

LRWC LETTER WRITING GUIDELINES

I. LETTER OUTLINE

Letters should be addressed and copied to the recipient(s) suggested in the bulletin and whomever else you think should be alerted as to the situation. The letter should:

1. Introduce LRWC
2. Introduce the matter at hand: a summary of LRWC's concerns including a description of the reported attacks against the named advocate(s), and the reason why LRWC believes or is concerned that the attacks were/are related to the advocate's work
3. Mention some of the international and regional standards that are being violated by the action against the advocate(s)
4. Request that the addressee immediately put in place the appropriate remedies and
5. Conclusion: request that LRWC be advised of the action taken and of further developments on the case.

Following are some useful phrases you might want to use in your letter and an indication of the various parts to your letter.

1. Introduce LRWC

Lawyers Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC campaigns for advocates in danger because of their human rights advocacy, engages in research and education and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.
OR

LRWC is a committee of Canadian lawyers and law professors who campaign internationally for advocacy rights and advocates in danger and on rule of law issues.

2. Introduce the situation of concern and summarize the facts as they have been reported to LRWC

LRWC is gravely concerned for the safety of [name(s) and positions held that are relevant to the situation or occupations]

I am writing, as a member of LRWC, in response to information obtained from [Organization, e.g. Amnesty International] indicating that [name(s), position if relevant] is being [abused in the so-and-so manner].

LRWC has been informed of several threats that have been made against [Person X]

3. Mention some of the international and regional standards that are being violated by the action against the advocate(s)

LRWC will provide you with a list of the country's membership in international organizations and the treaties ratified. See the Research Guide below for more information.

The [Country] government is obliged to apply and proceed in accordance with the [Declaration], adopted by the General Assembly of the United Nations on [date], and in particular, [Article #] of that document, which states...

And/or

The [Country] government is obliged to apply and proceed in accordance with the [Treaty], ratified (or signed) by (Country) on [date], and in particular, [Article #] of that document, which states:

[Country] has a responsibility to adopt such measures as are necessary to guarantee the life and physical safety of [name(s)]. This duty arises from [Country]'s membership in [e.g. the United Nations (UN) and the Organization of American States (OAS)]. This same legal duty also arises from many UN conventions and covenants including: ...

[Country], as a member of the United Nations General Assembly, is bound by the "Basic Principles on the Role of Lawyers" (welcomed by the UN General Assembly in 1990).

Article 16 states that

"Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference."
The Basic Principles on the Role of Lawyers (welcomed by the UN General Assembly in 1990).

Article 17, furthermore, states that

"Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."

The Declaration on Human Rights Defenders further requires (see Articles 9(5) and 11) your government to conduct a prompt, impartial and effective investigation of the shocking threats made against [lawyer].

Article 12(2) creates the mandatory responsibility of member states to protect lawyers in the practice of their profession:

Failure to protect and investigate violations of the rights of [Name] constitutes an egregious breach of [Country]’s duties under binding international laws and principles including those set out in the [Treaty] to which [Country] is a signatory and other declarations including [Treaties]. The duties to guarantee the physical safety of these people and to investigate and punish violations also arise from...

Arbitrary arrest and detention without charge are not legitimate acts of state.

We note that the [legal document] stipulates/requires that ...

We respectfully remind you that the International Covenant on Civil and Political Rights (ICCPR), to which [country] is a party, sets out a number of minimum guarantees to ensure fair trial standards...

In addition, any torture or ill treatment is strictly prohibited by both the ICCPR and customary international law.

We refer you to Principle 16 of the UN Basic Principles on the Role of Lawyers, which states that ‘Governments shall ensure that lawyers...c) Shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics.’

We see these arrests of lawyers and officials of [organization] of [country] as an alarming signal of very serious deterioration of the rule of law in [country] under the current regime.

Optional: Reports on attacks on advocates by UN, Regional or non-government organizations. Reference to such reports is not necessary and something to do if you have time or have a researcher to assist. For example,

Freedom of assembly is a key means of exercising freedom of expression collectively by assembling to criticize government action and lobby for reform. As recommended by the Bahrain Independent Commission of Inquiry (BICI), the United Nations Working Group on the Universal Periodic Review of Bahrain and other international experts, Bahrain must bring national laws into compliance with international law obligations and remedy violations of internationally protected rights. Instead, the Attorney General of Bahrain continues to conflate criticism of government with treason and authorize wrongful prosecutions. Arbitrary detentions continue and laws illegitimately criminalizing freedom of assembly remain in force.

4. Making demands for action:

Your letter should request a remedy or action consonant with the reported violation and the country’s legal duties including the duty to provide remedies for violations

LRWC calls for an immediate and thorough investigation into the threats, intimidation and illegal surveillance of [lawyer], for the results obtained to be made public, and for those responsible to be brought to justice. LRWC also calls upon the government of [country] to take swift and effective action to ensure the security of all human rights defenders so they can continue to carry out their legitimate and important work defending human rights.

LRWC respectfully urges you...

If you send a copy to DFAIT

LRWC asks the Government of Canada to urge [country] to fulfill international law obligations to protect rights and prevent and remedy violations.

5. Conclusion: Request a reply

Please advise LRWC by mail, e-mail or fax of the actions that the government of [Country] is taking to:

1. ensure the present and future safety of [Advocate(s)] and other members of the [Organization], and;
2. investigate the [threats, abduction, assault, reprisals, etc.] against these human rights defenders with the goal of identifying the person(s) responsible and bringing them to trial.

LRWC awaits your response. Thank you for your attention to our concerns.

Sincerely,

[Your Name]

6. Joint letters

Whenever possible LRWC invites and encourages collaboration with other NGOs. In urgent situations, LRWC sends out the initial letter and contacts other NGOs for support on follow-up letters or other communications. LRWC is building a network amongst NGOs for producing letters and other communications in response to human rights abuses.

II. TIMING

Letters should be ready for sending within two weeks of the bulletin. Send the letter or the draft letter to LRWC for distribution. Please advise what institutions, officials, organizations, media and individuals should receive a copy of the communication (appropriate Special Rapporteur(s) for the United Nations or for an applicable Regional body). Send your electronic signature and clear instructions as to the degrees and/or titles you want to appear with your name.

III. MAILING AND POSTING TO THE WEBSITE

LRWC will attend to mailing, faxing and emailing of the letter. LRWC will attend to having your letter posted on the website. Your name will appear as the letter writer unless you otherwise advise. Please indicate how you want your name to appear on the website and on the letter, i.e., degrees, honorifics and send LRWC an electronic copy of your signature. Alternatively, sign your name on a blank piece of paper using a black or dark blue colour and a strong stroke and fax your signature to 604 736 1175.

IV. REPLIES

You will receive notice and copies of any replies received and be asked to continue the correspondence. LRWC will send a reminder approximately 4 weeks after the first letter is sent out. We ask you to do an online search of new information on the case at the four-week mark.

V. RESEARCH GUIDE

1. Universal Human Rights Index

The [Universal Human Rights Index](#) (Index) offers instant access to objective and comprehensive information on human rights situations around the world. The Index is the only on-line tool compiling recommendations from the treaty bodies, the special procedures and the Universal Periodic Review. Users can access and search treaty body, special procedures and UPR recommendations through several categories: State, right, body, affected person and, for the UPR, the State(s) that made the recommendation, the position of the State under Review, and the session.

By clicking on the [advanced search](#) link it is possible to refine searches and make search results more precise by:

- combining criteria (e.g. searching for several countries, bodies or rights at the same time)
- combining keywords
- using ‘affected persons’ as a search criterion
- searching documents according to the year they were published
- searching documents by symbol

NB: Users should distinguish recommendations coming from:

- a) The **Treaty Bodies** and the **Special Procedures**, which are experts or expert bodies that adopt their own recommendations.
- b) The **Universal Periodic Review**, which is an inter-governmental mechanism, where all Member States are engaging in a peer review in the Human Rights Council. Recommendations made by Member States may be accepted or not by the State under review.

source: <http://uhri.ohchr.org/about>

2. [Ratifications of UN Human Rights Treaties](#) - Current List of Parties and Signatories to UN Treaties

Search by [state](#), [category](#) or [treaty](#).

Ratification, Accession, and Signature

Signatories to a Treaty

Signature constitutes a preliminary endorsement of the treaty. Signing the instrument does not create a binding legal obligation but does demonstrate the State's intent to examine the treaty domestically and consider ratifying it. While signing does not commit a State to ratification, it does oblige the State to refrain from acts that would defeat or undermine the treaty's objective and purpose.

Parties to a Treaty

Ratification or **accession** signifies an agreement to be legally bound by the terms of the treaty. Though accession has the same legal effect as ratification, the procedures differ. Most commonly, countries that are promoting the treaty sign shortly after it has been adopted. They then ratify it when all of their domestically required legal procedures have been fulfilled. Other States may begin with the domestic approval process and accede to the treaty once their domestic procedures have been completed, without signing the treaty first.

source: http://www.unicef.org/crc/index_30207.html

3. [Basic Principles on the Role of Lawyers Database](#)

The UN *Basic Principles on the Role of Lawyers* provide a concise description of international norms relating to the key aspects of the right to independent counsel and the right of lawyers to conduct their professional duties free from interference.

Lawyers for Lawyers has developed a comprehensive [search engine](#) with access to international and regional reports and decisions on the interpretation, application and violations of the principles. The database allows users to search by keyword, organization, country, document type, principle, or document number.

4. **The European Court of Human Rights Decisions Database**

The European Court of Human Rights (ECHR), based in Strasbourg, has a [new website](#). Among the many new features:

- an enhanced search option
- [dynamic news feeds](#)
- more comprehensive information on the [Court and the Registry](#)

Also worth a look are the sections about the [Library](#), [thematic Factsheets](#) on important cases and pending hearings, and [country profiles](#). The ECHR hears complaints from individuals living in any of the member states of the Council of Europe about violations of the *European Convention of Human Rights*. The Council of Europe is one of the continent's oldest political organizations, founded in 1949. It has 47 member countries.

[View article...](#)

5. **Other Resources**

The LRWC website has links to numerous other [resources](#) including tools developed by the UN, the International Labour Organization and the Inter-American Human Rights System. The country summary of membership in international organizations and ratification of international human rights instruments indicates some of the standards that are binding on particular countries. These instruments and other statements of principle

that are key to advocacy rights are accessible through the [international law](#) section of the LRWC website.

6. International Human Rights laws and standards that may be relevant:

The LRWC website contains information about [international human rights systems](#) with links to the treaties and other sources of international law within each system including:

- 1.1 [United Nations human rights system](#)
- 1.2 [Inter-American human rights system of the Organization of American States](#)
- 1.3 [European human rights system](#) of the Council of Europe
- 1.4 [African human rights system](#)
- 1.5 [ASEAN human rights system](#)
- 1.6 [Commonwealth human rights instruments](#)

7. United Nations instruments

Some [United Nations instruments](#) that may be useful and can be accessed on the LRWC website are:

- [The International Covenant on Civil and Political Rights](#)
- [The Convention Against Torture](#)
- [International Covenant to Eliminate All Forms of Racism](#)
- [Universal Declaration of Human Rights](#)
- [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#)
- [Standard Minimum Rules for the Treatment of Prisoners](#)
- [Guidelines on the Role of Prosecutors](#)
- [Basic Principles on the Independence of the Judiciary](#)
- [Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Execution](#)
- [The Declaration on Human Rights Defenders](#)
- [The Declaration on the Rights of Indigenous Peoples](#)

8. [Organization of American States](#) (OAS)

[OAS Database](#) to search the decisions of the Inter-American Commission on Human Rights by date.

OAS instruments

[American Declaration on the Rights and Duties of Man, 1948](#)

[American Convention on Human Rights, 1978](#)

[Other Treaties and Agreements](#)

OAS Commission and Court

[Inter-American Commission on Human Rights](#)

[Inter-American Court of Human Rights](#)

9. [Netherlands Institute of Human Rights](#)

The Netherlands Institute of Human Rights (SIM) has several databases in which its collection of documentation is made accessible to the public. It has two sections:

SIM Library Section

- **BOOKS** – contains bibliographic descriptions of books and reports, and summaries of articles from a limited selection of periodicals.
- **SERIALS** – contains bibliographic descriptions of the journals which are part of the SIM collection.
- **RATIF** – contains data about the signing, ratification and entry into force of the major human rights instruments and regional instruments with the additional protocols.
- **HR INSTRUMENTS** – contains the texts of international as well as regional human rights instruments.

SIM Case Law Section

- **CCPR, CAT, CERD, CEDAW** – these four databases contain the case law of the United Nations human rights treaty monitoring bodies that provide for an individual complaints procedure.
- **ECHR** – compiled judgments of the European Court of Human Rights.
- **Tribunals** – documents the jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).
- **UNCOM** – contains the concluding comments of various UN committees in the context of the country reports.
- **General Comments** – contains the general comments (general recommendations) of various UN committees.
- **Thesaurus** – updated version of: *Human Rights Terminology in International Law: a Thesaurus*. - Bjørn Stormorken and Leo Zwaak (eds.).

10. **Commonwealth Human Rights Case Law Database**, provides free access to over 1,700 case summaries. As Ireland and the USA host common law legal systems, cases from these jurisdictions have also been included in **CommonwealthNet**. The International Human Rights Index contains another 1,100 human rights cases. The databases contain human rights decisions from national courts and international courts and tribunals. Case summaries are listed in chronological order.

<http://www.interights.org/commonwealth-and-international-law-database/index.html>