy the right to join or create professional associations? Yes  No
2. Is there an independent and self-regulated professional association of lawyers? Yes  No

* If yes, what is its legal status? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* What is the scope of its mandate? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Is it a National  Regional  and/or Local  association? (mark all that apply)

1. Is the membership of a professional association of lawyers mandatory for practicing law in the country? Yes  No
2. Is there a national code of professional conduct/ethics for lawyers? Yes  No

* If yes, who established it and what is its legal force? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Does it incorporate international standards? Yes  No

1. Is there an independent disciplinary body for lawyers? Yes  No
2. Do disciplinary proceedings against lawyers follow due process guarantees of a fair trial under international standards, including the right to appeal? Yes  No
3. If there is a national association of lawyers, does it take part in open discussion regarding issues affecting the rule of law and/or human rights? Yes  No
4. Have lawyers’ associations faced reprisal (e.g. closure, sanctions, verbal accusations) after discussing or taking an active position on issues affecting the rule of law and/or human rights? Yes  No

* If yes, please describe briefly: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Are lawyers free to express opinions in public debates related to the rule of law and/or human rights, without interference, intimidation or reprisal? Yes  No
2. Have lawyers faced sanctions for written or oral statements made in good faith during professional appearances before a court, tribunal or other legal or administrative authority? Yes  No

* If yes, please describe briefly: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Attacks on lawyers and lawyers’ independence

When responding to the questions below, please indicate the role, if any, of State actors, including omissions to act.

1. Are lawyers granted sufficient time and adequate facilities for prompt and private access to their client? Yes  No
2. Are lawyers granted sufficient time and adequate facilities to review case files and prepare for trial? Yes  No
3. Do lawyers face undue restrictions when carrying out their legal work? Yes  No

* If yes, describe briefly: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Have lawyers suffered any of the following issues related to their legal work?

If yes, please briefly explain the nature and frequency of such issues and state whether the action was the consequence of engaging with the UN or other international bodies or organizations:

* Verbal threats or attacks Yes  No

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* Judicial or prosecutorial harassment Yes  No

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* Other harassment or intimidation Yes  No

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* Restriction on travel, movement or participation in events Yes  No

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* Administrative, economic or other sanctions Yes  No

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* Disbarment Yes  No

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1. Have lawyers been subjected to criminal proceedings or prosecution as a consequence of their legal work?

Yes  No

* Please indicate the offense or crime alleged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Under which law? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* What was the outcome of criminal proceedings: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Is the national association of lawyers promptly informed of any arrest or criminal investigation against lawyers? Yes  No
* If yes, after being informed is access to the lawyer in question immediately granted?

Yes  No

* Please explain what professional associations of lawyers have done in such situations: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Have lawyers faced physical attack as a result of their legal work? Yes  No

If yes, please indicate the type of attack (mark all that apply):

Assault or physical violence

Deprivation of liberty

Torture or other forms of ill treatment

Enforced disappearance

Murder or extrajudicial killing

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Please provide details of the attack, the date and place of the attack. If more than one case, provide a couple of examples and indicate frequency of such attacks: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* If reported to the police, was there a prompt, impartial and independent investigation?

Yes  No

* Were perpetrators prosecuted? Yes  No

1. Have lawyers dropped or rejected cases motivated by the fear of receiving threats, attacks or reprisals? Yes  No
2. Which areas of professional legal practice carry particular risk for lawyers?

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# Response mechanisms

1. Have you contacted any of the following bodies for support when lawyers were at risk or when lawyers faced undue restrictions in their professional functions? Please indicate which.

|  |  |  |
| --- | --- | --- |
| ***Body*** | ***Contact made*** | ***Effective response?*** |
| National bar association: | Yes  No | Yes  No |
| Other national non-governmental organisation: | Yes  No | Yes  No |
| National Human Rights Institution: | Yes  No | Yes  No |
| Ministry of Justice: | Yes  No | Yes  No |
| National police : | Yes  No | Yes  No |
| International organisation: | Yes  No | Yes  No |
| UN Special Procedures: | Yes  No | Yes  No |
| UN Treaty Bodies: | Yes  No | Yes  No |
| Regional human rights tribunal: | Yes  No | Yes  No |
| Other: | Yes  No | Yes  No |

1. **Prevalent risks and trends**

The following questions aim to elicit information on trends in the nature and frequency of the threats and attacks faced by lawyers. When providing specific examples, please indicate the country/countries concerned and the period of time covered by your observations.

1. What trends have you observed in the nature of the interferences (in law and practice) with lawyers’ professional functions and the independence of professional associations of lawyers?

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1. What trends have you observed in the nature and frequency of attacks on lawyers’ personal security/integrity?

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1. Who are the primary source of interferences with lawyers’ professional functions and/or the independence of professional associations of lawyers?

State officials  non-state actors

Please describe:

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1. Who is the primary source of attacks on lawyers’ personal security?

State officials  non-state actors

Please describe:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What areas of legal practice carry particular or increasing risk for lawyers?

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1. What developments have you observed in the ability of professional associations of lawyers to effectively protect the interests of the legal profession?

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1. What has been the most effective mechanism/s for protecting lawyers’ security, professional functions and independence and/or responding to threats?

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1. **Recommendations**
2. Reflecting on the UN Basic Principles on the Role of Lawyers, how could this instrument be improved to further safeguard lawyers’ rights?

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1. What recommendations should be included by the Special Rapporteur on the independence of judges and lawyers to the General Assembly in the 2016 report on lawyers at risk?

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**THANK YOU VERY MUCH FOR YOUR CONTRIBUTION**

1. Available at: <http://www.advocatenvooradvocaten.nl/basic-principles/> [↑](#footnote-ref-1)
2. Available at: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/Annual.aspx> [↑](#footnote-ref-2)